

MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
September 2, 2014

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, September 2, 2014, 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 Carolyn S. Carey
Councilwoman Deborah D. Lynch
Councilwoman L. Dale Temple
Councilwoman Carol Mercer
Councilwoman Doris T. White

Others present:

Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manger
Dr. Edwin C. Daley, Assistant City Manager
Tessie S. Wilkins, City Clerk
Don Wyatt, Chief of Police
Linwood Pope, Director of Utilities

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, August 19, 2014, City Council Public Hearing and Regular meeting as presented, seconded by Councilwoman White, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Deborah D. Lynch	aye

Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye
Councilwoman Doris T. White	aye

Mayor Person welcomed Sanitation Equipment Operator James Billy Lynch, to the City of Emporia.

AGENDA APPROVAL

Mayor stated that Closed Session would be the 1st agenda item.

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

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

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

Councilwoman Mercer moved that Closed Session be entered for the purpose of discussing Virginia Code Sections § 2.2 3711 (A) (1) **Personnel matter regarding consideration of candidates for appointment, (A) (3) Acquisition of real property for public purposes and (A) (7) Legal matter requiring the advice of counsel pertaining to Comprehensive Services Act Funding**, seconded by Councilwoman White, which passed as follows:

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

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

NEW BUSINESS

14-52. City and Greenville County School Board Appointments

Mr. Thrower reported that on August 19, 2014, City Council held a public hearing regarding one appointment to the City School Board and one appointment to the Greenville County School Board. He also reported that City Council received the following nominations for the City School Board: Gloria Robinson, Caroline Gatten, Clifton Threat and Marva Dunn. He further reported that City Council received the following nominations for the Greenville County School Board: Bernadette Battle, Gloria Robinson, Caroline Gatten, Clifton Threat and Marva Dunn.

Mr. Thrower stated that the City and Greenville County School Board appointees would serve the unexpired terms ending on December 31, 2014.

Councilman Harris made a motion to appoint Marva Dunn to fill the unexpired term of Marguerite K. Burton, seconded by Councilwoman Carey which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Deborah D. Lynch	aye

Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye
Councilwoman Doris. T. White	aye

14-53. West Atlantic Street Neighborhood Improvement Project – Request to Approve Agreement and Authorize a Public Hearing to Convey Deeds to Habitat for Humanity

Mr. Thrower stated that the City had been discussing options regarding the vacant lots created by the acquisition and demolition of properties in the West Atlantic Street Neighborhood Improvement Project area. He also stated that the project was funded by the Virginia Department of Housing and Community Development.

Mr. Thrower advised that the City is obligated to provide four new owner-occupied units in the project area. He also advised that the agreement provides for construction of two owner-occupied units by the Emporia-Greenville Habitat for Humanity. He further advised that City staff is working with another agency for the construction of two additional units.

Mr. Thrower reported that at this time he is requesting Council to approve the agreement with the Emporia-Greenville Habitat for Humanity and authorize conducting a public hearing for conveying the deeds to the properties. He also reported that City staff would then subdivide the five existing lots to create three new lots. He further reported that as required by State Code, a public hearing is required to dispose of publicly held real property.

Mr. Thrower stated that City staff would be working with the City Attorney and the Emporia-Greenville Habitat for Humanity to finalize the details of this project.

He recommended that Council approve the agreement with the Emporia-Greenville Habitat for Humanity and authorizes conducting a public hearing on October 21, 2014 to approve transferring the vacant lots.

Councilwoman Carey made a motion to approve the agreement with the Emporia-Greenville Habitat for Humanity and authorize conducting a public hearing on October 21, 2014 to approve transferring the vacant lots, seconded by Councilwoman Mercer, which passed as follows:

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

14-54. Virginia Peanut Festival Fireworks Resolution

Mr. Thrower reported that in accordance with Article III. Fireworks; Section 38-68. Use and Discharge of the City of Emporia's code of Ordinances, the Virginia Peanut Festival Committee is requesting a resolution authorizing the use of fireworks as part of the 2014 Peanut Festival celebration.

Mr. Thrower recommended that Council adopt Resolution No. 14-06 authorizing the use of fireworks by the Virginia Peanut Festival Committee.

Councilman Harris moved to approve **Resolution No. 14-06** authorizing the use of fireworks by the Virginia Peanut Festival Committee as part of the 2014 Peanut Festival celebration, seconded by Councilwoman Temple which passed as follows:

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

14-55. Water and Sewer Multiunit Connection Fees – Request for Direction and to Authorize a Public Hearing to Amend City Code

Mr. Thrower reported that at the July 15, 2014 meeting, Council approved Elliott Sadler's conditional use permit request to operate a recreational vehicle park on the lot located behind the Sadler Travel Plaza. He also reported that Council also requested staff to develop options regarding how multiunit connection fees should be applied to various types of development.

