

PUBLIC HEARINGS

- 1. Proposed FY14 General and Utility Fund Budgets**
 - 2. Sanitation Code Amendments**
-

Emporia's City Council held a Public Hearing on Tuesday, June 4, 2013, 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 Doris T. White
Councilwoman Deborah D. Lynch
Councilwoman L. Dale Temple
Councilwoman Carol Mercer

Others present:

Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manger
Tessie S. Wilkins, City Clerk
Ken Ryals, Emergency Service Coordinator
Sheila Cutrell, Finance Director
Don Wyatt, Chief of Police

Absent:

Councilwoman Carolyn S. Carey

1. Proposed FY14 General and Utility Fund Budgets

Mr. Thrower reported that after reviewing and discussing the proposed budget over several work sessions, the FY14 General Fund budget totals \$19,996,298.00, which includes a two cent real property tax increase. He stated that the departmental and external organization requests total \$20,985,465.00. He also stated that his recommended budget totals \$20,206,841.00.

Mr. Thrower stated that the existing City initiatives including the S. Main Street project, W. Atlantic Street Neighborhood Improvement project, Farmers Market Trailhead project, Citizens National Bank Building project, and E. Atlantic Reconstruction project are all included in the proposed budget. He stated that the new initiatives to facilitate economic development related activities include acquisition of property, as well as implementation of Façade Improvement Grant and Business Incubation Grant programs are to support our recent Enterprise Zone designation.

Mr. Thrower stated that the FY14 Utility Fund budget stands at \$15,256,892.00. He also stated that the Departmental requests for this budget totals \$15,198,045.00. He further stated that his recommended budget also totals \$15,256,892.00.

Mr. Thrower stated that per USDA Rural Development funding guidelines, associated with the Water Treatment Plant and Distribution System Upgrade project and to re-coup declines in water revenue, water rates will be significantly increased in FY14. He also stated that there is no proposal to increase sewer rates.

Mr. Thrower reported that the proposed FY14 water rates are as followed:

Minimum 2,000 gallons	\$17.66 – 19.6%
Next 48,000/1,000	\$ 7.90 – 45.0%
Over 50,000/1,000	\$ 4.98 – 19.6%

He stated that the proposed budgets will be on the June 18, 2013 agenda for formal consideration.

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

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

2. Sanitation Code Amendments

Mr. Thrower reported that at the Council Retreat and during recent budget work sessions, he recommended several amendments to the City's sanitation collection and billing system. He stated that the major recommended amendments and clarifications included:

- ❖ Multifamily dwellings – The occupant of each unit shall be charged the \$20.50 per month sanitation fee regardless of the type of disposal and collection method utilized on the premises, i.e. use of dumpsters or trash receptacles. In those instances where a dumpster is utilized on the premises, the property owner/landlord shall construct the dumpster pad and enclosure at his/her own expense. The dumpster pad and enclosure must meet City specifications and receive City approval before construction commences.
- ❖ Commercial establishments – Businesses, industries, civic organizations, public agencies, non-profits, and any other non-residential customer shall pay \$5.00 per cubic yard for sanitation service when utilizing a dumpster. Those entities using an individual trash receptacle shall be charged the \$20.50 per month sanitation fee.
- ❖ Multiple trash receptacles - Any customer (residential or commercial) that is issued more than one trash receptacle shall be charged an additional \$5 per receptacle per month over the monthly base fee of \$20.50, regardless of actual use. This shall apply to both current and future customers. For example, if a customer is issued two receptacles, his/her monthly sanitation fee would be \$25.50.

- ❖ The City maintains the authority to determine the type of disposal and collection method to be utilized at each property or by each customer, i.e. use of dumpsters or trash receptacles.

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

With there being no 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
June 4, 2013**

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, June 4, 2013 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 Bishop Vincent Lowery offering the invocation.

ROLL CALL

The following City Council members were present:

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

Others present: Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manger
Tessie S. Wilkins, City Clerk
Ken Ryals, Emergency Service Coordinator
Sheila Cutrell, Finance Director
Don Wyatt, Chief of Police

Absent:
Councilwoman Carolyn S. Carey

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, May 21, 2013, City Council Regular meeting minutes 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 Deborah D. Lynch	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

AGENDA APPROVAL

Mayor Person reported the addition of Close Session Virginia Code Sections § 2.2 3711 (A) (3) a matter involving the disposition of publicly held real property because discussion in an open meeting would adversely affect our bargaining position.

