

PUBLIC HEARINGS

- 1. General Obligation Bond Issuance – Citizens National Bank Building**
 - 2. FY13 Budget Amendment – Citizens National Bank Building**
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Emporia's City Council held a Public Hearing on Tuesday, November 20, 2012, 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 session.

The following City Council members were present:

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

Others present: C. Butler Barrett, City Attorney
Brian S. Thrower, City Manger
Steven B. Hall, Assistant City Manager
Tessie S. Wilkins, City Clerk
Don Wyatt, Chief of Police
Sheila Cutrell, Finance Director
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Ken Ryals, Emergency Service Coordinator

1. General Obligation Bond Issuance – Citizens National Bank Building

Mr. Thrower reported that the City of Emporia is holding a public hearing on its proposal to issue, without a referendum, bonds of the City of Emporia, Virginia. He stated that the bonds will be issued in the principal amount of \$1,735,500.00 and will be secured by the full faith and credit of the City. He also stated that the proceeds of the bonds will be used to provide funds to the Emporia Redevelopment and Housing Authority for the rehabilitation of the Citizens Nations Bank (CNB) Building located at 401 S. Main Street (corner of Hicksford Avenue and South Main Street), refinance certain existing tax-exempt indebtedness related to the CNB Building, and pay the costs of issuing the bonds.

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

Bruce Campbell of 314 West York Drive, Emporia, Virginia inquired about the different type of businesses that will be using the building and when will the construction start and end for the building. Mayor Adams stated that the building will be used for the City Sheriff Office,

Local State Agency and restaurant. Mr. Thrower stated that construction should start mid-December and last for approximately ten months.

Jerry Allen of 418 Fountain Creek Road, Emporia, Virginia, inquired if the building is going to be used as a restaurant. Mayor Adams stated yes that is correct.

Wilson Clary of 405 Laurel Street, Emporia, Virginia, stated that the money used on this project would be better spent on projects spread throughout the City rather than on one project. He also stated that the City is becoming a commercial developer for downtown Emporia with the advent of a restaurant, which is a bad move to make.

Timothy Vincent of 100 Beech Tree Lane, Emporia, Virginia, stated that the City government should not enter into the real estate or real estate leasing business, or any other business that competes with the taxpayers business.

Debra Brown of 604 Temple Avenue, Emporia, Virginia, stated the City should not have a business competing with a private business.

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

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

2. FY13 Budget Amendment – Citizens National Bank Building

Mr. Thrower reported that the City of Emporia is holding a public hearing on its intention to appropriate the sum of \$1,733,500.00 in bond proceeds into its FY13 operating budget. He stated that the proceeds of the bonds will be used to provide funds to the Emporia Redevelopment and Housing Authority for the rehabilitation of the Citizens National Bank (CNB) Building located at 401 S. Main Street (corner of Hicksford Avenue and South Main Street), refinance certain existing tax-exempt indebtedness related to the CNB Building, and pay the costs of issuing the bonds.

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

Laura Moore of 2785 Quarry Road, Skippers, Virginia, stated that if bonds are issued what will be the interest rate. Mr. Thrower stated that the interest rate would be 3.86 percent.

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

With there being no further comments to come before City Council, Mayor Adams declared public hearing.

Samuel W. Adams, III, Mayor

Tessie S. Wilkins, City Clerk

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
November 20, 2012**

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 20, 2012 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 Bishop Vincent Lowery offering the invocation.

ROLL CALL

The following City Council members were present:

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

Others present:

Samuel W. Adams, III, Mayor
Brian S. Thrower, City Manager
C. Butler Barrett, City Attorney
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
Ken Ryals, Emergency Service Coordinator
Sheila Cutrell, Finance Director

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, October 16, 2012, City Council Regular meeting minutes 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 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 20, 2012 bills was presented to City Council members.

General Fund	\$	928,681.54
Utility Fund	\$	142,205.30

Councilman Saunders moved to approve the November 20, 2012 bills as presented, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	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 his report to City Council members. There were no questions regarding his 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 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

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

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

NEW BUSINESS

12-92. Administrative Permit Fee Waivers

Mr. Hall reported that this item was referred to staff for research at Council September 5, 2012 Regular Meeting due to continual requests from various groups and organizations for permit fee waivers (building, zoning, sign, etc.) and the City's existing policy of bringing all such requests before Council individually for consideration.

Mr. Hall stated per Council direction, eleven Virginia localities were contacted regarding fee waiver "policies." He also stated that ten localities provided feedback. He further stated that in summation, there exists a blend between no waivers (3), governing body waivers (5) and administrator waivers (2). He stated that none of the localities he contacted have a written policy or code section regarding fee waivers, only in instances of Enterprise Zone incentives is a policy in writing.

He recommended option one continue to bring individual requests to City Council for determination or option two implement a policy of no fee waivers regardless of use/applicant unless a project is located in the proposed enterprise zone and/or as part of a larger economic development deal. He stated the Council direction is requested.

