

PUBLIC HEARING

1. CSX Crossing Closure – Portion of Right of Way between Virginia Avenue and Park Avenue

Emporia City Council held a Public Hearing on Tuesday, September 2, 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 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	Councilman Ned V. Lankford

Others present: Samuel W. Adams, III, Mayor
Todd Anderson, Police Captain
C. Butler Barrett, City Attorney
Steven B. Hall, Assistant City Manager
Bernard Richardson, Chief of Police
Brian S. Thrower, City Manger
Jean V. Whiting, City Clerk

Absent: Councilwoman Carolyn S. Carey (*illness*)

Public Hearing – CSX Crossing Closure – Portion of Right of Way between Virginia Avenue and Park Avenue

Mr. Thrower reported that the City of Emporia, in collaboration with CSX Transportation, was seeking to close the railroad crossing located between Virginia Avenue and Park Avenue. He also reported that the City of Emporia believes that the closure would assist in lowering it's quiet zone risk index score. He further reported that the score is used by the Federal Railroad Administration in assessing localities' quiet zone applications and should serve to increase such application approval.

He stated that the City of Emporia's Administration and CSX was in the process of finalizing an agreement outlining the terms of the proposed crossing closure. He also stated that it was his understanding that CSX would permanently barricade the proposed crossing, remove and dispose of the crossing surface, remove the existing grade crossing warning devices, and pay for paving the parallel connecting road, which would be used to divert traffic from Park Avenue to the Southampton Street railroad crossing.

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

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

Samuel W. Adams, III, Mayor

Jean V. Whiting, City Clerk

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
SEPTEMBER 2, 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, September 2, 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
Councilman Ned V. Lankford

Others present: Samuel W. Adams, III, Mayor
Todd Anderson, Police Captain
C. Butler Barrett, City Attorney
Steven B. Hall, Assistant City Manager
Bernard Richardson, Chief of Police
Brian S. Thrower, City Manger
Jean V. Whiting, City Clerk

Absent: Councilwoman Carolyn S. Carey (*illness*)

MINUTES APPROVAL

The minutes of the August 19, 2008 Regular Meeting were distributed to City Council members. Councilman White moved to approve the minutes 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
Councilman Ned V. Lankford	aye

CITY ATTORNEY REPORT

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

AGENDA APPROVAL

Councilman White moved to approve the Agenda as presented. 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
Councilman Ned V. Lankford	aye

UNFINISHED BUSINESS

08-69. Request by Council Member Carey – Use of Golf Carts on City Streets

Mr. Thrower stated that the only revision made to the proposed August 19, 2008 ordinance is that which pertains to the provision requiring a “majority of the residents of a particular street or streets” to submit a petition to the city manager for review and consideration. He also stated that the ordinance previously contained verbiage indicating the requirement of a petition from “a resident or residents of a particular street or streets.” He asked City Council members to review the following ordinance for approval consideration:

Ordinance No.: 08-22

AN ORDINANCE TO ENACT A CERTAIN SECTION OF THE CODE OF THE CITY OF EMPORIA, VIRGINIA

BE IT ORDAINED by the City Council of the City of Emporia, Virginia, in regular assembly that:

Section 74-25 of the Code be enacted to read as follows:

Sec. 74-25. Operation of golf Carts and Utility Vehicles on Designated Streets.

Definitions:

“Golf cart” means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

“Utility vehicle” means a motor vehicle that is (I) designed for off-road use, (ii) powered by an engine of no more than 25 horsepower, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. “Utility vehicle” does not include all-terrain vehicles as defined by the Code of Virginia §46.2-100, riding lawn mowers, or any other vehicle whose definition is included in the Code of Virginia §46.2-100.

The city manager, upon petition of a resident or residents of a particular street or streets, may designate that specific street or streets within the City limits to be used for travel by golf carts and utility vehicles, after consideration of speed, volume, character of motor vehicle traffic using such street, and a recommendation of the Chief of Police. No public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.

- a) All designated streets shall be marked at each entrance with appropriate signs as determined by the Chief of Police and posted by the Director of Public works. Less signs maybe used when several streets share entries, as long as all entries are signed, and all of the included streets are designated;
- b) A golf cart or utility vehicle may be operated only on designated public highways where the posted speed limit is 25 miles per hour or less;
- c) No person shall operate any golf cart or utility vehicle on any public highway unless he has in his possession a valid driver's license;
- d) Every golf cart or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with §46.2-1081 of the Code of Virginia; and
- e) Golf carts and utility vehicles shall be operated upon the public highways only between sunrise and sunset, unless equipped with such lights as are required in Article 3 (§46.2-1010).

