



CITY OF EMPORIA

PUBLIC HEARING

1. City School Board Nominations

AGENDA
EMPORIA CITY COUNCIL
Regular Meeting
TUESDAY, December 3, 2013 - 6:30 P.M.

OPENING PRAYER

ROLL CALL

APPROVAL OF MINUTES

November 19, 2013 ~ Public Hearings and Regular Minutes

APPROVAL OF AGENDA

UNFINISHED BUSINESS

13-69. Farmers Market Advisory Board Expirations – Hannah Barrett/Morris White/Jean Cobb

NEW BUSINESS

13-70. City School Board Nominations

13-71. Recreational Trails Program Application – Request to Adopt Resolution

13-72. City Code Section 74-13. Commercial Vehicle Routes; Certain Streets Closed to Commercial Vehicles Except Receiving Loads or Making Deliveries – Request by Council Member Harris

PUBLIC COMMENT

CLOSED SESSION

PUBLIC HEARINGS

- 1. Architectural Compatibility Review – 141 Baker Street**
 - 2. Architectural Compatibility Review – 150 Baker Street**
 - 3. Architectural Compatibility Review – 407 Halifax Street**
-

Emporia's City Council held a Public Hearing on Tuesday, November 19, 2013, at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Mary L. Person presided over the session.

The following City Council members were present:

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

Others present:

Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manger
Jason Stewart, Assistant Manager
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Don Wyatt, Chief of Police

Absent:

Councilwoman Doris T. White

Mayor Person presented Reverend George W. Pugh, Sr. a proclamation honoring his service rendered to District 19 Community Services Board.

1. Architectural Compatibility Review – 141 Baker Street

Mr. Stewart reported that Emporia Associates, LLC seeks architectural compatibility approval for the building at 141 Baker Street located in the DT-Downtown District and is identified as Tax Map Numbers 143 A-31 & 31A, 32, and 33. He stated that the applicant was proposing to renovate the existing building with materials consistent with the ordinance for residential/commercial use.

Mr. Stewart stated that the proposed residential/commercial use was permitted in the Downtown District however, section 90-80(k) (1) requires that the Planning Commissions review the proposal for architectural compatibility and forward its recommendation to City Council. He also stated that alterations to existing buildings fall under the review requirements

“Section 90-1 defines the term “alteration” as any change in total floor area, use adaptability or external appearance of an existing structure.

Mayor Person asked if there was anyone present who wished to speak regarding this matter.

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

2. Architectural Compatibility Review – 150 Baker Street

Mr. Stewart reported that Emporia Associates, LLC seeks architectural compatibility review approval for the building at 150 Baker Street, located in the DT-Downtown District and is identified as Tax Map Numbers 143-8-0-8-13. He stated that the applicant was proposing to renovate an existing building with materials consistent with the ordinance for residential/commercial use.

Mr. Stewart stated that the proposed residential/commercial use was permitted in the Downtown District however, section 90-80(k) (1) requires that the Planning Commission review the proposal for architectural compatibility and forward its recommendation to City Council. He stated that alterations to existing buildings fall under the review requirements “Section 90-1 defines the term “alteration” as any change in total floor area, use, adaptability or external appearance of an existing structure.

Mayor Person asked if there was anyone present who wished to speak regarding this matter.

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

3. Architectural Compatibility Review – 407 Halifax Street

Mr. Stewart reported that Emporia Associates, LLC seeks architectural compatibility review approval for the building at 407 Halifax Street, located in the DT-Downtown District and is identified as Tax Map Numbers 143-7-0-4, 5, 6. He stated that the applicant was proposing to remove the 1960s era metal façade/canopy to restore to the original façade and repair the brick holes and point mortar as necessary as well as paint and trim with colors that meet the standards of the ordinance and are consistent with the history of the building.

Mr. Stewart stated that the proposed residential/commercial use was permitted in the Downtown District however, section 90-80(k) (1) requires that the Planning Commission review the proposal for architectural compatibility and forward its recommendation to City Council. He also stated that the alterations to existing buildings fall under the review requirements “Section 90-1 defines the term “alteration” as any change in total floor area, use, adaptability or external appearance of an existing structure.

Mayor Person asked if there was anyone present who wished to speak regarding this matter.

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

Mary L. Person, Mayor

Tessie S. Wilkins, City Clerk

MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
November 19, 2013

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

Emporia City Council held a regular meeting on Tuesday, November 19, 2013 at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Mary L. Person presided over the meeting with Rev. George Pugh offering the invocation.

