

**MINUTES  
EMPORIA CITY COUNCIL  
CITY OF EMPORIA MUNICIPAL BUILDING  
JULY 17, 2007**

*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 at this meeting. One may see a copy of the Agenda for this meeting by contacting the City Clerk.*

**INVOCATION**

Emporia City Council held a Regular Meeting on Tuesday, July 17, 2007, at 7:30 P.M. in the Council Chambers of the Municipal Building. Mayor Adams presided over the meeting with Council President Nancy B. Squire offering the invocation.

**ROLL CALL**

Upon roll call, the following City Council members indicated their presence:

Councilwoman Nancy B. Squire  
Councilman John R. White  
Councilman F. Woodrow Harris  
Councilman James C. Saunders  
Councilwoman Doris T. White  
Councilwoman Carolyn S. Carey  
Councilman Ned V. Lankford

Others present: C. Butler Barrett, City Attorney  
Sam Brown, Sheriff  
William S. Harris, Treasurer  
Royal Jones, Public Works Director  
Linwood Pope, Community Services Director  
Joyce E. Prince, Commissioner of the Revenue  
Bernard Richardson, Chief of Police  
Brian S. Thrower, Assistant City Manger  
Jean V. Whiting, City Clerk

Absent: Gerald D. Vincent, City Manager

**MINUTES APPROVAL**

The minutes of the June 19, 2007 Public Hearing and City Council Regular Meeting were distributed to City Council members. Councilman White moved to approve the minutes as presented. Councilwoman Squire seconded the motion, which passed as follows:

|                              |     |
|------------------------------|-----|
| Councilwoman Nancy B. Squire | aye |
| 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 Ned V. Lankford    | aye |

## **APPROVAL OF BILLS**

A listing of the July 17, 2007 bills had been presented to City Council members.

|              |              |
|--------------|--------------|
| General Fund | \$390,695.37 |
| Utility Fund | \$ 64,952.52 |

Councilman Saunders moved that the bills be paid. Councilman Lankford seconded the motion, which passed as follows:

|                               |     |
|-------------------------------|-----|
| Councilwoman Nancy B. Squire  | aye |
| 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 Ned V. Lankford    | aye |

## **FINANCIAL AND TAX REPORT**

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

Mr. Harris stated that, in accordance with § 58.1-3924 of the Code of Virginia, the treasurer shall submit a listing of all delinquent taxes, as of the close of business on June 30 of the year following the tax assessment year, to City Council members as well as have the listing published once in a local newspaper. He requested that City Council members authorize the publication of the listing once in the local newspaper accordingly.

Councilman Harris moved to approve that the listing of delinquent taxes be published once in the local newspaper with the provision that individuals satisfying respective tax obligations, prior to submission to a local newspaper, be stricken from the listing by the Treasurer. Councilwoman Carey seconded the motion, which passed as follows:

|                               |     |
|-------------------------------|-----|
| Councilwoman Nancy B. Squire  | aye |
| 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 Ned V. Lankford    | aye |

## **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 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 his report to City Council members. There were no questions regarding the report.

## **CITY ATTORNEY REPORT**

C. Butler Barrett, City Attorney, had no matters to report to City Council members.

## **AGENDA APPROVAL**

Mayor Adams requested that item 3785. *Virginia Rural Broadband Initiative Grant – Approval of Contract VDHCD* be added to the Agenda as presented and asked City Council members for approval as amended.

Councilwoman Squire moved that the Agenda be approved as amended. Councilman Saunders seconded the motion, which passed as follows:

|                               |     |
|-------------------------------|-----|
| Councilwoman Nancy B. Squire  | aye |
| 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 Ned V. Lankford    | aye |

## **UNFINISHED BUSINESS**

### ***3770. Proposed Sign Ordinance Amendments***

Mr. Thrower reported that the issue of “cleaning up” the city was discussed at the February 2007 City Council Retreat. He also reported that the issue was discussed as it relates to the placement of illegal signs throughout the city. He further reported that staff revised multiple

sections of the City of Emporia's Code addressing signs, including the following:

- Sec. 90-1 ~ Definitions
- Sec. 90-149 ~ Permitted signs
- Sec. 90-150 ~ Permits and fees for signs
- Sec. 90-151 ~ Sign construction and inspection
- Sec. 90-152 ~ Nonconforming signs
- Sec. 90-156 ~ Removal of signs by administrator
- Sec. 90-80 ~ Dt downtown district

He stated that major points of emphasis in the proposed sign ordinances revisions include the following:

- Billboards
- Temporary signs
- Window signs
- DT district
- Administrative fee

He also stated that, in accordance with City Code Sec. 90-256, the Planning Commission reviewed the proposed revisions on May 1, 2007 and voted to recommend that City Council adopt the revisions during the June 5, 2007 City Council Regular Meeting. He further stated that staff requests that City Council members review the following revisions to the sign ordinances and authorize the City's attorney to draft a resolution adopting them:

**Sec. 90-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building* means a detached subordinate building located on the same lot with the main building or use, the use of which is customarily incidental to that of the main building or to the use of the land. Where a wall of the accessory building is part of the wall of the main building, or where an accessory building such as a garage is attached in any manner to the main building, such accessory building shall be considered a part of the main building. The accessory building shall be less than the main building in height, except in industrial districts where a higher building is required in the manufacturing process. No accessory building shall be used for residential purposes. Accessory buildings shall be permitted only in the rear yards and shall not be located within five feet of any interior lot side or rear lot line. Accessory buildings constructed on corner lots shall have the same street side yard setback required of the main building.

*Administrator* means the city manager, or his duly authorized agent, designated to enforce this chapter.

*Alley* means a public service way providing a secondary means of access to abutting properties.

*Alteration* means any change in the total floor area, use, adaptability or external appearance of an existing structure.

*Animal foster home* means a private residential dwelling and its surrounding grounds at which site through an affiliation with a pound, animal shelter, or other releasing agency care or rehabilitation is provided for no more than three companion animals for a period not to exceed 12 months.

*Apartment* means a room, or suite of two or more rooms, which is designed or intended for occupancy by, or which is occupied by, one family doing its cooking therein.

*Apartment house* means any building or portion thereof which contains three or more apartments, the occupants of any two or more of which use any entrance or hall in common, and all living units of which are intended to be maintained under single ownership or management. This shall be interpreted to include cooperative apartment houses.

*Base floor or lowest floor elevation* means the level of the lowest floor of a building or structure or basement, if included in the building or structure.

*Basement* means any story of a building in which the surface of the floor above is less than six feet above the adjacent ground elevation at all points.

*Bed and breakfast house* means a house, or portion thereof, where shortterm lodging rooms and meals are provided and the operator shall live on the premises.

*Boardinghouse* means a building where, for compensation, lodging and meals are provided for at least three and up to 14 persons.

*Building* means a structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building. The word "building" also includes the words "use" and "structure."

*Building height* means the vertical distance measured from the level of the curb or established centerline of the street opposite the middle of the front elevation of the main entrance of the building to the highest point of the roof surface, if a flat roof; to the deck line of the mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof. If built on a terrace, the height of the building may be increased by the height of the terrace, but this increase of height shall not exceed five feet.

*Building setback* means the required distance by which any building or structure must be separated from the lot lines.

*Camper.* See Recreational vehicles.

*Certificate of occupancy* means a certificate issued by the administrator providing he has determined the occupancy, use, erection or alteration of a building or land or part thereof is in conformity with this chapter and other city ordinance provisions.

*Child care center* means any facility in which more than five children are received for care, protection, and guidance during a part of the day, except children who are related by blood or marriage to the person who maintains the home.

*Commercial* means any wholesale, retail, or service business activity established to carry on trade for a profit.

*Commission* means the planning commission of the city.

*Conditional use* means a use listed as such in this chapter and which may be permitted in a specified district under certain conditions, such conditions to be determined in each case by the terms of this chapter and by the planning commission, in accordance with the procedures specified by this chapter and applicable state law.

*Conditional use permit* means a permit issued by the planning commission for a use allowed as a conditional use in a designated district after evaluation of the impact and compatibility of such use. Such permit shall stipulate such conditions and restrictions, including any such conditions contained in this chapter, as will ensure the use being compatible with the neighborhood in which it is to be located; or, where that cannot be accomplished, shall deny the use as not in accord with adopted plans and policies or as being incompatible with existing uses or development permitted by right in the area.

*Development* means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Dwelling* means any structure which is designed for use for residential purposes, except hotels, boardinghouses, lodginghouses, tourist cabins, apartments and automobile trailers. The word "dwelling" includes the word "residence."

*Dwelling, multiple-family* means a structure arranged or designed to be occupied by three or more families living independently of each other.

