

MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
October 1, 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, October 1, 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 Carolyn S. Carey, Council Member offering the invocation.

ROLL CALL

The following City Council members were present:

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

Others present: Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Jason Stewart, Assistant Manager
Tessie S. Wilkins, City Clerk
Ken Ryals, Emergency Service Coordinator
Don Wyatt, Chief of Police

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, September 17, 2013, City Council Public Hearing and Regular meeting as presented, seconded by Councilwoman Lynch, 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 Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

AGENDA APPROVAL

Mayor Person reported the addition of **Item 13-59. MAMaC Resolution – Request to Adopt and Close Session Virginia Code Sections § 2.2 3711 (A) (1) personnel matter involving the job assignments of a specific employee.**

Councilwoman Temple moved to approve the amended agenda 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 Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

NEW BUSINESS

13-48. Southside Regional Medical Center – Presentation by Mike Yungmann, CEO

Mr. Mike Yungmann, CEO stated that Southside Regional Medical Center in Petersburg was approved to develop an open-heart surgery program that would provide services such as coronary artery bypass surgery and heart valve repair. He also thanked Council for their support and provided information containing an approval letter by the Virginia Health Commissioner. He further extended an invitation to Council to attend the grand opening of the Southside Regional's Cancer Center in the beginning of January 2013.

Mayor Person thanked Mr. Yungmann for his updates.

13-49. Emporia-Greenville Airport Commission Matching Grant Funds – Appropriation Ordinance

Mr. Thrower stated that the City received a request from the Emporia-Greenville Airport Commission to provide funds in the amount of \$33,400.00 as a local match for awarded federal and state grant funds. He also stated that the Emporia-Greenville Airport Commission had been awarded \$465,200.00 in grant funds contingent upon matching funds of \$66,800.00 or \$33,400.00 from each local government. He further stated that the Emporia-Greenville Airport Commission planned to utilize these funds for a drainage system rehabilitation project and designing a runway extension.

Mr. Thrower stated that during the regular budget process, the Airport Commission requested grant matching funds in the amount of \$32,200.00. He also stated that this grant match was included in the City's current operating budget. He further stated that due to an increase in the actual bid price for construction, the Airport Commission would need an additional \$1,200.00 from each local government in order to meet the required match. He stated that in

order for the City to provide the additional matching funds to the Emporia-Greenville Airport Commission, Council would need to appropriate these funds into the current operating budget.

Mr. Thrower recommended that Council adopt Ordinance No. 13-16 to appropriate the sum of \$1,200.00 from the Unappropriated Fund Balance of the General Fund for a Local Match to a grant received by the Emporia-Greenville Airport Commission for Capital Projects.

Councilman Ewing moved to approve **Ordinance No. 13-16** to appropriate the sum of \$1,200.00 from the Unappropriated Fund Balance of the General Fund for a Local Match to a grant received by the Emporia-Greenville Airport Commission for Capital Projects, 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 Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

13-50. 2014 Highway Safety Project Grant (DMV) – Appropriation Ordinance

Mr. Thrower reported that the City of Emporia was awarded a Highway Safety Project Grant by the Virginia Department of Motor Vehicles. He also reported that the grant consists of \$13,622.00 in pass through funds from USDOT/NHTSA for the federal fiscal year 2014. He further reported that the money was designated for traffic enforcement equipment and training (two digital in-car cameras, two radar units).

Mr. Thrower stated that these funds were not included in the FY14 operating budget. He also stated that utilizing this award requires the adoption of an ordinance to appropriate funds into the City's FY14 operating budget. He further stated that the DMV would reimburse the City's General Fund Revenue Account for \$13,622.00 once all expenditures are submitted for approval. He stated that the City would provide a \$6,811.00 in-kind match.

Mr. Thrower recommended that Council adopt Ordinance No. 13-17 to appropriate the sum of \$13,622.00 in DMV Highway Safety Grant Funds.

Councilwoman Temple moved to approve **Ordinance No. 13-17** to appropriate the sum of \$13,622.00 in DMV Highway Safety Grant Funds, 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 Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

13-51. Department of Environmental Quality Grant Funds – Appropriation Ordinance

Mr. Thrower reported that the City has been award a grant from the Department of Environmental Quality in the amount of \$6,366.00 for the City FY14 Litter Prevention and Recycling Program activities. He stated that Council would need to appropriate these funds into the current operating budget.

Mr. Thrower recommended that Council adopt Ordinance No. 13-18 to appropriate the sum of \$6,366.00 in grant funds from the Department of Environmental Quality for Litter Prevention and Recycling.

