

PUBLIC HEARING

1. Consideration of a Rezoning Request – 500 Davis Street

Emporia's City Council held a public hearing on Tuesday, April 20, 2010, 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 public hearing.

The following City Council members were present:

Councilman John R. White
Councilman F. Woodrow Harris
Councilman James C. Saunders
Councilwoman Doris T. White
Councilwoman Carolyn S. Carey
Councilman Edward V. Lankford, IV
Councilwoman L. Dale Temple

Others present:

Samuel W. Adams, III, Mayor
C. Butler Barrett, City Attorney
Steven B. Hall, Assistant City Manager
Brian S. Thrower, City Manger
Lori R. Jarratt, Interim City Clerk

1. Consideration of a Rezoning Request – 500 Davis Street

Mayor Adams opened the public hearing to consider the rezoning request at 500 Davis Street.

Mayor Adams asked if there was anyone who wished to make any comments regarding this matter.

With there being no comments, Mayor Adams declared the public hearing closed.

Samuel W. Adams, III, Mayor

Lori R. Jarratt, Interim City Clerk

MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
April 20, 2010

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 20, 2010, 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 offering a moment of silence to remember Mr. Alton Owen, Sr. and Mr. Samuel Bush who both recently passed and who both extensively served their community. Jim Saunders, President of Council, followed with the invocation.

ROLL CALL

The following City Council members were present:

Councilman John R. White
Councilman F. Woodrow Harris
Councilman James C. Saunders
Councilwoman Doris T. White
Councilwoman Carolyn S. Carey
Councilman Edward V. Lankford, IV
Councilwoman L. Dale Temple

Others present: Samuel W. Adams, III, Mayor
Brian S. Thrower, City Manger
Steven B. Hall, Assistant City Manager
Lori R. Jarratt, Interim City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue

MINUTES APPROVAL

Councilman White moved to approve the minutes from the Tuesday, March 16, 2010 public hearing and regular meeting, as presented, seconded by Councilman Lankford, which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

APPROVAL OF BILLS

A listing of the April 20, 2010 bills had been presented to City Council members.

General Fund	\$ 799,357.65
Utility Fund	\$ 105,196.04

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

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	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/Fire Official provided his report to City Council members. There were no questions regarding the report.

POLICE REPORT

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

CITY SHERIFF REPORT

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

CITY ATTORNEY REPORT

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

AGENDA APPROVAL

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

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

UNFINISHED BUSINESS

10-29. FY 11 Budget Development Work Sessions – Request to Approve Dates

Mr. Thrower stated that the following are the proposed 2010 budget development work session dates and times which will be held in the Municipal Building Conference room:

Wednesday, May 12, 2010 at 5:30PM
Tuesday, May 18, 2010 at 5:30PM
Thursday, May 20, 2010 at 5:30PM
Tuesday, May 25, 2010 at 5:30PM
Thursday, May 27, 2010 at 5:30PM

He recommended Council approve the proposed budget development work session dates and times.

Councilwoman Temple made a motion to approve the 2010 budget development work session dates and times, as flexible, seconded by Councilwoman Carey which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

NEW BUSINESS

10-30. Mega Site 2009 Property Tax Reimbursement – Request for City Assistance

Mr. Thrower stated the Industrial Development Authority of Greenville County has requested that the City pay one-half of the 2009 personal property tax reimbursement with options held on mega site properties. He also stated that City assistance with 2008 tax reimbursements was previously approved at Councils' April 7, 2009 meeting.

He asked for Council's direction on this item.

Councilman Harris inquired if there was any communication with regards to a longer term of the intent of the Mega Site. Mr. Thrower advised that there was not any correspondence included with the invoice from the Greenville County IDA. He also advised that the next stage and future options needed to be discussed.

Councilman Saunders stated that there needed to be a more itemized invoice.

Councilman Saunders made a motion to pay the City's portion of the 2009 personal property tax reimbursement in the amount of \$2,558.28, seconded by Councilwoman Temple, which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

10-31. EGRA Concession – Request for Exemption from State Regulations

Mr. Thrower stated that Mr. Rick Franklin, EGRA President, has requested that City Council exempt the EGRA from state health department regulations pertaining to food concession. He also stated that as allowed by state code, cities, counties, and towns may, by ordinance, exempt certain fairs and youth athletic activities from health department regulations if the food booths are promoted or sponsored by any political subdivision of the Commonwealth or by any charitable nonprofit organization or group thereof.

He advised that Mr. Rick Franklin is concerned that the EGRA will realize increased expenses in having to adhere to health department regulations should its menu be expanded. He also advised that exempting the EGRA from health department regulations will require Council to hold a public hearing and adopt an ordinance authorizing such.

He recommended Council authorize a public hearing to be held on this request at the Tuesday, May 18, 2010 meeting.

