

PUBLIC HEARING

1. Through Truck Traffic – Consideration of Amendment to City Code Section 74-13

Emporia's City Council held a Public Hearing on Tuesday, February 18, 2014, at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Mary L. Person presided over the session.

The following City Council members were present:

Councilman F. Woodrow Harris
Councilman James E. Ewing, III
Councilwoman Deborah D. Lynch
Councilwoman Doris T. White
Councilwoman L. Dale Temple
Councilwoman Carol Mercer

Others present:

Mary L. Person, Mayor
Brian S. Thrower, City Manager
C. Butler Barrett, City Attorney
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Don Wyatt, Chief of Police
Ken Ryals, Emergency Service Coordinator

Absent:

Councilwoman Carolyn S. Carey

1. Through Truck Traffic – Consideration of Amendment to City Code Section 74-13

Mr. Thrower stated that on April 6, 2005, City Council adopted an ordinance prohibiting truck traffic within the City limits. He also stated that exceptions were granted allowing trucks to travel through the City on I-95 and US 58 for the purpose of receiving loads or making deliveries. He further stated that an ordinance was unanimously recommended by the Planning Commission.

Mr. Thrower reported that the purpose and intent of the ordinance was stated as follows: "To restrict commercial vehicles from traveling or passing through the City on certain streets as designated by ordinance of the Council in order to reduce or prevent congestion, hazardous traffic conditions, and protect both public and private property within the boundaries of the City. Operators of commercial vehicles shall be restricted to the exclusive use of streets adopted by ordinance of Council in traveling or passing through the City, except for the purpose of receiving loads or making deliveries."

Mr. Thrower stated that in researching this issue, it appeared Overload Permits issued through the Virginia Department of Motor Vehicles (DMV) are no longer valid on roads within the Federal Highway System, i.e. I-95. He also stated that trucks traveling on I-95 must meet certain weight limits in order to avoid receiving a Virginia Overweight Citation from the State Police. He further stated that the amount of the citation issued through the State Police varies based on the weight of the truck.

Mr. Thrower stated that in order to avoid receiving the Virginia Overweight Citation, some trucks were now attempting to use Route 301, which runs directly through the City. He also stated that the amount of the citation issued by Emporia Police is \$176.00 for traveling through the City without making delivery or receiving a load is generally less than the Virginia Overweight citation issued by State Police.

Mr. Thrower reported that Council member Harris initially requested that this issue be included on the December 3, 2013 Council Meeting agenda for discussion. He also reported that at the December 17, 2013 Council Meeting, Council directed administration to explore options regarding this issue. He further reported that at the January 21, 2014 meeting Council, approved moving forward with a public hearing to consider amending the existing ordinance. He advised that Council member Harris made the motion to add item (D) to the ordinance exempting loaded log or chip trucks traveling on Main Street in the City through December 31, 2015. He also advised the motion was seconded by Council Member Carey and approved 6 to 0.

Mr. Thrower stated that after discussing the issue with the Police Chief, Emergency Services Coordinator, and Public Works Director, he recommends maintaining the existing ordinance for several reasons, including:

1. Maintaining the existing City Code prohibiting through truck traffic serves to reduce unnecessary traffic congestion and damage to City Streets. Allowing additional truck traffic will increase the potential for traffic accidents and need for additional street maintenance funding. Moreover, emergency vehicle response may also be hampered due to increased traffic congestion caused by traction trailers.
2. Trucks are already allowed to utilize I-95 and US 58 within the prescribed weight limits. The trucking companies requesting this allowance are seeking to maximize profit by carrying extra weight at the expense of the City, i.e. traffic congestion and street damage.
3. There is very little economic gain to the City in allowing through truck traffic given the fact that the trucks are not directly engaged in commerce with other businesses and industries, i.e. picking up and delivering loads.
4. Exempting one type of truck load (wood) but not other types of loads from the ordinance may be perceived as inequitable.

Mr. Thrower stated that if Council, agreed with the recommendation of maintaining the existing ordinance, no action is needed. He also stated that if Council wishes to allow loaded log or chip trucks to travel through the City on Main Street through December 31, 2015, Council, will need to adopt an ordinance.

Mr. Bernard Rose, 122 River Road, addressed Council stating that the through truck traffic ordinance was a great concern to him because it affected the logging business.

Mayor Person asked if there was anyone present who wished to speak regarding this matter.

With there being no more comments to come before City Council, Mayor Person declared the public hearing closed.

Mary L. Person, Mayor

Tessie S. Wilkins, City Clerk

MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
February 18, 2014

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, January 21, 2014 at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Mary L. Person presided over the meeting with Deacon Cornell Hines offering the invocation.

ROLL CALL

The following City Council members were present:

Councilman F. Woodrow Harris
Councilman James E. Ewing, III
Councilwoman Deborah D. Lynch
Councilwoman Doris T. White
Councilwoman L. Dale Temple
Councilwoman Carol Mercer

Others present:

Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Don Wyatt, Chief of Police
Ken Ryals, Emergency Service Coordinator

Absent:

Councilwoman Carolyn S. Carey

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, February 4, 2014, City Council Regular meeting minutes as presented, seconded by Councilwoman White, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

APPROVAL OF BILLS

A listing of the February 18, 2014 bills was presented to City Council members.

