

# PUBLIC HEARING

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## 1. W. Atlantic Improvement Project – Resolution to Submit CIG Application

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Emporia City Council held a Public Hearing on Tuesday, March 18, 2008, at 7:30 p.m. in the Council Chambers of the Municipal Building located at 201 South Main Street, Emporia, Virginia. Mayor Adams presided over the hearing.

The following City Council members were present:

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

Others present: Samuel W. Adams, III, Mayor  
C. Butler Barrett, City Attorney  
Sam Brown, Sheriff  
William S. Harris, Treasurer  
Royal Jones, Director of Public Works  
Randy Pearce, Building/Fire Official  
Joyce E. Prince, Commissioner of the Revenue  
Bernard Richardson, Chief of Police  
Brian S. Thrower, City Manger  
Jean V. Whiting, City Clerk

## 1. W. Atlantic Improvement Project – Resolution to Submit CIG Application

Mr. Thrower reported that the City of Emporia had been awarded planning grant funds for utilization towards the submission of a Community Improvement Grant (CIG) application for the W. Atlantic Street Neighborhood Improvement Project. He also reported that the project aimed to rehabilitate existing homes, build new affordable housing units, and upgrade infrastructure within the neighborhood. He further reported that the proposed budget for the project was two million five hundred fourteen thousand seven hundred eighty-six dollars (\$2,514,786.00), of which the City would need to commit a total of one hundred seventy-one thousand seven hundred sixty-two dollars (\$171,762.00) towards the project, rather than the initially anticipated one hundred sixty-nine thousand two hundred sixty-two dollars (\$169,262.00).

He stated that the remaining one point four million dollars (\$1.4M) in funding was anticipated from Community Development Block Grant (CDBG) funding and non-CDBG funding, equating to nine hundred forty-five thousand five hundred twenty-four dollars (\$945,524.00), including the sixty thousand dollars (\$60,000.00) previously committed by the Emporia Redevelopment and Housing Authority.

Mr. Thrower reported that representatives from K. W. Poore & Associates were present to answer questions concerning the submission of the CIG application. He also reported that he recommended that City Council adopt the following resolution concerning the matter:

**RESOLUTION NO. 08-01**

**AUTHORIZING THE PREPARATION AND FILING OF AN APPLICATION  
FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS THROUGH  
THE VIRGINIA SMALL CITIES COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM**

**WHEREAS**, the City of Emporia has previously participated in the Small Cities Community Development Block Grant (CDBG) program under the Virginia Department of Housing and Community Development (VDHCD) by undertaking the Lowground Area Comprehensive Improvement Project; and

**WHEREAS**, the City of Emporia is currently updating its Comprehensive Plan and has subsequently identified the West Atlantic Street Neighborhood, selected among four neighborhoods within the City, as the top priority for revitalization and rehabilitation assistance and funding; and

**WHEREAS**, according to the City's Comprehensive Plan, one of the primary objectives is to encourage a variety of housing types and densities and greater homeownership that will provide for decent, safe, sanitary, and affordable housing opportunities for lower income households in accordance with locally defined housing needs and State and Federal housing programs; and

**WHEREAS**, the City of Emporia has identified the West Atlantic Street Neighborhood as the highest priority target area for a Comprehensive Community Development (CCD) project based on the neighborhood's poor housing, blight conditions, declining homeownership, and deteriorating infrastructure including inadequate sewer lines, deficient storm drainage, lack of curb and gutter, and poor street conditions; and

**WHEREAS**, the City of Emporia received a FY 2007 CDBG Planning Grant from VDHCD to assess the West Atlantic Street Neighborhood and identify needs that are contributing to the area's decline and to prepare a comprehensive community development program that would address such needs; and

**WHEREAS**, the City conducted door-to-door surveys in the West Atlantic Street Neighborhood Project area, conducted citizen meetings, formed a project management team with stakeholders from the neighborhood, and completed a needs assessment with participation of said neighborhood residents and property owners; and

**WHEREAS**, said needs assessments and surveys identified deteriorated and dilapidated housing, abandoned structures, concentrations of slums and blight, drug activities, deficient sanitary sewer lines, storm drainage problems, lack of curb and gutter and poor street conditions, and underutilized parcels as the major needs and concerns of the property owners and residents of the neighborhood; and

