

**MINUTES**  
**EMPORIA CITY COUNCIL**  
**CITY OF EMPORIA MUNICIPAL BUILDING**  
**July 20, 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, July 20, 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 President presided over the meeting with James Saunders, President, 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 Carolyn S. Carey  
Councilman Edward V. Lankford, IV  
Councilwoman L. Dale Temple

Others present:

C. Butler Barrett, City Attorney  
Steven B. Hall, Assistant City Manager  
Tessie S. Wilkins, City Clerk  
W. S. Harris, Jr., Treasurer  
Joyce E. Prince, Commissioner of the Revenue  
Bernard Richardson, Chief of Police  
Jack Davenport, Executive Director, Industrial Development Corporation

Absent: Councilman John R. White  
Brian S. Thrower, City Manger

**MINUTES APPROVAL**

Councilman Lankford moved to approve the minutes from the Tuesday, July 6, 2010 public hearing and regular meeting, as presented, seconded by Councilwoman White, which passed as follows:

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

## **APPROVAL OF BILLS**

A listing of the July 20, 2010 bills had been presented to City Council members.

General Fund	\$ 380,026.48
Utility Fund	\$ 325,713.92

Councilman Harris moved to approve payment of the bills presented. 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
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

## **FINANCIAL AND TAX REPORT**

Honorable W.S. Harris, Jr., City Treasurer provided the City Council members with highlights of the City's financial position. He requested that the City Council members authorize him to submit the names of all individuals owing delinquent taxes for 2009 to the local newspaper for publishing in accordance with Section 58.1-3924 of the Code of Virginia.

Mayor Adams inquired if the media was the only proper place to advertise the list of delinquent taxes. Mr. Harris stated that the list of delinquent taxes can be advertised in any public place such as the Court House, the Municipal Building, or the City Website.

Don Koralewski advised that the General Assembly address this at some point, stating that the list of delinquent taxes should be paper publication with general circulate as prefer publication. Mr. Harris stated that the Code states that the governing body will have the list published for one week in a local newspaper.

Councilman Saunders moved to approve that the names of all individuals owing delinquent taxes for 2009 be submitted by the treasurer to the local newspaper for publishing with the understanding that those individuals who pay, prior to publishing, will have their names stricken from the listing prior to submission. 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 Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

**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 the report.

**PERMIT AND INSPECTION REPORT**

Randy C. Pearce, Building/Fire Official, provided his report to City Council members. There were no questions regarding the report.

**POLICE REPORT**

Bernard Richardson, Chief of Police, provided his report to City Council members. There were no questions regarding the report.

**CITY SHERIFF REPORT**

Honorable Sam C. Brown, Sheriff, provided is report to City Council members. There were no questions regarding the reports.

**CITY ATTORNEY REPORT**

C. Butler Barrett, City Attorney, had no matters to report to Council.

**AGENDA APPROVAL**

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

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

**UNFINISHED BUSINESS**

***10-59. VPI Extension Office – Request to Hire a Part-time Employee***

Mr. Hall stated that Mr. Dan Goerlich, Central District Director, and Mr. Morris White, Unit Coordinator of the Virginia Cooperative Extension (VCE), attended the Regular Meeting of City Council on July 6, 2010. He also stated that Mr. Goerlich had requested permission to utilize funds allocated in the FY 11 budget to support hiring a part-time Agriculture and Natural Resources employee. He further stated that the VCE did not request any additional funding to support this position.

Mr. Hall advised that while discussing the position with Mr. Goerlich, Councilman Harris requested information regarding the exception on the hiring freeze in order to fill this vacancy with

a full-time agent which would also include the accompanying state funding. He also advised that Mr. Goerlich provided a response to City Administration which indicated that the exception was investigated and unfortunately was not granted. He further advised that Mr. Goerlich explained that there are over 60 Extension agent vacancies across the state, and as the state funds become available, the money will be invested in agent positions based on whether the Extension office have any agents, how long the vacancies have been in place, whether money is still available from the locality, how long localities have provided/protected their VCE funding, and other factors.