This ordinance is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on the public streets, and the City of Emporia in no way advocates or endorses their operation on public streets or roads. The City of Emporia, by regulating such operation is merely trying to address obvious safety issues, and adoption of this ordinance is not to be relied upon as a determination that operation on public streets is safe or advisable if done in accordance with this ordinance. All persons who operate or ride upon golf carts on public streets or roads do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The City of Emporia has no liability under any theory of liability and the City of Emporia assumes no liability, for permitting golf carts to be operated on designated public streets.

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
Councilman Ned V. Lankford	aye

Councilman Harris asked if the previously received petition concerning golf cart use approval would need to be resubmitted for consideration now that that an ordinance had been approved concerning the matter.

Mr. Thrower advised Councilman Harris that he and Chief Richardson would consider the previously received petition for golf cart use approval.

NEW BUSINESS

08-71. CSX Crossing Closure – Portion of Right of Way between Virginia Avenue and Park Avenue

Mr. Thrower stated that a public hearing had been held earlier that evening concerning the proposed closure of the railroad crossing located between Virginia Avenue and Park Avenue. He advised City Council members that he recommended approval of the crossing closure request as well as the authorization of the city manager to proceed with finalizing an agreement with CSX regarding the proposed closure. He further advised City Council members that, if approved, the finalized agreement would be presented before them for review and consideration.

Councilman Saunders stated that he had concerns regarding the vehicular traffic on Southampton Street at that particular crossing. He asked if the closure could be done so that there is no blind spot for drivers coming through that area.

Mr. Thrower advised Councilman Saunders that he would ensure that his concern is addressed with CSX.

Councilman Harris asked Mr. Thrower if the Rescue Squad and Fire Department had expressed concerns about the proposed closure of the crossing.

Mr. Thrower advised Councilman Harris that he had not received concerns from either agency regarding the matter.

Councilman Saunders moved to approve that the city manager be authorized to move forward in preparing a finalized agreement with CSX for approval consideration concerning the proposed closure of a portion of the right of way between Virginia and Park Avenues. 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
Councilman Ned V. Lankford	aye

08-72. Rebuilding Filter Screen for WWTP – Appropriation Ordinance

Mr. Thrower stated that the City of Emporia hired a firm to rebuild the filter screen for the City of Emporia’s Wastewater Treatment Plant (WWTP) prior to the close of FY 07-08. He also stated that the work had not been completed prior to the closure of that year and therefore needed to be paid from the FY 08-09 Budget. He further stated that the WWTP had remaining funds in their FY08 Budget to cover the cost of the repairs, totaling \$43,164.00.

He requested that City Council members review and approve the following ordinance concerning the matter:

Ordinance No. 08-23

Ordinance

An Ordinance To Appropriate The Sum Of \$43,164.00 From The Unappropriated Fund Balance of the Utility Fund To Rebuild The Filter Screen For The Wastewater Treatment Plant

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

1. That the sum of \$43,164.00 from the Unappropriated Fund Balance of the Utility Fund be, and the same hereby is, appropriated into the City’s Operating Budget for Fiscal Year 2008-2009 for rebuilding the filter screen for the Wastewater Treatment Plant.
2. Said appropriation shall be reflected in the 2008-2009 Operating Budget as the sum of \$43,164.00 from the Unappropriated Fund Balance of the Utility Fund and the sum of \$43,164.00 appropriated to Utility Fund Expenditures for rebuilding the filter screen for the Wastewater Treatment Plant, Account Number 41650-3310 Repairs and Maintenance.
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 Harris moved to approve the ordinance 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
Councilman Ned V. Lankford	aye

08-73. Department of Environmental Quality Grant Funds – Appropriation Ordinance

Mr. Thrower stated that he received notification on August 19, 2008 that the City of Emporia was awarded a grant from the Department of Environmental Quality in the amount of \$6,337.00 for the Litter Prevention and Recycling Program activities for FY 08-09. He requested that City Council members review and approve the following ordinance appropriating the funds into the current operating budget:

Ordinance No. 08-24

Ordinance

An Ordinance To Appropriate The Sum Of
\$6,337.00 In Grant Funds From The Department Of
Environmental Quality For Litter Prevention And
Recycling

