



CITY OF EMPORIA

AGENDA
EMPORIA CITY COUNCIL
Regular Meeting
TUESDAY, April 3, 2012 - 7:30 P.M.

OPENING PRAYER

ROLL CALL

APPROVAL OF MINUTES

March 20, 2012 ~ Regular Meeting

APPROVAL OF AGENDA

UNFINISHED BUSINESS

12-18. Board of Equalization Nominations

NEW BUSINESS

12-26. 2012 VML Policy Committee Nominations

PUBLIC COMMENT

CLOSED SESSION

Joint closed session meeting with the Emporia Redevelopment and Housing Authority pursuant to Virginia Code § 2.2 3711 (A) (7) Legal matters requiring the advice of counsel regarding the Citizens National Bank Building and (A) (5) Discussion concerning a prospective business where no previous announcement has been made.

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
March 20, 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, March 20, 2012 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 Bishop Vincent Lowery offering the invocation.

Mayor Adams read and presented a resolution of appreciation to Charlie Pearson, Jr. He stated that Mr. Pearson did an excellent job for the City of Emporia.

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:

Samuel W. Adams, III, Mayor
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
Don Wyatt, Chief of Police
W. S. Harris, Treasurer
Sheila Cutrell, Finance Director
Royal Jones, Public Works Director

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the February 25, 2012 Retreat, and March 6, 2012 Regular Meeting, as presented, seconded by Councilwoman D. 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

APPROVAL OF BILLS

A listing of the March 20, 2012 bills was presented to City Council members.

General Fund	\$	760,917.80
Utility Fund	\$	69,346.39

Councilman Saunders moved to approve the March 20, 2012 bills as presented, 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

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

Councilwoman Temple moved to approve the agenda as presented, seconded by Councilwoman Carey, 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

UNFINISHED BUSINESS

12-18. Board of Equalization Nominations

Mayor Adams stated that this item was continued from the February 21, 2012 City Council meeting. He also stated that Judge W. Allan Sharrett requested that Council reconsider its nominations to the Board of Equalization.

Councilman Saunders moved to nominate James Avent for consideration to serve a one year term on the Board of Equalization.

Councilman Saunders moved to nominate James Avent name for submission to Greenville County Circuit Court for consideration and official approval to serve a one year term on the Board of Equalization, seconded by Councilwoman Temple, 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 D. White	aye
Councilwoman B. White	aye
Councilwoman Carolyn S. Carey	aye

NEW BUSINESS

12-23. Water Treatment Plant Upgrade Project – Request to Adopt Resolution

Mr. Thrower stated that in order to satisfy the extensive list of USDA Rural Development loan closing requirements for the Water Treatment Plant and Distribution Line upgrade project, Rural Development is requiring City Council to approve water rates sufficient to show ability to repay the loan. He also stated that these rates were included in the City's loan application. He further stated that the rates below reflect the required minimum water rates for the first full year of operation of the upgraded Water Treatment Plant.

Minimum 2,000 gallons....\$16.87
Next 48,000/1,000.....\$ 5.79
Over 50,000/1,000.....\$ 4.75

He recommended that Council approve the resolution approving the water rates for the first full year of operation of the upgraded Water Treatment Plant.

Councilman Saunders made a motion to adopt **Resolution No. 12-02** to set the rates for water and allied services supplied by the City for the first full year of operation of the water system upgrade project, seconded by Councilman Saunders, 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

12-24. FY13 Budget Discussion – Cigarette Tax

Mayor Adams stated that Lance Forsythe, Superintendent of the Southside Regional Jail, was in attendance to review the Jail FY13 budget.

Mr. Forsythe stated that the Southside Regional Jail proposed budget for FY13 is \$4, 421, 239.00 in which the proposed budget is \$204,000.00 less than FY2012. He also stated that the proposed budget includes reduction of aide to locality payment, and also revenues from the compensation board will be further decreased. He further stated that the budget contains a request for \$518,651.00 increase in per diem payment from the City of Emporia and Greensville County due to the anticipated loss of the jail bed contract with Brunswick County. He stated that the Brunswick County contract has provided about \$716,000.00 in revenues for the last three years and will be ending on June 30, 2012.

Mr. Forsythe stated that the increase item in expenditures will occur in VRS payment of \$49,000.00 and group life of \$19,000.00. He also stated that the budget will decrease in professional health service, food related equipment, electrical, and water and sewage.

Mr. Forsythe stated that the two line items that will remain unknown until announced by the compensation board are salary and jail per diem payments.

Councilman Saunders inquired as to how much of the budget will go to debt service. Mr. Forsythe stated that \$11.00 a day goes into debt service.

Councilman Saunders inquired what is the average cost per day for an inmate to be housed. Mr. Forsythe stated that the average is \$55.25 per day.

