

PUBLIC HEARING

1. EGRA Concessions – Request for Exemption from State Regulations

Emporia's City Council held a public hearing on Tuesday, May 18, 2010, at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Adams presided over the public hearing.

The following City Council members were present:

Councilman John R. White
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:

Samuel W. Adams, III, Mayor
C. Butler Barrett, City Attorney
Steven B. Hall, Assistant City Manager
Brian S. Thrower, City Manger
Lori R. Jarratt, Interim City Clerk

1. EGRA Concessions – Request for Exemption from State Regulations

Mr. Thrower stated that Rick Franklin, EGRA President, has requested that City Council exempt the EGRA from Virginia Health Department regulations pertaining to food concessions. He also stated that as allowed by state code, cities, counties, and towns may, by ordinance, exempt certain fairs and youth athletic activities from health department regulations if the food booths are promoted or sponsored by any political subdivision of the Commonwealth or by any charitable nonprofit organization or group thereof which has been recognized by resolution of such locality as being a part of its recreational program.

He advised that Mr. Franklin is concerned that the EGRA will realize increased expenses in having to adhere to health department regulations should its menu be expanded. He also advised that exempting the EGRA from health department regulations requires that Council recognize the EGRA as being part of the City's recreational program via resolution. He further advised that Council authorized the public hearing at the April 20, 2010 meeting.

Mayor Adams asked if anyone who wished to make any comments regarding this matter.

Mr. Rick Franklin, 506 East Avenue, Emporia, Virginia, addressed Council thanking them for their consideration of his request. He also stated that exemption from Virginia Health Department Regulations would allow the EGRA to expand their menu without having to add additional hardware for plumbing as required by the Health Department.

Councilman Saunders inquired if the EGRA carried an insurance policy that would cover an individual that may have a reaction to the food served? Mr. Franklin advised that the EGRA has never had an individual have a reaction to food served, but in the event this does happen, the EGRA has a general liability policy.

With there being no comments, Mayor Adams declared the public hearing closed.

Samuel W. Adams, III, Mayor

Lori R. Jarratt, Interim City Clerk

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
May 18, 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, May 18, 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. Jim Saunders, President of Council followed with the invocation.

ROLL CALL

The following City Council members were present:

Councilman John R. White
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: Samuel W. Adams, III, Mayor
Brian S. Thrower, City Manger
Steven B. Hall, Assistant City Manager
Lori R. Jarratt, Interim City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Sam Brown, City Sheriff
Ken Ryals, Emergency Service Coordinator

MINUTES APPROVAL

Councilman Saunders moved to approve the minutes from the Tuesday, May 4, 2010 public hearing and regular meeting, as presented, seconded by Councilman White, 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

APPROVAL OF BILLS

A listing of the May18, 2010 bills had been presented to City Council members.

General Fund	\$ 1,059,170.07
Utility Fund	\$ 273,647.37

Councilman Saunders moved to approve payment of the bills presented. Councilman White 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

FINANCIAL AND TAX REPORT

Honorable W.S. Harris, Jr., City Treasurer provided City Council members with highlights of the City's financial position. There were no questions regarding the 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 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

Councilman Lankford moved to approve the agenda as presented, seconded by Councilwoman White, 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

NEW BUSINESS

10-43. EGRA Concessions – Request for Exemption from State Regulations

Mr. Thrower stated that this item was in reference to the public hearing previously held.

He recommended Council approve the Ordinance amended City Code Chapter 6, which adds Section 6-60 to Article III of that Chapter. He also recommended Council approve the resolution recognizing the EGRA as being part of the City's recreational program.

Councilman Harris made a motion to approve Ordinance No. **10-23** and Resolution No. **10-5**, seconded by Councilman White 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

10-44. Farmers' Market – Request to Proceed with Construction

Mr. Thrower advised that the City has been moving forward with the development of a permanent structure to house the City Farmers' Market. He also advised that significant strides have been made with respect to the project in the past several months. He further advised that most recently, the project was released to open-market bid and two estimates were received. He stated that R.F. Howerton, Inc. and Grizzard Construction, Inc. were the two companies that submitted formal bids by the due date of Friday, May 7, 2010 at 4:00PM.