*Dwelling, single-family* means a structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

*Dwelling, two-family* means a structure arranged or designed to be occupied by two families, the structure having only two dwelling units.

*Dwelling unit* means one or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.

*Family* means any individual, or two or more persons living together on the premises as a single nonprofit housekeeping unit, including domestic servants, not more than three boarders and the occupants of not more than two rooms as roomers, but excluding fraternities, sororities, clubs and institutions of all types.

*Fence, wall or hedge* means a freestanding structure of wood, chainlink or hedge, or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes. The height of such fences, walls, or hedges shall be determined by the zoning district. (See special provisions.)

*Flood* means a general and temporary inundation of normally dry land areas.

*Flood, 100-year* means a flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

*Floodplain* means a relatively flat or low land area, adjoining a river, stream or watercourse, which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

*Floodway* means the designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purpose of this chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

*Floodway fringe* means that portion of the floodplain between the floodway and 100-year floodplain boundaries.

*Floor area* means the sum of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior walls or from the centerline of party walls separating two buildings.

*Group home* means a facility or dwelling unit serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, not related by blood, marriage, adoption or guardianship and operating as a group family household. A group home may include family care home, foster home, and half-way house.

*Home occupations* means occupations such as dressmaking, voice, piano, preserving or home cooking, including a professional occupation of a resident of the premises (providing such professional occupation does not occupy more than 300 square feet of floor area for a professional use), but not including a beauty parlor, barbershop, convalescing or nursing home, tourist home, massage parlor or similar establishment offering services to the general public. Home occupations shall be carried on only by a member of the family residing on the premises, and no mechanical equipment shall be used except such as is customary for purely domestic household purposes, provided further that there shall be no sign exceeding 144 square inches in area, nor any artificial lighting of such sign, nor any display that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling.

*Hotel* means any building or portion thereof which contains ten or more sleeping rooms which are designed or intended to be used, let or hired out primarily for transient occupancy for compensation, whether the compensation be paid directly or indirectly, and in which no provision is made for cooking in any individual room or suite.

*Kennel* means any place in which more than three dogs, more than six months of age, are kept, or any number of dogs are kept for the purpose of sale or rental or in connection with boarding, care or breeding, for which any fee is charged.

*Licensed family day home* means a child day program offered in the residence of the provider or the home of any of the children in care of six through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.

*Loading space, off-street*, means an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of vehicles while loading or unloading merchandise or material, and which has access to a street, alley or other appropriate means of ingress and egress.

*Lot* means a parcel of land either occupied or vacant, or to be occupied by a building or group of buildings and accessory buildings and used together with such yards and other open spaces as are required by this chapter.

*Lot, corner* means a lot abutting on two or more streets at their intersection. Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

*Lot, depth of* means the average horizontal distance between the front and rear lot lines.

*Lot, double frontage* means an interior lot having frontage on two streets.

*Lot, front of* means that side of the lot which fronts on a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be front of the lot.

*Lot, interior* means any lot other than a corner lot.

*Lot of record* means a lot which has been recorded in the clerk's office of the circuit court, or on a plat of record, or it may include parts of, or a combination of such lots when adjacent to one another, provided such ground is used for egress by means of a street or public right-of-way.

*Lot, width* means the distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

*Manufacture and/or manufacturing* means the processing and/or converting of raw, unfinished materials, or products, or either of them, into articles of substances of different character, or for use for a different purpose. The word "manufacturing" includes mixing, blending, fabricating and producing.

*Manufactured home/mobile home* means a structure intended for human habitation that is subject to federal regulation, is transportable in one or more sections, is eight body feet or more in width or 40 body feet or more in length, or when erected is 320 or more square feet in area. Such a structure is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, connected to the required utilities and contains plumbing, heating, air conditioning, and electrical systems. All such homes constructed since 1976 have been required

to conform to the National Manufactured Housing Construction and Safety Standards Act of 1974. The term "mobile home," once widely used to describe transportable housing units, has been replaced in the Code of Virginia by the term "manufactured housing." See Code of Virginia, § 36-85.2 et seq.

*Manufactured home/mobile home lot* means the unit of land used or intended to be used by one manufactured home/mobile home, whether in a manufactured home/mobile home park or not.

*Manufactured home/mobile home, multi-sectional (double-wide or larger)* means a structure built in accordance with 1974 national manufactured housing construction and safety standards that is mounted on and anchored to a permanent foundation in accordance with the Virginia Unified Statewide Building Code and which has its wheel, axle and towing apparatus removed. *Manufactured home/mobile home park* means any site, lot, field, or tract of land upon which are located four or more manufactured home/mobile home lots.

*Manufactured home/mobile home, single wide* means a structure, transportable in one section, which is eight body feet or more in width and is 32 body feet or more in length and which is built on a permanent chassis and designed to be used with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

*Modular home* means a single-family dwelling designed for transportation after fabrication on streets and highways on a flatbed or other trailer and arriving at the site where it is to be occupied as a dwelling, which dwelling shall be placed on a permanent foundation, and connected to city utilities and the like. Also, "modular" means a combination of one or more sections or modules, subject to state regulations and including necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation to comprise a finished building. In addition to the compliance assurance label, each dwelling unit shall be marked by a Virginia Registration Seal secured by the department of housing and community development.

*Motel* means one or more buildings containing individual sleeping rooms, designed for or used temporarily by tourists or transients, with parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

*Nonconforming activity* means the otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either as of April 4, 1975, or as a result of subsequent amendments to this chapter.

*Nonconforming building* means a building, structure or portion thereof lawfully existing and used at the time the ordinance from which this chapter derives became effective, which was designed, erected or structurally altered, for a use that does not conform to the use regulations of the district in which it is located, or a building or structure that does not conform to all the height and area regulations of the district in which it is located.

*Nonconforming lot* means an otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either as of April 4, 1975, or as a result of subsequent amendments to this chapter.

*Nonconforming sign* means any sign, excluding temporary signs, erected or placed prior to August 7, 2007 that is not in conformance with the requirements of this chapter.

*Nonconforming structure* means an otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located, either as of April 4, 1975, or as a result of subsequent amendments to this chapter.

*Nonconforming use* means a use which lawfully occupied a building, or portion thereof or land at the time the ordinance from which this chapter derives became effective and which does not conform to the use regulations of the district in which it is located.

*Nursing home* means a place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities, or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

*Office building* means a building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity and where there are no goods offered for sale.

*Off-street parking area* means space provided for vehicular parking outside of the dedicated street right-of-way.

*Parking lot* means an open, unoccupied space used, or required for use, for the parking of automobiles or other private vehicles exclusively, and in which no gas or automobile accessories are sold or no other business is conducted.

*Parking space* means a space used as an area for temporary storage of passenger vehicles. Such space shall be a minimum of ten feet in width and 20 feet in length, except that off-street parking facilities containing any parking spaces may use 20 percent of the total spaces as "compact car" spaces with a minimum size of 7 1/2 feet in width and 15 feet in length. Such spaces shall be indicated by the posting of signs reading "small cars only."

*Principal building* means a building in which the primary use of the lot on which the building is located is conducted.

*Professional office* means an office building for doctors, dentists, lawyers, and similar professional occupations, provided such building does not exceed four offices.

*Public and semipublic uses* means any public works supplied generally by a governmental or nonprofit organization. Such public and semipublic works shall include, but not be limited to: public roads, schools, water supply and sewer facilities, rescue squads, and police and fire protection facilities.

*Public utilities* means a group of uses which provide essential energy and communication services to the general public. These include, but are not limited to: electrical, natural gas, water and sewer and telephone companies; their distribution and transmission lines; poles and towers; substations, pumping stations and storage facilities. By definition, some of these activities are industrial in nature, although local distribution facilities usually are compatible uses in residential areas.

*Recreational vehicle* means a vehicle which is self-propelled or towed, can be operated independently of utility connections and is designed to be used principally as temporary living quarters for travel, recreation, or vacation purposes.

*Rest home or convalescent home* means any place containing beds for two or more patients, established to render domiciliary care for chronic or convalescent patients, but not including child care homes or facilities for the cure of feeble-minded, mental, epileptic, alcoholic patients, or drug addicts.

*Retail stores and shops* means buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards), such as the following which will serve as illustration: Drugstore, newsstand, foodstore, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop and beauty shop.

*Roominghouse* means any building or portion thereof which contains guestrooms which are designed or intended to be used, let or hired out for occupancy by, or which are occupied by, three or more, but not exceeding 14, individuals for compensation, whether the compensation is paid directly or indirectly.

*Setback* means the minimum distance by which any building or structure must be separated from the front lot line or side yard abutting the street of a corner lot.

*Sign* means any letters, words, numerals, figures, devices, designs, emblems, trademarks, or any parts or combinations thereof, by which anything is made known.