Councilman Harris made a motion to approve the request for a public hearing to be held on May 18, 2010, seconded by Councilman Lankford, which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

10-32. Police Mobile Data Units – Appropriation Ordinance

Mr. Thrower stated that the City of Emporia Police Department seizes money, by court order, determined to have been used in drug transactions. He also stated that before spending these funds they must first be appropriated into the General Fund Operating Budget for the current fiscal year.

He advised that the Police Department wishes to use \$25,664 in seized funds for the purchase of three mobile data terminals. He also advised that of this amount \$2,149 will be used to cover previous obligations. He further advised that this money will be used as the required match to the USDA Rural Development grant funding the city has been awarded. He stated that an ordinance is required to appropriate and expend these funds.

He recommended Council adopt the Ordinance.

Councilman White made a motion to adopt **Ordinance No. 10-20** appropriating the sum of \$25,664 in drug seizure funds, seconded by Councilman Saunders which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

10.33. U.S. Department of Justice COPS Hiring Recovery Program Grant – Appropriation Ordinance

Mr. Thrower stated that the City of Emporia was awarded a COPS Hiring Recovery Program Grant by the United States Department of Justice. He also stated that this grant consists of \$143,205.00 in grant funds for the salary and benefits of one police officer over a three year grant period. He further stated that grant funds in the amount of \$35,487.00 are expected to be received to cover expenditures made during the current fiscal year.

He stated that in order for the Police Department to utilize these funds for this purpose, Council will need to appropriate the sum of \$35,487.00 into the Fiscal Year 2009-2010 operating budget.

He recommended Council adopt the Ordinance.

Councilwoman Temple inquired if the grant required a match from the locality. Mr. Thrower stated that the grant did not require a match but did require that the City retain the officer for at least one year after the three year initial grant period.

Councilman Harris inquired if Council would have to adopt an ordinance next fiscal year or could a line item be added into the budget. Mr. Thrower stated that a line item would be included in the budget but it was his understanding that the grant requires that the funds be appropriated by Ordinance each year.

Councilman Saunders made a motion to adopt **Ordinance No. 10-21** appropriating the sum of \$35,487.00 into the Fiscal Year 2009-2010 operating budget, seconded by Councilwoman Temple which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

10.34. Fire Program Funds – Appropriation Ordinance

Mr. Thrower advised that the City, annually, receives grant funds from the Virginia Department of Fire Programs through the County of Greenville for the Fire Department. He also stated that this grant was not included in the current operating budget as administration was unsure of the amount that would be received. He further stated that Council will need to appropriate the sum of \$15,730.00 into the Fiscal Year 2009-2010 operating budget so that the Fire Department can utilize these grant funds.

He recommended that Council adopt the Ordinance.

Councilman Saunders made a motion to adopt **Ordinance No. 10-22** appropriating the sum of \$15,730.00 into the FY 2010 operating budget, seconded by Councilwoman Temple which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

10.35. Water Supply Plan – Request to Advertise for Public Hearing

Mr. Hall advised that the Greenville-Sussex-Emporia Regional Water Supply Plan final draft has been completed. He also advised that in order to complete the process, a Public Hearing on the plan must be held with adoption by the individual localities (Greenville, Sussex, Emporia, Wakefield, Waverly, Jarratt and Stony Creek) thereafter.

He stated that after the Public Hearing is held and the plan is adopted by the localities, formal submission to the State Water Control Board will occur for final review and approval. He also stated that it is anticipated that the project will be fully complete by June or July 2010.

He recommended Council authorize the advertisement of a Public Hearing on the Regional Water Supply Plan with the intent to adopt said plan on Tuesday, May 4, 2010.

Councilman Saunders made a motion to approve advertising for a Public Hearing to be held on Tuesday, May 4, 2010, seconded by Councilwoman Temple which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

10.36. Consideration of a Rezoning Request – 500 Davis Street

Mr. Hall advised that Mr. James Pearce, Sr. is seeking a rezoning map amendment from I-1 Industrial to C-2 Commercial of land located at 500 Davis Street (intersection of Davis and East Atlantic Streets). He also advised that the parcel is also identified as Tax Map Number 164-1-0-4. He further advised that the building is presently vacant, but was previously utilized as a welding shop. He stated that in 2006, the subject parcel was zoned C-2 Commercial but was rezoned as I-1 Industrial to allow for a welding use to be permitted by right. He also stated that if approved, general usage of the parcel will revert to retail/commercial.

He stated that potential future uses he has discussed with the owner include a restaurant, convenience store, general retail and/or office. He also stated that in discussing this matter with Mr. Randy Pearce, Building/Fire Official, some work will have to be done to allow for more than one business at the location, but can be done successfully. He further stated that Mr. Pearce has requested stamped drawings detailing fire separations, ingress/egress and other Building and Fire Code requirements from the owner.

He advised that surrounding land uses are a blend of commercial and residential. He also advised that the proposed use is bordered to the north and west of Davis Street by residential dwellings. He further advised that a mini-storage facility borders the parcel to the east. He stated that the proposal is an appropriate zoning based on the surrounding land uses and continuation of commercial uses along East Atlantic Street.

