

PUBLIC HEARING

1. **Solicitation Ordinance**
 2. **Prohibition Against Tethering of Dogs**
 3. **Taxicab Amendment**
-

Emporia City Council held three (3) Public Hearing on Tuesday, September 18, 2007, 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 hearings.

The following City Council members were present:

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|------------------------------|-------------------------------|
| 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: C. Butler Barrett, City Attorney
Brian S. Thrower, Assistant City Manger
Gerald D. Vincent, City Manager
Jean V. Whiting, City Clerk

1. **Solicitation Ordinance**

Mr. Vincent reported that, on August 7, 2007, City Council members directed the City's Administration to revise the City's solicitation ordinance to reflect that only the Emporia Volunteer Fire Department, Greenville Volunteer Rescue Squad, and the Fraternal Order of Police are permitted to conduct solicitation fund drives. He also reported that one (1) previously approved solicitation permit, for June 2008, could be grandfathered. He further reported that a public hearing concerning the matter had been properly advertised and no comments had been received concerning the matter.

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

Ms. Tara Malone-Menendez of 110 Beech Tree Lane, Emporia, VA stated that she is the treasurer of the Emporia/Greenville Humane Society and that, in 2004, the non-profit organization was organized and greatly depends upon bucket drives and other fund raising activities annually. She further stated that the Emporia/Greenville Humane Society has conducted bucket drives for the past four (4) years and have always obtained proper permits and materials, as required by the City of Emporia.

She reported that the Humane Society has routinely held bucket drives at the end of the second quarter, relying on generated funds throughout the remainder of the year. She also reported that eliminating the Humane Society from conducting such solicitation will severely cut operational funding. She further reported that the Emporia/Greenville Humane Society has had four hundred thirty-five (435) pet adoptions since its inception, with forty-three (43) being local.

Ms. Malone-Menendez stated that the Emporia/Greenville Humane Society has generated as much as three thousand, seven hundred forty-five dollars (\$3,745.00) from bucket drives and as little as two thousand nine hundred ninety-seven dollars and twenty-five cents (\$2,997.25). She also stated that the amount of funds received from bucket drives is indicative of the community's support.

She asked City Council members to reconsider amending the ordinance, as it would not seem fair to only allow the Emporia Volunteer Fire Department, Greenville Volunteer Rescue Squad, and the Fraternal Order of Police to conduct solicitation bucket drives since they already receive annual funding from the City of Emporia and Greenville County.

Mayor Adams asked Ms. Malone-Menendez to provide an overall percentage of funds generated as a result of the Humane Society conducting bucket drives.

Ms. Malone-Menendez advised Mayor Adams that bucket drives account for thirty to forty percent (30% - 40%) of overall funding. She also advised him that it costs the Emporia/Greenville Humane Society approximately ten thousand dollars (\$10,000.00) to operate annually.

Ms. Belinda Goode of 512 South Hampton Street - Apartment L, Emporia, VA stated that, on behalf of Greenville County High School (GCHS) Marching Band and the GCHS Band Booster Association, she wished to voice opposition to the ordinance revision restricting specific organizations from conducting bucket drives. She also stated that the impact of such restrictions would result in devastating consequences to the livelihood of the GCHS Marching Band.

She reported that, for the past two (2) years the GCHS Band received requests to perform during the Atlanta Hawks' basketball game half-time session. She also reported that the band has received invitations to perform at several high school band competitions and college homecoming parades. She further reported that the GCHS Band has also received a request to participate in the National High Step Competition, consisting of high school bands from across the US.

Ms. Goode stated that the GCHS Band would not have been able to participate at such events without funding generated from bucket drives. She also stated that the events generate great exposure for the City of Emporia. She further stated that rules and procedures are currently in place concerning bucket drives and asked that groups breaking those rules and procedures be punished and not everyone.

Mayor Adams asked Ms. Goode to provide an overall percentage of funding generated as a result of GCHS Band conducting bucket drives.

Ms. Goode advised Mayor Adams that bucket drives account for at least thirty to forty percent (30% - 40%) of overall funding. She also advised him that the GCHS Band bucket drive has generated as much as two thousand five hundred dollars (\$2,500.00) from conducting bucket drives.