*Sign area* means the total area in the smallest square, rectangle or triangle, which will contain the entire sign including lighting but excluding supports that are not lighted or signs.

*Sign, banner* means any sign of lightweight fabric, plastic, vinyl, or similar material usually mounted at one or more edges excluding national, state, municipal or institutional flags. Banners shall be considered temporary signs in all districts. Banners shall conform in size to business signs.

*Sign, business* means a sign which directs attention to a product, commodity or service available

on the premises, exclusive of a window sign.

*Sign, flashing* means a sign having or containing an intermittent or sequential light source that pulsates, causing the sign to turn on and off or become intermittently brighter and darker.

*Sign, general advertising* means a sign which directs attention to a product, commodity or service not necessarily available on the premises. Such sign may be referred to as a billboard.

*Sign, home occupation or nameplate* means a sign not exceeding four square feet in area containing the name and occupation of the occupant or directing attention to a product, commodity or service available on the premises.

*Sign, pennant* means any lightweight fabric, plastic or similar material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

*Sign, portable* means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by wheels; "A"- or "T"-frame signs; menu and sandwich board signs balloons used as signs; sign pennants; umbrellas used for advertising; flags; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day to day operation of the business on the premises. Portable signs, excluding "A" or "T" frame sign/menu or sandwich board signs and flags in the DT district, as well as pennants, balloons, and flags on automotive sales and gasoline service station/convenience store lots within C-2 districts, shall be considered as temporary in all districts.

*Sign, reader board/changeable copy* means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. This definition includes, without limitation, electronic message boards, which are defined as signs that use changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Business signs and general advertising signs shall also be considered reader board/changeable copy signs.

*Sign, temporary* means a sign erected on the exterior of a building which is not permanently mounted to such building or into the ground. To be deemed permanently mounted, a sign must be (a) attached or secured by bolting, welding, molding, nailing, concrete, or similar mechanisms; and (b) made of materials enabling the sign to maintain its structural integrity and the clarity of its graphics. Signs attached by rope, string, chain, tape, paste, and similar mechanisms; signs not rigidly attached to a supporting structure; signs made of paper, cloth, vinyl, and similar lightweight materials; and signs that are pushed, hammered or similarly put in the ground are all presumed to be temporary signs. Temporary signs shall only be permitted under issuance of a "special event sign permit" from the zoning administrator for brief activities such as grand openings, promotions of new products or services, special civic or cultural events such as fairs, plays, concerts, or meetings sponsored by a school, student association, governmental, religious, charitable, or non-profit organizations, or other similar events.

*Sign, window* means the primary identification sign(s) placed inside or upon a window or door which is intended to be seen or actually is seen from the exterior of a building used to advertise the specific business in which it is located. Signs painted on windows or doors shall be considered window signs.

*Site plan* means a plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

*Special use permit* means a permit, issued by the board of zoning appeals, for a selective specified reason; used only for that particular reason and only under the conditions specified in the ordinance.

*Story* means that portion of a building included between the surface of any floor and the surface of the next floor above or the roof, if it is directly above. When measuring height a habitable basement extending at least five feet above the ground level, or a habitable attic shall be counted as a story.

*Story, half* means a space under a sloping roof, which has the line of intersection or roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

*Street* means a public thoroughfare, 30 feet or more wide between property lines.

*Street line* means the dividing line between a street or road right-of-way and the contiguous property.

*Street or road* means a public thoroughfare which affords principal means of access to abutting property.

*Structural alteration* means any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof.

*Structure* means anything constructed or erected, which requires location on the ground, or attached to something having location on the ground.

*Subdivision* means a division of a tract or parcel of land into two or more lots or parcels for the purpose of either immediate or future transfer of ownership or building development; provided, however, that the definition of a subdivision shall not include a bona fide division or partition of agricultural land into parcels of five acres or more and not involving a new street, nor division of land which might be ordered or approved by a court.

*Tourist court* means a group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, or motor lodges.

*Travel trailer* means a mobile unit less than 29 feet in length and less than 4,500 pounds in

weight which is designed for human habitation.

*Unlicensed family day home* means a child day program offered in the residence of the provider or the home of any of the children in care of one through five children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.

*Use* means the occupancy of or principal business conducted in a building or portion thereof or land of the premises.

*Variance* means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

*Vehicle loading zone.* See Loading space, off-street.

*Yard, front* means the yard across the full width of the plat facing the street extending from the front line of the building to the front property line. Either yard facing a street may be selected as the front yard of a corner lot.

*Yard, rear* means the yard across the full width of the plat opposite the front yard extending from rear line of building to rear property line. The rear yard of a corner lot is the yard opposite the selected front yard.

*Yard, side* means an open, unoccupied space on the same lot as a building between the side line of the building, excluding steps, and the side line of the lot, and extending from the front yard line to the rear yard line.

#### **Sec. 90-149. Permitted signs.**

(a) Generally. Signs shall be permitted in the various districts as provided in this section; all such signs shall be placed completely within the boundaries of the property to which the sign serves, and shall not be placed partially or completely within any easement or right-of-way, excluding “A” or “T” frame signs, menu or sandwich board signs, and flags signs in the downtown district, subject to the zoning administrator’s approval; however, all such signs not specifically permitted are prohibited including, but not limited to:

- (1) Flashing signs, rotating signs, propellers, discs, moving sign structures, and the like, but excluding pennants, signs indicating time and/or temperature, sign displays changing no more than once every four seconds and signs displayed as scrolling words and/or numbers.
  - (2) Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, or which is a copy or imitation of, or which for any reason is likely to be confused with any sign displayed or authorized by public authority.
  - (3) Any nonshielded illumination of a sign within 200 feet of an R district.
  - (4) Off-site signage or general advertisement sign except as permitted in C-1, C-2, I-1 and I-2 zones. Charitable, civic and non-profit organizations/events may be allowed off-site temporary signage, as approved by the zoning administrator under issuance of a special event sign permit.
  - (5) Handbills, leaflets and other similar signs placed on or attached to utility poles, streetlight pole, telephone pole, traffic sign pole or other similar fixtures, except for pole or fixture identification.
- (6) Temporary signs unless under issuance of a special event sign permit from the zoning administrator. Temporary signs may be erected for a period not to exceed thirty days, four times per calendar year, with at least 30 days elapsing between issuance of a new "special event sign permit." Religious, charitable, civic, and non-profit organizations are excluded from the time stipulations noted above only for on-site signage, however, must still obtain a special event sign permit from the zoning administrator.
- (b) R districts. The following nameplates and signs shall be permitted in R districts:
- (1) One home occupation or nameplate per dwelling.
  - (2) One directional sign for each agency at any one street.
  - (3) One identification sign not exceeding 24 square feet in area for buildings other than dwellings, and including neighborhood or community signs.
  - (4) One residential construction or subdivision development sign for each main access to any one residential development not to exceed 32 square feet in area.
  - (5) Signs directing and guiding traffic and parking on private property such as "entrance," "exit," or "one-way" not to exceed six square feet in area.
  - (6) Signs, flags, legal notices, identification, information or directional signs erected or required by governmental bodies.
  - (7) One temporary sign.

- (6) Any other signs, lighting or displays authorized by the council.
- (c) C-1 districts. The following signs shall be permitted in C-1 districts:
- (1) All signs permitted in the R districts.
  - (2) Window signs.
  - (3) Business signs not to exceed a total area of two square feet for each foot of frontage of the business, provided they are attached to the building and not projecting more than four feet therefrom or extending above the roofline more than four feet.
  - (4) One freestanding sign not to exceed 50 square feet in area for each business with a frontage of 75 feet, but in no case shall such sign extend over the street right-of-way line or exceed the height limit.
  - (5) Billboards, with a conditional use permit.
  - (6) One commercial construction or subdivision sign for each main access to any one commercial development not to exceed 32 square feet in area. Commercial subdivision signs may also identify businesses or provide information within the commercial subdivision, with an additional 24 square feet of sign area per parcel, so long as the additional signage is located on the same pole or poles and does not exceed 175 total square feet.
- (d) C-2 districts. The following signs shall be permitted in C-2 districts:
- (1) All signs permitted in R districts.
  - (2) Window signs.
  - (3) Business signs not to exceed a total area of three square feet for each foot of frontage of the business, provided they are attached to the building and not projecting more than four feet therefrom or extending above the roofline more than four feet.
  - (4) One freestanding business sign not to exceed 175 square feet in area for each lot with a frontage of 75 feet or more. In case of a shopping center, each business may have an additional 20 square feet of freestanding sign area, so long as it is located on the same pole or poles of the shopping center sign, but in no case shall such sign extend over the street right-of-way line or exceed the height limit.
  - (5) Billboards, with conditional use permit.

