

**MINUTES**  
**EMPORIA CITY COUNCIL**  
**CITY OF EMPORIA MUNICIPAL BUILDING**  
**August 21, 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, August 21, 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.

**ROLL CALL**

The following City Council members were present:

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

Others present:

Samuel W. Adams, III, Mayor  
Brian S. Thrower, City Manager  
C. Butler Barrett, City Attorney  
Steve B. Hall, Assistant City Manager  
Tessie S. Wilkins, City Clerk  
Joyce E. Prince, Commissioner of the Revenue  
Don Wyatt, Chief of Police  
Royal Jones, Public Works Director  
W. S. Harris, Jr., Treasurer

Absent:

Councilwoman Deborah D. Dixon

**MINUTES APPROVAL**

Councilwoman Temple moved to approve the minutes from the Tuesday, August 21, 2012 Regular City Council meeting minutes as presented, seconded by Councilwoman Doris White, which passed as follows:

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

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

## **APPROVAL OF BILLS**

A listing of the August 21, 2012 bills was presented to City Council members.

General Fund	\$	1,866,434.97
Utility Fund	\$	215,592.39

Councilman Saunders moved to approve the August 21, 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 Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

## **FINANCIAL AND TAX REPORTS**

Honorable W. S. Harris, Jr., City Treasurer provided his report of City Council members. There were no questions regarding his 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 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.

Mayor Adams presented Richard Walker and Richard Hicks with a resolution honoring their retirement from the City of Emporia.

## **AGENDA APPROVAL**

Mayor Adams reported the additions of **Item 12-68 – Request by Council Member Carey – CYC Pool Funding Request** and **Item 12-69 – Request for Special Council Meeting.**

Councilwoman Temple moved to approve the amended 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 Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

## **NEW BUSINESS**

### ***12-64. District 19 Community Services Board FY13 Performance Contract – Request to Approve***

Mr. Thrower reported that the District 19 Community Services Board FY13 Performance Contract needed to be approved per State code requirements on or before September 15, 2012.

He recommended that Council approve the FY13 Performance Contract.

Councilwoman Temple made a motion to approve the District 19 Community Services FY13 Performance Contract, seconded by Councilwoman Carey, which passed as follows:

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

### ***12-65. Donated Funds – Appropriation***

Mr. Thrower reported that the City's Police Department have received a donation in the amount of \$100 from a local business. He stated that the Police Department will use those funds to assist with the purchase of a canine. He also stated that in order for the Police Department to utilize those funds for that purpose, Council must appropriate the funds in the FY13 operating budget.

He recommended that Council adopt the ordinance.

Councilwoman Carey made a motion to adopt **Ordinance No. 12-22** to appropriate the sum of \$100.00 in Donated Funds, seconded by Councilman Saunders which passed as follows:

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

***12-66. Conditional Use Permit Review – 311 Florida Avenue – Roadhouse Lounge***

Mr. Hall reported that he was informed by Chief Don Wyatt, on August 14, 2012, that the Roadhouse Lounge had closed its doors. He stated that over the past year there have been two documented incidents requiring the City police presence. He also stated that on August 16, 2012, Mr. Marvin Goode confirmed the Roadhouse closure. He further stated that due to a disagreement in terms of contract with Rodeway Inn, the two entities have severed all ties. He reported that he spoke to Mr. Goode in-person and he extended his gratitude to the City Administration and Council for affording him the opportunity to pursue his business venture.

He recommended that Council discontinue the conditional use permit authorized to Mr. Marvin Goode for 311 Florida Avenue.

Councilman Harris made a motion to discontinue the conditional use permit authorized to Mr. Marvin Goode for 311 Florida Avenue, seconded by Councilman Saunders, which passed as follows:

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

***12-67. Conditional Use Permit Review – 608 Brunswick Avenue***

Mr. Hall reported that at the March 15, 2011 Regular meeting, Ms. Jacqueline Alamawi was granted a conditional use permit to operate a “Licensed Family Day Home” at 608 Brunswick Avenue, identified as tax map number 160-3-BK C-2.

Mr. Hall reported that to date the following review meetings have been held:

- September 20, 2011 – Six month review, permit continued for 90 days
- December 20, 2011 – 90-day review, permit continued for 30 days
- January 17, 2011 – 30-day review, permit continued for 30 days
- February 21, 2012 – 30-day review, permit continued for six months.

