

PUBLIC HEARING

1. Consideration of an Amendment to the City Charter Regarding Appointment to the Emporia Redevelopment and Housing Authority

Emporia City Council held a Public Hearing on Tuesday, November 20, 2007, at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Adams presided over the hearing.

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: C. Butler Barrett, City Attorney
Brian S. Thrower, Interim City Manger
Jean V. Whiting, City Clerk

Mayor Adams reported that a public hearing was scheduled concerning a proposed amendment to the City of Emporia's Charter to allow City Council members to be appointment to the Emporia Redevelopment and Housing Authority.

Mr. Thrower reported that, during the October 30, 2007 City Council meeting, City Council members voted to pursue amending the City's Charter to allow City Council members to be appointed to the Emporia Redevelopment and Housing Authority. He also reported that, as required by State Code § 15.2-202, a public hearing was scheduled to address the matter. He further reported that, should City Council members elect to further pursue the proposed amendment, staff will work with local state legislative delegation to prepare a bill for the General Assembly's consideration.

He stated that such bill requests must be presented by legislators to the Division of Legislative Services no later than 5:00 p.m. on Wednesday, December 5, 2007. He also stated that charter bills must be introduced on Wednesday, January 9, 2008, the first day of the General Assembly Session.

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

Ms. Debra F. Brown of 604 Temple Avenue, Emporia, VA and president of the local NAACP stated that she had concerns regarding the proposed amendment as, "many of the Council members are land owners or landlords themselves, which serves as a conflict of interest". She also stated that the Emporia Redevelopment and Housing Authority was developed to address, "equitable housing for low and moderate income citizens". She further stated that she feels that members are, "setting themselves up for a law suit by posing as barriers for citizens to obtain services".

She reported that she feels the matter should be provided additional deliberation. She also reported that, if appointed to serve as a member of the Redevelopment and Housing Authority, "there should be some training". She further reported that she does not feel that a member of City Council should be directly involved with the process.

Ms. Sharon Jadrnak of 518 Peachtree Street, Emporia, VA stated that Ms. Marva J. Dunn requested that her letter, dated November 20, 2007 and addressed to Mayor Adams and City Council members, be read aloud.

Mayor Adams advised Ms. Jadrnak that all members of City Council had received a copy of Ms. Dunn's letter concerning the matter.

Ms. Jadrnak asked if text of the proposed amendment is or would be available for viewing.

Mr. Thrower advised Ms. Jadrnak that text of the proposed amendment was included in the Agenda Packet provided to City Council members and will also be included in the meeting minutes.

Ms. Jadrnak asked when the next scheduled meeting of the Emporia Redevelopment and Housing Authority would take place.

Mr. Thrower advised Ms. Jadrnak that the Emporia Redevelopment and Housing Authority currently meets on a quarterly basis. He also advised her that the next meeting is scheduled for early January 2008.

Ms. Jadrnak stated that the October 2007 meeting did not take place due to lack of quorum and asked if that meeting would be rescheduled.

Mr. Thrower advised Ms. Jadrnak that consideration is currently being given to the possibility of the Emporia Redevelopment and Housing Authority conducting a meeting prior to the regularly scheduled meeting in early January 2008.

Ms. Jadrnak stated that, "it probably would make sense to have at least one City Councilman on the Redevelopment and Housing Authority, just like the Planning Commission has one Council representative on it, so that there is a link between the City Council and the Redevelopment and Housing Authority". She also stated that, "what would make even more sense, is to appoint commissioners to the Redevelopment and Housing Authority who are willing to meet on a regular basis" and do something to address housing, homeless, and community development issues in Emporia.

She reported that the Emporia Redevelopment and Housing Authority has been in existence for thirty-one (31) years, since approved by voters in a referendum in 1976. She also reported that it, "still fails to meet on a regular basis". She further reported that the organization is, "sitting on over a hundred thousand dollars that could be used in a variety of ways to help adjust affordable housing and redevelopment issues around this community and it can start by conducting a needs assessment".