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

1. That the sum of \$6,337.00 in grant funds from the Department of Environmental Quality be, and the same hereby is, appropriated into the City's Operating Budget for Fiscal Year 2008-2009.
2. Said appropriation shall be reflected in the 2008-2009 Operating Budget as the sum of \$6,337.00 appropriated to General Fund Revenues and the sum of \$6,337.00 appropriated to General Fund Expenditures, Account Number 42300-5880 Recycling.
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
Councilman Ned V. Lankford	aye

08-74. Train Depot Renovation – Letter of Appreciation from Bill Hodge, Executive Director of the E-G Chamber of Commerce

Mr. Thrower stated that Mr. Bill Hodge, Executive Director of the E-G Chamber of Commerce, requested that the following letter of appreciation be read aloud and incorporated into the meeting minutes:



*Emporia-Greenville
Chamber of Commerce*
Together, we achieve the extraordinary!



To: Brian Thrower, Emporia City Manager

From: Bill Hodge, Executive Director
Emporia Greensville Chamber of Commerce

RE: Train Depot Renovation

Please have the following read into the next City Council Meeting Minutes.

Dear Mr. Thrower,

I wanted to take a moment of your time to let you know what an excellent job Alfred Hobbs of Hobbs Construction did on the renovation of the Emporia Train Depot. The replacement of rotten wood and the painting makes Emporia's "front door" a welcome sight to visitors and our citizens alike.

On behalf of the Chamber's Board of Directors, we would like to thank the City of Emporia, the Mayor, City Council, Ken Ryals and Alfred Hobbs for the financing, time and effort spent to give the visiting public a good first impression of the Chamber's home.

The citizens of Emporia are fortunate to have a City that takes an interest in the development of business and quality of life.

Thank you.

Bill Hodge 8/18/08

08-75. Request by Council Member Saunders – Neighborhood Traffic Safety Initiative

Mr. Thrower stated that Councilman Saunders requested that the City of Emporia create 3-way and 4-way intersections in several residential areas as a neighborhood traffic safety initiative.

Councilman Saunders stated that he would like for Emporia's Police Department to conduct a study of area streets being utilized as throughways with frequent speeding. He also stated that such areas serve as a safety/security risk for children playing and specifically identified the following at-risk areas:

- Intersection of Laurel and Peachtree Streets
- Intersection of Jefferson and Peachtree Streets
- Intersection of Spring and Farmer Streets

He further stated that there may be 3-way stop areas that need to be included in the study as well specifically and identified the following areas:

- Tillar Avenue and Jefferson Street
- Temple Avenue and Jefferson Street
- Laurel Street and Temple Avenue
- Lee Street

Mayor Adams asked City Council members to notify Chief Richardson and Captain Anderson of any other potentially at-risk areas for inclusion in the study.

Councilman Saunders moved to approve that the City of Emporia's Police Department conduct a study of the identified areas, and all others, to improve the safety/security in residential neighborhoods and provide findings to City Council members concerning the matter. 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
Councilman Ned V. Lankford	aye

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

Councilman White stated that he wished to have the City of Franklin's ordinance concerning meters in taxicabs distributed to all City Council members for review and potentially used to develop a similar ordinance for the City of Emporia. He also stated that there was an issue of one of the City of Emporia's cabstands undercutting another. He further stated that the instillation of meters in each taxicabs within the City of Emporia would eliminate the problem as well as provide proof of annual income to the federal government and the Treasurer's Office.

Mayor Adams requested that Mr. Thrower provide copies of the City of Franklin's ordinance concerning meters in cabs, along with his recommendation, to City Council members.

Mr. James Robinson of Robinson Cab stated that he was informed by a customer that his fare was seven dollars greater than that of another competitor. He also stated that the pricing differentiation creates hard feelings among customers when the correct price is enforced by cab drivers.

Mr. Theodore Lane advised City Council members that he operates Teddy's Taxi within the City of Emporia and stated that everything had increased with the exception of wages. He also stated that, as a result, individuals are financially challenged. He further stated that, under the circumstances, "you accept what they have", and, "you got to have a heart."

Councilman White stated that, if someone is unable to pay the correct price for cab service they should not be transported. He also stated that if an individual calls for cab service they should know the applicable fees in advance and have the funds to pay for it.

Councilman Harris asked if a fee schedule had been imposed when taxicabs were deregulated some years prior.

Mr. Thrower advised Councilman Harris that no fee schedule had been imposed concerning the matter.