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

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

NEW BUSINESS

13-27. Sanitation Code Amendments – Request to Approve Ordinance

Mr. Thrower reported that at the Council Retreat and during recent budget work sessions, he recommended several amendments to the City’s sanitation collection and billing system. He stated that the major recommended amendments and clarifications included:

- ❖ Multifamily dwellings – The occupant of each unit shall be charged the \$20.50 per month sanitation fee regardless of the type of disposal and collection method utilized on the premises, i.e. use of dumpsters or trash receptacles. In those instances where a dumpster is utilized on the premises, the property owner/landlord shall construct the dumpster pad and enclosure at his/her own expense. The dumpster pad and enclosure must meet City specifications and receive City approval before construction commences.
- ❖ Commercial establishments – Businesses, industries, civic organizations, public agencies, non-profits, and any other non-residential customer shall pay \$5.00 per cubic yard for sanitation service when utilizing a dumpster. Those entities using an individual trash receptacle shall be charged the \$20.50 per month sanitation fee.
- ❖ Multiple trash receptacles - Any customer (residential or commercial) that is issued more than one trash receptacle shall be charged an additional \$5 per receptacle per month over the monthly base fee of \$20.50, regardless of actual use. This shall apply to both current and future customers. For example, if a

customer is issued two receptacles, his/her monthly sanitation fee would be \$25.50.

- ❖ The City maintains the authority to determine the type of disposal and collection method to be utilized at each property or by each customer, i.e. use of dumpsters or trash receptacles.

He recommended that Council approve the ordinance amending the City Code Chapter 42.

Councilman Ewing made a motion to adopt **Ordinance No. 13-07** amending the City Code Chapter 42, seconded by Councilwoman White, which passed as follows:

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

13-28. Belfield Business District Revitalization Project – Request to Adopt Documents

Mr. Thrower reported that the City of Emporia submitted a grant application to the Virginia Department of Housing and Community Development (DHCD) for the Belfield Business District Revitalization Project. He stated that before the City is potentially funded for the project, Council are required to adopt the following documents, Business and Employment Plan, Non-Discrimination Policy, Section 504 Grievance Procedure, Residential Anti-Displacement and Relocation Assistance Plan, and Fair Housing Certification.

Councilwoman Temple made a motion to adopt the required documents related to the Belfield Business District Revitalization Project grant application, seconded by Councilman Ewing, which passed as follows:

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

13-29. Enterprise Zone Incentives – Request to Conduct a Public Hearing

Mr. Thrower reported that the City of Emporia and Greensville County were awarded a joint Enterprise Zone designation earlier this year through the Virginia Department of Housing and Community Development (DHCD). He stated that as part of the application process, both localities were required to submit proposed local incentives with the application package.

Mr. Thrower stated that the City's proposed local Enterprise Zone incentives include: Façade Improvement Grants, Business Incubation Grants, Business, Professional and Occupational License Grants, Machinery and Tools Investment Grants, Business Personal Property Investment Grants, Real Estate Tax Abatements, Water and Sewer Tap Fee Waivers, Permit Fee Waivers, and Loan Pool Program.

He recommended that Council authorize conducting a public hearing at the June 18, 2013 meeting to consider incorporating these incentives into City Code.

Councilman Harris made a motion to authorize conducting a public hearing at the June 18, 2013 Council meeting to consider incorporating those incentives into the City Code, seconded by Councilwoman Temple, which passed as follows:

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

13-30. July 2, 2013 Meeting – Request to Cancel

Mr. Thrower stated that he is recommending that Council cancel the July 2, 2013 meeting due to the July 4th holiday.

Councilwoman White made a motion to cancel the July 2, 2013 meeting due to the July 4, 2013 holiday, seconded by Councilwoman Mercer, which passed as follows:

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

13-31. Civic Center Foundation – Expiration of Six Month Extension

Mr. Thrower reported that the Civic Center Foundation (CCF) is in its thirteen year of seeking to renovate the old elementary school property into a cultural arts center/civic center space.

Mr. Thrower stated that on May 1, 2012 Council approved the motion not to accept the proposed purchase contract with the private developers for the old elementary school. He also stated that Council directed City Administration to procure a contractor to demolish the entire structure unless an individual or group presents a business plan and financing acceptable to City Council which indicates the intent to purchase all or part of the property before a demolition agreement is executed between the City and contractor.

Mr. Thrower stated that at Council, June 5, 2012 meeting City Administration informed Council that no party had come forward with a business plan and/or financing to save the

elementary school and/or auditorium. He also stated that at the same meeting Council authorized City Administration to enter into a contract with Harrell Construction for demolition of the school with the stipulation that the auditorium portion remain standing for the next six months. He further stated that at the conclusion of the six months, CCF was to report back to City Council outlining the progress the group had made in terms of fundraising and development of a realistic business plan for moving forward.

