

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
January 5, 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, January 5, 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 with Carolyn C. Carey, Council Member offering the invocation.

ROLL CALL

The following City Council members were present:

Councilman John R. White
Councilman F. Woodrow Harris
Councilman James C. Saunders ~ *arrived at 7:49 p.m.*
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
Steve B. Hall, Assistant City Manager
Lori R. Jarratt, Interim City Clerk
Todd C. Anderson, Captain
Royal Jones, Public Works Director

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, December 15, 2009 regular meeting, as presented, seconded by Councilman Lankford, which passed as follows:

| | |
|-----------------------------------|-----|
| Councilman John R. White | aye |
| Councilman F. Woodrow Harris | aye |
| Councilwoman Doris T. White | aye |
| Councilwoman Carolyn S. Carey | aye |
| Councilman Edward V. Lankford, IV | aye |
| Councilwoman L. Dale Temple | aye |

AGENDA APPROVAL

Mayor Adams reported that Councilman White requested that the *Emporia-Greenville Sesquicentennial Civil War Committee – Request by the Sons of Confederate Veteran Monument* be re-added to the agenda which would be Item **10-7**.

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

| | |
|-----------------------------------|-----|
| Councilman John R. White | aye |
| Councilman F. Woodrow Harris | aye |
| Councilwoman Doris T. White | aye |
| Councilwoman Carolyn S. Carey | aye |
| Councilman Edward V. Lankford, IV | aye |
| Councilwoman L. Dale Temple | aye |

UNFINISHED BUSINESS

09-149. Crater Disability Services Board – Term Expiration

Mr. Thrower advised that administration had received correspondence that the Crater Disability Board had disbanded as of July 1, 2009 and there was no need to refill the vacancy on this board.

NEW BUSINESS

10-1. Personnel Manual Updates – Amendments to Chapter IX, Holidays and Leaves

Mr. Thrower advised that as directed by City Council, Chapter IX of the City's Personnel manual had been updated. He also advised that the amendments reflect revisions and/or inclusions pertaining to sick leave, FMLA leave, annual leave, military leave with and without pay, personal leave, educational leave, administrative leave with and without pay, civil leave, donation of leave time, and volunteer fire and rescue leave. He further advised that these amendments serve to clarify language and address gaps in the City's current leave policies. He stated that these revisions have been reviewed by both the Virginia Municipal League Insurance Human Resources Director and City Attorney. He further stated that he also shared and discussed these proposed revisions with City Department Heads.

He recommended City Council approve the amendments to Chapter IX of the City's personnel manual.

Councilman Harris thanked Mr. Thrower for his hard work in updating the policy. He inquired as to how close the revisions mirrored the states policy and would the policy be easier to administer. Mr. Thrower advised that he based the revisions on the states policy.

Councilman White made a motion to approve the amendments to Chapter IX, Holidays and Leaves in the City's personnel manual, seconded by Councilwoman Temple, which passed as follows:

| | |
|-----------------------------------|-----|
| Councilman John R. White | aye |
| Councilman F. Woodrow Harris | aye |
| Councilwoman Doris T. White | aye |
| Councilwoman Carolyn S. Carey | aye |
| Councilman Edward V. Lankford, IV | aye |
| Councilwoman L. Dale Temple | aye |

10-2. *Personnel Manual Updates – Amendments to 7-10, Travel Regulations*

Mr. Thrower advised that the updates primarily reflect increases to meals and incidentals expense rates that mirror the state’s policy that were currently updated. He also advised that the amendments included the verbiage stating that “only one receipt for purchases made at one food establishment shall be reimbursable for each meal.”

He recommended that council approve the amendments to Section 7-10 of the City’s personnel manual regarding travel regulations.

Councilman Harris inquired if the City was still including the mileage reimbursement rate from the IRS. Mr. Thrower advised that the City’s reimbursement for mileage is equal to what is set by the IRS.

Councilman Lankford made a motion to approve the amendments to personnel manual section 7-10, seconded by Councilwoman Temple, which passed as follows:

| | |
|-----------------------------------|-----|
| Councilman John R. White | aye |
| Councilman F. Woodrow Harris | aye |
| Councilwoman Doris T. White | aye |
| Councilwoman Carolyn S. Carey | aye |
| Councilman Edward V. Lankford, IV | aye |
| Councilwoman L. Dale Temple | aye |

10-3. *School Recycling Program – Request for City Participation*

Mr. Thrower reported that the Greensville Elementary School Parent Teacher Organization (PTO) President, Gloria Robinson, has requested the City’s assistance with its proposed recycling program. He also reported that in particular, the PTO has requested that the City donate approximately 75 recycle bins, as well as, provide recycling collection services. He stated that the total value of the recycle bins is \$468.75 (\$6.25/bin). He also stated that the PTO has funds available to purchase the bins, if needed. He further stated that the PTO hopes this will become a long term educational program for the students.