- (6) One commercial construction or subdivision sign for each main access to any one commercial development not to exceed 32 square feet in area. Commercial subdivision signs may also identify businesses or provide information within the commercial subdivision, with an additional 24 square feet of sign area per parcel, so long as the additional signage is located on the same pole or poles and does not exceed 175 total square feet.
  - (7) Sign pennants, balloons, and flags only on automotive sales and gasoline service station/convenience store lots.
- (e) I districts. The following signs shall be permitted in I districts:
- (1) All signs permitted in C-2 districts.
  - (2) One general advertising sign for each 1,000 feet of frontage not to exceed 300 square feet in area and not to exceed the height limit.
- (f) **Dt Downtown District. All permitted signs, excluding window signs, “A” or “T” frame signs, menu or sandwich board signs, and flags, shall be subject to architectural compatibility review as outlined in subsection (k) of section 90-80. The zoning administrator will review window signs, “A” or “T” frame signs, menu or sandwich board signs, and flags for architectural compatibility and adherence to size requirements.**
- (1) All signs permitted in R districts.
  - (2) Window signs, including signs painted on windows or doors restricted to the first floor of any building or structure, not to exceed a total area of two square feet for each foot of frontage of the business .
  - (3) Business signs not to exceed a total area of two square feet for each foot of frontage of the business provided they are attached to the building and not projecting more than four feet therefrom and shall not extend above the roofline. For buildings with more than one business, the total area allowed may be divided among those businesses.
  - (4) One freestanding or monolithic business sign not to exceed 50 square feet in area and no higher than six feet tall, for each lot with a lot frontage of 75 feet or more, provided such signs do not create a visual obstruction or safety hazard. In the case of shopping or business centers where more than one business resides within a single building, each business may have an additional ten square feet of sign area, so long as it is located on the same pole or poles of the freestanding or monolithic sign, but in no case shall such sign extend over the street right-of-way line. Freestanding signs shall not be permitted on lots where the building has a setback of 25 feet or less.

- (5) One “A” or “T” frame sign/menu or sandwich board sign. “A” or “T” frame signs/menu or sandwich board signs shall not exceed twelve square feet in area and shall be removed from the exterior of the building during non business hours.
- (6) One flag. Flags shall not exceed fifteen square feet in area.

**Sec. 90-150. Permits and fees for signs.**

(a) Unless specifically exempted from the provisions of this Code, no signs shall be erected, placed, constructed or modified, on any lot, without prior approval from the zoning administrator, and the owner of the property or designated agent has secured a sign permit from the office of the building official and paid all appropriate fees.

- (1) (b) The property owner or designated agent shall submit a completed application form along with all required documentation for review, which shall include, but is not limited to the following:
  - Name, address and telephone number of the applicant.
  - Name, address and telephone number of the property owner (if different from the applicant).
  - Location of the building, structure and or lot which or upon which the proposed sign is to be attached or erected.
  - Two sets of blueprints, site plans, specifications and construction documentation, including all existing signage, buildings or other improvements.
  - Name of person, firm or corporation erecting the sign.
  - Name of person, firm or corporation responsible for any electrical work associated with the installation or modification of the sign (if not the same as number (5) above).
  - Written consent of the owner of the lot or building upon which the sign is to be erected.

(c) Each application submitted shall be accompanied by the applicable fees in accordance with section 14-39 of this Code.

(d) The following signs do not require a sign permit, however must comply with all applicable provisions of this Code:

- (1) Window signs in commercial and industrial districts..
- (2) Incidental signs placed inside or upon the exterior of a building used to advertise the specific business and/or the products/services available on the premises, excluding temporary signs.

- (3) Incidental signs or flyers placed inside a building used to advertise civic events or other like activities.
- (4) Signs painted on windows or doors restricted to the first floor of any building or structure in commercial and industrial districts.
- (5) Personal messages such as announcing of births, anniversaries, birthdays and yard sales not to exceed six square feet and used no longer than 14 days.
- (6) Real estate signs place on property or upon buildings or structures, provided that the signs are specific to the property where the sign is placed or upon the building or structure to which the sign is affixed. The signs shall not advertise property for sale at another location.

**Sec. 90-151. Sign construction and inspection.**

- (a) All signs, permitted or exempt, shall conform to the applicable provisions of the Uniform Statewide Building Code and shall be constructed of materials capable of resisting corrosion, rot or deterioration and shall be adequately fastened to a building or the ground in accordance with approved construction documentation, as approved by the building official, and in compliance with this Code.
- (b) The zoning administrator and/or the building official shall cause any new or modified sign to be inspected for compliance with this Code.

**Sec. 90-152. Nonconforming signs.**

- (a) Nonconforming signs existing August 7, 2007 shall not be enlarged or altered in any way, which would increase its nonconformity.
- (b) Any such nonconforming sign damaged by any means to an extent of more than fifty percent of its replacement cost at the time of damage, shall not be reconstructed except in conformity with the provisions of this Code.

**Sec. 90-156. Removal of signs by administrator.**

- (a) The administrator shall remove any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued. The administrator shall prepare a notice which shall describe the sign and specify the violation involved, and which shall state that, if the sign is not removed or the violation is not corrected, the sign shall be removed in accordance with the provisions of this section and the owner will be charged an administrative fee of \$50.00. The zoning administrator without notice may remove special event signage as permitted, in accordance with the time specified by the permit issued. Any fees or cost related to the removal of any permitted special event signage shall be charged to the responsible party, plus an administrative fee of \$50.00.
- (b) All notices mailed by the administrator shall be sent by certified mail to the owner of the

property on which the sign is located, as shown on the last city assessment record. Any person having an interest in the sign or the property may appeal the determination of the administrator ordering removal or compliance by filing a written notice of appeal with the city board of zoning appeals within 30 days after the date of mailing the notice.

**Sec. 90-80. Dt downtown district.**

(a) Purpose and intent. The DT downtown district is hereby recognized as an integral part of the city's unique character and the goal of this section is to promote the conservation and preservation of the city's downtown areas, and to encourage retail, general commercial business establishment and other appropriate mixed uses to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion. This DT downtown district includes such uses as retail stores, banks, offices, restaurants and taverns located in the central area of the city.

(b) Uses permitted. Permitted uses in a DT district shall be as follows:

Art galleries and studios.

Assembly halls.

Automotive sales and service with the screening of impound/storage areas.

Bakeries.

Banks and financial institutions.

Barber and beauty shops.

Bed and breakfast and tourist homes.

Billiard parlors and pool rooms.

Bookstores.

Bowling alleys.

Business offices and display rooms.

Catteries with a conditional use permit for a period of 15 months which begins December 7, 2004 and ends March 7, 2006.

Child care centers.

Churches.

Clubs and lodges.

Convenience stores.

Delicatessen.

Department stores.

Drugstores.

Dry goods or notion stores.

Flower, gift, record and tobacco shops.

Furniture stores.

Grocery stores.

Hardware stores.

Hotels/motels.

Household appliance stores.

Jewelry stores.

Laundromats and dry cleaners.

Libraries.

Machinery sales and service with conditional use permit.

Magazine and news stands.

Newspaper printing establishments.  
Nightclubs with condition use permit.  
Photographer.  
Post office.  
Professional and public offices.  
Recreation centers.  
Repair, sale and service of bicycles, locks, lawn mowers and other small engines or appliances.  
Radio and telecommunication stations with conditional use permit  
Residential uses, single and multi-family, on above ground level floors with conditional use permit.  
Restaurants, excluding drive-in or curb-service types.  
Shoe repair shops.  
Tailors.  
Theaters.  
Variety stores.  
Wearing apparel stores.  
Wine and beer shops.

(c) Height regulations. Buildings in a DT downtown district may not be erected more than 45 feet in height without prior approval of the city planning commission.

(d) Area regulations. None.

(e) Lot coverage. Lot coverage in a DT downtown district may be up to 100 percent if yard and other regulations are met.

(f) Setback regulations. Building or structure in a DT downtown district may have a zero setback; however such building or structure shall be placed such that the front is generally "in-line" with other existing buildings.

(g) Width regulations. Width regulations in a DT downtown district are not applicable.

(h) Yard regulations. For permitted uses in a DT downtown district, the minimum side or rear yard adjoining or adjacent to a residential district shall be 25 feet.

(i) Parking. Due to the centralized nature of the DT downtown district, parking shall be provided as is practically possible to conform with the requirements of article V of this chapter and shall be subject to subsection (k) of this section.

(j) **Signs. The following signs shall be permitted in a DT downtown district and shall conform to all other applicable requirements of article V of this chapter. All permitted signs, excluding window signs, "A" or "T" frame signs, menu or sandwich board signs, and flags, shall be subject to subsection (k) of this section. The zoning administrator will review window signs, "A" or "T" frame signs/menu or sandwich board signs, and flags for architectural compatibility and adherence to size requirements.**

(1) All signs permitted in R districts.