**WHEREAS**, a Comprehensive Community Development (CCD) Improvement Program has been developed by the City in cooperation with the West Atlantic Street Neighborhood residents, property owners, Southside Outreach Group, and other stakeholders pursuant to requirements for funding set forth by the Virginia Department of Housing and Community Development (VDHCD); and

**WHEREAS**, a Preliminary Engineering Report (PER) for required public improvements, a Housing Rehabilitation Assistance Program for both owner and investor-owner for the rehabilitation of deteriorating units, and infill housing development plans and building commitments have been completed in support of the CDBG program; and

**WHEREAS**, the Emporia City Council wishes to apply for CDBG funds to assist in implementing the West Atlantic Street Neighborhood Revitalization Project with said project benefiting 44 existing occupied households (142 persons) of which 38 households (125 persons – 88%) are low-and-moderate-income (LMI); and with proposed infill development of 8 new affordable residential units, resulting in an estimated increase of 21 additional persons of which 21 (100%) are LMI for a total neighborhood benefit of 52 occupied households with 163 people of which 146 (90%) are LMI; and

**WHEREAS**, one hundred percent (100%) direct benefit will result from the implementation of the Housing Rehabilitation Program for 6 LMI owner-occupied units (21 LMI persons), and 17 investor-owner units (60 LMI persons); substantial reconstruction of 1 LMI owner-occupied unit (2 LMI persons); and 8 new infill housing units (21 LMI persons); and

**WHEREAS**, Southside Outreach Group as lender and with funding from Housing Opportunities Made Equal (HOME) and other sources will construct or cause to have constructed 8 single-family houses for sale at affordable prices to provide homeownership opportunities for 8 LMI families with a total investment of \$600,000 in said housing development, with provisions for financial assistance to homebuyers through HOME and other local assistance programs; and

**WHEREAS**, the City of Emporia Redevelopment and Housing Authority (ERHA) has approved an appropriation of \$60,000 to assist the City as necessary in the adoption and implementation of a redevelopment plan as may be required for the removal of blight within the neighborhood; and

**WHEREAS**, the City of Emporia will be utilizing \$142,656 in Virginia Department of Transportation (VDOT) revenue sharing funds in order to mill and overlay existing neighborhood roadways; and

**WHEREAS**, the City of Emporia is committing \$171,762 in capital funds to the project to carry out the comprehensive neighborhood improvement activities and accomplish the objectives of the West Atlantic Street Neighborhood Improvement Project including improvements to the neighborhood streets including \$96,762 for 2,450

linear feet of curb and gutter installation and associated erosion and sediment control and raising the existing grade; \$5,000 for the installation of 1 fire hydrant; \$22,500 for park improvements; \$45,000 to assist with the inspection and design of all infrastructure improvements; and \$2,500 to assist in neighborhood cleanup efforts; and

**WHEREAS**, the City of Emporia has properly advertised and conducted public hearings on January 30, 2008, and March 18, 2008, which addressed the CDBG program and the CDBG project application, thereby meeting citizen participation requirements; and

**WHEREAS**, residents and property owners have requested the City proceed post haste in resolving the problems identified in the neighborhood and in securing necessary funds to carry out a Comprehensive Community Development (CCD) project.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Emporia, Virginia that:

1. The City will apply for a FY 2008 CDBG Community Improvement Grant (CIG) in the amount of \$1,400,000 for the West Atlantic Street Neighborhood Revitalization Project; and hereby commits a total of \$171,762 in City funds; has obtained \$943,024 in non-CDBG funds; for a total project cost of \$2,514,786 for the purpose of undertaking a comprehensive neighborhood improvement program to address 100 percent of the identified needs in the neighborhood.
2. The City hereby authorizes the City Manager, the City's chief administrative official, to execute and file all appropriate documents necessary for submission of the City of Emporia's 2008 Community Development Block Grant application on March 26, 2008, and to provide such additional information as may be required by the Virginia Department of Housing and Community Development.

Mayor Adams reported that the following letter had been received concerning the matter and asked Mrs. Whiting to read it aloud:

"March 17, 2008

We believe that the West Atlantic Street project is a great idea. Anything that can be done to improve our city deserves the support of all the city's residents. However, those of us who signed this letter do question why the city is starting another project in another area when the Lowground Road project has never been completed. It seems the money the city requested from the Redevelopment and Housing Authority and any further funds they will put into the West Atlantic Street project could be used to finish the project started in the Lowground Road project.

