

PUBLIC HEARING

1. Consideration of Enterprise Zone Designation Application

Emporia City Council held a Public Hearing on Tuesday, September 4, 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 meeting.

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, Assistant City Manger
Gerald D. Vincent, City Manager
Jean V. Whiting, City Clerk

Mr. Thrower stated that the City of Emporia is considering applying for enterprise zone designation. He also stated that, due to the current application cycle, applications must be prepared and submitted to the Virginia Department of Housing and Community Development by October 1, 2007. He further stated that the application process is highly competitive and requested that City Council members authorize the City's attorney to draft a resolution stating the following:

- 1) City Council is applying for enterprise zone designation
- 2) City Council authorizes the city manager to submit all information necessary to apply for zone designation
- 3) City Council authorizes the city manager to meet other administrative and reporting requirements as defined by the Enterprise Zone Regulations throughout the life of the zone

He reported that, if authorized, the resolution would be placed on the Tuesday, September 18, 2007, Agenda for formal adoption.

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 4, 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, September 4, 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
Brian S. Thrower, Assistant City Manger
Gerald D. Vincent, City Manager
Jean V. Whiting, City Clerk

MINUTES APPROVAL

The minutes of the August 21, 2007 City Council Meeting were distributed to City Council members. Councilman Lankford 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

AGENDA APPROVAL

Councilwoman Squire moved that the Agenda be approved as presented. Councilwoman Carey 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

3798. Comcast Cable Communications, Inc. – Proposed Franchise Agreement

Mr. Vincent reported that City Council members formally signed a ten (10) year cable franchise agreement with Adelphia Cable Communications, LLC on April 25, 1996. He also reported that, on February 20, 2007, City Council members authorized him, Mayor Adams, and Mr. Barrett to meet with representatives of Comcast Cable to formalize an agreement for consideration. He further reported that Mr. Ken Dye, Director of Government and Community Affairs for Comcast Cable, was present to provide City Council members with details concerning incorporation of the following:

- **Section 3.2.2 Downtown Enhancement Project**: The Grantee (Comcast) shall support the City's Downtown Enhancement Project and move its cable facilities at its own expense. If federal and state funding is available, the City shall use best efforts to secure funding to offset costs for Grantee, but not required.
- **Section 9.3 Service to the Public Works Building**: Agrees to install cable for the City's Emergency Service Coordinator at the company's expense as free service to the local government.

Mr. Dye reported that, over the last several months, he has spent time with Mayor Adams and Mr. Vincent concerning issues relative to cable service in Emporia. He also reported that he has tried to meet the needs identified and looks forward to working with the City of Emporia.

Councilman Saunders asked Mr. Dye to elaborate on Comcast's lack of response to numerous correspondences sent to them from the City of Emporia. He stated that he views the lack of response as a, "slap in the face" to a small community. He also stated that it has been very difficult explaining the lack of response to local citizens.

Mr. Dye advised Councilman Saunders that he was appreciative of the question and apologized personally and on behalf of Comcast. He stated that, for the past year, he has been attempting to handle approximately one hundred fifty (150) new communities inherited within Virginia, which has taken some time. He also stated that it does not excuse the lack of response, and that it, "has been a struggle to get close to everyone and to serve all the new explosive growth in the number of localities that we have to deal with." He further stated that he has grown from eight (8) localities to twenty-five (25).

Councilman Saunders asked Mr. Dye to elaborate on the possibility of additional help to enhance quality improvement and responsiveness.

Mr. Dye advised Councilman Saunders that Comcast is currently working to bring service center phone calls for the City of Emporia back to Virginia, with the possibility of overflow calls being routed outside of Virginia. He also advised him that operational analysis has been conducted to address issues relative to increased customers and staff training for services to Emporia and other localities.