Mr. Hall asked for Council's direction on this matter.

Councilman Harris made a motion to approve the Virginia Cooperative Extension office to use funds allocated in the FY11 budget to hire a part-time Agriculture and Natural Resources position, seconded by Councilman Lankford, which passed as follows:

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

### **NEW BUSINESS**

#### ***10-60. Sexual Assault Program – Appropriation Ordinance***

Mr. Hall stated that the City annually receives grant funds from the Department of Criminal Justice Services for our Sexual Assault Program. He also stated that the City had received notification that the Department of Criminal Justice Services had approved funding in the amount of \$44,188.00 for Fiscal Year 2010-2011. He further stated that the funding in the amount of \$35,655.00 was included in our Fiscal Year 2010-2011 budget. He advised that Council needs to appropriate the difference of \$8,533.00 in the Fiscal Year 2010-2011 Operating Budget so that these grant funds may be utilized for our Sexual Assault Program.

Mr. Hall recommended Council adopt Ordinance No. 10-31 to appropriate the sum of \$8,533.00 in grant funds from the Department of Criminal Justice Services for the Sexual Assault Program.

Councilwoman Temple made a motion to adopt Ordinance No. 10-31 to appropriating the sum of \$8,533.00 in grant funds from the Department of Criminal Justice Services for the Sexual Assault Program, seconded by Councilman Saunders which passed as follows:

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

#### ***10-61. Farmer Market Policy Documents – Request to Adopt***

Mr. Hall stated that the City of Emporia Farmers Market at 107 South Main Street is almost completion. He also stated that he have revised/and or created several documents in an effort to provide for better management and regulation of the City's investment. He further stated the documents include the Farmers Market Rules and Regulations, a Market and Hold Harmless Agreement and a revised Vendor Application. He advised that a meeting was held with eight potential vendors Wednesday, July 14, 2010 to review the proposed documents. He also advised that several comment from meeting participants led to minor revisions or additions to the policy. He further advised that there was no opposition voiced to the proposed regulations as presented.

Mr. Hall stated that the Farmers Market Rules and Regulations will be used on a daily basis to govern the use of the Market. He also stated that the document included is a mission statement, goals, vendor requirements, product guidelines and miscellaneous information. He further stated that specific items included in the document worth noting are as following:

- City Council to create and appoint a five member Advisory Board to assist with enforcement of regulations and overall management of the Market
- Imposition of fees for reserved stalls with the City reserving the right to designate certain stalls on a "first-come, first-served" basis (fees begin with 2011 calendar year)
- Stall assignments done by the City in a fair and equitable manner based on the needs of the Market, seniority, previous attendance, sales volume, and term of commitment
- Displays and signage limited to individual vendor spaces
- Restroom open only during regular Market hours, keys will be registered to each paid full-season vendor beginning in 2011
- Market products must be locally produced (within 50 miles) by the vendor or by a relative or partner of the vendor on land/facilities not owned by the vendor
- Eligible products to include processed jams, preserves, syrups, mustards, etc.
  - Also includes honey, plants, eggs and seasonal products
- Vendors responsible for damages to structure, responsible for product and attends at its own risk
- Market and Hold Harmless Agreement: binds vendor to Rules and regulations, acknowledges the City has discretion regarding space assignment, states vendor shall resolve disputes without resorting to litigation and acknowledges the vendor is responsible for all claims from its participation in the Market.

Mr. Hall stated that the Market and Hold Harmless Agreement was also revised. He also stated that the revision was that the City would name as oppose to Market.

Mr. Hall recommended that Council adopt the Farmers Market Rules and Regulations and Market and Hold Harmless Agreement with the understanding that any fees will not be collected until the calendar year 2011. He also recommended that Council consider nominations for the future creation of a five-member Farmers Market Advisory Board.