We would appreciate a response in writing before the next Council meeting, as to what plans the City of Emporia has to complete the Lowground Road project. We request that this letter be read at the West Atlantic Street Public Hearing and the City Council meeting on March 18, 2008 and be recorded in the minutes.

Thank you in advance for taking time to address our concerns.

Sincerely,

Concern Citizens”

The following signatures were included on the letter:

- |                            |                       |
|----------------------------|-----------------------|
| 1. Minnie & Joseph L. Hill | 9. Stephen Transue    |
| 2. Mrs. Leance T. Moore    | 10. Renee Bullock     |
| 3. Sarah Smith             | 11. Margie P. Andrews |
| 4. George Chatman          | 12. Rose Everett      |
| 5. Elizabeth Harris        | 13. Florence O. Tyler |
| 6. Alvin Person            | 14. Colleen Hunnicutt |
| 7. James Williams          | 15. James Stephens    |
| 8. Mary Spence             |                       |

Mayor Adams asked if anyone wished to speak concerning the matter.

**Ms. Sharon Jadrnak** of 518 Peachtree Street, Emporia, VA stated that, while she did not reside in the proposed project area for the West Atlantic Street Improvement Project, she did have previous involvement with and a current interest in community development and affordable housing within the community. She also stated that she agrees that the West Atlantic Street area is in need of the housing and infrastructure improvements outlined in the grant proposal. She further stated that she also agreed with the March 17, 2008 letter submitted by concerned citizens.

She reported that it was her understanding that the City had not completed all tasks associated with the Lowground area Comprehensive Improvement Project. She also reported that the original project scope for the Lowground area project called for road, drainage, and curb and gutter improvements on four streets within the neighborhood. She further reported that, when the City finally worked on that portion of the project, the funds that had been pledged as matching funds were not sufficient to address all of the work for the area therefore leaving road, drainage, and curb and gutter improvements being addressed on Wadlow Street only.

Ms. Jadrnak stated that she would encourage the City of Emporia to finish the Lowground Road project first before embarking on another CDBG project in another neighborhood within the City. She also stated that local governments were beginning to work on their budgets for the following fiscal year and that she hoped the City would set aside funds in the 2008-2009 fiscal year budget to finish the Lowground Road project.

Councilwoman Carey reported that she had been concerned with the Lowground Road Project. She also reported that she was in favor of the West Atlantic Street Improvement Project. She further reported that her constituents were very unhappy and that she thought a loan would be included for completing the Lowground Road project.

She stated that, if a loan would not be included to complete the Lowground Road project, she would

have second thoughts about voting in favor of the West Atlantic Street project. She also reported that the Zion Boulevard area and the area off Clay Street looked, “really pitiful” and that it was, “unfair” to the residents.

Councilwoman Carey reported that she received a call approximately two weeks prior, during a rain storm, from a resident who requested that she witness the flooding in her yard and the surrounding areas. She also reported that she contacted Mr. Royal Jones to go to the area to assess the flooding situation in the Lowground Road area. She further reported that the issue was a, “very sad situation for the City of Emporia to have to have residents to live in an area like that.”

She also stated that she hoped City Council would consider requesting funding to address the Lowground Road project within the loan request for the West Atlantic Street project.

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

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Samuel W. Adams, III, Mayor

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Jean V. Whiting, City Clerk

**MINUTES  
EMPORIA CITY COUNCIL  
CITY OF EMPORIA MUNICIPAL BUILDING  
March 18, 2008**

*Note to Reader: Although the printed Agenda document for this City Council meeting is not part of these Minutes, the Agenda document provides background information on the items discussed by City Council during the meeting. A copy of the Agenda document for this meeting may be obtained by contacting the Office of the City Clerk.*

**INVOCATION**

Emporia City Council held a Regular Meeting on Tuesday, March 18, 2008, 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: Samuel W. Adams, III, Mayor  
C. Butler Barrett, City Attorney  
Sam Brown, Sheriff  
William S. Harris, Treasurer  
Royal Jones, Director of Public Works  
Randy Pearce, Building/Fire Official  
Joyce E. Prince, Commissioner of the Revenue  
Bernard Richardson, Chief of Police  
Brian S. Thrower, City Manger  
Jean V. Whiting, City Clerk

**MINUTES APPROVAL**

The minutes of the March 4, 2008 City Council 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 March 18, 2008 bills had been presented to City Council members.