Mayor Adams stated that the matter would be reviewed for further discussion and consideration.

08-77. Blueway – Canoe Trail Project – Presentation by Sandra Tanner, Virginia tourism Corporation

Ms. Sandra Tanner of Virginia Tourism Corporation advised City Council members that she serves as tours and development specialist for Virginia's Southside region. She stated that she and Mr. Bob Munson, from the Department of Conservation and Recreation (DCR), were present to answer questions concerning the proposed Blueway project.

She reported that the Town of South Hill in working with the Department of Game and Inland Fisheries investigated the possibility of constructing canoe/kayak take-out ramps on the Meherrin River at sites owned by the Virginia Department of Transportation on Route 138 (Lunenburg side), Route US1 South (Brunswick County), and Whittles Mill (owned by the Town of South Hill). She also reported that the project would involve the creation of a managed system, including a trail with detailed maps. She further reported that Halifax, North Carolina has had a similar paddle/camp trail site for 10 years which was toured/reviewed prior to planning and development phases of the current project.

Ms. Tanner provided City Council members with a visual presentation of the proposed Blueway/Canoe Trail Project which included, but was not limited to, the following information:

Economic Benefits

- Virginia's Travel Industry is a 17.7 billion dollar industry generating 2.4 billion dollars in state and local tax revenues and employing 208,200 Virginians

City of Emporia Travel Industry generates

- 21 million in traveler spending
- 2.2 million dollars in state and local tax revenues
- Employs 193 City of Emporia residents

Funding Needed

- Put in/take-out ramps average \$3,000.00 - \$5,000.00
- Overnight shelters average \$8,000.00 - \$10,000.00

Funding Sources

- Outdoor Recreation Grant (DCR)
- Tobacco Commission
- Foundation grants
- Private funding sources
- Local fundraisers
- Marketing Leverage Program

Project Timeline

- Phase I
 - ~ construction of put-in ramps at proposed sites on the Meherrin River
- Phase II
 - ~ development of trail plan maps
 - ~ construction of put-in ramps at more sites as identified in plans
 - ~ construction of parking
 - ~ construction of overnight camping shelters – key sites
 - ~ construction of parking

- Phase III
 - ~ Development of overall plans and marketing materials

Timeline for Development

- August 11, 2008 – Address Mecklenburg County Board of Supervisors
- August 11, 2008 – Address South Hill Town Council
- August 19, 2008 – Public input Session – South Hill
- September 2, 2008 – Address Emporia City Council
- Fall of 2008 Start Phase I Construction Early 2009
- Identify sites for Phase II and map trail
- Apply for Funding for Phase II
- Continue to identify new sites and add to trail

Ms. Tanner advised City Council members that she was before them to obtain a commitment in the form of a resolution concerning the project.

Councilman Lankford asked if the funding received for the project would include debris removal, such as log jams and down trees, from the river.

Mr. Munson advised Councilman Lankford that he had conversed with the Corps of Engineers concerning the matter and was informed that creative solutions, such as explosives, had been used to dispose of such river blockages in the past. He also advised him that creative solutions exist and the issue would have to be addressed.

Councilman Saunders stated that the matter would require on-going addressing as the same type of disposal tactic had been previously used and the river continued to become filled with debris afterwards.

Councilman Harris reported that there had previously been boat landings at the City of Emporia's reservoir and Meherrin River Park and asked if those landings still existed and if they could be incorporated into the existing designated sites.

Ms. Tanner advised Councilman Harris that she was not familiar with all such sites and that she would research the matter.

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.

Mrs. Debra Brown of 604 Temple Avenue, Emporia, Virginia extended an invitation to all to attend this year's annual NAACP Freedom Fund Banquet scheduled for October 4, 2008 at 5:00 p.m. at Greensville County High School cafetorium. She stated that this year's guest speaker for the event will be Mr. Jack Gravely, past executive secretary of the Virginia State Conference NAACP. She also stated that tickets are available at \$25.00 per person and \$12.50 for children.

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) (3) **Disposition of Publicly Held Real Property**. 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
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
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
Councilman Ned V. Lankford	aye

Councilman Saunders moved to approve that the city manager be authorized to enter into an agreement with Commonwealth Preservation Group for the preparation of a request for proposal (RFP) to seek developers to rehabilitate the City of Emporia's bank building property and authorize the city manager to spend a maximum of \$2,500 for RFP preparation services. 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
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