Councilwoman Temple inquired if the Farmers Market restrooms were public. Mr. Hall stated no, the restrooms are not public and a key will be assigned out to each individual that pays the fees for a full season vendor.

Councilwoman Temple moved to adopt the Farmers Market Rules and Regulations and Market and Hold Harmless Agreement with the understanding that any fees will not be collected until the calendar year 2011 and to consider nominations for the future creation of a five-member Farmers Market Advisory Board, seconded by Councilman Saunders, which passed as follows:

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

***10-62. Sadler Brothers Oil Company – Request for Partial Tax Refund***

Mr. Hall stated that Joyce Prince, Commissioner of the Revenue, is requesting Council to approve refunding \$7,483.83 to Sadler Brothers Oil Company due to double-billing of personal property taxes on two vehicles by the City of Emporia and Greensville County. He also stated that Mrs. Prince was in attendance to further explain the matter and the reasoning for deletion from the July 6, 2010 meeting and answer any questions Council may have.

Councilman Saunders inquired that if the Virginia State Code requires states taxes be based on where it is garaged. Mrs. Prince stated that yes it is taxed where it sleeps. Mayor Adams inquired if this would start a lot of other conflicts for people who register in another state but yet house there vehicles in Emporia. Mayor Adams stated that this must be problem in other areas and requested Mrs. Prince contact other Commissioners to see how they are handling the problem.

Councilman Saunders moved to approve that the seven thousand four hundred eighty-three dollars and eighty-three cents (7,483.83) be refunded to Sadler Brothers Oil Company as requested, seconded by Councilwoman White which passed as follows:

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

**10-63. Mega Site Grant Application – Request to Adopt Resolution of Support**

Mr. Hall stated that the City and County have been working together on the mega site initiative the past few years. He also stated that the Commonwealth of Virginia is now renewing its efforts regarding mega site development, making \$5 million available through grant funding for such development.

Mr. Hall stated that K. David Whittington, Greensville County Administrator, has requested City Council to adopt a resolution showing its support for submittal of the grant application(s) to obtain funds to assist the County in purchasing mega site real estate, otherwise known as the Mid-Atlantic Advanced Manufacturing Center (MAMaC), from property owners. He also stated that according to Mr. Whittington the resolution will allow the City of Emporia to be included as a co-applicant on the applications, along with Greensville County and Sussex County. He further stated that there is no financial obligation. He advised that the resolution further states that if the region is successful in obtaining funds to further develop the MAMaC site, the Emporia City Council is willing to discuss a cost/revenue sharing agreement with Greensville County and the other supporting localities.

Mr. Hall asked for Council’s direction on this matter.

Councilwoman Carey moved to approve Resolution No. **10-11** supporting the Development of Mid-Atlantic Advanced Manufacturing Center, seconded by Councilman Harris which passed as follows:

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

Councilwoman Temple inquired if Jack Davenport had any updated information on possible prospects. Mr. Davenport stated that the VEDP and the Tobacco Commission has begun its process of sourcing grant applications for two Mega Site funds. The Virginia Economic Development Partnership which is a \$5 million Mega Site fund for which applications are due October 1, 2010. The Tobacco Commission will have a parallel track in which \$45 million dollars that are funded will be allocated over four years for Mega Site development in Southside VA.

Councilman Saunders inquired if there could be funding for more than one site through these funds. Mr. Davenport stated that the potential is there, but it is not in his or anyone control. He also stated that the small pool of the Virginia Economic Development Partnership has created two sub pools of money one is to do the preliminary work that has already been done on the Mega Site. The limit for this is \$2 million dollars and no grant to be more than \$5 hundred thousand dollars. He also stated that VEDP is thinking that there are other groups of Mega Sites that might come in through the pipeline. He further stated that \$3 million dollars has been allocated for this site preparation, which could include some additional engineers to move some of the preliminary work up to the point where it is ready for construction.

**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.

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Samuel W. Adams, III, Mayor

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Tessie S. Wilkins, City Clerk