(2) Window signs, including signs painted on windows or doors restricted to the first

floor of any building or structure, not to exceed a total area of two square feet for each foot of frontage of the business .

- (3) Business signs not to exceed a total area of two square feet for each foot of frontage of the business provided they are attached to the building and not projecting more than four feet therefrom and shall not extend above the roofline. For buildings with more than one business, the total area allowed may be divided among those businesses.
- (4) One freestanding or monolithic business sign not to exceed 50 square feet in area and no higher than six feet tall, for each lot with a lot frontage of 75 feet or more, provided such signs do not create a visual obstruction or safety hazard. In the case of shopping or business centers where more than one business resides within a single building, each business may have an additional ten square feet of sign area, so long as it is located on the same pole or poles of the freestanding or monolithic sign, but in no case shall such sign extend over the street right-of-way line. Freestanding signs shall not be permitted on lots where the building has a setback of 25 feet or less.

(k) Architectural compatibility.

- (1) All buildings or structures shall be erected or altered to blend with the general character of the DT downtown district. To facilitate this requirement, the zoning administrator shall submit all plans and specifications necessary to make such a reasonable determination, to the planning commission for approval. The planning commission may seek input from surrounding property owners, tenants or other organizations as they may see fit. The planning commission shall make recommendations regarding the architectural compatibility of the proposed development or alteration of existing buildings. This review shall in no way require the use of specific materials.
- (2) In order to ensure that buildings proposed for removal will not substantially impact or take away from the general character of the DT downtown district, the proposed demolition of any building or structure is subject to the same review and approval as outlined in subsection (k)(1) above.

Councilman Saunders stated that, during the last City Council Meeting, he referenced the issue of businesses being able to advertise new products with vinyl banners. He also stated that, upon rereading the proposed ordinance revisions as presented, his concern regarding the matter have been addressed as businesses will be allowed to do so up to four (4) times per year with a limitation of thirty (30) days each. He requested that his June 19, 2007 proposal concerning the matter be stricken.

Councilman Saunders made a motion to exclude his June 19, 2007 proposal concerning the matter and to proceed with the adoption of the ordinance as presented. Councilwoman Squire seconded the motion.

Councilman Harris stated that the section of the City's Code referencing window signs contains information restricting window signs to first floors. He asked Mr. Thrower if businesses containing window signs on other floors would be in violation of the ordinance.

Mr. Thrower advised Councilman Harris that businesses other than those located on the first floor would be in violation of the sign ordinance if they displayed them in their windows.

Councilman Harris stated that he has concerns with the concept of the ordinance.

The motion was passed as follows:

|                               |     |
|-------------------------------|-----|
| Councilwoman Nancy B. Squire  | aye |
| Councilman John R. White      | aye |
| Councilman F. Woodrow Harris  | nay |
| Councilman James C. Saunders  | aye |
| Councilwoman Doris T. White   | aye |
| Councilwoman Carolyn S. Carey | aye |
| Councilman Ned V. Lankford    | aye |

### ***3776. New Slope Mower***

Mr. Thrower reported that the purchase of a new slope mower from James River Equipment Company was approved by City Council members during the June 19, 2007 City Council Regular Meeting. He also reported that Councilman Saunders requested that staff research the possibility of financing the purchase through the vendor. He further reported that Mr. Royal Jones contacted the vendor and was quoted an interest rate of 8.75% for financing, regardless of the financing term length.

He stated, according to the vendor, they are not able to offer a lower rate due to government agencies receiving extra discounts on the equipment. He also stated that staff recommends purchasing the slope mower utilizing revenues from fiscal year 2007 and requested that City Council members approve the following appropriation ordinance for the purchase:

#### **Ordinance No. 06-62**

An Ordinance To Appropriate The Sum Of \$72,851.00 From The Unappropriated Fund Balance of the General Fund For The Purchase Of A Slope Mower

**BE IT ORDAINED** by the Council of the City of Emporia, Virginia as follows:

1. That the sum of \$72,851.00 from the Unappropriated Fund Balance of the General Fund be, and the same hereby is, appropriated into the City's Operating Budget for Fiscal Year 2007 – 2008 for the purchase of a slope mower.

2. Said appropriation shall be reflected in the 2007 – 2008 Operating Budget as the sum of \$72,851.00 appropriated to General Fund Expenditures, Account Number 41200-8101 Machinery and Equipment.
3. This ordinance shall be in effect on and after its adoption.

Councilman White moved that the ordinance be approved as presented. Councilman Saunders seconded the motion, which passed as follows:

|                               |     |
|-------------------------------|-----|
| Councilwoman Nancy B. Squire  | aye |
| 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 Ned V. Lankford    | aye |

***3777. Consideration of Code Amendment to Zoning Ordinance – Taxicab Establishments***

Mr. Thrower reported that the issue of amending the City’s zoning ordinance had been discussed during the June 19, 2007 City Council Regular Meeting. He also reported that City Council members authorized the City’s attorney to draft a revised ordinance for formal approval listing “taxicab establishments” as a permitted use with conditional use permit in C-1 Commercial District, C-2 Commercial District, and Downtown District.

He stated that Mr. James Henry Robinson requested zoning compliance to operate a taxicab establishment at 307 Halifax Street, which is currently zoned as Downtown District. He also stated that the current City Code does not list taxicab establishments as a permitted use in any of the zoning districts. He further stated that staff does not anticipate adverse impacts as a result of the ordinance amendment.

Mr. Thrower reported that the Planning Commission reviewed the proposed zoning amendment during the June 12, 2007 meeting and voted to recommend that City Council members adopt the amended code listing “taxicab establishments” as a permitted use with conditional use permit in C-1 District, C-2 District, and Downtown District.

Mayor Adams asked Mr. Thrower to proceed to item 3778 allowing City Council members to consider both items simultaneously as items 3777 and 3778 pertain to the same ordinance.

Mr. Thrower proceed to present item 3778 as it was the consensus of City Council member to consider both items simultaneously since they both pertain to the same ordinance.

***3778. Consideration of Code Amendment to Zoning Ordinance – Pet Service and Supply Establishments***

Mr. Thrower reported that the issue of amending the City’s zoning ordinance had been discussed during the June 19, 2007 City Council Regular Meeting. He also reported that City Council members authorized the City’s attorney to draft a revised ordinance for formal approval

listing “pet service and supply establishments” as permitted use in C-1 Commercial District, C-2 Commercial District, and Downtown District.

He stated that Ms. April Harrell requested zoning compliance in order to operate a pet service and supply establishment at 114 North Main Street, currently zoned as Downtown District. He also stated that the City Code does not list “pet service and supply establishments” as permitted use in any of the zoning districts. He further stated that staff does not anticipate adverse impacts as a result of the ordinance amendment.

Mr. Thrower reported that the Planning Commission reviewed the proposed zoning amendment during their June 12, 2007 meeting and voted to recommend that City Council members adopt the amended code listing “pet service and supply establishments” as a permitted use with conditional use permit in C-1 District, C-2 District, and Downtown District.

He requested that City Council members review and approve the following ordinance amendments allowing “taxicab establishments” in C-1 Commercial District, C-2 Commercial District, and Downtown District as well as “pet service and supply establishments” in C-1 Commercial District, C-2 Commercial District, and Downtown District:

### **Ordinance No. 06-63**

#### **AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE CODE OF THE CITY OF EMPORIA, VIRGINIA**

**BE IT ORDAINED** by the City Council of the City of Emporia, Virginia, in regular assembly that:

Section 90-76, Section 90-77 and Section 90-80 of the Code be amended and re-enacted to read as follows:

Sec. 90-76. C-1 commercial district.

(a) Purpose and intent. C-1 commercial districts shall be for the conduct of retail and general commercial business establishments to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion. This C-1 commercial district includes such uses as retail stores, banks, offices, restaurants and taverns located in the central area of the city.

(b) Uses permitted. Permitted uses in a C-1 district shall be as follows:

ABC stores.

Assembly halls.

Bakeries.

Banks and financial institutions.

Barber and beauty shops.

Bed and breakfast and tourist homes.

Billiard parlors and pool rooms.

Bookstores.  
Bowling alleys.  
Business offices and display rooms.  
Child care centers.  
Churches.  
Clubs and lodges.  
Delicatessen.  
Department stores.  
Drugstores.  
Dry goods or notion stores.  
Flower, gift, record and tobacco shops.  
Furniture stores.  
Grocery stores.  
Hardware stores.  
Hotels/motels.  
Household appliance stores.  
Jewelry stores.  
Laundromats and dry cleaners.  
Libraries.  
Magazine and news stands.  
Mini-storage facilities.  
Museums.  
Newspaper printing establishment.  
Nightclubs.  
Pet service and supply establishments.  
Photographer.  
Post office.  
Printing establishments.  
Professional and public offices.  
Recreation centers.  
Restaurants, excluding drive-in or curbside types.  
Shoe repair shops.  
Tailors.  
Tattoo parlors.  
Taxicab establishments with conditional use permit.  
Variety stores.  
Wearing apparel stores.