Councilman Saunders inquired what the jail authority is going to do to try to help the budget. Mr. Forsythe stated that they have tried to talk to Sussex County and Southampton County.

Councilman Saunders inquired if part of the Jail could be closed down. Mr. Forsythe stated no because the jail have three classification of inmates and they cannot be mixed.

Councilman Harris inquired how much is left in the Reserved. Mr. Forsythe stated that roughly \$600,000.00 remains in the Reserved.

Councilman Harris inquired how many more years are left on the debt service. Mr. Forsythe stated that at least 10 years are remaining.

Mr. Thrower stated that over the last year and at the Council Retreat held in February, the City faces tremendous budget challenges going into FY13 and beyond, particularly as it relates to school, jail, retirement, personnel, and other project costs. He also stated that these funding issues have been further compounded by the continued state budget cuts over the last several years. He further stated that addressing these items alone, not including school funding, is expected to cost the City an additional \$487,500. He stated that this is equivalent to an increase of 14 cents in the real estate property tax rate. He also stated that the options for addressing the budget situation include raising the real estate property tax rate, levying a cigarette tax, cutting/eliminating funding to civic organizations, and or cutting/reducing City services.

Mr. Thrower stated that in light of the situation at hand, he had attempted to reach consensus on broad parameters for addressing the budget situation in FY13 and beyond. He also 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 recommended further discussion on these budget matters. He also recommended that Council direct him to prepare an ordinance allowing the City of Emporia to levy a cigarette tax equivalent to \$.50 per pack effective July 1, 2012 and advertise for a public hearing to be held on the matter at the April 17, 2012 City Council meeting.

Councilwoman Dixon made a motion to approve the City Manager to prepare an ordinance allowing the City of Emporia to levy a cigarette tax equivalent to \$.50 per pack effective July 1, 2012 and advertise for a public hearing to be held on the matter at the April 17, 2012 City Council meeting, seconded by Councilwoman D. White, which passed as follows:

Councilman F. Woodrow Harris	nay
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

Councilman Harris stated that he would not even waste time suggesting that singling out one group of citizens for extra taxation is grossly unfair and you should all be ashamed of your acceptance of doing that. He also stated that the Center for Disease Control and Prevention states that more than half of all smokers are low income. He further stated that this is a regressive tax and low-income citizens will be impacted the most.

Councilman Harris stated that from a bigger picture perspective I would like to point out the negative impact on the grocery stores, convenience stores and drug stores in the City of Emporia that sell cigarettes. He also stated that the Americans for Prosperity economic study estimated that a 50 cent per pack cigarette tax hike would decrease sales volume by 18 percent if other sales outlets existed nearby.

Councilman Harris stated that in the City of Emporia it's rarely more than one mile to a store outside the city limits that will sell cigarettes for \$5 per carton less than the proposed tax. He also stated that we are going to lose more than just cigarette sales taxes. He further stated that we are going to lose the sales tax on items bought in stores if people go into the county to buy cheaper cigarettes to avoid the city tax. He advises that the City of Emporia is going to lose the revenue from gasoline sales and the taxes generated by that. He also advised that the same study estimated the loss in gross profits for convenience store at \$11,000 per store per year if the cigarette tax level is proposed.

Councilman Harris stated that this is not a constant source of revenue. He also stated that smokers his age who dies are not being replaced by younger smokers. He further stated that revenue from this source will decline over time. He stated that the amounts budgeted have rarely been met by any locality enacting this tax.

Councilman Harris stated that the City of Emporia has better alternatives, smarter approaches and fairer and more efficient ways to balance the city budget than this.

12-25. Recreation Advisory Commission – Term Expirations

Mr. Thrower stated that on April 1, 2012, Mr. Edward V. Lankford, himself, III, Mr. Rick Franklin, and Ms. Doris White's one (1) year term on the Recreation Advisory Commission will expire. He also stated that all have indicated that they do wish to be consider for reappointment.

Councilman Saunders made a motion to appoint all of the above individuals to serve a one year term, expiring on April 1, 2013, seconded by Councilwoman Temple, 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

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

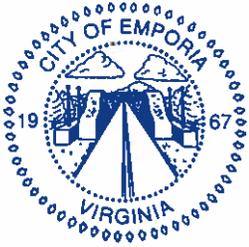
With there being no comments to come before City Council, Mayor Adams closed the public comment portion of the meeting.

ADJOURNMENT

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

Samuel W. Adams, III, Mayor

Tessie S. Wilkins, City Clerk



CITY OF EMPORIA

Memorandum

February 17, 2012

TO: The Honorable Mayor and City Council
FROM: Brian S. Thrower, City Manager *BST*
SUBJECT: Board of Equalization Nominations
ITEM #: 12-18

Judge W. Allan Sharrett has requested Council reconsider its nominations to the Board of Equalization, per his attached letter.

