

PUBLIC HEARINGS

1. Cigarette Tax Ordinance – Request to Adopt

Emporia's City Council held a Public Hearing on Tuesday, April 17, 2012, at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Jim Saunders, President of Council presided over the session.

The following City Council members were present:

Councilman F. Woodrow Harris
Councilman James C. Saunders
Councilwoman Doris T. White
Councilwoman Deborah D. Dixon
Councilwoman L. Dale Temple
Councilwoman Beverly White
Councilwoman Carolyn S. Carey

Others present:

C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Steven B. Hall, Assistant City Manager
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue

Absent: Samuel W. Adams, III, Mayor

1. Cigarette Tax Ordinance – Request to Adopt

Mr. Thrower reported that over the last year and at the Council Retreat held in February, that the City will face tremendous budget challenges going in FY13 and beyond, particularly as it relates to school, jail, retirement, personnel, and other project costs. He also reported that those funding issues have been further compounded by the continued state budget cuts over the last several years and the most recently decision by the Commonwealth of Virginia to take a significant portion of local traffic fine revenue from localities such as Emporia. He further reported that the estimated additional costs to Emporia in FY13 will be an increase funding for increased Southside Regional Jail (\$300,000) and a loss of local traffic fine revenue (\$200,000) totaling \$328,000.

Mr. Thrower stated several options for addressing the budget situation which include raising the real property tax rate, levying a cigarette tax, cutting/eliminating funding to civic organizations, and/or cutting/reducing City services. He also stated that in light of the situation at hand, he has attempted to reach consensus on broad parameters for addressing the budget situation in FY13 and beyond. He further stated that in discussing these funding issues with Council individually and in a group setting, the overwhelming majority of Council is in favor of levying a cigarette tax to soften the impact to the FY13 budget. He advised that at Council

March 20, 2012 meeting Council directed him to advertise for a public hearing to be held at tonight's meeting to consider levying a cigarette tax. He also advised that if Council elects to approve this proposal, he anticipate the City raising at least \$250,000 per year in new revenue from the cigarette tax levy.

He recommended that Council adopt the ordinance to levy a \$0.50 per pack cigarette tax to become effective July 1, 2012.

Hermie Sadler, 1501 Wiggins Road, addressed Council with concerns in regard to the proposed cigarette tax for numerous reasons from his experience in his Franklin store once the cigarette tax was imposed. He stated that immediately when the cigarette tax went into effect the first day of sale decreased thirty percent. He also stated that after six to eight months the end results was a decrease in the total revenue sale for fuel and grocery by over fifty percent. He further stated that the store went from selling \$1100.00 a day in that location to \$220.00 a day worth of cigarette. He stated that the end result for the Franklin store including closing the deli and loss of jobs.

He advised Council that the City was going to lose sale on fuel, and grocery, across the board. He stated that citizens are not going to pay an additional .50 cent for a pack of cigarette when they can go ½ mile out of the City limits to spend their money. He also stated that records show that the average person that come in to buy a package of cigarette, also buy average of 14 gallons of gas, three grocery items, and one deli item which they will lose out on. He further stated that there will be a double impact at the truck stop because customers usually buy 2 cartoons of cigarette, 200 gallons of fuel, and three meals in the City of Emporia. He stated that the City will lose all of these revenues.

James Browning, 1143 North Main Street, addressed Council on behalf of Emporia Grocery with concerns about the cigarette tax. He stated that imposing the cigarette tax will cause more problems than it would solve. He also stated that Emporia Grocery's had collected 200 signatures on a petition not to impose the cigarette tax. He further stated that Emporia Grocery sales at least 50 cartoons of cigarette a day and they will be affected if the cigarette tax is imposed.

Herman Sadler, 5159 Drybread Road, addressed Council with concerns in regard to the proposed cigarette tax. He stated that the cigarette tax is not the right way to go. He also stated that the City of Emporia will have a loss of sales in food, and fuel if the cigarette tax is imposed. He also stated that peoples will drive across the country to pay .50 cent less for a pack of cigarette. He further stated that businesses in the City of Emporia will not be able to just absorb this loss of sales across the board and stay in business paying the taxes they currently pay. He stated that it won't work and will cost jobs.

Elliott Sadler, 517 North Main Street, addressed Council with concerns in regard to the proposed cigarette tax. He stated that imposing this cigarette tax is going to affect the local community more than anything and may contribute to a higher crime rate

James Saunders, President of Council, asked if anyone wished to speak concerning the matter.

With no further matters to be presented before City Council members, President Saunders declared the public hearing closed.

James C. Saunders, President of Council

Tessie S. Wilkins, City Clerk

MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
April 17, 2012

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.

Emporia City Council held a regular meeting on Tuesday, April 17, 2012 at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Jim Saunders, President of Council presided over the meeting with Bishop Vincent Lowery offering the invocation.