Councilman Saunders reported that he has an eight-seven (87) year old uncle with exemplary credit, who had Adelphia Cable and decided to switch to Comcast. He also reported that his uncle began receiving an invoice from Comcast for approximately \$20.00 for equipment that had been returned. He further reported that his uncle refused to pay the \$20.00 fee, which prompted threats of him being taken to court by Comcast.

He stated that, after numerous phone calls to Comcast and no help, his uncle contacted Mayor Adams for assistance. He also stated that Mayor Adams was able to contact Mr. Dye, who addressed the problem and eliminate the confusion. He further stated that the erroneous \$20.00 invoice and the entire situation placed much undue stress on his uncle.

Mr. Dye advised Councilman Saunders that he was familiar with the situation that he referenced as Mayor Adams had contacted him recently concerning the matter. He also advised him that the situation was indeed resolved and that he does not know how it, "fell through the cracks." He further advised him that the outside collection firm that had been given the assignment was unable to access the account details and therefore unable to resolve the issue.

He stated that he expects such future situations to be handled much smoother.

Councilman Saunders asked Mr. Dye for the completion timeframe for the Richmond-based calling center.

Mr. Dye stated that he does not have a definitive answer, but believes, "it will happen in 2008."

Councilman Saunders asked Mr. Dye for the number of individuals expected to be housed at the Richmond-based call center.

Mr. Dye advised Councilman Saunders that there are currently one hundred ninety-eight (198) full-time employees at the Richmond-based call center, which is expected to grow by approximately thirty (30) over the next six (6) to eight (8) months. He also advised him that approximately twenty (20) employees have been added to the Richmond-based call center thus far for 2007 and that approximately twenty-five (25) employees have been added to the field.

Mayor Adams asked Mr. Dye if the City of Emporia is currently part of the Richmond-based call center.

Mr. Dye advised Mayor Adams that the City of Emporia is not currently part of the Richmond-based call center and that efforts are being made to do so. He also advised him that current calls from the citizens of Emporia are routed to a variety of places based upon the product.

Councilman Saunders asked Mr. Dye if the Richmond-based call center will be equipped to efficiently handle internet issues as well as cable issues for the City of Emporia.

Mr. Dye advised Councilman Saunders that some segmentation will continue to exist when Emporia-based calls are received at the Richmond-based call center due to the tier-based handling system. He also advised him that calls received are identified by tiers and are routed to respective individuals who are, "supposed to be more skilled at handling that."

Councilman Saunders advised Mr. Dye that he had been informed by a citizen, who recently moved to the City of Emporia, that he called Comcast to have cable connectivity and was informed by the arriving service technician that he was unable to connect the cable due to poison ivy growing around the area where he would be working. He also advised him that the technician informed him that he did not have the necessary equipment with him to make the connection. He asked Mr. Dye to explain why a technician would go to a service call to connect new cable service without the necessary equipment to do so.

Mr. Dye advised Councilman Saunders that he was not familiar with the exact details of that particular case and that his speculation is that the service technician may have had work orders that indicated certain actions to be taken, which unexpectedly required additional equipment, depleting the extra equipment that the technician had with him at that time. He also advised Councilman Saunders that he could not account of the poison ivy situation.

Councilman Saunders reported that approximately two (2) years prior, City Council members listened to an Adelphia representative inform them that cable rates would be increased by six percent (6%) and that it was being done due to Comcast's take over. He also reported that another rate increase occurred immediately following the Comcast takeover. He asked Mr. Dye to elaborate on the justification for the increase for inefficient service and equipment that had not been updated.

Mr. Dye advised Councilman Saunders that the recent merger created, "cross-pollination" of seasoned employees and new employees requiring some time for operations to run smoothly. He also stated that he, "can't speak to all the promises that someone from Adelphia may have made in the past."

Councilman Saunders asked Mr. Dye when the citizens of Emporia can expect another rate increase.

Mr. Dye advised Councilman Saunders that he was unable to speak on the matter, as he is not directly involved in that aspect. He also advised him that rate increases/adjustments and channel changes are a constant system-wide reality throughout central Virginia.