General Fund	\$773,810.73
Utility Fund	\$82,568.03

Councilman Saunders moved to approve payment of the bills as presented. 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 highlights of the City's financial position. There were no questions regarding the report.

## **COMMISSIONER OF THE REVENUE REPORT**

Honorable Joyce E. Prince, Commissioner of the Revenue, provided her report to City Council members. There were no questions regarding 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 Council.

**AGENDA APPROVAL**

Councilman Saunders moved that the Agenda be approved as presented. Councilman Harris 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**

**NEW BUSINESS**

***08-23 State Law Reference § 15.1-38 Amendment/Reenactment - Ordinance***

Mr. Thrower reported that the City’s Administration had been informed that State law reference § 15.1-38 had been amended and reenacted to reflect § 15.2-1522. He also reported that the City Codes should be amended to reflect the State’s current law and asked City Council members to review and approve the following ordinance accordingly:

**Ordinance No. 08-07**

**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, meeting in regular session that:

State law reference § 15.1-38 of City Code Chapter 2 Administration, Article III Government, and the State Reference Table shall be amended and reenacted to read as follows:

**Chapter 2 ADMINISTRATION\***

**\*Charter references:** Incorporation, boundaries and general powers, art. I; government, art. II.

**Cross references:** Board of building code appeals, § 14-171 et seq.; courts, ch. 26; elections, ch. 30; fire prevention and protection, ch. 38; law enforcement, ch. 46; planning, ch. 54; planning commission, § 54-31 et seq.; streets, sidewalks and other public places, ch. 62; taxation, ch. 70; utilities, ch. 78.

**State law references:** The Virginia Freedom of Information Act, Code of Virginia, § 2.1-340 et seq.; State and Local Government Conflict of Interests Act, Code of Virginia, § 2.1-639.1 et seq.; Virginia Public Procurement Act, Code of Virginia, § 11-35 et seq.; liability insurance or self-insurance for officers,

employees, etc., Code of Virginia, § 15.1-7.3:1; photographing, recording, etc., of records, Code of Virginia, § 15.1-8; purchase of recycled paper, Code of Virginia, § 15.1-11.5:01; municipal ordinances generally, Code of Virginia, § 15.1-13; creation of service districts, Code of Virginia, §§ 15.1-18.2, 15.1-18.3; fee for bad checks, Code of Virginia, § 15.1-29.4; oath of local officers, Code of Virginia, §§ ~~15.1-38~~ **15.2-1522**, 49-1; budget procedures, Code of Virginia, § 15.1-159.8 et seq.; Public Finance Act of 1991, Code of Virginia, § 15.1-227.1 et seq.; Virginia Public Records Act, Code of Virginia, § 42.1-76 et seq.

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**ARTICLE II. GOVERNMENT**

**Sec. 10. Oath of office; vacancy upon failure to qualify.**

The mayor and other municipal officers of the city, before entering upon the duties of their respective offices, shall be sworn in according to the laws of the state by any one authorized to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the council.

The failure of any person elected or appointed to an office under this Charter to qualify within thirty (30) days after the commencement of the term for which he was elected or appointed, or if elected or appointed to fill a vacancy, for thirty (30) days after such election or appointment shall vacate his office.

**State law references:** Oath of city officers, Code of Virginia, §§ ~~15.1-38~~ **15.2-1522**, 49-1.

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**STATE LAW REFERENCE TABLE**

This table shows the location within this Charter and Code, either in the text or notes following the text, of references to the Code of Virginia.

<del>15.1-38</del> <b>15.2-1522</b>	Char. § 10
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Councilwoman Squire moved to approve the ordinance as presented. Councilman White seconded the ordinance, 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

***08-24. W. Atlantic Street Improvement Project – Resolution to Submit CIG Application***

Mayor Adams stated that a public hearing had been held earlier concerning the West Atlantic Street

project and that a decision was needed by City Council concerning the resolution presented at that time.

