

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
December 20, 2011**

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.

Mayor Adams stated that the Improvement Associations Head Start program was in attendance to perform Christmas songs for City Council as a thank you for all Council do for Improvement Association.

Emporia City Council held a regular meeting on Tuesday, December 20, 2011, 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 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
Ken Ryals, Emergency Service Coordinator
W. S. Harris, Jr., Treasurer

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, December 6, 2011, City Council meeting minutes 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 Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

APPROVAL OF BILLS

A listing of the December 20, 2011 bills was presented to City Council members.

General Fund	\$	1,021,350.18
Utility Fund	\$	69,450.67

Councilman Saunders moved to approve the December 20, 2011 bills 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 Carolyn S. Carey	aye
Councilwoman Dale Temple	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

Mayor Adams reported the addition of **Item 11-06 ~ Purchase of E911 Based Radio Console System – Request to Use Competitive Negotiation, Item 11-07 ~ Board of Equalization – Request for Alternate Appointment, and Closed Session – Virginia Code § 2.2 3711 (A) (7) Legal matter requiring the advice of Counsel regarding specific zoning violations.**

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

NEW BUSINESS

11-105. Conditional Use Permit Review – 608 Brunswick Avenue

Mr. Hall stated that at Council March 15, 2011 Regular Meeting, Ms. Jacqueline Alamawi was granted a conditional use permit (CUP) to operate a “Licensed Family Day Home” at 608 Brunswick Avenue, also identified as tax map number 16-3-BK C-2. He also stated that City Code section 90-1 states “*Licensed family day home* means a child day care program offered in the residence of the provider or the home of any of the children in care of six through 12 children under the age of 13, exclusive of the provider’s own children and any children who reside in the home, when at least one child receives care for compensation.”

Mr. Hall stated that the Planning Commission reviewed this item at its March 8, 2011 Regular Meeting. He also stated that Mr. Robert O’Hara spoke in opposition to the proposal due to the existing condition of the structure and concern for the amount of repairs necessary. He further stated that Mr. O’Hara did however state that he would not be opposed to a single-family residence with a licensed family day home if renovated to be code compliant. He stated that Ms. Jacqueline Alamawi (applicant) spoke in favor of the proposal.

Mr. Hall reported that the Planning Commission voted 4-3 to recommend approval of the request including the following conditions:

- ❖ A progress review by City Council at six and 18 months, and
- ❖ Full compliance with the Building Code and securing all necessary permits prior to opening, and

- ❖ Full compliance with Department of Social Service and state requirements for a day care with six through 12 children.

Mr. Hall stated that at Council Regular Meeting on March 15, the permit was granted with the aforementioned conditions by a vote of 6-0. He also stated that at Council Regular Meeting on September 20, 2011 a progress review was held and Council voted to continue the permit for another 90 days.

Mr. Hall reported that since the meeting on September 20, 2011 some minimal progress has occurred. He also reported that as directed, Ms. Alamawi addressed the safety hazard and boarded all windows. He further reported that Ms. Alamawi had also cleaned up the site, had survey work completed and coordinated with Mr. Chris Gund regarding creating new plans for the improvements. He stated that Randy Pearce indicated Mr. Gund had completed her plans as of October 3 to be code compliant for a daycare/residential use, but to his knowledge a new contractor had not been hired to carry out the work.

Mr. Hall stated that Mr. Robert O'Hara visited the City office on November 28 to seek an update on the status of the project and voice his dissatisfaction with the lack of activity occurring on the site.

Mr. Hall stated that per correspondence received from Mr. Chris Everett, Vice President/Regional Manager of the Bank of Southside Virginia on December 9, delays in obtaining materials necessary for processing of Ms. Alamawi's construction loan have been the reason for the halt in activity. He also stated that the letter did not confirm that this additional information was received, but had been requested.

Mr. Hall stated that he personally met with Ms. Alamawi on December 13 to discuss the project. He also stated that she reiterated her dedication and commitment to completing the work. He further stated that she understood the issues at hand but needed additional time under the permit to see the work through.

Mr. Hall stated that should the permit be revoked, the home will remain in disrepair and continue to deteriorate and present a safety hazard to the public. He also stated that it will remain an eyesore.