General Fund	\$	1,076,386.15
Utility Fund	\$	107,831.12

Councilwoman Temple moved to approve the February 18, 2014 bills as presented, seconded by Councilwoman Mercer, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman L. Dale Temple	aye

FINANCIAL AND TAX REPORTS

Honorable W. S. Harris, Jr., City Treasurer provided his report to 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.

AGENDA APPROVAL

Mayor Person reported the deletion of Closed Session pursuant to Virginia Code § 2.2 3711 (A) (7) Legal matter requiring the advice of counsel pertaining to Social Services Funding.

Councilwoman Temple moved to approve the amended agenda as presented, seconded by Councilwoman Lynch, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

UNFINISHED BUSINESS

14-07. Industrial Development Authority – Request for Appointments

Mr. Thrower reported that J. Reid Wrenn submitted his letter of resignation from the Industrial Development Authority Board effective January 31, 2014. He stated that the unexpired four-year term on the Industrial Development Authority Board has an expiration date of February 28, 2015.

Mr. Thrower reported that Roland E. Weaver submitted his letter of resignation from the Industrial Development Authority Board effective December 12, 2013. He stated that the unexpired four-year term on the IDA Board has an expiration date of February 28, 2016.

Mr. Thrower stated that City Council would need to make a nomination(s) to fill the vacant seats.

Councilman Ewing nominated David Webb to serve on the Industrial Development Authority Board.

Councilman Ewing made a motion to appoint David Webb to serve the unexpired term on the Industrial Development Authority Board with an expiration date of February 28, 2015, seconded by Councilwoman White, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye

Councilwoman Carol Mercer aye
Councilwoman L. Dale Temple aye

Mayor Person stated that this item be carried over until the March 4, 2014, Council meeting to nominate one person to Roland Weavers seat.

NEW BUSINESS

14-09. Through Truck Traffic – Consideration of Amendment to City Code Section 74-13

Mr. Thrower stated that a public hearing was held concerning this item, and it should be deferred because other industries were requesting for their trucks to use the City Street until more information is gathered.

Councilman Harris stated that the inequity that the City was trying to address here arose from Congressional action, and it should be addressed by the end of December 2015. He also stated that this was not a situation where the City is making this a long-term change to the ordinance. He further stated that there is a huge benefit to Southside, Virginia and Northeastern, North Carolina from the economics of logging.

Councilman Harris made a motion to add item (D) to the ordinance exempting loaded log or chip trucks to travel on Main Street in the City of Emporia through December 31, 2015. The motion died for lack of a second.

14-10. Board of Zoning Appeals Expirations – Cora Hines/Marva Dunn

Mr. Thrower reported that the five-year terms of Cora Hines and Marva Dunn on the City's Board of Zoning Appeals will expire on February 28, 2014. He also reported that both individuals indicated that they do wish to be considered for reappointment. He further reported that all nominations for the City's Board of Zoning Appeals must be provided to Greensville County Circuit Court for consideration and official appointment.

Councilman Harris made a motion to submit Cora Hines and Marva Dunn name to Greensville County Circuit Court for consideration and reappointment for the Board of Zoning Appeals, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris aye
Councilman James E. Ewing aye
Councilwoman Deborah D. Lynch aye
Councilwoman Doris T. White aye
Councilwoman Carol Mercer aye
Councilwoman L. Dale Temple aye

14-11. Citizens Advisory Board – Term Expirations

Mr. Thrower stated that the following individuals are currently serving two-year terms on the City's Citizens Advisory Board that will expire on February 28, 2014: Lloyd Ligon Jr., James

Williams, John Kinsey, Joel Claiborne Jr., Jason Slage, Cecelia Allen, and Gale Wyche. He also stated that all had indicated that they do wish to be considered for reappointment.

Councilwoman Temple made a motion to reappoint Lloyd Ligon Jr., James Williams, John Kinsey, Joel Claiborne Jr., Jason Slage, Cecelia Allen, and Gale Wyche to serve a two-year term on the City's Citizens Advisory Board, seconded by Councilwoman White, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

PUBLIC COMMENT

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

Mr. Jim Saunders, 3641 Sand Piper Road, addressed Council with concerns of why the City voted against the request from MAMaC RIFA that each locality approve an extra \$7,000.00 in the current fiscal year to pay for the services of Troutman Sanders Strategies through June 30, 2014.

Mr. Alton Owens, 322 Oak Hill Drive, addressed Council stating that he was disappointed because the item *Through Truck Traffic – Consideration of Amendment to City Code Section 74-13* was not seconded so it could at least be discussed.

Mr. Ken Ryals, Emergency Service Coordinator, addressed Council stating that he was in favor of Council decision for item *Through Truck Traffic – Consideration of Amendment to City Code Section 74-13*.

With there being no further comments to come before City Council, Mayor Person 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 Sections § 2.2 3711 (A) (5) **Discussion concerning a prospective business or industry where no previous announcement has been made and (A) (7) Legal matter requiring the advice of counsel pertaining to Jail Funding**, seconded by Councilwoman Mercer, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

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

Councilwoman White 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 E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

CERTIFICATION

Councilwoman White moved to certify the following:

1. only public business matters are 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 E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

ADJOURNMENT

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

Mary L. Person, Mayor

Tessie S. Wilkins, City Clerk