This request is for your consideration.

Attachment

Letter from Judge W. Allan Sharrett

SIXTH JUDICIAL CIRCUIT



W. ALLAN SHARRETT, JUDGE
GREENSVILLE COUNTY COURTHOUSE
P.O. BOX 631
EMPORIA, VIRGINIA 23847
(434) 348-4222 PHONE
(434) 348-2613 FAX

COMMONWEALTH OF VIRGINIA

CIRCUIT COURT OF CITY OF HOPEWELL
CIRCUIT COURT OF BRUNSWICK COUNTY
CIRCUIT COURT OF GREENSVILLE COUNTY/CITY OF EMPORIA
CIRCUIT COURT OF PRINCE GEORGE COUNTY
CIRCUIT COURT OF SURRY COUNTY
CIRCUIT COURT OF SUSSEX COUNTY

January 30, 2012

Tessie S. Wilkins, City Clerk
City of Emporia
Post Office Box 511
Emporia, VA 23847

Re: Board of Equalization

Dear Ms. Wilkins:

This will acknowledge receipt of and thank you for your letter of January 4, 2012, regarding appointments to the Emporia Board of Equalization.

Prior to acting upon City Council's recommendations, the Court wants to be certain that the appointments conform to the requirements of Virginia Code Section 58.1-3374. Accordingly, please certify that those nominated are 1) residents of the city, and 2) freeholders (or that at least two of them are); that at least one is a real estate professional (I believe Ms. Brockwell is); and that the appointments are "broadly representative of the community."

Should you have any questions, please do not hesitate to contact my office.

Yours truly,

A handwritten signature in black ink, appearing to read "W. Allan Sharrett".

W. Allan Sharrett

WAS/dcd



CITY OF EMPORIA

Memorandum

March 30, 2012

TO: Honorable Mayor and City Council Members
FROM: Brian S. Thrower, City Manager
SUBJECT: 2012 VML Policy Committee Nominations
ITEM: 12-26

Virginia Municipal League (VML) is currently accepting nominations for appointments to its 2012 policy committees. The nominations must be returned to VML no later than April 23, 2012. Policy committee meetings are tentatively scheduled to meet at the Greater Richmond Convention Center in July (date to be announced).

Currently, the following individuals serve on VML's policy committees as indicated:

Community & Economic Development

Environmental Quality

Councilwoman Doris T. White

Finance

Brian S. Thrower, City Manager

General Laws

Councilwoman Deborah D. Dixon

Human Development & Education

Councilwoman Carolyn S. Carey and L. Dale Temple

Transportation

Recommendation

The nominations are for your consideration.

Attachment(s)

Letter from R. Michael Amyx with attachments

BST/tsw



OFFICERS

PRESIDENT

ROSEMARY WILSON

VIRGINIA BEACH COUNCIL MEMBER

PRESIDENT-ELECT

EDWIN C. DALEY

HOPEWELL CITY MANAGER

VICE PRESIDENT

DAVID P. HELMS

MARION MAYOR

IMMEDIATE PAST PRESIDENT

JAMES P. COUNCILL III

FRANKLIN MAYOR

EXECUTIVE DIRECTOR

R. MICHAEL AMYX

MAGAZINE

VIRGINIA TOWN & CITY

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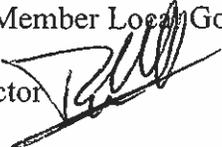
FAX 804/343-3758

e-mail@vml.org

www.vml.org

March 20, 2012

To: Key Officials of Full Member Local Governments
Council and Board Clerks of Full Member Local Governments

From: R. Michael Amyx, Executive Director 

Subject: 2012 VML Policy Committee Nominations

The Virginia Municipal League is now accepting nominations for its 2012 policy committees. A description of the policy committee process is attached, along with a nomination form. **Please complete the enclosed form and return it to VML by April 16. If your community has an election in May, please return this form by the requested date even if you must revise it later.**

Please observe the following guidelines when making your policy nominations:

- Only full-member local governments may participate.
- You may nominate two individuals to a committee; if two are nominated, at least one nominee must be a governing body member.
- **Only members of a council or board of supervisors and appointed officials (i.e., employees of the local government) are eligible to serve.**
- **No individual may serve on more than one committee.**
- The chief administrative officer or mayor/board chairman must sign the nomination form.
- **Please return nomination forms by April 16.**

We will forward information about policy committee meeting times and rooms as soon as they are confirmed. Policy committee recommendations that emerge from the July meeting will be forwarded to the Legislative Committee for consideration at its September meeting.

