

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
November 15, 2011**

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, November 15, 2011, 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 James C. Saunders, Council Member offering the invocation.

ROLL CALL

The following City Council members were present:

Councilman F. Woodrow Harris
Councilman James C. Saunders
Councilwoman Deborah D. Dixon
Councilwoman Beverly White
Councilwoman L. Dale Temple
Councilwoman Carolyn S. Carey

Others present:

Samuel W. Adams, III, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Steve B. Hall, Assistant City Manager
Tessie S. Wilkins, City Clerk
Joyce E. Prince, Commissioner of the Revenue
Don Wyatt, Chief of Police
W. S. Harris, Jr., Treasurer

Absent: Councilwoman Doris T. White

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, November 1, 2011, City Council meeting minutes as presented, seconded by Councilwoman Dixon, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Deborah D. Dixon	aye

Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

APPROVAL OF BILLS

A listing of the November 15, 2011 bills was presented to City Council members.

General Fund	\$ 1,262,501.76
Utility Fund	\$ 123,175.38

Councilman Saunders moved to approve the November 15, 2011 bills as presented, seconded by Councilwoman Temple, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

FINANCIAL AND TAX REPORTS

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

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

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

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

UNFINISHED BUSINESS

11-87. Highway Safety Commission – Term Expirations

Mayor Adams reported that an appointment was needed for the Highway Safety Commission.

Councilman Saunders moved to nominate Josh Barnes for appointment to the Highway Safety Commission.

Councilman Saunders moved to appoint Josh Barnes to serve a three year term on the Highway Safety Commission with an expiration date of September 30, 2014 seconded by Councilwoman B. White, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwomen Dale Temple	aye

NEW BUSINESS

11-98. Presentation by City Treasurer William S. Harris, Jr. – Virginia Collection Company, Inc.

Mr. Thrower stated that the City Treasurer, William S. Harris, Jr. is attendance to give Council overview of his plan to contract with the Virginia Collections Company, Inc to improve delinquent tax collection services. He also stated that the Virginia Collections Company, Inc. provides services to several other Virginia localities, primarily in the Tidewater area. He further stated that the use of private firms by treasurers for the collection of delinquent taxes is allowed under existing state code and is a proactive approach to tax collection.

Mr. Harris stated that on January 1, 2012 a new tax collection tool will be implemented in the Treasurer office, the automated License Plate Reader System. He also stated that it will be at no cost to the City of Emporia. He further stated that a contract will be executed with the Virginia Auction and Collection Company which have over twenty-seven years of tax collection experience in the State of Virginia. He stated that the Virginia Auction and Tax Company will

utilizes the automated License Plate Reader, a system that is presently being used to collect all delinquent debts. He also stated that Portsmouth, Chesapeake, Isle of Wight, Southampton, Franklin, Newport News, Prince George, Norfolk, and Suffolk use the automated License Plate Reader System as a collection service.

Mr. Roy Black, President, of Virginia Auction and Collection Company, gave an overview of the process for the License Plate Reader System for locating and seizing Delinquent Personal Property Tax. He also stated that they use vehicle with cameras that will scan all vehicles in the area. He further stated that when a delinquent account is found, the vehicle is booted and a warrant is placed on the vehicle. He stated that the owner will be notified to pay the Treasurer before close of business. He also stated that if the owner must pay the Treasurer the full amount owed plus a twenty percent Collection fee. He further stated that the owner will return to the booted vehicle and pay VAC a boot fee. He stated that the boot is removed and the account is closed. He also stated that if the owner does not pay by close of business, the vehicle is taken to a secure lot until the owner has taken care of all taxes and fees. H also stated that after all fees are paid to the City, the owner then pays VAC the booting fee and the tow company for towing and storage then the vehicle will be released and account will be closed.

Mr. Black stated that the three primary laws allowing the use of VAC 58.1-3919.1 use of private collectors by treasurers for the collection of delinquent local taxes, 58.1-3958 payment of administrative costs etc (allows VAC to collect the 20% and boot fee), and 58.1-3941 what may be distrained for taxes (allows the Treasurer to distress and seize all chattels for taxes).

No formal action is required of Council.

11-99. ERHA Program Income Funds – Appropriation Ordinance

Mr. Thrower stated that at the special meeting of the Emporia Redevelopment and Housing Authority (ERHA) held on October 27, 2011, the commissioners approved a request from City administration to utilize a portion of the remaining program income funds from the Lowground Road CDBG project to cover the cost of the lead inspections on twenty-two homes scheduled to be rehabilitated in the West Atlantic Street area as part of the West Atlantic Street CDBG project. He also stated that the expected cost of the lead inspection for each home is \$350.00. He further stated that the commissioners approved utilizing up to \$12,500.00 for this purpose. He stated that the total anticipated cost is \$7,000.00. He also stated that in order for the City to utilize these funds, Council will need to appropriate these funds into the current operating budget

He recommended Council to adopt the Ordinance to appropriate the funds.