Councilwoman Temple moved to approve **Ordinance No. 13-18** to appropriate the sum of \$6,366.00 in grant funds from the Department of Environmental Quality for Litter Prevention and Recycling, seconded by Councilwoman Carey, 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 Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

13-52. Fire Program Funds – Appropriation Ordinance

Mr. Thrower stated that the City annually receives grant funds from the Virginia Department of Fire Programs for the Emporia Volunteer Fire Department. He also stated that the Virginia Department of Fire Programs allows the City to carry the unspent funds over from one fiscal year to the next. He further stated that the City has \$132,778.75 in carryover funds remaining. He further stated that Council would need to re-appropriate \$132,778.75 into the FY14 operating budget.

Mr. Thrower recommended that Council adopt Ordinance No. 13-19 to appropriate the sum of \$132,778.75 in previously received grant funds from the Virginia Department of Fire Programs from the Unappropriated fund balance of the General Fund for the Fire Programs.

Councilwoman Temple moved to approve **Ordinance No. 13-19** to appropriate the sum of \$132,778.75 in previously received grant funds from the Virginia Department of Fire Programs from the Unappropriated fund balance of the General Fund for the Fire Programs, 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 Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

13-53. Virginia Local Disability Program (VLDP) – Request to Adopt Opt-Out

Mr. Thrower stated that the 2012 General Assembly created the Virginia Local Disability Program (VLDP) for political subdivision and school division employees who will be covered under the Virginia Retirement System (VRS) Hybrid Retirement Plan effective January 1, 2014. He also stated that the Hybrid Retirement Plan would apply to most new employees hired on or after January 1, 2014 and current employees who opt to switch to the plan. He further stated that the Public safety (hazardous duty) employees were exempt from the Hybrid Plan and were not eligible to participate in the VLDP. He stated that VRS rates beginning January 1, 2014 through June 30, 2014 will be 0.91% of Hybrid Plan covered payroll.

Mr. Thrower stated that the participation in VLDP by political subdivisions and school divisions is automatic through the VRS unless the governing body elects to opt out and provides a comparable employer paid disability program effective January 1, 2014. He also stated that the comparable coverage must include short-term disability as specified in Chapter 11.1 of Title 51.1 of the Code of Virginia. He further stated that this was an irrevocable decision.

Mr. Thrower reported that the Virginia Municipal League Insurance Programs (VMLIP) had partnered with Lincoln Financial Group and KSPH to develop alternatives to the VRS administered VLDP. He stated that Option 1 included coverage to all employees (excludes public safety/hazardous duty employees). He also stated that the administration of the Short Term Disability Program is \$2.49 per employee, per month. He further stated that the fully insured Long Term Disability Coverage was \$0.49/\$100 of covered monthly payroll. He stated that Option 2 included coverage for only those employees hired on or after January 1, 2014 and those current employees who voluntarily elect to switch over to the new Hybrid Retirement Plan. He stated that under this option, administration of the Short Term Disability Program is \$2.49 per employee, per month. He further stated that under this option, insured Long Term Disability Coverage was \$0.75/\$100 of covered monthly payroll. He stated that the rates associated with both options are guaranteed for 24 months. He also stated that Option 2 allowed employers to opt-out of the VRS administered VLDP program and take more time to consider the re-design of Paid Leave Programs and possibly implement coverage to all employees (excluding public safety/hazard duty employees) in the future. He further stated that under Option 2 the City would only be responsible for paying the aforementioned costs associated with employees (excluding public safety/hazardous duty) hired on or after January 1, 2014 and those employees who voluntarily elect to switch over to the new Hybrid Retirement Plan.

Mr. Thrower recommended that Council adopt Resolution No. 13-07 to opt out of the VRS VLDP coverage and authorize the City Manager to execute all agreements necessary to have the City covered under Option 2 of the VML Insurance Programs Plan.

Councilman Harris moved to approve **Resolution No. 13-07** to opt out of the VRS VLDP coverage and authorize the City Manager to execute all agreements necessary to have the City covered under Option 2 of the VML Insurance Programs Plan, seconded by Councilwoman Temple, which passed as follows:

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

13-54. Emergency Medical Response Plan – Request to Approve

Mr. Thrower stated that the Virginia Emergency Response Plan was prepared by the Greenville Volunteer Rescue Squad and serves to provide the necessary basic for coordination of emergency responses in the City of Emporia and Greenville County. He stated that in accordance with 12VAC5-31-610, all designated emergency response agencies would develop or participate in a written local emergency medical response plan.

He recommends that Council approve the Emergency Medical Response Plan and authorize the City Manager and Mayor to execute such on behalf of the City.