(c) Height regulations. Buildings in a C-1 district may not be erected more than 45 feet in height without prior approval of the city planning commission.

(d) Area regulations. None, except if the permitted use utilizes a private water or sewage system, the required area in a C-1 district shall be established by the health official.

(e) Lot coverage. Lot coverage in a C-1 district may be up to 100 percent if yard and other regulations are met.

(f) Setback regulations. The front setback line in a C-1 district shall be located 25 feet from any street right-of-way.

(g) Width regulations. Width regulations in a C-1 district are not applicable.

(h) Yard regulations. For permitted uses in a C-1 district, the minimum side or rear yard adjoining or adjacent to a residential district shall be 25 feet.

(i) Parking. Off-street parking space in a C-1 district shall be provided as specified in article V of this chapter.

(j) Signs. Signs in a C-1 district may be erected as provided in article V of this chapter.

(Code 1972, § 24-27; Ord. No. 97-9, 9-2-97; Ord. No. 99-10, 9-21-99; Ord. No. 03-16, § 1, 5-20-03; Ord. No. 05-63, § 1, 12-6-05; Ord. No. 05-64, § 1, 12-6-05; Ord. No. 06-41, 3-6-07)

#### Sec. 90-77. C-2 commercial district.

(a) Purpose and intent. C-2 commercial districts shall be utilized to accommodate general business areas or for auto or highway-oriented commercial uses, and wholesaling operations which, by nature or space requirements, do not lend themselves to being concentrated within a centralized, C-1 district area.

(b) Uses permitted. Permitted uses in a C-2 district are as follows:

All uses permitted in C-1 districts.

Appliance stores.

Automobile, truck, manufactured housing sales, services, storage and repairs.

Bakery.

Barber shops and beauty parlors.

Bed, breakfast and tourist homes.

Bookstores.

Bowling alleys.

Building, plumbing, woodworking, wholesaling, air conditioning, sheet metal, electrical and painting contractors' establishments, offices and display rooms, provided that any materials or supplies in an unenclosed area must be arranged so as not to detract from the orderly appearance of the area.

Building supplies and service with storage under cover.

Branch banks.

Car washes.

Cards, flower and gift shops.

Churches.

Commercial, recreational and amusement facilities, with conditional use permit.

Child care centers.  
Delicatessen.  
Drugstores.  
Funeral homes.  
Furniture stores.  
Gasoline service stations, with all repair and storage of vehicles taking place in a fully enclosed building.  
Grocery stores.  
Jewelry stores.  
Laundromats and dry cleaners.  
Machinery sales and service.  
Mini-storage facilities.  
Motels/hotels.  
Nightclubs.  
Pet service and supply establishments.  
Photographers.  
Printing establishments.  
Professional, business, and public offices.  
Radio and television broadcasting stations.  
Repair service or business, including repair of bicycles, locks, lawn mowers and other small appliances.  
Restaurants, including fast food and drive-through types.  
Roller skating rinks.  
Sexually-oriented businesses (conditional use permit).  
Shopping centers.  
Tailors and shoe repair shops.  
Taxicabs with conditional use permit.  
Theaters.  
Tire recapping and vulcanizing.  
Trade or vocational schools, with conditional use permit.  
Transportation terminals, automobile and truck sales, service, storage and repairs.  
Veterinary hospitals, with conditional use permit.

(c) Height regulations. Buildings in a C-2 district may not be erected more than 45 feet in height without prior [approval] of the city planning commission.

(d) Area regulations. None, except if the permitted uses utilizes a private water or sewage system, the required area in a C-2 district shall be established by the health official.

(e) Lot coverage. Lot coverage in a C-2 district may be up to 100 percent if yard and other regulations are met.

(f) Setback regulations. The front setback line in a C-2 district shall be located 25 feet from any street right-of-way.

- (g) Width regulations. Width regulations in a C-2 district are not applicable.
- (h) Yard regulations. For permitted uses in a C-2 district, the minimum side or rear yard adjoining or adjacent to a residential district shall be 25 feet.
- (i) Parking. Off-street parking space in a C-2 district shall be provided as specified in article V of this chapter.
- (j) Signs. Signs in a C-2 district may be erected as provided in article V of this chapter.  
(Code 1972, § 24-28; Ord. No. 97-9, 9-2-97; Ord. No. 99-10, 9-21-99; Ord. No. 03-16, § 2, 5-20-03)

Sec. 90-80. Dt downtown district.

- (a) Purpose and intent. The DT downtown district is hereby recognized as an integral part of the city's unique character and the goal of this section is to promote the conservation and preservation of the city's downtown areas, and to encourage retail, general commercial business establishment and other appropriate mixed uses to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion. This DT downtown district includes such uses as retail stores, banks, offices, restaurants and taverns located in the central area of the city.
- (b) Uses permitted. Permitted uses in a DT district shall be as follows:

Art galleries and studios.  
Assembly halls.  
Automotive sales and service with the screening of impound/storage areas.  
Bakeries.  
Banks and financial institutions.  
Barber and beauty shops.  
Bed and breakfast and tourist homes.  
Billiard parlors and pool rooms.  
Bookstores.  
Bowling alleys.  
Business offices and display rooms.  
Catteries with a conditional use permit for a period of 15 months which begins December 7, 2004 and ends March 7, 2006.  
Child care centers.  
Churches.  
Clubs and lodges.  
Convenience stores.  
Delicatessen.  
Department stores.  
Drugstores.  
Dry goods or notion stores.  
Flower, gift, record and tobacco shops.  
Furniture stores.  
Grocery stores.  
Hardware stores.  
Hotels/motels.  
Household appliance stores.  
Jewelry stores.  
Laundromats and dry cleaners.  
Libraries.  
Machinery sales and service with conditional use permit.  
Magazine and news stands.  
Newspaper printing establishments.  
Nightclubs with condition use permit.  
Pet service and supply establishments.  
Photographer.  
Post office.  
Printing establishments.  
Professional and public offices.  
Recreation centers.  
Repair, sale and service of bicycles, locks, lawn mowers and other small engines or appliances.  
Radio and telecommunication stations with conditional use permit  
Residential uses, single and multi-family, on above ground level floors with conditional use permit.  
Restaurants, excluding drive-in or curbside types.  
Shoe repair shops.  
Tailors.

Taxicab establishments with conditional use permit.

Theaters.

Variety stores.

Wearing apparel stores.

Wine and beer shops.

(c) Height regulations. Buildings in a DT downtown district may not be erected more than 45 feet in height without prior approval of the city planning commission.

(d) Area regulations. None.

(e) Lot coverage. Lot coverage in a DT downtown district may be up to 100 percent if yard and other regulations are met.

(f) Setback regulations. Building or structure in a DT downtown district may have a zero setback; however such building or structure shall be placed such that the front is generally "in-line" with other existing buildings.

(g) Width regulations. Width regulations in a DT downtown district are not applicable.

(h) Yard regulations. For permitted uses in a DT downtown district, the minimum side or rear yard adjoining or adjacent to a residential district shall be 25 feet.

(i) Parking. Due to the centralized nature of the DT downtown district, parking shall be provided as is practically possible to conform with the requirements of article V of this chapter and shall be subject to subsection (k) of this section.

(j) Signs. The following signs shall be permitted in a DT downtown district and shall conform to all other applicable requirements of article V of this chapter. All permitted signs shall be subject to subsection (k) of this section.

(1) All signs permitted in R districts.

(2) Business signs not to exceed a total area of two square feet for each foot of frontage of the business provided they are attached to the building and not projecting more than four feet therefrom and shall not extend above the roofline. For buildings with more than one business, the total area allowed may be divided among those businesses.

(3) One freestanding or monolithic business sign not to exceed 50 square feet in area and no higher than six feet tall, for each lot with a lot frontage of 75 feet or more, provided such signs do not create a visual obstruction or safety hazard. In the case of shopping or business centers where more than one business resides within a single building, each business may have an additional ten square feet of sign area, so long as it is located on the same pole or poles of the freestanding or monolithic sign, but in no case shall such sign extend over the street right-of-way line. Freestanding signs shall not be permitted on lots where the building has a setback of 25 feet or less.

(k) Architectural compatibility.