Mr. Thrower advised that per City Code Sections 78-72 and 78-188, developers are currently charged \$1,000.00 per unit within a multiunit development for each water tap and \$2,000.00 per unit within a multiunit development for each sewer tap, for a total of \$3,000.00 per unit. He also stated that these per unit connection fees are in addition to standard water and sewer tap fees charged. He further stated that the minimum water tap charge is \$3,000.00. He advised that the minimum sewer tap charge is \$4,000.00.

Mr. Thrower stated that the following is options for Council consideration pertaining to the application of multiunit connection fees to various types of development:

Options 1) Specify the exact types of development, i.e. multifamily dwellings/apartments, hotels/motels, recreational vehicle parks, etc., subject to multiunit connection fees. Charge the exact same fees per unit, room, etc. for all development types. Under this option, the City could charge the same per unit fee it currently charges, i.e. \$1,000.00 per unit for water and \$2,000.00 per unit for sewer, or establish new per unit charges applicable to all development classifications. As an example, the City of Colonial Heights specifies each type of development that is subject to multiunit connection fees in its code. Should Council choose this option staff requests guidance on which specific types of development should be subject to the fees and whether the City should maintain its current fees or establish new fees that will be applicable to all development classifications.

Options 2) Specify the exact types of development, i.e. multifamily dwellings/apartments, hotels/motels, recreational vehicle parks, etc., subject to multiunit connection fees. Charge different fees per unit, room, etc. based on the type of development specified. This option would model Colonial Heights' system of charging a different fee per unit, room, etc. based on development classification. Should you choose this option staff requests guidance on which specific types of development should be subject to the fees and the exact fees that should be charged per unit, room, etc. for each development classification.

Option 3) Eliminate multiunit connection fees for all types of development. Developers would only be charged standard water and sewer tap fees.

Mr. Thrower recommended that Council select from the options listed above or devise another alternative to provide direction to staff. He stated that based on Council direction, staff would then prepare code amendments for consideration at Council October 21, 2014 meeting. He also recommended that Council authorizes conducting a public hearing on the proposed amendments at that meeting.

Councilman Harris suggested that the code be amended to state: for a development subject to collect a lodge tax the per unit charge within multiunit development shall be capped at \$2,000.00.

Mr. Thrower stated that this item would be placed on the October 21, 2014 Council meeting.

14-56. Nonconforming Structures – Request by Council Member White

Councilwoman White stated that she had requested the issue of nonconforming uses to be put on the agenda for discussion, specifically as it relates to the ability of property owners to rebuild nonconforming structures should they be damaged by an act of God.

Mr. Thrower stated that this item would be placed on the October 21, 2014 Council meeting.

14-57. Southside Community Criminal Justice Board – Unexpired Term (Dr. Philip L. Worrell)

Mr. Thrower stated that Dr. Philip L. Worrell currently serves on the Southside Community Criminal Justice Board. He also stated that due to Dr. Worrell relocation out of town he is no longer able to complete his two-year term on the SCCJB. He further stated that his unexpired two-year term on the SCCJB has an expiration date of June 30, 2015. He reported that City Council needed to make a nomination to fill the vacant seat. He also reported that the nomination would require that the individual be a local educator.

Councilwoman Carey made a motion to nominate Dr. Angela Wilson, who verbally agreed to fill the unexpired term of Dr. Philip L. Worrell on the Southside Community Criminal Justice Board, seconded by Councilwoman Temple which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye

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

14-58. Highway Safety Commission – 4 Term Expirations

Mr. Thrower reported that the following individuals were currently serving three-year terms on the City’s Highway Safety Commission that will expire on September 30, 2014: Reginald Harris, Joshua Barnes, Sheriff Sam Brown and Shirley Thomas. He also reported that all four individuals had indicated that they wish to be considered for reappointment.

Councilman Harris made a motion to reappoint Reginald Harris, Joshua Barnes, Sheriff Sam Brown and Shirley Thomas to serve another three-year terms on the City’s Highway Safety Commission, seconded by Councilwoman Lynch which passed as follows:

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

PUBLIC COMMENT

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

Cora Hines, 212 Lowground Road, addressed Council with concerns about the smell and the water on Williams Street.

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

ADJOURNMENT

With no further business to come before City Council, Mayor Person adjourned the meeting.

Mary L. Person, Mayor

Tessie S. Wilkins, City Clerk