He stated that Mr. Royal Jones, Public Works Director, has estimated a net monthly profit of approximately \$20.00, not including recycling bin costs, should Council approve this request. He also stated that more importantly, the long term impact of educating area children on the importance of recycling should pay positive dividends well into the future.

He recommended Council authorize the Public Works to provide recycling collection services to Greensville Elementary School in conjunction with the proposed PTO recycling program. He also asked for Council’s direction on donating the bins to the PTO as requested.

Ms. Gloria Robinson, addressed Council stating that there are funds in the PTO budget; however, since the PTO is in full effect this year, there have been several requests for projects and the funds could be used better in other places. She also stated that the recycling program is an S.O.L. topic in the public school program.

Mayor Adams asked if the recycling would be limited to the Elementary School. Ms. Robinson stated that right now it is for the Elementary School but, should the city desire, could expand to the other schools.

Mayor Adams stated that this was a worthwhile project and commended the PTO.

Councilman Harris inquired if the 75 bins would be centrally located at the school. Ms. Robinson advised that there were approximately 54 educational classrooms plus art room, music room, library, etc.

Councilman Harris inquired how the bins would be centrally located for collection by the city. Ms. Robinson advised that the bins would be placed in a central location by janitorial services. She also advised that a few of the teachers tried to begin a “grass roots” recycling program at the elementary school but the janitorial service did not know what was recycling because the bins were not marked with the recycling logo. She also advised that if the city provides the bins, they will be able to identify what is recycle and what is refuse.

Councilman Harris stated that as a further part of the educational process, have the students separate what will be collected. Ms. Robinson stated that this would be a great effort. She also advised that the teachers would have to teach the children what is and is not recyclable. She further advised that the city has a recommendation to individuals to recycle in the residential areas to put all paper in paper bags and to separate everything else to ensure easier collection on city workers.

Councilman Harris made a motion to authorize the Public Works Department to provide recycling collection services to Greensville Elementary School and to fund \$468.75 for the 75 recycling bins, motion seconded by Councilwoman Temple which passed as follows:

| | |
|-----------------------------------|-----|
| Councilman John R. White | aye |
| Councilman F. Woodrow Harris | aye |
| Councilwoman Doris T. White | aye |
| Councilwoman Carolyn S. Carey | aye |
| Councilman Edward V. Lankford, IV | aye |
| Councilwoman L. Dale Temple | aye |

10-4. Crater Youth Care Commission – Request to Amend Service Agreement

Mr. Thrower stated that the Crater Youth Care Commission (CYCC) owns, maintains, and operates, the region’s juvenile detention center located in Disputanta. He also stated that due to lower than budgeted detention center usage and state budget cuts, CYCC revenues have been down this fiscal year. He further stated that as a result, CYCC members have had to increase locality per diem rates, freeze vacant positions, and cut other non essential line item expenditures.

He advised that in order to provide a consistent cash flow fro detention center operations, a fixed budgeted dollar amount for member jurisdictions, and to reduce possibility for per diem

increases during the amount for member jurisdictions, and to reduce the possibility for per diem increases during the fiscal year, the Commission has voted to recommend that the CYCC Service Agreement, dated July 1, 2002, be amended to reflect that the usage portion of the charge to the member jurisdiction for operating the Commission be based on a three year calendar average of juveniles committed to the detention center from each jurisdiction, rather than on the basis of a per diem charge for each juvenile committed during the current fiscal year. He also advised that other regional jails and detention centers, including the Southside Regional Jail, use a three year average usage calculation in the annual budget development process. He further advised that the service agreement may only be amended with the unanimous consent of each member jurisdiction.

He recommended that Council approve the resolution authorizing the City Manager to execute the First Amendment to the Crater Youth Care Commission Service Agreement.

Councilman Harris made a motion to approve **Resolution 10-1**, seconded by Councilwoman Temple, which passed as follows:

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|-----------------------------------|-----|
| Councilman John R. White | aye |
| Councilman F. Woodrow Harris | aye |
| Councilwoman Doris T. White | aye |
| Councilwoman Carolyn S. Carey | aye |
| Councilman Edward V. Lankford, IV | aye |
| Councilwoman L. Dale Temple | aye |

10-5. Donated Funds for Police Department – Appropriation Ordinance

Mr. Thrower stated that the City’s Police Department has received a donation in the amount of \$100 from an anonymous individual. He also stated that the Police Chief has indicated that the funds will be used for the purchase of supplies for the Citizens Police Academy. He further stated that in order for the Police Department to utilize these funds, they must be appropriated, Council must appropriate them into the FY10 operating budget.