ROLL CALL

The following City Council members were present:

Councilman F. Woodrow Harris
Councilman James C. Saunders
Councilwoman Doris T. White
Councilwoman Deborah D. Dixon
Councilwoman Beverly White
Councilwoman L. Dale Temple
Councilwoman Carolyn S. Carey

Others present:

C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Steve B. Hall, Assistant City Manager
Tessie S. Wilkins, City Clerk
Joyce E. Prince, Commissioner of the Revenue
W. S. Harris, Treasurer

Absent:

Samuel W. Adams, III, Mayor

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the April 3, 2012 Regular Meeting, as presented, seconded by Councilwoman D. White which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye

Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

APPROVAL OF BILLS

A listing of the April 17, 2012 bills was presented to City Council members.

General Fund	\$	1,195,715.25
Utility Fund	\$	201,617.35

Councilwoman Temple moved to approve the April 17, 2012 bills as presented, seconded by Councilwoman Dixon, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

FINANCIAL AND TAX REPORTS

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

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 her report.

PERMIT AND INSPECTION REPORT

Randy C. Pearce, Building/Fire Official provided his report to City Council members. There were no questions concerning his report.

POLICE REPORT

Don Wyatt, Chief of Police provided his report to City Council members. There were no questions concerning his report.

CITY SHERIFF REPORT

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

CITY ATTORNEY REPORT

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

AGENDA APPROVAL

Councilman Saunders moved to approve the agenda as presented, seconded by Councilwoman D. White, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

NEW BUSINESS

12-27. Cigarette Tax Ordinance – Request to Adopt

Mr. Thrower reported that over the last year and at the Council Retreat held in February, that the City will face tremendous budget challenges going in FY13 and beyond, particularly as it relates to school, jail, retirement, personnel, and other project costs. He also reported that those funding issues have been further compounded by the continued state budget cuts over the last several years and the most recently decision by the Commonwealth of Virginia to take a significant portion of local traffic fine revenue from localities such as Emporia. He further reported that the estimated additional costs to Emporia in FY13 will be an increase funding for increased Southside Regional Jail (\$300,000) and a loss of local traffic fine revenue (\$200,000) totaling \$328,000.

Mr. Thrower stated several options for addressing the budget situation which include raising the real property tax rate, levying a cigarette tax, cutting/eliminating funding to civic organizations, and/or cutting/reducing City services. He also stated that in light of the situation at hand, he has attempted to reach consensus on broad parameters for addressing the budget situation in FY13 and beyond. He further stated that in discussing these funding issues with Council individually and in a group setting, the overwhelming majority of Council is in favor of levying a cigarette tax to soften the impact to the FY13 budget. He advised that at Council March 20, 2012 meeting Council directed him to advertise for a public hearing to be held at tonight's meeting to consider levying a cigarette tax. He also advised that if Council elects to approve this proposal, he anticipate the City raising at least \$250,000 per year in new revenue from the cigarette tax levy.

He recommended that Council adopt the ordinance to levy a \$0.50 per pack cigarette tax to become effective July 1, 2012.

Councilwoman Carey stated that some serious issues has been bought to her mind that she had not thought about. She stated that it might be growing on one hand but short coming the City on the other.

Councilman Harris stated that he prefer to vote the matter down tonight instead of deferring the matter. He also stated that other budget items such as Retail Recruitment Study and ED Workplan could be eliminated.

Councilwoman Temple made a motion to defer this matter until the City received the budget from the state, seconded by Councilwoman Doris White, which passed as follows:

Councilman F. Woodrow Harris	nay
Councilman James C. Saunders	aye
Councilwoman Doris T. White	nay
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

12-28. Chowan River Basin Flood Taskforce – Request to Approve

Mr. Thrower reported that the City of Emporia have been participating on the Chowan River Basin Flood Taskforce over the last several years. He also reported that one of the initiatives of the taskforce has been to address flood forecasting in Chowan River Basin localities in order to better prepare for flooding and mitigate damage.

Mr. Thrower stated that two of the principal means used to better predict and forecast likely flooding events are through the installation of stream and rain gauges. He also stated that Jim Councill, Mayor of Franklin and Chair of the Chowan River Basin Flood Taskforce, has been successful in obtaining a total of \$160,000 in federal and state funding for installation of the stream gauges.

Mr. Thrower stated that there is a cost sharing requirement for the continued operations and maintenance (O&M) of these stream gauges. He also stated that per the terms of the proposal, each of the seven participating localities would contribute \$6,915 per year towards O&M of the gauges for a combined effort of \$48,400 (50% of costs) annually. He further stated that the United States Geological Service (USGS) will contribute the other 50% of annual O&M costs. He stated that the Congressman Forbes will be assisting the Taskforce in securing the USGS funding for this project.

He recommended that Council authorize the City Manager and/or Mayor to sign a cost sharing agreement with the USGS for operations and maintenance of the aforementioned stream gauges at a cost of \$6,915 per year, pending the commitment of funding from the USGS and other participating localities.

Councilman Harris made a motion to authorize the City Manager and /or Mayor to sign a cost sharing agreement with the USGS for operations and maintenance of the aforementioned stream gauges at a cost of \$6, 915 per year, pending the commitment of funding from the USGS and other participating localities, seconded by Councilwoman Temple, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye

Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

12-29. Sanitation Trucks – Request to Adopt Resolution Approving Financing Terms

Mr. Thrower reported that Council approved the purchase of one new residential sanitation truck and one new commercial sanitation truck in the FY12 budget. He also reported that the financing bids were received from several lending institutions. He further reported that the low bidder was Branch Banking and Trust Company (BB&T) with an annual interest rate of 1.69%.