Councilman Ewing moved to approve the Emergency Medical Response Plan and authorize the City Manager and Mayor to execute on behalf of the City, seconded by Councilwoman Lynch, 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 Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

13-55. Voting at the VML Business Meeting

Mr. Thrower stated the VML Municipal League staff stated that Council will need to appoint a Council Member to serve as the City’s voting delegate at the annual VML business meeting, due to the Mayor’s absence.

Councilman Harris moved to nominate Councilwoman Mercer to serve as the City’s voting delegate at the annual VML business meeting, 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	abstained
Councilwoman Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

13-56. Boards and Commissions – Unexpired Terms (James Saunders)

Mr. Thrower stated due to Mr. Saunders relocating out of town, he is no longer able to complete his four (4) year term on the Planning Commission. He also stated that his unexpired four-year term on the Planning Commission has an expiration date of June 30, 2014. He further stated that City Council needs to make a nomination to fill the vacant seat.

Councilman Ewing nominated Thomas L. Vaughan to serve the unexpired four-year term on the Planning Commission with an expiration date of June 30, 2014.

Councilman Ewing made a motion to appoint Thomas L. Vaughan to serve the unexpired four-year term on the Planning Commission with an expiration date of June 30, 2014, seconded by Councilwoman Lynch, 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 Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

Mr. Thrower stated that due to Mr. Saunders relocating out of town, he is no longer able to complete his four-year term on the Social Services Board. He also stated that his unexpired four-year term on the Social Services Board has an expiration date of June 30, 2015. He further stated that City Council needs to make a nomination to fill the vacant seat.

Councilman Harris nominated Councilwoman Carey to serve the unexpired four-year term on the Social Services Board with an expiration date of June 30, 2015.

Councilwoman White nominated Beverly White to serve the unexpired four-year term on the Social Services Board with an expiration date of June 30, 2015.

Councilwoman Temple made a motion to appoint Councilwoman Carey to serve the unexpired four-year term on the Social Services Board with an expiration date of June 30, 2015, seconded by Councilwoman Lynch, which passed as follows:

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

13-57. November 5, 2013 Council Meeting – Request to Cancel

Mr. Thrower stated that he recommended that Council cancel the November 5, 2013 meeting due to Election Day falling on the same day.

Councilman Harris made a motion to cancel the November 5, 2013 meeting due to Election Day, 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 Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

13-58. Smoove Operators – Six Month Conditional Use Permit Review

Mr. Stewart stated that at Council, March 19, 2013 meeting, Council approved a Conditional Use Permit for Smoove Operators to operate as a “nightclub,” as defined in the City’ Zoning Code located at 773 N. Main Street and Tax Map # 83-A-0-11. He also stated that the Conditional Use Permit previously approved with the stipulation of an initial six-month review by City Council with annual reviews thereafter. He further stated that the Police complaints and incidents on the property within the past six months have been minor in nature. He stated that the permit holder had been compliant with all City codes and with the Virginia ABC laws to the knowledge of this office.

He recommend allowing Smoove Operators to continue operating under the terms of the original Conditional Use Permit issued, subject to review by City Council in twelve months.

Councilman Ewing made a motion to approve Smoove Operators to continue operating under the terms of the original Conditional Use Permit issued, to be reviewed by City Council in twelve months, 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 Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

13-59. MAMaC Resolution – Request to Adopt

Mr. Thrower stated that the Mid-Atlantic Advanced Manufacturing Center (MAMaC) Regional Industrial Facilities Authority (RIFA) intended to apply for a Tobacco Commission grant funding to further develop the MAMaC site. He also stated that the Greenville County staff total request to the Tobacco Commission will be \$3,689,086.00. He further stated that the grant funding, if awarded, will be put towards the build out of Otterdam Road, clearing and mulching of the MAMaC site, and preparation of a wetland mitigation study.

He recommends that Council adopt Resolution No. 13-08 supporting the development of the MAMaC site and agreeing to be a co-applicant in the efforts to secure grant funds from the Tobacco Commission.

Councilman Harris moved to approve **Resolution No. 13-08** supporting the development of the MAMaC site and agreeing to be a co-applicant in the efforts to secure grant funds from the Tobacco Commission, 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 Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

PUBLIC COMMENT

Mayor Person 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 Person closed the public comment portion of the meeting.

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

Councilman Ewing moved that Closed Session be entered for the purpose of discussing Virginia Code Sections § 2.2 3711 (A) (1) **personnel matter involving the job assignments of a specific employee and (A) (7) legal matter requiring the advice of counsel pertaining to Social Services funding**, 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 Carolyn S. Carey	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 Carolyn S. Carey	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 Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

Councilman Harris made the motion authorizing the City Clerk to work additional hours in the Treasurer's Office during occurrences of pending staffing issues, Councilman Ewing 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 Carolyn S. Carey	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