Mayor Adams asked Ms. Goode if the school provides assistance for trips to such events as she had referenced earlier.

Ms. Goode advised Mayor Adams that the school does not provide funding for trips to such events. She also advised him that funds are raised and turned over to the school's fund, which is then allotted as needed.

Mayor Adams asked Ms. Goode for the amount of funding allotted in the budget for participation in parades, college events, etc.

Ms. Goode advised Mayor Adams that no funding is allotted in the budget for such events as funding is solely raised by soliciting. She also advised him that participation in such events costs approximately three hundred dollars (\$300.00) per student.

Mr. Steve Eason of 247 Purdy Road stated that he suggests that the City of Emporia provide sponsorship funding to the GCHS Band if the proposed revisions are made to the existing solicitation ordinance. He also stated that bucket drives have been very helpful to the GCHS Band and hopes that the City does not prevent them from conducting bucket drives.

Mr. Nequea Jordan of 785 Ruritan Drive, Emporia, VA stated that, on behalf of Second Chance Christian Center, he wished to voice opposition to the ordinance restricting specific organizations from conducting bucket drives. He also stated that the Center operates a monthly food bank which utilizes funding generated from bucket drives to purchase necessary supplies. He further stated that the Center also provides scholarship funding and various other means of assistance which utilizes funding generated from bucket drives.

He reported that past bucket drives have generated approximately two thousand one hundred dollars (\$2,100.00) for the Center. He also reported that the food bank costs the Center approximately three thousand six hundred dollars (\$3,600.00) annually to operate. He further reported that the Center will encounter hardship if not allowed to conduct bucket drives and asked City Council members to continue allowing the Center and all other organizations to conduct bucket drives.

Mayor Adams asked Mr. Jordan to provide an overall percentage of funds generated as a result of Second Chance Christian Center conducting bucket drives.

Mr. Jordan advised Mayor Adams that one hundred percent (100%) of funding is generated from bucket drives. He also advised him that bucket drives are the Center's only fund raising events.

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

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

2. Prohibition Against Tethering of Dogs

Mr. Vincent reported that, according to the National Humane Society, the continuous confinement of dogs by tethering is inhumane. He also reported that dogs tethered for long period of time can become highly aggressive. He further reported that various localities have incorporated ordinances addressing the matter and had provided City Council members with various articles, including an article from the *Richmond Times-Dispatch* indicating that Richmond's City Council members will be considering an ordinance restricting tethering of dogs to no more than one (1) hour in a twenty-four (24) hour period.

He stated that violators of the proposed tethering ordinance would face charges ranging from Class 4 misdemeanor to Class 3 misdemeanor and possibly up to six months in jail. He also stated that the City of Emporia is considering restricting the length of time that dogs within the City of Emporia are tethered to between eight (8) and twelve (12) hours per day.

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

Ms. Peggy Malone of 113 Baker Street, Emporia, VA stated that she is president of the Emporia/Greensville Humane Society and that the Humane Society is against tethering of animals. She also stated that dogs tethered for long periods of time become highly aggressive and feel naturally protective of their territory. She further stated that a study published on September 15, 2000 by the Journal of the American Veterinary Medical Association reported that seventeen percent (17%) of dogs involved in fatal attacks on humans between 1979 and 1998 had been restrained on their owner's property at the time of the attacks.

She reported that dogs are naturally social beings that thrive on interaction with humans and other animals. She also reported that dogs kept tethered in one spot for long periods of time suffer psychological damage promoting vicious behavior as they rarely receive sufficient care. She further reported that tethered animals are rarely given minimal affection and usually have to eat, sleep, urinate, and defecate in a single confined area.

Ms. Malone stated that dog owners bear a special responsibility to their K-9 companions which includes an adequate and nutritious diet, clean water, clean living conditions, regular veterinary care, kind and responsive human companionship, and training in proper behavior. She also stated that communities should outlaw the continuous chaining or tethering of dogs. She further stated that, as a member of the Humane Society, she is pleased to see the City of Emporia considering no-tethering or limited time tethering laws.

Mr. Vincent reported that he received correspondence from **Mr. Mel Andrews** of 1302 Wiggins Road, Emporia, VA who respectfully requests that City Council members approve the amendment prohibiting dog tethering in the City of Emporia.