Ms. Jadrnak stated that she feels that there is a misconception in our community about the role of a Redevelopment and Housing Authority. She also stated that they build and own public housing but can do much more. She further stated that, "the Emporia Redevelopment and Housing Authority needs to get its act together and function like a real Redevelopment and Housing Authority with or without City Councilmen as commissioners".

She advised City Council members that technical assistance and advice concerning the matter may be obtained by contacting the Virginia Department of Housing and Community Development and the Virginia Housing Development Authority. She also stated that she witnesses many needs in the community and that she is knowledgeable of housing, homeless, and community development issues. She further stated that she knows that the Emporia Redevelopment and Housing Authority can provide assistance in addressing those areas if given the opportunity by local government.

With there being no further 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
NOVEMBER 20, 2007**

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, November 20, 2007, at 7:30 p.m. in the Council Chambers of the Municipal Building. Mayor Adams presided over the meeting with Council President Nancy B. Squire offering the invocation.

ROLL CALL

Upon roll call, the following City Council members indicated their presence:

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

Others present: C. Butler Barrett, City Attorney
Sam Brown, Sheriff
William S. Harris, Treasurer
Joyce E. Prince, Commissioner of the Revenue
Bernard Richardson, Chief of Police
Brian S. Thrower, Interim City Manger
Jean V. Whiting, City Clerk

MINUTES APPROVAL

The Minutes of the October 30, 2007 City Council Special Meeting were distributed to City Council members. Councilwoman Squire moved to approve the minutes 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

APPROVAL OF BILLS

A listing of the October 16, 2007 bills had been presented to City Council members.

General Fund	\$1,063,188.50
Utility Fund	\$ 181,467.55

Councilman Saunders moved to approve payment of the bills as presented. Councilman Lankford seconded the motion, which passed as follows:

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

FINANCIAL AND TAX REPORT

Honorable W. S. Harris, Jr., City Treasurer, provided City Council members with highlights of the City's financial position. There were no questions regarding the report.

COMMISSIONER OF THE REVENUE REPORT

Honorable Joyce E. Prince, Commissioner of the Revenue, provided her report to City Council members. There were no questions regarding the report.

PERMIT AND INSPECTION REPORT

Randy C. Pearce, Building Official, provided his report to City Council members. There were no questions regarding the report.

POLICE REPORT

Bernard Richardson, Chief of Police, provided his report to City Council members. There were no questions regarding the report.

CITY SHERIFF REPORT

Honorable Sam C. Brown, Sheriff, provided his report to City Council members. There were no questions regarding the report.

CITY ATTORNEY REPORT

C. Butler Barrett, City Attorney, had no matters to report to Council.

AGENDA APPROVAL

Councilman White moved to approve the Agenda 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

UNFINISHED BUSINESS

NEW BUSINESS

3820. City Charter Amendment – Redevelopment and Housing Authority Appointments

Mr. Thrower stated that a public hearing had been held earlier that evening concerning a proposed amendment to the City's Charter to allow City Council members to serve as members of the City's Redevelopment and Housing Authority. He also stated that the following proposed amendment was before City Council members for their review and consideration:

Part 1 CITY CHARTER
Article II. GOVERNMENT

Sec. 9. Powers.

All powers of the City of Emporia as a body politic and corporate shall be vested in the city council.

The council shall be the policy determining and lawmaking body of the city and shall be vested with all the rights and powers conferred on councils in cities, not inconsistent with this Charter. In addition to the foregoing, the council shall have the following powers:

- (a) To have full power to inquire into the official conduct of any office or officer under its control and to investigate the accounts, receipts, disbursements, and expenses of any city employee; for these purposes, it may subpoena witnesses, administer oaths and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.
- (b) To provide for the performance of all the governmental functions of the city; and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this Charter what officer or employee of the city shall exercise any power or perform any duty conferred upon or required of the city or any officer thereof, by general law, then any such power shall be exercised or duty performed by that officer or employee of the city so designated by ordinance or resolution of the council. Any activity which is not assigned by the provisions of this Charter to specific departments or agencies of the city government shall be assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer or combine any city functions, activities, or departments.
- (c) The council shall fix a schedule of compensation for all city officers and employees. The council may by ordinance define certain classes of city employees whose salaries shall be set by the city manager, except that this provision shall not apply to the constitutional officers, the heads of city departments, and judges.
- (d) To prescribe the amount and condition of surety bonds to be required of such officers and employees of the city as the council may designate.
- (e) Commissioners of the Emporia Redevelopment and Housing Authority shall be not less than five nor more than nine in number and shall hold their offices at the pleasure of the council for terms not to exceed four years; however, the council may at any time, and from time to time, adopt an ordinance adding one or more council members as commissioners of the Emporia Redevelopment and Housing Authority; however, the number of council members serving on the Authority shall not comprise a majority. The remaining members of the board shall be appointed by council from the citizenry of the city. The board shall possess all powers and duties granted to or imposed upon redevelopment and housing authorities by general law. Notwithstanding any other provision of the law to the contrary, a city council member shall receive no compensation for serving as commissioner of such authority; nor shall a council member continue to serve as a commissioner after ceasing to be a member of council.

(Acts 1972, Ch. 806, § 1)

Councilman Harris moved to approve the City Charter amendment as presented. Councilwoman Carey 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	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye

3821. Board of Zoning Appeals – Unexpired Term (Richard T. Tucker, Jr.)

Mayor Adams advised City Council members that Mr. Richard T. Tucker, Jr. resigned from the Board of Zoning Appeals and stated that City Council members needed to appoint an individual to fill the unexpired term.

Councilman Saunders moved that the matter be delayed until the December 4, 2007 City Council Regular Meeting. 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

City Council members honored Mr. Tucker for his years of service to the community with a standing ovation and presented him with the following resolution:

Resolution No.: 07-05

**Resolution of Appreciation
Richard T. Tucker, Jr.**

Whereas, Richard T. Tucker, Jr., a resident of the City of Emporia, Virginia, has faithfully and diligently served on the City of Emporia’s Planning and Zoning Commission October 1960 to June 2005 and on the City of Emporia’s Board of Zoning Appeal March 1969 to November 2007 in an outstanding manner; and

Whereas, his many years of exemplary leadership and service has contributed significantly to the City of Emporia and has been most instrumental in development and growth within the City for the past forty-seven years; and

Whereas, his concern for citizens and knowledge of the City has contributed to the Board of Zoning Appeal’s effort to apply zoning regulations for the City in a fair and impartial manner to the benefit of all who came before the City’s Board of Zoning Appeals.

Now, Therefore, Be it Resolved, by the Council of the City of Emporia, Virginia, that Richard T.

Tucker, Jr. is hereby recognized and commended for his many contributions to the City of Emporia and its citizens.

Be it Further Resolved, that City Council of Emporia, Virginia expresses its highest appreciation to Richard T. Tucker, Jr. for his significant and outstanding contributions and years of service as a member of the Board of Zoning Appeals and orders that a copy of this resolution be spread upon the Minutes of City Council this 20th day of November, 2007.

3822. Payday Lending Resolution – F. Woodrow Harris

Mr. Thrower reported that Councilman Harris requested that City Council members review and approve the following resolution requesting that the General Assembly and Governor of Virginia take action to prevent exploitative payday lending practices in the Commonwealth:

Resolution No. 07-04

**RESOLUTION OF THE COUNCIL OF THE CITY OF EMPORIA, VIRGINIA
TO REQUEST THAT THE GENERAL ASSEMBLY AND GOVERNOR OF VIRGINIA
TAKE ACTION TO PREVENT EXPLOITIVE PAYDAY LENDING PRACTICES
IN THE COMMONWEALTH**

WHEREAS, the Council of the City of Emporia, Virginia, notes significant concerns with payday lending practices in the City of Emporia and elsewhere in the Commonwealth, including practices which may exploit dedicated, brave women and men who are called for deployment as part of the armed forces of our Nation both in the United States and various parts of the world in the cause of freedom and security of our Nation; and