Councilman Saunders asked if the matter were to come in under budget, would it be deducted from the City's expense.

Mr. Ken Poore of K.W. Poore & Associates advised Councilman Saunders that there was a proportionality issue with the funding agency. He also advised him that, if the matter were to come in under budget, the City could proportionally reduce its commitment if the funding agency reduced its commitment. He further advised him that, if the matter were to come in over budget, the funding agency's commitment would be locked and the City's would increase.

He stated that it was important, when projects are placed out for bidding, that the City positioned itself to protect its financial interest. He also stated that, if the City completed the project in less than the three year term, it could get ten percent (10%) more grant funding in terms of administrative costs. He further stated that additional capital funding could not be obtained if the project is completed in less than three years.

Councilman Saunders asked Mr. Poore if a rate of inflation would be included if the project was projected for completion over a three year period.

Mr. Poore advised Councilman Saunders that some consideration had been given for contingencies that were rolled into unit prices, that were include, and were as much as ten percent (10%) to twenty percent (20%). He also advised him that, in all probability, the State would attempt to break down the matter into two phases, requiring the completion of certain activities that they feel are priority. He further advised him that all funding for community development programs are based on, "pay for performance" type situations.

He stated that no further grant funding was available, under the program, for the Lowground Road project. He also stated that the City had secured all funding available and that any additional commitments for funding would have to be obtained from the City.

Mr. Poore reported that supplemental programs exist that could possible be secured during the course of the project. He also report that such funding could serve to reduce the community development funds that set aside for rehabilitation and reduce the amount of funds that would have to be spent on community development so that they could be used towards additional infrastructure improvements.

He stated that program income was associated with such projects and that typically involves a return to the Housing Authority or the respective city. He also stated that the program income could be utilized anywhere in the City, heightening opportunities to secure program income by virtue of the project's nature. He further stated that it could potentially underwrite ongoing efforts by the City in infrastructure and housing improvements within the City over a course of approximately four years.

Councilman Harris asked Mr. Poore to elaborate on the percentage of extra properties within the project area that could be considered for work if the City found itself in a situation where extra funding was obtained.

Mr. Poore advised Councilman Harris that a large volume of properties existed.

Councilman Harris advised Councilwoman Carey that he understood her concerns and stated that the

mismanagement and problems associated with the Lowground Road project proceeded her term on Council. He also advised her that discussions of a city-wide drainage program had previously taken place that would be able to address some of the drainage issues.

Councilwoman Carey asked Mr. Poore if she was correct in understanding that some of the funding from the loan could be used for the Lowground Road Project.

Mr. Poore advised Councilwoman Carey that, by virtue of the resolution, the City obligated funding to the West Atlantic Street Project and that they could not be utilized outside of the project area.

Councilman Harris moved to approve the adopt of the resolution, presented during the public hearing held earlier that day, concerning the West Atlantic Street Improvement Project. 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

***08-25. Potential Refinancing of the City's Rural Development Loans***

Mr. Thrower reported that Davenport & Company, LLC completed the process of obtaining bids from various financial institutions for the purpose of refinancing the City's Rural Development Loans and the 2006 Bank of Southside Note. He also reported that SunTrust Bank provided the lowest interest rate resulting in net savings to the City of over five hundred thousand dollars (\$500,000.00). He further reported that the refinancing would also shorten the term of existing debt by approximately four years.

**7:56:15**

He stated that he recommended the authorization of Davenport & Company, LLC to proceed with the refinancing opportunity as presented. He also

Mr. Roland Kooch of Davinport & Company, LLC

**3805. Highway Safety Commission – Term Expiration (Ms. Ruth Bullock)**

Mr. Vincent stated that Ms. Ruth Bullock’s three-year term on the Highway Safety Commission will expire on September 30, 2007. He also stated that Ms. Bullock has indicated that she wishes to be considered for reappointment to the Highway Safety Commission.

Councilman Lankford moved to approve that Ms. Ruth Bullock be reappointed to serve another three-year term on the Highway Safety Commission. 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

**3806. *Prohibition Against Tethering of Dogs***

Mr. Vincent stated that a public hearing had been held earlier that day concerning the tethering of dogs and requested that City Council members provide guidance on the number of hours that dogs should be allowed to be tethered within the City of Emporia. He also stated that he and Mr. Barrett reviewed existing ordinances within the state of Virginia and most indicate a time frame for tethering dogs.