He advised that this site is an existing building serviced by all utilities.

He stated that this site is an existing building and has the appropriate ingress/egress. He also stated that there will be parking requirements in accordance with the rezoning request if approved. He further stated that there is an existing gravel parking lot at the front of the building that appears to accommodate whatever use will be located on site. He stated that as there is not a specific proposed use at this time, it is not possible to assign a general number of required parking.

He advised that the 2008-2028 City of Emporia Comprehensive Plan designates this parcel as medium-density residential on the Future Land Use Map. He also advised that while this request does not meet the future land use designation; uses permitted would be less intense as those by right in I-1 Industrial and it is keeping with the general character of the block.

He recommended Council approve the rezoning request. He stated that the Planning Commission reviewed this matter on Tuesday, April 13, 2010.

Councilman Harris made a motion to approve the rezoning request at 500 Davis Street from I-1 Industrial to C-2 Commercial, seconded by Councilman Lankford which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

10.37. West Atlantic Street Project Housing Rehabilitation Board – Request to Approve Appointments

Mr. Hall advised that a requirement of the West Atlantic Street Neighborhood Revitalization Project is to establish a Housing Rehabilitation Oversight Board. He also advised that the “Rehab Board” must be formed in order to recommend and/or make decisions regarding policies, procedures, contractors, staff, applicants, etc. that pertain to the West Atlantic Street Project. He further advised that the Rehab Board will meet quarterly (or as needed) to make these recommendations and/or determinations.

He stated that the following seven individuals have been identified as those willing to serve on the West Atlantic Street Neighborhood Revitalization Project Housing Rehabilitation Board:

- Brian Thrower, City Manager
- Steven Hall, Assistant City Manager
- Woodrow Harris, Emporia City Council
- Randy Pearce, Building/Fire Official
- Mike Allen, Code Enforcement Officer
- Sheila Cutrell, Finance Director
- Marva Dunn, Neighborhood Representative

He recommended Council appoint the seven individuals to the West Atlantic Street Neighborhood Revitalization Project Housing Rehabilitation Board.

Councilman White made a motion to appoint the seven individuals to the Rehab Board, seconded by Councilwoman Temple which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

Councilman Saunders inquired as to the start time of the project. Mr. Hall stated that the projected start time would be around mid-summer.

10.38. Emporia Jaycees – Request for Waiver of Business License and Permit Fees for Circus

Mr. Thrower stated that the Emporia Jaycees has requested reimbursement of business license taxes and waiver of building permit fees associated with hosting the Lewis and Clark Circus scheduled to come to Emporia on May 11 and 12, 2010. He also stated that the business license, which has already been paid, cost the Jaycees \$1,000. He further stated that additional building permits for temporary tent and rides are estimated to cost less than \$100.

Councilman White made a motion to waive the fees and refund the business license as requested, seconded by Councilwoman Temple which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

PUBLIC COMMENT

Mayor Adams asked if anyone wished to bring a matter before city council members adhering to the three minute time limitation.

Dana Snow, 1182 Newsome Lane, Emporia, Virginia, addressed Council stating that she had some concerns regarding her water bill and the fees associated with her water bill with regards to late payments and cut-off's. She also stated that her water was not turned off when requested.

Mayor Adams asked if Administration could review her concerns and report its findings back to Council. Ms. Snow stated that this would be appreciated.

Councilman Harris stated that situations like these were discussed at the Retreat. He asked Mr. W.S. Harris, Treasurer, if this was a type of situation that he had requested for Council to take steps in order to give more authority administratively to allow for reasonable exceptions. Mr. W.S. Harris advised that this was correct. He also stated that he does not have the authority as the City Code currently states.

Councilman Saunders stated that he would like to suggest, in Ms. Snow's situation, to hold billings/payment, if there is a balance remaining, until Council can receive all of the information from Administration.

Ms. Debra Brown, addressed Council stating that she had some concerns with regards to the cut-off of water bills. She also stated that she was sorry for the loss of Mr. Samuel Bush and Mr. Alton Owen, Sr. which was a great loss to the community. She further stated that prayers were also extended for the loss of Mr. Benjamin Hooks, Executive Director, NAACP and Ms. Dorothy Height, Civil Rights Leader.

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

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

Councilman Saunders move that Closed Session be entered for the purpose of discussing Virginia Code §2.2-3711(A) (1) **Personnel matter pertaining to the appointment of City Clerk and (A) (5) Discussion of a prospective business where no previous announcement has been made.** Councilman Lankford seconded the motion, which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

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

Councilman Harris moved that the meeting be returned to Regular Session. Councilwoman White seconded the motion, which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

CERTIFICATION

Councilman Saunders 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.

Councilman Lankford seconded the motion, which passed as follows:

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 Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

ADJOURNMENT

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

Samuel W. Adams, III, Mayor

Lori R. Jarratt, Interim City Clerk