- (1) All buildings or structures shall be erected or altered to blend with the general character of the DT downtown district. To facilitate this requirement, the zoning administrator shall submit all plans and specifications necessary to make such a reasonable determination, to the planning commission for approval. The planning commission may seek input from surrounding property owners, tenants or other organizations as they may see fit. The planning commission shall make recommendations regarding the architectural compatibility of the proposed development or alteration of existing buildings. This review shall in no way require the use of specific materials.
- (2) In order to ensure that buildings proposed for removal will not substantially impact or take away from the general character of the DT downtown district, the proposed demolition of any building or structure is subject to the same review and approval as outlined in subsection (k)(1) above.

(Ord. No. 03-50, § 2, 11-18-03; Ord. No. 04-48, § 1, 12-7-04; Ord. No. 05-26, § 1, 6-21-05; Ord. No. 06-41, 3-6-07)

Secs. 90-81--90-105. Reserved.

Councilman Harris moved to approve the adoption of the amended ordinance as presented incorporating the approvals of items 3777. *Consideration of Code Amendment to Zoning Ordinance – Taxicab Establishments* and 3778. *Consideration of Code Amendment to Zoning Ordinance – Pet Service and Supply Establishments*. Councilwoman Squire seconded the motion, which passed as follows:

|                               |     |
|-------------------------------|-----|
| Councilwoman Nancy B. Squire  | aye |
| 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 Ned V. Lankford    | aye |

### **NEW BUSINESS**

#### ***3780. Section 42-2 Cleanliness of premises, weeds, and foreign growth abatement required***

Mr. Thrower reported that Councilman White previously expressed concerns relative to the accumulation of grass clippings within the City’s curb and gutter street system. He also reported that the accumulation of grass clippings is directly related to the failing drainage system throughout the City of Emporia. He further reported that he and the City’s attorney reviewed Section 42-2 of the City’s Code in an effort to incorporate the work, “yard” for enforcement purposes.

He stated that the proposed revision dictates that it will be unlawful for individuals to dispose of grass clippings within the City's streets without being properly bagged. He also stated that staff recommends that City Council members review and approve the following amended ordinance concerning the matter:

**Ordinance No. 06-64**

AN ORDINANCE TO AMEND A CERTAIN SECTION OF THE CODE OF THE CITY OF EMPORIA, VIRGINIA

**BE IT ORDAINED** by the Council of the City of Emporia, Virginia, in regular assembly that:

First paragraph of Section 42-2 of the Code be amended and re-enacted to read as follows:

Sec. 42-2 Cleanliness of premises, weeds and foreign growth abatement required.

It shall be unlawful for any person to deposit or cause to be deposited on any public throughfare, lot, or premises in the city, or permit to be deposited upon his premises or any premises contiguous thereto any animal carcass, garbage, rubbish, tree trimmings, trade, yard or garden wastes, unsightly, injurious or offensive waste or any kind, nor shall the owner or occupant of any premises permit weeds or other foreign growth material to exceed, in growth, a height of 18 inches, in violation of this chapter, and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the city.

Councilman White moved to approve the ordinance as presented. Councilman Lankford seconded the motion.

Councilman Saunders asked Mr. Thrower how the matter would be regulated concerning which specific individuals actually cut grass throwing the clippings into the street.

Mr. Thrower advised Councilman Saunders that the matter would be classified as a code enforcement issue and would be addressed under property maintenance.

Councilman Harris asked Mr. Barrett if the revised ordinance would possibly eliminate the City's curbside leaf collection program.

Mr. Barrett advised Councilman Harris that there is an exception to the City's Code concerning certain periods of during the fall of the year in which City residents are allowed to rake their leaves on the curbside for collection.

The motion was passed as follows:

|                              |     |
|------------------------------|-----|
| Councilwoman Nancy B. Squire | aye |
| Councilman John R. White     | aye |
| Councilman F. Woodrow Harris | aye |
| Councilman James C. Saunders | nay |
| Councilwoman Doris T. White  | aye |

Councilwoman Carolyn S. Carey     aye  
Councilman Ned V. Lankford         aye

**3781. Backhoe Bids**

Mr. Thrower reported that, as approved in the City's fiscal year 2007-08 budget, City staff solicited a number of vendors for the purchase of a new backhoe and solicited financing from local banks. He also reported that vendors submitted the following proposed prices as follows:

- James River Equipment Virginia, LLC (John Deere) ..... \$72,440.00
- White Oak Equipment, Inc. (CASE) ..... \$69,249.00
- Carter Machinery Co., Inc. (Caterpillar) ..... \$71,192.00
- Valley Supply & Equipment, Inc. (J.C.B.) ..... *Bid incomplete*

He further reported that Mr. Linwood Pope, Director of Public Utilities for the City of Emporia, provided written communication to City staff suggested that the purchase be made from James River Equipment Virginia, LLC.

He stated that representatives from Valley Supply & Equipment, Inc. did not submit a revised figure for additional equipment to the backhoe, such as a bucket attachment, and therefore the bid was deemed invalid. He also stated that the bid from White Oak Equipment, Inc. manufactures a CASE brand backhoe with insufficient durability, based on past history. He further reported that Carter Machinery Co., Inc. manufactures a Caterpillar brand backhoe with replacement parts costing 20-25% higher than its competitors.

Mr. Thrower advised City Council members that James River Equipment, LLC offers an overall superior John Deere brand backhoe. He also advised them that Mr. Pope and Mr. Jones were present to answer any questions concerning the matter.

He stated that consideration was also needed concerning financing of the backhoe. He also stated that the City solicited local banks to finance the backhoe for a five-year term with results as follows:

|                                       |             |                                     |
|---------------------------------------|-------------|-------------------------------------|
| American Financial Network, Inc. .... | 5 Yrs. .... | 6.78%                               |
| Gateway Bank & Trust, Co. ....        | 5 Yrs. .... | 6.01%                               |
| Bank of Southside Virginia ....       | 5 Yrs. .... | 4.95%                               |
| BB&T .....                            | 5 Yrs. .... | 4.33% Plus \$250.00 Transaction Fee |
| First Citizens Bank .....             | 5 yrs. .... | 4.16% Plus \$200.00 Transaction Fee |
| First Community Bank .....            | 5 yrs. .... | 4.72%                               |

He further stated that the City Administration had budgeted financing at 5% over a five-year term, in which the 4.16% bid from First Citizens Bank reflected a savings of \$7,809.20 over the five-year term.

Mr. Thrower advised City Council members that he and Mr. Pope recommend that City Council members approve the purchase of the John Deere backhoe from James River Equipment Virginia, LLC and approve the low bid of 4.16% financing through First Citizens Bank over a five-year term.

Councilman White moved to approve the purchase of the John Deere backhoe from James River Equipment Virginia, LLC and the financing of the backhoe through First Citizens Bank as recommended. Councilman Saunders seconded the motion, which passed as follows:

|                               |     |
|-------------------------------|-----|
| Councilwoman Nancy B. Squire  | aye |
| 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 Ned V. Lankford    | aye |

**3782. Civic Center Foundation – Request for Funding**

Mr. Thrower reported that Ms. Mary Woodruff, President of the Emporia-Greenville Civic Center Foundation, submitted a letter to staff concerning the Foundation’s plan to increase funding, establish an office, and make the community aware of a proposed plan of action. He also reported that the Foundation is requesting \$12,000.00 from the City of Emporia to assist in their efforts. He further reported that during 2007, the General Assembly awarded the Foundation at matching grant of \$37,500.00.

He stated that, if City Council members approve the request, the funding would be utilized as matching funds by the Foundation, doubling the funding request. He advised City Council members that Ms. Woodruff was present to speak before them concerning the matter.

It was the consensus of City Council members that Ms. Woodruff speak before them.

Ms. Mary Woodruff stated that the requested funding of \$12,000.00 would be utilized to prepare for the renovation of the Emporia Elementary School auditorium. She also stated that she was initially unaware that the \$37,500.00 grant would be matched. She further stated that the Foundation has submitted a request to the State of Virginia for \$13,000.00 of the \$37,500.00 and is awaiting a response, which will take approximately six weeks.

Ms. Woodruff reported that, if approved, the requested funding of \$12,000.00 from the City of Emporia will allow the Foundation to continue moving forward as planned.

Councilman Harris stated that sustainability concerns were previously expressed to the consultant concerning the project. He asked Ms. Woodruff if the Foundation will continue to review and develop sustenance as the project moves forward.

Ms. Woodruff advised Councilman Harris that sustenance, concerning the project, would continue to be reviewed and developed. She also advised him that the consultant would be guiding the Foundation’s members through a business plan which will include exploration of operational uses of the renovated facility.