Councilman Saunders made a motion to continue to bring the individual requests to City Council for determination, seconded by Councilwoman Temple, which passed as follows:

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

12-93. Stormwater Management Ordinance Amendment – Request to Hold Public Hearing

Mr. Thrower reported that the proposed amendments serve to clarify that the City retains the authority to maintain existing ditches and driveway pipes located within the right of way in order to ensure adequate drainage flow and to minimize damage to surrounding property.

Mr. Thrower stated that the proposed amendments also clarify that the City will maintain existing manmade stormwater drainage systems or facilities (pipes, culverts, etc.) on private property that were previously constructed by the City which convey street drainage. He also stated that in some instances going back decades, it appears that the City has not obtained easements from property owners when installation of such structures initially occurred. He further stated that it is in the City's best interest to maintain these existing manmade structures in order to ensure adequate conveyance of street drainage. He further stated that in these circumstances, the City will obtain an easement from the property owners(s).

He recommended that Council authorize conducting a public hearing at Council December 4, 2012 meeting regarding the proposed ordinance amendments.

Councilwoman Temple made a motion to conduct a public hearing at Council December 4, 2012 meeting regarding the proposed ordinance amendments, seconded by Councilwoman Doris White, which passed as follows:

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

12-94. Farmers Market Rules and Regulations – Request to Allow Fine Arts and Crafts

Mr. Thrower stated that at its October 2, 2012 meeting, members of the Farmers Market Advisory Board (FMAB) discussed the possibility of allowing crafts to be sold at the Farmers Market. He also stated that a quorum was not in attendance, the recommendation of those present was to request that Council approve allowing crafts to be sold at the Farmers Market.

Mr. Thrower stated that the proposed amendment lists "Fine Art and Crafts" as products eligible for sale at the market. He stated that the amendment reads: Fine Arts and Crafts – A Fine Art and Craft Vendor is defined as a person who creates, primarily through the use of their own hands, the products they offer for sale. Such products include, but are not limited to, quilts, baskets, jewelry, woodcrafts, floral arrangements and other products involving weaving, pottery, carvings, sculpture, photography, and painting. Sale of garage and flea market type items, manufactured, used or imported goods are prohibited. Crafts will be evaluated by the Farmer's Market Manager prior to display and permission may be revoked upon his/her discretion.

Mr. Thrower reported that in researching other localities' policies, it appears there is a mix of those who allow crafts to be sold and those who do not. He also reported that some of those who do allow crafts to be sold regulated the product mix in order to achieve an optimal balance of both food and crafts. He further reported that as this new initiative progresses, City staff and the FMAB will monitor the vendor mix and make adjustments and/or recommendations via policy amendments as necessary in order to ensure there is a balance of both food and crafts for sale.

He recommended that Council approve the proposed amendments to the Farmers Market Rules and Regulations in order to allow vendors to sale fine arts and crafts at the market.

Councilman Harris made a motion to approve the proposed amendments to the Farmers Market Rules and Regulations in order to allow vendors to sale fine arts and crafts at the market, seconded by Councilwoman Dixon, which passed as follows:

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

12-95. VML Risk Management Grant Funds – Appropriation Ordinance

Mr. Thrower reported that the City had received a safety grant from VML Insurance Programs in the amount of \$3,971.00 to be used for safety. He stated that the City will use these funds to pay for the purchase of traffic cones and barricades. He also stated that in order for the City to utilize these funds for this purpose, Council must appropriate them into the FY13 operating budget.

Councilwoman Temple made a motion to adopt **Ordinance No. 12-27** to appropriate the sum of \$3,971.00 in grant funds from the Virginia Municipal League Insurance Programs for the Risk Management Grant program, seconded by Councilwoman Doris White, which passed as follows:

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

12-96. 2013 Highway Safety Project Grant (DMV) – Appropriation Ordinance

Mr. Thrower reported that the City of Emporia made application and was awarded a Highway Safety Project Grant by the Virginia Department of Motor Vehicles. He stated that this grant consists of \$16,521.00 in pass through funds from USDOT/NHTSA for the federal fiscal

year 2013. He also stated that the money is designated for traffic enforcement equipment and training (two digital in-car cameras, three radar units, and traffic safety training).

Mr. Thrower advised that those funds were not included in the FY13 operating budget. He also advised that utilizing this award requires the adoption the ordinance to appropriate funds into the City's FY13 operating budget. He further advised that the DMV will reimburse the City's General Fund Revenue Account for \$16,521.00 once all expenditures are submitted to it for approval. He stated that the City will provide an \$8,260.50 in-kind match.

Councilman Saunders made a motion to adopt **Ordinance No. 12-28** to appropriate the sum of \$16,521.00 in DMV Highway Safety Grant Funds, seconded by Councilwoman Carey, which passed as follows:

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

12-97. Drug Seizure Fund – Appropriation Ordinance

Mr. Thrower reported that the City of Emporia Police Department seizes money, by court order, determined to have been used in drug transactions. He stated that before spending these funds, they must first be appropriated into the General Fund Operating Budget for the current year.

Mr. Thrower stated that the Police Department wishes to use \$40,000.00 in seized funds for the purchase of a marked patrol vehicle.