Councilman Lankford stated that he reviewed a proposed House bill concerning the matter and suggested that City Council members review the proposed law as it addresses stipulations such as, but not limited to, the age of a dog, the weight of the tether, and temperature variances. He also stated that he will provide a copy of the proposed House bill to the City's administration for review.

Councilman Saunders stated that he reviewed an article written by individuals from Cornell University that supports the enforcement of hefty fines upon individuals that tether dogs and not provide them with proper care. He suggested that City Council members review ordinances from other localities and enforce a hefty fine upon individuals that tether dogs and not provide them with proper care.

Councilman Harris stated that there are current laws that guard against situations concerning cruelty to animals and feels that those laws are appropriate. He also stated that, if the City of Emporia enforces a law indicating that dogs must not be allowed to run freely as well as a law indicating that dogs must not be tethered for certain periods of time, it compels individuals to spend money to fence the area(s) where dogs will be kept or purchase kennels which is cost prohibiting. He further stated that he received comments from two (2) individuals who are opposed to the proposed ordinance modification and that he is opposed to adopting the proposed modifications.

Councilman White moved to approve that the City's administration research the matter further. Councilman Saunders seconded the motion, which 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

**3807. Charles City County – Request to Join Crater Planning District Commission**

Mr. Vincent stated that a proposed amendment to the Crater Planning District Commission’s Charter Agreement has been made to accommodate Charles City County’s membership. He also stated that the Crater Planning District Commission consists of ten (10) local governments, including four (4) cities and six (6) counties. He requested that City Council members review the following resolution for consideration:

**Resolution No. 07-02**

**AMENDMENT OF CHARTER AGREEMENT OF  
CRATER PLANNING DISTRICT COMMISSION**

WHEREAS, Charles City County has requested Crater Planning District Commission membership, and

WHEREAS, the Crater Planning District Commission agreed to accept Charles City County as a member of the Crater PDC at its June 28, 2007, meeting.

NOW, THEREFORE, BE IT RESOLVED that the Charter Agreement of the Crater Planning District Commission be amended as follows:

1. That Section 1 of Article II be amended as follows:

ARTICLE II

Membership

Section 1. (a) Each county, city and town of more than 3,500 population which is a party to this Charter Agreement shall have at least two representatives on the COMMISSION, who shall be appointed by the respective governing bodies of the participating governmental subdivisions. At least a majority of the members of the COMMISSION shall be officials of the governing bodies of the governmental subdivisions within the district, and the remaining members shall be qualified voters and residents of the district who hold no office elected by the people. An alternate may serve in lieu of one of the elected of each of the governing bodies of the participating governmental subdivisions.

(b) A town of 3,500 or less population may petition the COMMISSION to be represented thereon. The COMMISSION may, in its discretion, grant representation to such town by a majority vote of the members of the COMMISSION.

(c) Chesterfield County may become a member of the Crater Planning District upon such terms and conditions as may be mutually agreed upon by the board of supervisors of said county and the COMMISSION. (Amended – November-December, 1985)

**(d) Charles City County may become a member of the Crater Planning District upon such terms and conditions as may be mutually agreed upon by the board of supervisors of said county and the COMMISSION.**

Councilman Harris moved to approve the resolution 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

***3808. Southside Virginia Education Center – Board of Directors Appointments***

Mr. Vincent stated that the Bylaws of Southside Virginia Education Center indicate that one (1) director shall be a member of City Council for the City of Emporia or an employee of the City of Emporia and shall be appointed by the mayor with the advice and consent of City Council members. He also stated that Ms. Mary Person currently represents the City of Emporia on the Southside Virginia Education Center’s Board of Directors with a term expiration of July 1, 2009. He further stated that the City is also represented by Mr. Alton Owen, Jr., Mrs. Linda Stainback, and Mr. Moe Ghassemi.

Councilman Harris asked Mr. Vincent if the City of Emporia has been informed by Southside Virginia Education Center that another appointment needs to be made or if the matter was being addressed due to the verbiage of the Bylaws.