He recommended that Council continue the Conditional Use Permit for an additional three months, with a review occurring at Council March 20, 2012 Regular Meeting or as soon as a decision is rendered by the Bank of Southside Virginia regarding the loan application.

Robert O'Hara, 604 Brunswick Avenue, addressed Council about his concerns with the lack of activity occurring on the site.

Jackie Alamawi, 932 West Atlantic Street, addressed Council stating that there is lack of activity because she is in the process of hiring new contractors for the project and she is also waiting for the loan application to be approved by the Bank of Southside Virginia.

Ms. Alamawi stated that some work had been done to the property such as the survey, clearing off the lot, and new plan.

Councilman Saunders inquired if the Bank of Southside Virginia had received Ms. Alamawi tax financial. Ms. Alamawi stated yes that the Bank of Southside Virginia had received the tax financial.

Mayor Adams inquired about the initial date of the loan. Ms. Alamawi reported that September 20, 2011 was the initial date of the loan.

Mayor Adams stated that it has been 90 days and we still don't know where the project is going. Mayor Adams also stated that nothing seems to get done unit the last minute before the meeting.

Councilman Saunders made a motion to continue the Conditional Use Permit with a review occurring in 30 days by City Administration, or if a decision is rendered by the Bank of Southside Virginia regarding the loan application before the 30 days, 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 Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

11-106. Purchase of E911 Computer Based Radio Console System – Request to Use Competitive Negotiation

Mr. Thrower stated that the City of Emporia was previously awarded a grant through the United States Department of Homeland Security in the amount of \$282,300.00 to be used towards complying with federally mandated interoperability guidelines that go into effect in 2013. He also stated that the first portion of grant funding had been used to purchase radios and other similar equipment. He further stated that the City staff plans to use the remainder of the funds to purchase an E911 Computer Based Radio Console System that will ensure compliance with interoperability requirements. He stated that a request for proposals (RFP) will be issued seeking proposals for the design, installation, service, and maintenance of this system.

Mr. Thrower stated that per City and State Code, City staff is requesting Council's approval to use "competitive negotiation" to purchase the previously referenced system rather than use the "competitive sealed bidding" process due to the fact that competitive sealed bidding is neither practical nor fiscally advantageous to the public. He also stated procurement is of a technical nature and the solution is best left to the vendors to propose, rather than limit the available options. He further stated that the cost is not the primary consideration in awarding this contract.

He recommended that Council authorize use of a competitive negotiation process to purchase the E911 Computer Based Radio Console System based on the reasoning previously specified.

Councilwoman Temple made a motion to authorize the use of a competitive negotiation process to purchase the E911 Computer Based Radio Console System base on the reasoning previously specified, 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 Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

11-107. Board of Equalization – Request for Alternate Appointment

Mayor Adams stated that Joyce Prince, Commissioner of the Revenue, is requesting Council to recommend the appointment of an alternate to the Board of Equalization. He also stated that any recommendation made by City Council must be sent to the Circuit Court for approval.

Mayor Adams stated that this item was to be continued at the January 3, 2012 City Council Regular meeting.

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.

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

Councilwoman Temple moved that Closed Session be entered for the purpose of discussing Virginia Code § 2.2 3711 (A) (7) **Legal matter requiring the advice of Counsel regarding specific zoning violations.** Councilwoman Dixon seconded the motion, which passed as follows:

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

Councilman Harris stated that the City of Emporia appreciates and commends Hannah Barrett and Harvey Clement for the work they have done on Halifax Street to renovate several buildings on that street and spur further economic growth in the area.

Councilman Harris made the motion to waive all present and future applicable zoning and building permit fees, per meeting Real Estate Rehabilitation Program guidelines, associated with improvements made to and use of properties owned by Ms. Barrett and/or Mr. Clement in the 300 block of Halifax Street. However, he further stated that all applicable zoning and building permits for improvements to and use of properties owned by Ms. Barrett and/or Mr. Clement must first be applied for and issued by the City of Emporia. He further directed City Administration to examine options to amend the Zoning Code to allow for limited residential use on 1st floor properties in the Downtown District. Option and recommendations should be brought back to Council for review.

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 Carolyn S. Carey	aye

Councilwoman Deborah D. Dixon	aye
Councilwoman L. Dale Temple	aye
Councilwoman Beverly White	aye

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