Please call Janet Areson at 804/523-8522 if you have any questions about the appointment process.

VML 2012 Policy Committee Nominations

Please return this form by **April 16** to Joni Terry at VML, P.O. Box 12164, Richmond, VA 23241; Fax 804/343-3758; email: jterry@vml.org

Community & Economic Development

Name & Title: _____

Name & Title: _____

Environmental Quality

Name & Title: _____

Name & Title: _____

Finance

Name & Title: _____

Name & Title: _____

General Laws

Name & Title: _____

Name & Title: _____

Human Development & Education

Name & Title: _____

Name & Title: _____

Transportation

Name & Title: _____

Name & Title: _____

Signed: _____ Locality: _____
(Mayor/Chair, or Manager/Administrator)

Understanding VML's Legislative and Policy Committee Process

Each year the Virginia Municipal League develops two separate documents -- a legislative program and a compilation of policy statements -- through a process that involves the Legislative Committee and six separate policy committees. The Legislative Committee is responsible for developing the legislative program, but it may also rely on input from the policy committees to do so. The policy committees develop broad policy statements, in addition to submitting specific legislative recommendations for consideration by the Legislative Committee.

Legislative Committee

What is the role of the Legislative Committee?

The Legislative Committee is responsible for considering and reporting on existing or proposed state and federal legislation or regulations, and urging the enactment or amendment of, or opposition to, such legislation or regulations.

How is the Legislative Committee appointed?

VML's Constitution spells out the composition of the Legislative Committee. The committee consists of 24 people holding elective or appointed positions, all appointed by VML's President. Of the 24 members, 12 must be representatives of cities and urban counties with populations in excess of 35,000, 6 must be representatives of cities and urban counties with populations of 35,000 or less, and 6 must represent towns.

What is included in VML's Legislative Program?

The legislative program adopted by the Legislative Committee reflects specific legislative objectives that VML hopes to achieve during the upcoming legislative session. It is subject to the approval of VML's membership at the annual conference.

What is the relationship between the legislative committee and VML's policy committees?

The Legislative Committee meets prior to the steering and policy committees to identify issues that it would like the committees to consider for potential inclusion in the league's legislative program. It meets again after the policy committees have met to consider their recommendations.

Policy Committees

What is the role of the policy committees?

Policy committees receive briefings on statewide issues identified by the steering committee, consider possible changes to the policy statement, and develop legislative recommendations for the Legislative Committee to consider.

How are policy committees appointed?

Policy committee membership consists of elected and appointed officials of full-member local governments. Nomination letters are sent in the spring to each locality, and each local government determines which of its officials will be nominated for each of the six policy committees. Each local government may nominate up to two people per policy committee, at least one of whom must be an elected official.

What are the benefits of serving on a policy committee?

VML policy committees offer members an opportunity to learn about current and emerging statewide issues that affect local governments, to develop through policy statements the broad philosophical framework that guides the league, and to network with local officials with similar policy interests.

How many policy committees are there?

There are six policy committees: community and economic development, environmental quality, finance, general laws, human development and education, and transportation.

What issues does each policy committee cover?

- **Community & Economic Development:** Authority, administration, and funding of local governments to manage a full range of community and economic development issues, including business development and retention, international competitiveness, infrastructure development and investment, planning, land use and zoning, blight, enterprise zones, housing, workforce development and historic preservation.
- **Environmental Quality:** Natural resources and the authority of local governments to manage the environment, including water resources and quality, solid and hazardous waste management, air quality and the Chesapeake Bay.
- **Finance:** Powers, organization and administration of local government financing, including taxing authority, debt financing, state aid to local governments and federal policies affecting local finance issues.
- **General Laws:** Powers, duties, responsibilities, organization and administration of local governments, including state-local and interlocal relations, conflicts-of-interest, freedom-of-information, information management and personnel, telecommunications, utilities and law enforcement, jails and courts issues.
- **Human Development and Education:** Management and funding of social services, education, health, mental health, juvenile justice, recreation, rehabilitation and programs for the aging.
- **Transportation:** Development, maintenance and funding of a comprehensive land, sea and air transportation system for the Commonwealth, and federal, state and local roles in the provision and regulation of transportation.

What is a policy statement?

Each policy committee develops a policy statement that covers issues in its respective area. The policy statement expresses the agreement of VML's membership on matters of interest to local governments. The statement addresses broad, long-term, philosophical positions, as opposed to positions that address immediate, short-term issues. The VML membership approves the policy statements at its annual meeting.

How do policy statements differ from VML's legislative program?

Policy statements are general in nature. They reflect local governments' positions on a range of issues. The Legislative Program is more specific and immediate. It is limited to legislative positions that VML expects to lobby on during the upcoming legislative session.