Councilman Saunders made a motion to adopt **Ordinance No. 12-29** to appropriate the sum of \$40,000.00 in Drug Seizure Funds, seconded by Councilwoman Temple, which passed as follows:

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

12-98. Boards and Commissions – Unexpired Terms (John W. Barrows)

Mr. Thrower stated that due to the recent passing of John W. Barrows, there is a vacant seat on the Planning Commission. He stated that this vacant seat on the Planning Commission serves a four (4) year term with the current expiration date being June 30, 2014.

Councilman Harris moved to nominate James C. Saunders for appointment to the Planning Commission.

Councilman Harris moved to appoint James C. Saunders to serve the unexpired four year term on the Planning Commission with an expiration date of June 30, 2014 effective January 1, 2013, seconded by Councilwoman Dixon, which passed as follows:

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

Mr. Thrower stated that due to the passing of John W. Barrows, there is a vacant seat on the Board of Zoning Appeals. He also stated that this vacant seat on the Board of Zoning Appeals serves a five year term with the current expiration date being February 28, 2014. He further stated that City Council needs to make a nomination(s) to fill the vacant seat and submit the result(s) to the Greenville County Circuit Court for consideration and appointment.

Mayor Adams stated that this item was to be continued at the December 4, 2012 City Council Regular meeting.

12-99. Farmers Market Advisory Board Expirations – Bill Howell/Samuel Adams, III

Mr. Thrower stated that on November 30, 2012 the four year terms of Mr. Bill Howell and Mayor Samuel Adams, III on the City's Farmers Market Advisory Board will expire. He also stated that Mayor Adams has stated that he does not wish to be considered for reappointment. He further stated that Mr. Howell has stated that he does wish to be considered for reappointment.

Councilman Harris moved to reappoint Bill Howell to serve on the City's Farmers Market Advisory Board with an expiration date of November 30, 2016 and Mayor Adams vacancies be appointed at the December 4, 2012 City Council Regular meeting, seconded by Councilwoman Dixon, which passed as follows:

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

Debra Brown, 604 Temple Avenue, addressed Council with concerns about a facebook status submitted by Kimmie Thrower. She stated that even if Mrs. Thrower said it is not racial, it's disrespectful to the Mayor elected Mary Person. She further stated that we do not want our leaders and their spouses posting messages that are vulgar and disgraceful. She stated that even if a spouse is not a City employee they should conduct themselves to a certain code of conduct that is respectful to the City and its citizens. She also stated that she and the NAACP think that Mr. Thrower owe Mary Person as well as the citizens of Emporia and apology.

Mayor Adams stated that you are not going to get an apology from someone that did not do anything.

Willie Taylor, 204 Lowground Road, addressed Council stating that the Mayor ran the City of Richmond, so why do the City of Emporia needs a City Manager. Mayor Adams stated that the City of Richmond and City of Emporia are two different forms of government.

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

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

Councilwoman Temple moved that the joint closed session meeting with the Emporia Redevelopment and Housing Authoring pursuant be entered for the purpose of discussing Virginia Code § 2.2 3711 (A) (5) **Discussion of a prospective business**. Councilwoman Dixon seconded the motion, which passed as follows:

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

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

Councilwoman Dixon 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 C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

CERTIFICATION

Councilwoman Dixon 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 Saunders made the motion to approve the general obligation bond resolution authorizing the issuance of bonds in the principal amount of \$1,733,500 to be secured by the full faith and credit of the City. Furthermore, the proceeds of the bonds will be used to provide funds to the Emporia Redevelopment and Housing Authority for the rehabilitation of the Citizens National Bank (CNB) Building located at 401 S. Main Street (corner of Hicksford Avenue and South Main Street), refinance certain existing tax-exempt indebtedness related to the CNB Building, and pay the costs of issuing the bonds. Councilwoman Carey seconded the motion, which passed as follows:

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

Councilwoman Temple made the motion to approve the resolution approving agreements with the Emporia Redevelopment and Housing Authority pertaining to the Citizens National Bank Building project. Councilwoman Carey seconded the motion, which passed as follows:

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

Councilman Saunders made the motion to approve the ordinance appropriating the sum of \$1,733,500 in bond proceeds into the FY13 operating budget. Furthermore, the proceeds of the bonds will be used to provide funds to the Emporia Redevelopment and Housing Authority for the rehabilitation of the Citizens National Bank (CNB) Building located at 401 S. Main Street (corner of Hicksford Avenue and South Main Street), refinance certain existing tax-exempt indebtedness related to the CNB Building, and pay the costs of issuing the bonds. Councilwoman Temple seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	abstained
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye

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

Councilwoman Temple made the motion to approve waiving any and all permit fees associated with the Citizens National Bank Building renovation, including those that may be incurred by tenants in commencing operations. Councilwoman Carey seconded the motion, which passed as follows:

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

Councilman Saunders made the motion to approve waiving water, sewer, and trash collection fees for the Emporia Citizens National Bank Building, LP. Councilwoman Temple seconded the motion, which passed as follows:

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

Councilwoman Temple made the motion to authorize the City Manager and/or Mayor to execute any and all documents pertaining to the Citizens National Bank Building project and do those things necessary to move forward with such project. Councilwoman Carey seconded the motion, which passed as follows:

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