Councilman Saunders expressed gratitude to Mr. Dye for providing insight to his questions and for being present.

Mr. Dye advised Councilman Saunders that he will personally do his best to make sure that Comcast is much better than what is expected and what will be expected over the years.

Councilman Harris advised Mr. Dye that the City of Emporia has unsuccessfully attempted to obtain cable connections for the Clerk's Office, Commonwealth Attorney's Office and the Court Service Unit Office and asked him to elaborate on the most effective way to establish connectivity for those locations.

Mr. Dye advised Councilman Harris that the city manager or the mayor should send him a document detailing the City of Emporia's approved government sites for connectivity. He also advised him that they may be unable to connect some government-functioning buildings, under the terms of the agreement, due to financial feasibility reasons.

Councilman Harris advised Mr. Dye that the City of Emporia would be more than happy to have the City of Emporia's Economic Development staff assist Comcast in locating space for a call center as well as assistance in finding ideally suited staff.

He asked Mr. Dye to elaborate on the possibility of DHTV for the citizens of Emporia.

Mr. Dye advised Councilman Harris that HDVT should be established in 2008. He also advised him that additional equipment needs to be purchased, which must be budgeted. He further advised him that he promised Mayor Adams and Mr. Vincent that he will do his best to make sure that it stays in the budget through all the review paths.

Councilwoman Carey advised Mr. Dye that she lost cable service twice during a storm and experienced difficulty in contacting Comcast. She also advised him that five (5) attempts were made by her and her family to contact Comcast to address the problem. She further advised him that, after five (5) hours, her cable service was restored.

She reported that, when the second instance occurred, she phoned Comcast and was notified that it would be four (4) days before a technician would be able to visit her site to address the problem. She also reported that she phoned Comcast again concerning the matter and service was restored within a matter of minutes. She further stated that her neighboring brother-in-law's service was not corrected until days later, as the technician informed him that although he had come to restore her service, which was already restored, he was unable to restore his service because he was only there to restore her service.

Councilwoman Carey asked Mr. Dye to elaborate on why the technician was unable to restore her neighbor's service when he arrived under those circumstances.

Mr. Dye advised Councilwoman Carey that the technician should have restored her neighbor's service under those circumstances. He also advised her that storm-related issues require a bit more planning and assessment of the how wide-spread the outage exists.

Mayor Adams advised Mr. Dye that service improvement is greatly need from Comcast for the citizens of Emporia and stated that he feels the public can continue to expect, "constant increases" from Comcast. He also advised him that he has been very responsive when called upon and that he will continue to contact him as long as the citizens of Emporia are mistreated by Comcast.

He recommended that City Council members accept the proposed franchise agreement as presented due to the lack of leverage within municipalities concerning the matter.

Councilwoman Squire moved to approve the proposed franchise agreement as presented. Councilwoman Carey 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

3799. *Habitat for Humanity – Request a Waiver of Fees*

Mr. Vincent reported that staff received correspondence from Reverend George W. Pugh, a member of Habitat for Humanity’s Board of Directors, requesting that City Council members waive water and sewer connection fees (\$1,000.00/ea.) and building permit fees (\$308.06) for the construction of a new home on Zion Boulevard within the City of Emporia. He also advised City Council members that the new construction is considered to be infill development in an existing neighborhood. He further advised City Council members that he recommends approval of the waiver requests.

Councilman White moved to approve the request to waive water and sewer connection fees as well as building permit fees associated with the construction of the new home on Zion Boulevard as requested. Councilwoman Carey 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

3800. *Enterprise Zone Application*

Mr. Thrower reported that a Public Hearing had been held earlier that day concerning the City of Emporia’s intention to apply for state enterprise zone designation. He advised City Council members that staff recommends that the city attorney be authorized to draft a resolution stating the following:

- 1) City Council is applying for enterprise zone designation
- 2) City Council authorizes the city manager to submit all information needed to apply for such zone designation
- 3) City Council authorizes the city manager to meet other program administrative and reporting requirements, as defined by the Enterprise Zone Regulations, throughout the life of the zone.