Mr. Vincent advised Councilman Harris that the issue of Ms. Person being allowed to remain on the Board was raised last winter. He also advised him that he was informed by Greensville County that

Ms. Person could remain on the Board. He further advised him that he recently received a copy of the Center's Bylaws.

Councilman Harris stated that, unless someone from City Council wished to fill the position, he did not see the need for Ms. Person's removal from the Board. He also stated that Ms. Person is currently employed at Greenville Elementary School and that the City of Emporia provides a significant amount of funding to the Greenville County School system.

It was the consensus of City Council members that the matter remain as is allowing Ms. Person to continue serving the term that she was appointed to serve on the Southside Education Center Board of Directors.

***3809. Consideration of Amendments to the Zoning Ordinance – Location of Taxicab Establishments***

Mr. Thrower reported a public hearing was held earlier that day concerning Mr. James Henry Robinson's request for zoning compliance in order to operate a taxicab establishment at 307 Halifax Street, within the City of Emporia, currently zoned as Downtown District. He requested that City Council members review and consider the following ordinance concerning the matter:

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 curb-service 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.

Taxicab establishments 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 curb-service 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 White moved to approve the ordinance 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

**3810. *Belfield and Hicksford Historic Districts Update***

Ms. Hannah Barrett stated that, at the September 5, 2007 Department of Historic Resources Board Meeting, the Belfield District and Hicksford District were designated as state historic districts. She also stated that documentation will now be forwarded to the National Register of Historic Places for

consideration.

## 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.

*Mrs. Hannah Barrett* of 321 Halifax Street, Emporia, Virginia invited everyone to attend the First Annual Virginia Peanut Festival kick-off cook-off. She also stated that the event will be held on Thursday, September 20, 2007, from 6:00 p.m. – 8:00 p.m. at the City’s pavilion. She further stated that all proceeds from the event will benefit Village View, one of Emporia’s most historic properties.

She reported that local residents will cook their best peanut-based dishes and that attendees will vote to determine winning dishes. She also reported that event tickets will be sold for five dollars (\$5.00), if purchased before noon on the day of the event, and for eight dollars (\$8.00) thereafter. She further reported that beer and wine will be available for purchase at the event.

*Ms. Deborah F. Brown* of 604 Temple Avenue, Emporia, Virginia expressed gratitude to Mayor Adams, Mr. Vincent, Mr. Thrower, and Chief Richardson for their participation in the September 13, 2007 forum held at Greensville County High School which educated the public about the City’s newly revised ordinances and driving laws. She also stated that some students have since decided that they would like to form a NAACP Youth Council as a result of the forum. She also stated that an invitation has been extended to conduct the presentation again during normal school hours at the school.

*Mr. Cornell Hines* of 1537 Lowground Road advised City Council members that September 16 – 22, 2007 has been designated as “Building on Faith Week” and reported that “Building on Faith Recognition Night” will be held on Thursday, September 20, 2007, at First Presbyterian Church, located at 210 South Main Street, Emporia, VA. He also reported that he hopes to see City Council members in attendance as City Council has supported Emporia/Greensville Habitat for Humanity since its inception. He further reported that Habitat for Humanity is scheduled to erect its next home within the City of Emporia on Zion Boulevard.

*Mrs. Kathy Ann Robinson* of 102 Shore Drive, Emporia, Virginia expressed gratitude to City Council members and members of community for their support in the establishment of Robinson’s Cabs on Halifax Street within the City of Emporia. She also stated that Robinson’s Cabs looks forward to working with adjacent businesses and generating much revenue for the City of Emporia.

With there being no further comments to come before City Council, Mayor Adams entered a motion to enter into Closed Session.

**\*\*\*CLOSED SESSION\*\*\***

Councilman Saunders moved that Closed Session be entered for the purpose of discussing Virginia Code § 2.2-3711 (A) (7) **Legal Matter**. 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

**\*\*\*REGULAR SESSION\*\*\***

Councilwoman Squire moved that the meeting be returned to Regular Session. 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

***CERTIFICATION***

Councilman Harris moved to certify the following:

1. only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Session to which this certification applies, and
2. only such public business matters as were identified in the motion by which the Closed Session was convened were heard, discussed, or considered by City Council.

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

**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

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Samuel W. Adams, III, Mayor

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Jean V. Whiting, City Clerk