WHEREAS, the Council of the City of Emporia, Virginia, wishes to request that the General Assembly and Governor of Virginia, take action to prevent further exploitive payday lending practices; and

WHEREAS, it is vital that the General Assembly and the Governor of Virginia give their attention to these matters at the next regular session of the General Assembly and enact laws that will prevent further exploitative payday lending practices, provide a fair market and level playing field for all financial institutions and payday lenders.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Emporia, Virginia, that the General Assembly and the Governor of the Commonwealth of Virginia are requested to take action in connection with the next regular session of the General Assembly of Virginia to enact laws that will prevent further exploitive payday lending practices, including but not limited to:

1. Enactment of an annual interest rate cap of 36% for any consumer loans made in the Commonwealth of Virginia;
2. Prohibition of the use of a personal check or other method by a creditor to gain access to a consumer's bank account or method to gain title to a consumer's motor vehicle as collateral for a payday loan; and
3. Enactment of supplementary and complementary provisions which mirror the provisions of what is commonly referred to as the Talent- Nelson Amendment

(Senate Amendment 4331), entitled “Terms Of Consumer Credit Extended To Servicemember Or Servicemember’s Dependent” and referenced on page S6352 of the June 22, 2006 Congressional Record—Senate.

Councilman Harris reported that a number of other localities had adopted similar resolutions requesting that the General Assembly take action concerning the matter.

Council White moved to approve the resolution 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	abstain
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye

3823. *Fire Committee Appointment*

Mr. Thrower reported that the City of Emporia currently has a Fire Committee assigned to review Fire Department expenditure requests and other related organizational issues. He also reported that the Fire Committee is currently comprised of Councilman White, Councilman Harris, and former Councilwoman Mary Person. He further reported that he recommends that City Council members appoint an individual to replace former Councilwoman Person on the Fire Committee.

It was the consensus of City Council members that the matter be delayed until the December 4, 2007 City Council Regular Meeting.

3824. *Virginia Department of Health Overview – Dr. Kay Rankin*

Mayor Adams reported that Dr. Kay Rankin, of the Virginia Department of Health, was present to provide an overview of services provided by the Virginia Department of Health.

Dr. Rankin, Director of the Crater Health District division of the Virginia Department of Health, provided City Council members with a brief synopsis of her background and reported that she assumed the position previously held by Dr. Michael Royster. She stated that she relocated to Virginia from Iowa in 2005 due to Virginia’s, “very, very strong public health system”.

She stated that the Virginia Department of Health provides a number of services, including but not limited to, vital records, clinical services, family planning services, abstinence education, obstetrical care, a sexually transmitted disease clinic, childhood immunization clinics, restaurant inspections, and permitting of restaurant establishments. She also stated that a food manager certification course and safety courses for food service workers are also offered by the Virginia Department of Health. She further stated that complaint investigations concerning health hazards, general environmental complaints, animal bite investigations, rabies investigations, hotel/motel inspections, and swimming pool inspections are also conducted through the Virginia Department of Health.

She reported that the Virginia Department of Health works very closely with hospitals, nursing homes, schools, and correctional facilities concerning such issues as foodborne illnesses, respiratory illnesses, gastrointestinal illnesses, and skin infections. She also reported that a communicable disease

team, based in Petersburg, Virginia, would handle such issues for the Emporia jurisdiction. She further reported that the Virginia Department of Health also has a grant-funded cardiovascular risk reduction program, partnered with various businesses and the faith-based community, to provide various public health screenings.

Councilwoman Squire asked Dr. Rankin what issues appear to be addressed most often in the local community.

Dr. Rankin advised Councilwoman Squire that there are numerous needs throughout the health district and that much focus is provided to areas that render the greatest impacts. She also advised her that current concerns are a high infant mortality rate, unplanned pregnancies, and teen pregnancies. She further advised her that discussions will take place within the next several weeks concerning what has been done, what can be done, and how resources will be obtained to address concerns.