Councilwoman Temple made a motion to adopt **Ordinance No. 11-29** appropriating The Sum of \$7,000.00 in Lowground Road CDBG Program Income Funds from the Emporia Redevelopment and Housing Authority for the West Atlantic Street Project, seconded by Councilman Saunders which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Deborah D. Dixon	aye

Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

11-100. DMV 2012 Highway Safety Project Grant – Appropriation

Mr. Thrower stated that the City of Emporia made application and was awarded a Highway Safety Project Grant by the Virginia Department of Motor Vehicles (DMV). He also stated that this grant consists of \$16,977.00 in pass through funds from USDOT/NHTSA for the federal fiscal year 2012. He further stated that the money is designated for traffic enforcement equipment (two digital in-car camera systems, three directional radar units, and traffic safety training).

Mr. Thrower stated that these funds were not included in the FY12 operating budget. He also stated that utilizing this award requires adoption of an ordinance to appropriate funds into the City's FY12 operating budget. He further stated that DMV will reimburse the City's General Fund Revenue Account for \$16,977.00 once all expenditures are submitted to it for approval. He stated that the City will provide a \$3,395.40 in-kind match.

He recommended Council to adopt the Ordinance to appropriate the funds.

Councilman Saunders made a motion to adopt **Ordinance No. 11-30** appropriating The Sum of \$16,977.00 in DMV Highway Safety Grant Funds, seconded by Councilman Carey which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

11-101. Greensville Volunteer Rescue Squad – Request for Letter of Commitment

Mr. Thrower stated that Paul Lozy, President of the Greensville Volunteer Rescue Squad (GVRS), requested a letter stating that the City will be making payments on the loan recently secured from Gateway Bank for the repayment of the 2011 Chevrolet Ambulance the GVRS recently purchased.

Mr. Thrower stated that the Council approved \$25,000 in the FY12 budget to cover a portion of the ambulance costs. He also stated that in the informal discussion during the budget development process was that the City would then budget another \$25,000 in FY13 and \$25,000 in FY14 to complete the City's funding pledge of \$75,000 over three fiscal years. He further stated at that time the initial estimated cost of the ambulance was \$150,000. He also stated that Greensville County committed to pay the other one-half of the ambulance costs.

Mr. Thrower stated that per the invoice provided by the GVRS, the actual cost of the recently purchased ambulance was \$151,850. He also stated that the GVRS has secured a \$75,000 bank loan to cover one-half (City's portion) of the initial estimated ambulance cost.

He recommended that per the GVRS request letter and the discussion with the City Attorney, Council will need to formally authorize the City Attorney and City Manager to draft a moral obligation letter to be signed by Mayor Adams committing the City to \$25,000 in FY13 and \$25,000 in FY14, subject to annual appropriations, to offset the purchase of the 2011 Chevrolet Ambulance, should Council approve Mr. Lozy's request. He stated that the letter will further state that the loan is secured, and any interest costs incurred, by the GVRS is the legal responsibility of the GVRS.

Councilman Harris made a motion to authorize the City Attorney and City Manager to draft a moral obligation letter to be signed by Mayor Adams committing the City to \$25,000.00 in FY13 and \$25,000.00 in FY14, subject to annual appropriations, to offset the purchase of the 2011 Chevrolet Ambulance and the letter will further state that the loan is secured, and any interest costs incurred, by the GVRS is the legal responsibility of the GVRS, seconded by Councilwoman Temple, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	abstained
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

11-102. VPI Extension Office – Introduction of Extension Program Support Specialist

Mayor Adams reported that Morris White of the VPI Extension Office has requested to be put on tonight's agenda to introduce the new Extension Program Support Specialist, Brittany Council.

Mr. Morris White stated that he wanted to formally introduce to Council, Brittany Council the new Extension Program Support Specialist.

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.

*****CLOSED SESSION*****

Councilman Saunders moved that Closed Session be entered for the purpose of discussing Virginia Code Sections § 2.2 3711 (A) (7) **Legal matters requiring the advice of counsel pertaining to previously disposed public property and (A) (3) Disposition of publicly held real property pertaining to the former elementary school** seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye

Councilwoman Deborah D. Dixon	aye
Councilwoman L. Dale Temple	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye

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

Councilwoman Temple moved that the meeting be returned to Regular Session. Councilman Saunders seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Beverly White	aye
Councilman Deborah D. Dixon	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.

Councilwoman Temple seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	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

Tessie S. Wilkins, City Clerk