Mr. Thrower reported that on December 4, 2012 Council approved the motion granting a six month extension regarding demolition of the old elementary school with the requirement that minimum exterior property maintenance improvements be made to the auditorium similar to other properties written up by City staff. He stated that as of this date, the Civic Center Foundation has completed some, but not all, of the required exterior property maintenance improvements. He also stated that the completed improvements include painting of the doors, handrails, and murals, as well as some of the trim around the lower windows. He further stated that the repairs have also been done to some of the damaged exterior wall brick. He stated that an address has also been posted on the front of the property. He also stated that the items that have not yet been completed to date include painting of the front columns and some of the trim around the upper windows, replacement of broken window glazing, repair of various roof leaks, and repair of the exterior wall and roof where the previous demolition occurred.

Mr. Thrower stated that the demolition of the classroom portion of the building was previously completed by Harrell Construction. He also stated that Harrell Construction is currently under contract to complete the rest of the demolition for \$50,000.00, should Council authorize such. He further stated that Council have tentatively budgeted \$75,000.00 for demolition activities in FY14.

Mr. Thrower reported that Mary Woodruff, President of the Emporia-Greenville Civic Center Foundation, has requested permission to update Council on the Civic Center Foundation's activities.

Mary Woodruff, President of the Emporia-Greenville Civic Center Foundation, stated that the foundation was mandated to make exterior improvements to the auditorium complex. She also stated that to save money, the foundation took advantage of the free labor of the Southampton Detention Center. She further stated that the detainees worked five (5) days and completed the work they were allowed to perform by OSHA. She stated that presently the foundation is in the process of contracting someone to complete the exterior improvements which includes roof repair caused by the removal of the school. She also stated that the foundation will contract with a specialist to paint the palatial windows. She further stated that while the exterior work is being done, the foundation will be exploring the removal of all the asbestos in the facility.

Mary Carroll-Hackett, 1814 Lockett Road, addressed Council stating she was an Associate Professor of English/Creative Writing at Longwood University. She also stated that she was the founder of the Creative Writing programs at Longwood and served as director of all those programs until November 2011. She further stated that she is working with the Civic Center Board as consultant and part-time director in effort toward developing this site into a thriving cultural arts and civic center with hopes it will serve all of Emporia and the surrounding area.

Ms. Hackett stated that she was the primary author of the business plan submitted to all by the foundation, which was created with advice from the Longwood Small Business Development Center director Sheri McGuire.

Ms. Hackett stated that she understood that the primary question was concerned with what it is meant by a “partnership” between the City and the Civic Center Board in developing this project. She also stated that the partnership is vital and necessary for pursuit of grants and other funding. She further stated that the Civic Center Board is asking for:

- ❖ A three year period, the start-up period for any new business, without threat of demolition, for developing programming and pursuing funding through grants and fundraising for both the rehabilitation of the building and incrementally increased programming in the building and on the grounds
- ❖ During this period, the City would retain title to the property, continue its maintenance, and provide no more financial support than it provides currently.
- ❖ A letter of commitment would be provided from the City, using the appraised value of the property, the current maintenance costs of the site, and the annual monies given to the board for the site as “in-kind contributions” to be used in pursuit of grant funding. Such a proposal costs the city no more than its current contributions and support, but provides the necessary evidence of partnership for any successful funding applications.
- ❖ In return, the board would see to the requested external repairs and upkeep requested by the city to the site and as detailed in the business plan submitted, and also develops the center into a vital draw and tool for economic revitalization through tourism.

Councilman Harris stated that he would have liked to have seen a more financially based Business plan.

Ms. Hackett stated that she could not give a more financially based business plan until they had a letter of commitment from the City so that the Foundation could apply for grants.

Steven Suessmann, 105 West End Blvd, addressed Council stating that they should support the Cultural Arts Center.

Dick Parker, Norfolk, addressed Council stating that the Cultural Arts Center would be a permanent home for his painting.

Mary Ann Thomas, 195 Concord Lane, addressed Council stating that the Cultural Arts Center would be a great accent to the City of Emporia.

Joyce Ray, 319 Scotland Drive, addressed Council stating that the Cultural Arts Center would give citizens a place to sell there goods.

PUBLIC COMMENT

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

Gloria Robinson, 801 Peachtree Street, addressed Council stating that the YMCA appreciates the City continuing to supporting them.

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) (3) **a matter involving the disposition of publicly held real property because discussion in an open meeting would adversely affect our bargaining position**, (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 social funding**, seconded by Councilwoman White, which passed as follows:

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

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

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

CERTIFICATION

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

Councilman Harris made the motion to not demolish the old elementary school auditorium for one year and to continue the partnership between the City and Civic Center Foundation into a 14th year. Furthermore, City Council will revisit the status of the project and use of the property in June 2014. In addition, the City Manager and City Attorney are directed to develop a memorandum of understanding between the City and Civic Center Foundation outlining use of and required exterior improvements to the property during that time period, Councilwoman Lynch seconded the motion, which passed as follows:

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