Councilwoman Squire advised Dr. Rankin that the local community currently has a very high rate of diabetes, hypertension, and obesity and asked if focus will be provided in those particular areas.

Dr. Rankin advised Councilwoman Squire that the cardiovascular risk reduction program addresses concerns relative to hypertension and obesity. She also advised her that the Virginia Department of Health's Health Advisory Committee will meet in December 2007 to address concerns relative to needs assessment in the community.

Mayor Adams asked Dr. Rankin if the referenced cardiovascular reduction program includes a nutritionist and if the local branch of the Virginia Health Department is fully staffed.

Dr. Rankin advised Mayor Adams that a nutritionist is available and that, currently, the local branch is not fully staffed.

Mayor Adams asked Dr. Rankin if the current lack of staff has affected the ability to provide needed services.

Dr. Rankin advised Mayor Adams that the lack of staff has placed pressure on the district and that resources are shuffled to ensure that services are maintained. She also advised him that she foresees the issue as being short-term.

Mayor Adams asked Dr. Rankin to describe the communication process concerning large communicable disease outbreaks locally.

Dr. Rankin advised Mayor Adams that communication depends upon the location of the outbreak. She also advised him that, if the outbreak were to take place in a hospital, it would more than likely be the hospital that would release the information to the community. She further stated that she would work closely with the hospital's Chief Executive Officer and Infection Control nurse concerning a joint release of information under such circumstances.

Mayor Adams asked Dr. Rankin to elaborate on the issue of bird flu as it was a major concern several years prior and is now rarely discussed.

Dr. Rankin advised Mayor Adams that concerns relative to bird flu still exist and that new cases are still being identified in Southeast Asia. She also advised him that the level of panic has decreased over the years concerning the matter and that she hopes planning efforts to address concerns were done in a manner that would work for various scenarios.

PUBLIC COMMENT

Mayor Adams asked if there was anyone who wished to bring a matter before City Council members adhering to the three (3) minutes per-person speaking limitation.

Mr. Kevin Turner of 408 Wolf Street, Emporia, VA asked if the Emporia Redevelopment and Housing Authority's quarterly meetings are deemed sufficient for the current needs of the community.

Mr. Thrower advised Mr. Turner that, it is his understanding, the origin of the Emporia Redevelopment and Housing Authority was to address community development block grant projects as a financial conduit and that it currently functions in that manner.

Mr. Turner stated that he was previously unaware of the existence of the Emporia Redevelopment and Housing Authority and asked how members may be contacted.

Mr. Thrower advised Mr. Turner that, in his capacity as Assistant City Manager, he also serves as Executive Director for the Emporia Redevelopment and Housing Authority.

Mr. Turner asked what progress had been made within the past two (2) years concerning the Emporia Redevelopment and Housing Authority.

Mr. Thrower advised Mr. Turner that the primary capacity of the Emporia Redevelopment and Housing Authority has been to work on community block grant projects such as the Lowground Road Project and the West Atlantic Street Project.

With there being no further comments to come before City Council, Mayor Adams adjourned the meeting.

*****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*****

Councilman White 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 Harris moved to certify the following:

1. only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Session to which this certification applies, and
2. only such public business matters as were identified in the motion by which the Closed Session was convened were heard, discussed, or considered by City Council.

Councilman White seconded the motion, which passed as follows:

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

Councilman Saunders moved to approve that the City of Emporia pay its equal share of the original Community Youth Center taxes, along with Greenville County, to the Internal Revenue Service, in the amount of eleven thousand two hundred fifty dollars (\$11,250.00) for a combined payment of twenty-two thousand five hundred dollars (\$22,500.00) and withhold remaining Community Youth Center budgeted funds until a plan for the Community Youth Center's future is brought forth, reviewed, and agreed upon by both respective localities. Councilman White seconded the motion, which passed as follows:

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

ADJOURNMENT

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

Samuel W. Adams, III, Mayor

Jean V. Whiting, City Clerk