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

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

3. Taxicab Amendment

Mr. Thrower reported that Mr. James Henry Robinson requests zoning compliance in order to operate a taxicab establishment at 307 Halifax Street, currently zoned as Downtown District. He also reported that on June 12, 2007, the Planning Commission recommended that City Council members approve the listing of taxicab establishments as a permitted use with conditional use permit in C-1 Commercial, C-2 Commercial and Downtown Districts. He further reported that City Council members approved the recommendation and adopted the zoning code amendment on July 19, 2007.

He stated that taxicab establishments are currently listed as a permitted use with conditional use permit in Downtown Districts. He also stated that Mr. Robinson's request for conditional use permit approval resulted in a four to four (4 - 4) tie vote. He further stated that on August 21, 2007, City Council members requested that the Planning Commission consider an amendment to the zoning ordinance listing taxicab establishments as a permitted use in C-1 Commercial, C-2 Commercial, and Downtown Districts, as required by City Code § 90-256.

Mr. Thrower reported that, on September 11, 2007, the Planning Commission recommended that the existing ordinance not be modified requiring taxicab establishments to be listed as permitted use with conditional use permits. He also reported that, if City Council members decide to list taxicab establishments as permitted use without conditional use permit approval, staff will administratively approve Mr. Robinson's zoning compliance request.

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

Mrs. Hannah Barrett of 321 Halifax Street stated that she feels the conditional use permit requirement is very important to the zoning ordinance allowing taxicab establishments in the proposed districts. She also stated that, on behalf of her husband, who is a member of the Planning Commission, it is the intent of the Planning Commission to approve Mr. Robinson's conditional use permit request with the restrictions previously discussed and agreed to.

She requested that City Council members approve the zoning ordinance allowing taxicab establishments in the Downtown Districts and Commercial Districts with the conditional use permit requirement.

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

Samuel W. Adams, III, Mayor

Jean V. Whiting, City Clerk

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
SEPTEMBER 18, 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 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, September 18, 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
Joyce E. Prince, Commissioner of the Revenue
Bernard Richardson, Chief of Police
Brian S. Thrower, Assistant City Manger
Gerald D. Vincent, City Manager
Jean V. Whiting, City Clerk

MINUTES APPROVAL

The minutes of the September 4, 2007 City Council Meeting were distributed to City Council members. Councilman White moved to approve the minutes as presented. Councilman Lankford seconded the motion, which passed as follows:

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| 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 September 18, 2007 bills had been presented to City Council members.

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|--------------|--------------|
| General Fund | \$926,947.08 |
| Utility Fund | \$100,620.54 |

Councilman Saunders moved to approve payment of the bills as presented. Councilman White seconded the motion, which passed as follows:

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|-------------------------------|-----|
| 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

Councilwoman Squire moved that the Agenda be approved as presented. Councilwoman Carey seconded the motion, which passed as follows:

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| 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 |

Special Recognition

Mayor Adams expressed gratitude to the Woodmen of the World Organization for donating the new flag and flag pole on Market Drive (in front of Applebee’s). He stated that the flag was donated to the City of Emporia and dedicated on September 11, 2007 in remembrance of those who lost their lives due to the 9/11 terrorist attacks, those who lost their lives in the line of duty, and in honor of those who continue to serve in the United States Armed Forces.

UNFINISHED BUSINESS

3498. Solicitation Ordinance – Proposed Revision

Mr. Vincent stated that a public hearing had been held earlier that evening concerning proposed revisions to the City’s solicitation ordinance and that the following ordinance was now before City Council members for consideration:

Ordinance

An Ordinance To Amend Section 50-5 Of The City Code Of Ordinances Of The City Of Emporia, Virginia Which Relates To Permitted Solicitation Upon Streets of The City Of Emporia

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

1. That Section 50-5 of the Code of Ordinances, City of Emporia, Virginia, is hereby amended to read as follows:

Section 50-5. Solicitation on public streets, et cetera.