Mr. Thrower stated per Bat’s lending requirements Council will need to approve the resolution approving the financing terms of the truck purchases. He also stated that the proposed amount to be financed is \$462,820 over a seven year term at an annual interest rate of 1.69%.

Councilwoman Temple made a motion to adopt **Resolution No. 12-04** approving Financing Terms for Sanitation trucks seconded by Councilman Saunders, which passed as follows:

Councilman F. Woodrow Harris	nay
Councilman James C. Saunders	aye
Councilwoman Deborah D. Dixon	abstained
Councilwoman L. Dale Temple	aye
Councilwoman Doris T. White	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye

12-30. Fire Program Funds – Appropriation Ordinance

Mr. Thrower reported that the City annually receives grant funds from the Virginia Department of Fire Programs through Greensville County for the Emporia Volunteer Fire Department. He also reported that the City did not include this grant in the City current operating budget; due to the fact that the City was unsure of the amount we would receive. He further reported that the City had received \$13,319.50 from Greensville County for this grant. He stated that the City also received \$1,834.50 from Greensville County on August 18, 2011 for the prior fiscal year and a payment from the Virginia Department of Fire Programs on July 1, 2011 for \$357.00 into the FY12 operating budget so that the Emporia Volunteer Fire Department can utilize these grant funds.

Councilman Saunders made a motion to adopt **Ordinance No. 12-04** to appropriate the sum of \$15,511.00 in grant funds from the Virginia Department of Fire Programs of which \$15,154.00 was received from the County of Greensville for Fire Programs, seconded by Councilwoman Temple, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Deborah D. Dixon	aye

Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye
Councilwoman Doris White	aye

12-31. FY13 Budget Work Sessions – Request to Approve Dates

Mr. Thrower requested that City Council members approve the scheduling of the budget work sessions on the following dates at 6:00 p.m. in the Council Chambers of the Municipal Building:

Tuesday, May 1, 2012
Tuesday, May 8, 2012
Tuesday, May 15, 2012

Councilwoman Dixon moved to approve the proposed budget work session dates as followings at 6:00 p.m. in the Council Chambers of the Municipal Building:

Tuesday, May 1, 2012
Tuesday, May 8, 2012
Tuesday, May 15, 2012

Councilwoman Beverly White seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Beverly White	aye

Councilman Saunders stated that budget work sessions are open for the public to attend.

12-32. Request by Habitat for Humanity – Sign Permit Fee Waiver

Mr. Thrower stated that Rev. G.W. Pugh has requested that Council waive zoning and building permit fees associated with the installation of identification sign Habitat for Humanity that will be erecting in the near future.

Mr. Thrower stated that in the past, City Council has typically approved zoning and building permit fee waiver requests by non-profit organizations.

Councilwoman Beverly White moved to approve the request to waive the zoning and building permit fees associated with the installation of the identification sign for Habitat for Humanity, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye

Councilwoman Deborah D. Dixon	aye
Councilwoman L. Dale Temple	aye
Councilwoman Doris T. White	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye

PUBLIC COMMENT

Councilman Saunders asked if anyone wished to bring a matter before City Council members adhering to the three minute time limitation.

Clint Slate, 103 Beech Tree Lane, addressed Council with concerns in regards to the proposed cigarette tax. He stated that deferring the cigarette tax tonight was a great idea but he does not agree with doing away with it.

With there being no further comments to come before City Council, Councilman Saunders closed the public comment portion of the meeting.

*****Closed Session*****

Councilwoman Temple moved that Closed Session be entered for the purpose of discussing Virginia Code § 2.2 3711 (A) (3) **Disposition of publicly held real property pertaining to the former Emporia Elementary School**, (A) (5) **Discussion concerning a prospective business where no previous announcement has been made**, and (A) (7) **Legal matter pertaining to the Mega Site development**. Councilwoman Carey seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman L. Dale Temple	aye
Councilwoman Beverly White	aye
Councilwoman Doris T. White	aye

*****Regular Session*****

Councilwoman Dixon moved that the meeting be returned to Regular Session. Councilwoman Temple seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman L. Dale Temple	aye
Councilwoman Beverly White	aye
Councilwoman Doris T. White	aye

CERTIFICATION

Councilwoman Dixon 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 matter as were identified in the motion by which the Closed Session was convened were heard, discussed, or considered by City Council.

Councilwoman Temple seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman L. Dale Temple	aye
Councilwoman Beverly White	aye
Councilwoman Doris T. White	aye

Councilman Harris made the motion to authorize the Mayor and/or City Manager to execute the Mid-Atlantic Advanced Manufacturing Center Regional Industrial Facility Authority Member Locality Participation Agreement.

Councilwoman Dixon seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman L. Dale Temple	aye
Councilwoman Beverly White	aye
Councilwoman Doris T. White	aye

ADJOURNMENT

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

James C. Saunders, President of
Council

Tessie S. Wilkins, City Clerk