Councilman White moved to approve the request for \$12,000.00 to the Emporia-Greenville Civic Center Foundation. Councilwoman Carey seconded the motion, which passed as follows:

|                              |         |
|------------------------------|---------|
| Councilwoman Nancy B. Squire | aye     |
| Councilman John R. White     | aye     |
| Councilman F. Woodrow Harris | aye     |
| Councilman James C. Saunders | abstain |
| Councilwoman Doris T. White  | aye     |

Councilwoman Carolyn S. Carey      aye  
Councilman Ned V. Lankford          aye

**3783. *Police Uniforms and Laptop Computer – Appropriation Ordinance***

Mr. Throver reported that the City of Emporia’s Police Department placed orders for police uniforms and a laptop computer prior to the close of fiscal year 2006 – 2007. He also reported that the items were not received prior to the close of the fiscal year 2006 – 2007 and must be paid from the fiscal year 2007 – 2008 budget. He further reported that the Police Department had remaining funding from their fiscal year 2006 – 2007 budget to cover the cost of the items totaling \$7,486.00.

He stated that the Police Chief requested that City Council members re-appropriate the funds remaining from the fiscal year 2006 – 2007 budget into the fiscal year 2007 – 2008 budget to cover the costs of the items. He requested that City Council members review and approve the following appropriation ordinance:

**Ordinance No. 06-61**

An Ordinance To Appropriate The Sum Of \$7,486.00 From The Unappropriated Fund Balance of the General Fund For The Purchase Of Police Uniforms And A Laptop Computer

**BE IT ORDAINED** by the Council of the City of Emporia, Virginia, as follows:

1. That the sum of \$7,486.00 from the Unappropriated Fund Balance of the General Fund be, and the same hereby is, appropriated into the City’s Operating Budget for Fiscal year 2007 – 2008 for the purchase of police uniforms and a laptop computer.
2. Said appropriation shall be reflected in the 2007 – 2008 Operating Budget as the sum of \$7,486.00 from the Unappropriated Fund Balance of the General Fund and the sum of \$7,486.00 appropriated to General Fund Expenditures for the purchase of police uniforms and a laptop computer; \$6,156.00 to Account Number 31100-6011 Uniforms and Wearing Apparel and \$1,330.00 to Account Number 31100-8107 EDP Equipment.
3. The City Manager is hereby authorized to do all things necessary to implement this ordinance.
4. This ordinance shall be in effect on and after its adoption.

Councilman Harris moved to approve the ordinance as presented. Councilman White seconded the motion, which passed as follows:

Councilwoman Nancy B. Squire      aye  
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 Ned V. Lankford          aye

**3784. *Habitat for Humanity – Request for Office Space***

Mr. Thrower reported that, according to K. David Whittington, Greenville County Administrator, representatives of Habitat for Humanity have requested office space as a donation or at minimal cost. He also reported that, currently, neither the City of Emporia or Greenville County have available space to donate. He further reported that the matter had not been included for discussions during previous Budget Work Sessions.

He stated that the City of Emporia currently contributes \$1,000.00 to Habitat for Humanity. He also stated that the existing ReStore is used for warehouse space and is not designed for office space as it is not equipped with plumbing capabilities or HVAC amenities.

Mr. Thrower reported that Habitat for Humanity will continue to explore available options and stated that Greenville County authorized \$1,800.00 for office space for Habitat for Humanity.

Mayor Adams asked Reverend George W. Pugh, of Emporia-Greenville Habitat for Humanity, to address City Council members of Habitat for Humanity's current status as it relates to the matter.

Reverend Pugh advised City Council members that Habitat for Humanity had been notified on Friday, July 13, 2007, that office space was need to house their office furniture and equipment. He also advised them that the possibility of office space was located at the Bethlehem Building located on Halifax Street in the City of Emporia. He further advised them that the office space at the Bethlehem Building does provide adequate space for conducting Executive Board meetings and that their regular meetings will most likely be held at the library.

He stated that, if City Council members approve the funding of \$1,800.00 towards the office space for Habitat for Humanity, it will allow them to begin moving into the new office location on Friday, July 20, 2007. He also stated that Habitat for Humanity has come a long way in building houses and assisting the City of Emporia and Greenville County. He further stated that construction of the next house is scheduled to begin in September 2007.

Councilman White moved to approve that the request for \$1,800.00 by Emporia-Greenville Habitat for Humanity be granted. Councilwoman Carey seconded the motion.

Councilman Harris asked Reverend Pugh if \$3,600.00 would cover the rent fee for the entire year at the Bethlehem Building.

Reverend Pugh advised Councilman Harris that the funding would cover the rent fee for the entire year.

Councilman Saunders asked Reverend Pugh if the funding would also cover utility expenses.

Reverend Pugh advised Councilman Saunders that the funding does include costs associated with utilities with the exception of a telephone line.

Mayor Adams advised Reverend Pugh that he is aware that the need for funding for office space had probably not been foreseen and requested that future requests for funding be submitted prior to approval of the City's budget.

Reverend Pugh advised Mayor Adams that the immediate need for office space had not been foreseen,

prompting the late request by Habitat for Humanity.

The motion was passed as follows:

|                               |     |
|-------------------------------|-----|
| Councilwoman Nancy B. Squire  | aye |
| 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 Ned V. Lankford    | aye |

**3785. Virginia Rural Broadband Planning Initiative Grant – Approval of Contract with VDHCD**

Mr. Throter reported that the Virginia Department of Housing and Community Development (VDHCD) created the Virginia Rural Broadband Planning Initiative (VRBPI) program in 2006 to allow communities to identify and develop all elements necessary to create a successful community broadband network. He also reported that, on January 23, 2007, the City of Emporia and Greensville County submitted a joint application to VDHCD for Phase I funding aimed at preparing the Community Telecommunications Plan. He further reported that, during the June 19, 2007 City Council Regular Meeting, City Council members authorized the City Manager to negotiate and approve a contract with Design Nine, Inc. to assist in preparing the plan.

He stated that VDHCD has since sent Mr. K. David Whittington, Greensville County Administrator, a standard planning grant contract detailing the terms of the agreement. He also stated that Greensville County Administration requests that Emporia City Council members review the contract and agree to the terms of the contract as well as authorize the project to proceed. He further stated that City staff recommends that City Council members authorize the City Manager to prepare a letter to be sent to Greensville County Administration stating that the City of Emporia agrees to the terms of the contract accordingly and authorizes the project to proceed.

Councilman Harris moved to approve the request as presented. Councilman Saunders seconded the motion, which passed as follows:

|                               |     |
|-------------------------------|-----|
| Councilwoman Nancy B. Squire  | aye |
| 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 Ned V. Lankford    | aye |

**PUBLIC COMMENT**

Mayor Adams asked if there was anyone who wished to bring a matter before City Council members adhering to the 3-minutes per person speaking limitation.

**Ms. Deborah F. Brown** of 604 Temple Avenue, Emporia, Virginia asked if an informational Town Hall Meeting could be sponsored by the NAACP during the month of September 2007 in which Mr. Thrower would be present to answer questions from the community concerning the newly revised ordinances, approved earlier that day, as well as violation fees associated with each.

Mr. Thrower advised Ms. Brown that he would be willing to be present at an informational Town Hall Meeting sponsored by the NAACP to answer questions from the community as requested.

**Ms. Kathy Ann Robinson** of 102 Shore Drive, Emporia, Virginia expressed gratitude, on behalf of her husband and other fellow taxi operators for the Robinson Cab Company, for considering the code amendment to allow a taxi cab establishment in the commercial district. She extended a special “thank you” to Mr. Thrower for providing her and her husband with much insight in forming their establishment.

**Mr. Cornell Hines** of Emporia-Greenville Habitat for Humanity expressed gratitude to City Council members for providing funding to Habitat for Humanity.

**Mr. Bruce Campbell** of EmporiaNews.com asked City Council members if the City plans to eventually take a stand, prior to mid September, concerning the possibility of a U.S. Navy landing field being placed in Greensville County.

Mayor Adams advised Mr. Campbell that the process is still in the, “informational” stage of the discussion and stated that it is unknown if the City of Emporia will take a stand concerning the matter as the information is relatively new.

Councilman Harris reported that the announcement was made without prior notification being provided to localities or General Assembly members.

Mayor Adams reported that the announcement was, “quite a surprise to everybody” and that information is being sought concerning the announcement. He also reported that other locations are being considered as well.

**Ms. Sarah A. P. Raible**, Director of the Meherrin Regional Library System, of 402 Thomas Street, Lawrenceville, Virginia expressed gratitude to City Council members for their continued support at the Library. She reported that many wonderful comments have been received concerning the flowers at the Library. She also reported that the staff is very grateful that downtown Emporia, Georgia-Pacific, and Emporia City Council has enhanced the appearance of the Library and the City of Emporia.

## **ADJOURNMENT**

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

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Samuel W. Adams, III, Mayor

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Jean V. Whiting, City Clerk