- (a) No person shall be upon or go upon any street, highway, roadway, alley, or upon the shoulder of any street, highway, roadway, or alley, or upon the median of any street, highway, roadway, or alley, or upon any neutral ground or any street, highway, roadway, or alley, within the city, for the purpose of soliciting charitable or other contributions of any kind from the driver or occupant of a motor vehicle, except as provided in this section.
- (b) Rules governing roadblocks and/or street solicitation.
 - (1) No roadblock or street solicitation may be established, maintained, or conducted within the city limits *unless they are soliciting funds as a department by the Emporia Volunteer Fire Department, Greensville Volunteer Rescue Squad or the Fraternal Order of Police* until the person(s) *said department(s)* operating such roadblock or making such solicitation shall have first filed the following items with the chief of police, at least seven calendar days prior to any such roadblock/street solicitation, and received a permit for the same:
 - a. An application in writing of the dates, times, and locations where the roadblock or street solicitation will occur and the number of persons who will be participating in the roadblock or street solicitation;
 - b. ~~A copy of the sponsoring organization's tax exemption letter showing that the organization is an approved charitable or civic organization exempt from tax under Section 501(c)(3) of the United State Internal Revenue Service, unless such charitable or civic organization is exempted as provided for in Virginia State Code § 57-63;~~
 - c. A copy of the city's "Agreement to Defend, Indemnify, and Hold Harmless Form," signed by *the Chief Administrator of said department* and including the names and age of all persons who will be soliciting;
 - d. ~~A ten-dollar application fee to be paid at the time of filing for the solicitation permit.~~

- (2) No person under the age of 16 years shall be allowed inside the roadblock/solicitation area at any time. Each person soliciting donations at a roadblock or other street solicitation shall be at least 16 years of age. Persons under the age of 18 must be under adult supervision at all times.
- (3) Each person soliciting donations at a roadblock or street solicitation area shall wear a reflector vest at all times.
- (4) Each roadblock or street solicitation area shall be clearly and visibly marked with brightly colored land cones, which shall not obstruct traffic.

(Code 1972, § 14-12; Ord. No. 05-65, § 1, 12-20-05)

Virginia State Code References: Local ordinances, §57-63

- 2. This ordinance shall be in effect on and after its adoption.

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

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|-------------------------------|-----|
| 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 |

3800. *Enterprise Zone Application*

Mr. Thrower stated that the Virginia Department of Housing and Community Development (VDHCD) administers a statewide economic development and community revitalization initiative known as the Virginia Enterprise Zone Program. He also stated that the state designated zone provides additional state incentives for new development, redevelopment, and job creation. He further stated that the City of Emporia intends to apply for Enterprise Zone designation, as discussed at City Council’s September 4, 2007 meeting, and requested that City Council members review and approve the following resolution, as required by VDHCD’s application guidelines:

Resolution No. 07-01

Resolution Regarding Enterprise Zone Application

BE IT RESOLVED by the City Council of the City of Emporia, Virginia that

WHEREAS, the City Council of the City of Emporia, Virginia is applying for enterprise zone designation, and

THEREFORE, the City Council of the City of Emporia, Virginia, authorizes the City Manager to submit all information needed to apply for said zone designation, and

FUTHER, the City Council of the City of Emporia, Virginia, authorizes the City Manager to meet other program administrative and reporting requirements as defined by the Enterprise Zone Regulations throughout the life of the Zone.

Councilman Saunders moved to approve the resolution as presented. Councilwoman Squire seconded the motion, which passed as follows:

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|-------------------------------|-----|
| 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

3804. Highway Safety Commission – Term Expiration (Councilman James C. Saunders)

Mr. Vincent stated that Councilman Saunders’ three-year term on the Highway Safety Commission will expire on September 30, 2007. He also stated that Councilman Saunders has indicated that he wishes to be considered for reappointment to the Highway Safety Commission.

Councilman Lankford moved to approve that Councilman Saunders be reappointed to serve another three-year term on the Highway Safety Commission. Councilwoman Carey seconded the motion, which passed as follows:

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|-------------------------------|-----|
| 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 |

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:

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|-------------------------------|-----|
| 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:

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|-------------------------------|-----|
| 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:

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|-------------------------------|-----|
| 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 Greensville Elementary School and that the City of Emporia provides a significant amount of funding to the Greensville 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.

Samuel W. Adams, III, Mayor

Jean V. Whiting, City Clerk