Councilman Lankford made a motion to adopt **Ordinance 10-1**, seconded by Councilwoman White, which passed as follows:

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|-----------------------------------|-----|
| Councilman John R. White | aye |
| Councilman F. Woodrow Harris | aye |
| Councilwoman Doris T. White | aye |
| Councilwoman Carolyn S. Carey | aye |
| Councilman Edward V. Lankford, IV | aye |
| Councilwoman L. Dale Temple | aye |

10-6. Request by Council Member Harris – Funding for Adult Activity Services

Mr. Harris advised that Mr. James R. Scott, Executive Director, Sussex-Greenville-Emporia Adult Activity Services, has prepared, for Council’s consideration, a request for funding. He also advised that since the agencies inception, the client base has grown and they have exhausted all of their resources. He further advised that out of the consumers served, Emporia’s total is 21%. He stated that Mr. Scott is requesting

Councilman Harris made a motion to approve the amount of \$3,308 (21%) for fiscal year 10 for the center to continue operation, seconded by Councilman White, which passed as follows:

| | |
|-----------------------------------|-----|
| Councilman John R. White | aye |
| Councilman F. Woodrow Harris | aye |
| Councilwoman Doris T. White | aye |
| Councilwoman Carolyn S. Carey | aye |
| Councilman Edward V. Lankford, IV | aye |
| Councilwoman L. Dale Temple | aye |

10-7. *Emporia-Greenville Sesquicentennial Civil War Committee – Request by the Sons of Confederate Veteran Monument*

Councilman White stated that item needed to be studied further.

Councilman White made a motion to reconsider this issue before placing the monument in Veteran’s park. Councilwoman White seconded the motion.

Councilwoman Carey stated that the monument being placed in the Veteran’s Park needed to be reconsidered. She also stated that the monument could be placed in some other area in town.

Mayor Adams stated that this item was voted on, December 1, 2009, and passed unanimously. He also stated that the monument was meant to commemorate a battle that was fought on the sight. He also stated that it the monument is also dedicated to both the confederate and union soldiers who fought on the grounds. He further stated that the signage is a historical marker plus a monument to those who fought.

Councilwoman Carey stated that she did not agree with the monument. Mayor Adams inquired if there was something in the verbiage of the sign. Councilwoman Carey inquired if the battle took place in that particular area. Mayor Adams advised that the battle did take place in that area; therefore the historic significance is where the battle took place.

Councilman Harris stated that he had a hard time understanding what could be objectionable about the language or the sighting of a historical marker in a park that is dedicated to the memory of Veterans. He also stated that the wording of the sign on the marker is very well thought out, worded and non controversial.

The votes were as follows:

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

PUBLIC COMMENT

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

Ms. Debra Brown of 604 Temple Avenue, addressed council stating that the citizens should be able to comment prior to Council voting on an item. She also stated that the only problem with the marker being in Veteran's Park was that it dealt with the confederacy. She further stated that the Veteran's Park is dedicated to those who fought for the United States. She advised that the problem African American's have with the confederacy is that it approved and supported slavery. She also advised there are confederate markers throughout town which support the Civil War, which is fine, but the Veteran's Park should be left to honor Veteran's and the United States Armies together as one.

Dr. Eugene Wiggins of American Legion Post 151, addressed council stating that it would be good in the future for Council, who are elected by the City population, to listen to them before a vote is made. He also stated that it was not about the historicalness of the marker but what caused the war. He further stated that he has no problem honoring the war that was fought on the bridge. He advised that as a veteran he would like to have a dialogue and see some type of togetherness with the sons and daughters of the confederacy.

Norris Dickerson, 204 Hicksford Avenue, addressed Council stating that monument is dedicated to the soldiers who fought the battle on both sides. He also stated that the average confederate soldier did not own slaves and was not fighting for slavery. He further stated this monument is trying to commemorate the service and sacrifice of the soldiers who fought on the grounds.

Steve Eason, 247 Purdy Road, addressed Council stating that slavery is illegal and a man does not have the power to own another man.

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

Councilman White move that Closed Session be entered for the purpose of discussing Virginia Code §2.2-3711(A) (1) **Personnel Matter**. Councilman Saunders 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. Councilman White seconded the motion, which passed as follows:

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|-----------------------------------|-----|
| 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 White 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