Mr. Hall stated that in a conversation held with Ms. Alamawi on May 7, she indicated she was no longer pursuing the Licensed Family Day Home at this address; rather she was turning her focus to a single family residence. He reported that per the Zoning Code, this is a by-right

use permitted in the R-1 Residential District. He also reported that Mr. Randy Pearce had received drawings for modifications to the structure for a single family use. He further reported that he is in coordination with the original prime contractor, but had not yet received a permit application or the required sub-contractor information. He stated that the Community Development and Planning Department will have direct oversight and permitting of this new use.

Mr. Hall stated that Robert O'Hara, of 604 Brunswick Avenue, visited the City office today to seek an update on the status of the project. He also stated that Mr. O'Hara's main goal was to have it become compliant with the R-1 Residential District.

He recommended that Council discontinue the conditional use permit issued to Ms. Jacqueline Alamawi for a Licensed Family Day Home at 608 Brunswick Avenue.

Councilman Harris made a motion to discontinue the conditional use permit issued to Ms. Jacqueline Alamawi for a Licensed Family Day Home at 608 Brunswick Avenue, which passed as follows:

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

***12-68. Request by Council Member Carey – CYC Pool Funding Request***

Mr. Thrower reported that Councilwoman Carey had requested that City Council approve funding in the amount of \$1,000.00 to be used by the newly formed CYC, Ltd. towards operating the new pool that was recently opened. He also reported that last month the Emporia Redevelopment and Housing Authority approved funding to the CYC of \$1,500.00 to go towards the pool cost.

Mr. Thrower reported that he does applaud the CYC's efforts in reorganizing itself and bringing great improvements to its property on Halifax Street for the benefit of the children and residents of our area, it is his opinion that granting this type of discretionary direct allocation to a civic group outside of the normal budgeting cycle serves to compromise the integrity of the budget development and adoption process, especially in terms of organizations that have no direct impact on or tie to City operations or functions. He also reported that granting this request may lead to other civic organizations that have not been funded at all or wish for increased funding to come directly to Council after the annual budget has been adopted.

Mr. Thrower stated that when developing the City's annual budget, staff and Council have to make tough choices regarding revenue and expenditure requests. He also stated that many of these requests and needs go unfunded each year in order to achieve a balanced budget. He further stated that granting this request would be putting the needs of a civic organization above departmental needs that are directly tied to City operations and functions.

He recommended that Council do not approve this funding request.

Councilwoman Carey moved to approve the request to fund the CYC, Ltd. \$1,000.00 to be used towards the new pool operating cost as requested, seconded by Councilman Saunders, which passed as follows:

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

Councilman Harris inquired if this existed when Council was going through the FY13 Budget process and if the County will be asked for funding as well. Ms. Marva Dunn stated that yes the project was started before the Budget process and that the County will be asked for funds also.

### ***12-69. Request for Special Council Meeting***

Mr. Thrower stated that the City of Emporia and Greensville County are in the process of preparing a joint Enterprise Zone application. He also stated that he would like to brief Council on the elements of the programs and application prior to the September 4, 2012 meeting when Council will be asked to adopt a resolution authorizing submittal of the application.

He recommended that Council authorize holding a meeting on Monday, August 27, 2012, at 6:30 p.m. in the Municipal Building.

Councilwoman Temple made a motion to authorize holding a meeting on Monday, August 27, 2012, at 6:30 p.m. in the Municipal Building, seconded by Councilman Saunders, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman 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.

*Marva Dunn, 272 Astrio Street*, addressed Council by thanking them for approving the request for the CYC, Ltd.

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

**\*\*\*CLOSED SESSION\*\*\***

Councilman Harris moved that Closed Session be entered for the purpose of discussing Virginia Code Sections § 2.2 3711 (A) (7) **Legal matter pertaining to the proposed I-95 Tolls** seconded by Councilwoman Temple, which passed as follows:

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

**\*\*\*Regular Session\*\*\***

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

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

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**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.

Councilwoman Temple seconded the motion, which passed as follows:

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

Councilman Harris made the motion to approve funding for legal services up to \$7,500.00 to use towards challenging the I-95 Toll proposal, Councilman Saunders seconded the motion, which passed as follows:

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

## **ADJOURNMENT**

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

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Samuel W. Adams, III, Mayor

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Tessie S. Wilkins, City Clerk