Mr. Thrower stated that, if approved, the resolution will be placed on the Tuesday, September 18, 2007, City Council Regular Meeting Agenda for formal adoption.

Councilman Harris asked Mr. Thrower if he knows how many other communities are currently seeking

such designation.

Mr. Thrower advised Councilman Harris that approximately ten (10) to twelve (12) other communities are applying for the designation as well. He also advised him that the application process is highly competitive.

Councilman Harris moved to approve the request 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

3801. Fire Program Funds – Appropriation Ordinance

Mr. Vincent reported that fire program funds are usually sent to the City of Emporia and Greenville County. He also reported that the funds were only sent to Greenville County last fiscal year and that \$13,512.50 of the funds have since been sent to the City of Emporia, which need to be appropriated into the current year's budget.

He requested that City Council members review and approve the following ordinance appropriating the funds accordingly:

Ordinance No.: 07-01

An Ordinance To Appropriate The Sum Of \$13,512.50 In Grant Funds From The Virginia Department Of Fire Programs Received From The County Of Greenville For Fire Programs

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

1. That the sum of \$13,512.50 in grant funds from the Virginia Department of Fire Programs received from the County of Greenville 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 \$13,512.50 appropriated to General Fund Expenditures, Accounting Number 3211-6020 Fire Program Funds Purchases.
3. The City Manager is hereby authorized to do all things necessary to implement this grant and appropriation.
4. This ordinance shall be in effect on and after its adoption.

Councilman White moved to approve the appropriation ordinance 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

3802. *W. Atlantic Street Improvement Project – Planning Grant Award*

Mr. Thrower reported that on August 7, 2007 City Council members authorized the city manager to pursue planning grant funds through the Virginia Department of Housing and Community Development (VDHCD) for the proposed West Atlantic Street Improvement Project relative to the City's Comprehensive Plan Update process. He also reported that, on August 8, 2007, the City's administration sent VDHCD a request for planning grant funding to assist with the project. He further reported that, since that time, VDHCD notified the City that the request was reviewed and that the City of Emporia was awarded \$3,000.00.

He stated that staff will be working with K.W. Poore and Associates, Inc. in completing the following activities, which are initially required:

- Conducting a Neighborhood Public Meeting
- Conducting an initial Management Team Meeting
- Completion of a preliminary housing, building, and infrastructure assessment
- Completion of a neighborhood survey

He also stated that, upon completion of the required activities, the City's administration will submit a copy of the survey instrument, tabulated survey results, and a summary of the assessment activities to VDHCD prior to the October 5, 2007 deadline. He further stated that, if the project is deemed viable and eligible, VDHCD will notify the City's administration and a community representative will be assigned to conduct a facilitated planning strategy session with the Management Team.

3803. *Community Youth Center- Request a Waiver of Fees*

Mr. Vincent reported that Mr. Michael Hinton, Director of the Community Youth Center (CYC), requests a waiver of building permit fees for the construction of a shower house for the CYC's public pool. He also reported that the building permit fees total \$161.08.

Councilman White moved to approve the request 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

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. Deborah F. Brown of 604 Temple Avenue, Emporia, Virginia stated that she wished to remind City Council members of the upcoming September 13, 2007 forum at Greensville County High School, in which she hopes to see members of City Council present. She also stated that Mr. Thrower, Chief Bernard Richardson, and Delta Sigma Theta Sorority, Inc. are expected to be present.

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) (1) **Personnel Matter** and (7) **Legal Matter**. Councilwoman 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

*****REGULAR SESSION*****

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

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 accept the resignation of Mr. Vincent, with an estimated departure date of October 4, 2007. 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

Councilman Harris moved to appoint Mr. Thrower as interim city manager, immediately following Mr. Vincent's departure as city manager, with compensation as defined by the City's Personnel Policy. 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