He stated that as per City Code Section 2-286 (n), "Bid Award," Bids shall be awarded to the lowest responsive and responsible bidder." He also stated that in preparing the bid form, specific duties were itemized to better gauge the cost for the total project and potential areas of cost savings for the City. He further stated that of the two bids received, R.F. Howerton, Inc. provided the lowest responsible bid at \$117,370. He advised that an evaluation of the bid form submitted by Mr. Howerton revealed a cost savings option under the line item of "asphalt paving and striping." He also advised that City staff has obtained quotes from outside contractors and

estimates this work can be done for approximately \$20,000, as opposed to \$28,750 proposed by Mr. Howerton. He further advised that this should result in a savings of approximately \$8,750.00

He reported that Mr. Howerton stated in his bid that site work will begin within five (5) days of receiving a "Notice to Proceed" and shall be substantially complete within 60 days. He also reported that at this time the City would separately contract with a paving company to complete the paving and striping of the lot. He further stated that the structure will be delivered to the site the week of May 24, 2010 and must be unloaded at that time. He stated that staff anticipates the project being fully complete and ready for "Grand Opening" by late summer.

He advised that there is currently \$47,985 remaining in the FY10 budget under the Farmers' Market line item. He also advised that this figure plus the assessed value of the current Farmer's Market property (\$74,100) the city currently has for sale totals \$122,085. He further advised assuming the City will sell these properties at or greater than assessed value, gives the City at least \$122,085 in funds to use in completing this project.

He provided the following breakdown of the project costs going forward:

\$117,370	Howerton Bid
<u>- 28,750</u>	Less paving and striping
\$ 88,620	
\$ 88,620	Total Howerton work
<u>+ 20,000</u>	Estimated cost of paving and striping by an outside contractor
\$108,620	
\$122,085	Remainder of FY10 funds + assessed value of current Farmers' Market property
<u>- 108,620</u>	Estimated cost of remainder of project
\$ 13,465	

He recommended Council authorize City Administration to enter into a contract with R.F. Howerton, Inc. for work associated with the Farmers' Market project, including spending up to \$122,085 to complete all other necessary work for this project. He stated that after the current Farmers' Market parcels are sold, he will bring back an ordinance to appropriate proceeds from the sale of those parcels into the budget to cover project expenses.

Councilman Harris inquired if the assessed value of \$74,100 for the current Farmers' Market site seemed low for property in the center of town? Mr. Thrower advised that the assessed value seemed low.

Councilman White made a motion for City Administration to enter into a contract with R.F. Howerton, Inc. for work associated with the Farmers' Market project, including spending up to \$122,085 to complete all other necessary work for this project, seconded by Councilman Saunders, 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

10-45. FY11 Greenville County School System Budget – Request to Approve Resolution

Mr. Thrower reported that the proposed FY11 Operating Budget for the Greenville County Public School System is \$30,394,555 or 9.227% reduction from FY10.

He stated that in regards to the proposed FY11 budget, \$7,004,412 is attributed to the local share; \$1,756,392 is attributed to debt service; the remainder of \$5,248,020 to operations. He also stated that if the City were to fully fund the School Administration’s request, the City would appropriate \$3,246,883 or a 0.4% decrease over FY10. He further stated that the City is proposing to budget \$3,246,883 (\$3,757,522 – County’s share), which is level funding of the school budget. He advised that the ADM numbers regarding student population have been confirmed by School Administration, which are 998.39 (Emporia) and 1440.29 (Greenville) for a total of 2,438.68. He also advised that the ADM numbers for the County decreased by 25.61, and the City’s ADM numbers increased by 15.41.

He advised that total local funding to the Greenville County School System is \$7,004,412, which reflects a 7.783% decrease in operations and a 33.725% increase in debt service.

He recommended Council approve the budget resolution.

Councilwoman Temple made a motion to approve Resolution No. **10-6** approving the Greenville County School System budget, seconded by Councilman Saunders 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

PUBLIC COMMENT

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

Willie Taylor, 204 Lowground Road, addressed Council stating that he had some concerns with some trees that were cut down over six months ago and left the debris in the rear portion of his property.

Ruth Bullock, 403 Gowin Street, addressed Council stating that on June 18, 2010 Royal Baptist Church will be holding a youth revival in Veteran’s Memorial Park. She requested that Council waive the \$10 fee for the parade permit for them to walk from Royal Baptist Church to Veteran’s Memorial Park.

With there being no further comments to come before City Council, Mayor Adams closed the public comment portion of the meeting.

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

Councilman Saunders move that Closed Session be entered for the purpose of discussing Virginia Code **§2.2-3711(A) (5) Discussion of a prospective business where no previous announcement has been made.** 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

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

Councilman Harris moved that the meeting be returned to Regular Session. Councilwoman White 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

CERTIFICATION

Councilman Saunders 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