ROLL CALL

The following City Council members were present:

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

Others present:

Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Jason Stewart, Assistant Manager
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Don Wyatt, Chief of Police

Absent:

Councilwoman Doris T. White

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, October 1, 2013, City Council Regular meeting minutes as presented, seconded by Councilwoman Carey, which passed as follows:

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

APPROVAL OF BILLS

A listing of the October 15, 2013 bills was presented to City Council members.

General Fund	\$	918,018.43
Utility Fund	\$	99,176.47

Councilwoman Temple moved to approve the October 15, 2013 bills as presented, seconded by Councilwoman Carey, which passed as follows:

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

APPROVAL OF BILLS

A listing of the November 19, 2013 bills was presented to City Council members.

General Fund	\$	895,221.40
Utility Fund	\$	106,033.60

Councilwoman Temple moved to approve the November 19, 2013 bills as presented, seconded by Councilwoman Carey, which passed as follows:

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

FINANCIAL AND TAX REPORTS

Honorable W. S. Harris, Jr., City Treasurer provided his report to City Council members. There were no questions regarding his 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 her report.

PERMIT AND INSPECTION REPORT

Randy C. Pearce, Building/Fire Official provided his report to City Council members. There were no questions concerning his report.

POLICE REPORT

Don Wyatt, Chief of Police provided his report to City Council members. There were no questions concerning his report.

CITY SHERIFF REPORT

Sam C. Brown, Sheriff provided his report to City Council members. There were no questions concerning his report.

CITY ATTORNEY REPORT

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

AGENDA APPROVAL

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

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

NEW BUSINESS

13-60. Architectural Compatibility Review – 141 Baker Street

Mr. Stewart reported that Emporia Associates, LLC seeks architectural compatibility approval for the building at 141 Baker Street located in the DT-Downtown District and is identified as Tax Map Numbers 143 A-31 & 31A, 32, and 33. He stated that the applicant was proposing to renovate the existing building with materials consistent with the ordinance for residential/commercial use.

Mr. Stewart stated that the proposed residential/commercial use was permitted in the Downtown District however, section 90-80(k) (1) requires that the Planning Commissions review the proposal for architectural compatibility and forward its recommendation to City Council. He also stated that alterations to existing buildings fall under the review requirements

“Section 90-1 defines the term “alteration” as any change in total floor area, use adaptability or external appearance of an existing structure.

Mr. Stewart stated that the Planning Commission unanimously recommended approval at it November 12, 2013 meeting. He recommended that Council approve the Architectural Compatibility of the proposed renovations as presented.

Councilman Harris made a motion to approve the Architectural Compatibility of proposed renovations as presented for 141 Baker Street, seconded by Councilwoman Carey, which passed as follows:

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

13-61. Architectural Compatibility Review – 150 Baker Street

Mr. Stewart reported that Emporia Associates, LLC seeks architectural compatibility review approval for the building at 150 Baker Street, located in the DT-Downtown District and is identified as Tax Map Numbers 143-8-0-8-13. He stated that the applicant was proposing to renovate an existing building with materials consistent with the ordinance for residential/commercial use.

Mr. Stewart stated that the proposed residential/commercial use was permitted in the Downtown District however, section 90-80(k) (1) requires that the Planning Commission review the proposal for architectural compatibility and forward its recommendation to City Council. He stated that alterations to existing buildings fall under the review requirements “Section 90-1 defines the term “alteration” as any change in total floor area, use, adaptability or external appearance of an existing structure.

Mr. Stewart stated that the Planning Commission unanimously recommended approval at its November 12, 2013 meeting. He recommended that Council approve the Architectural Compatibility of the proposed renovations as presented.

Councilman Harris made a motion to approve the Architectural Compatibility of the proposed renovations as presented for 150 Baker Street, seconded by Councilwoman Carey, which passed as follows:

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

13-62. Architectural Compatibility Review – 407 Halifax Street

Mr. Stewart reported that Emporia Associates, LLC seeks architectural compatibility review approval for the building at 407 Halifax Street, located in the DT-Downtown District and is identified as Tax Map Numbers 143-7-0-4, 5, 6. He stated that the applicant was proposing to remove the 1960s era metal façade/canopy to restore to the original façade and repair the brick holes and point mortar as necessary as well as paint and trim with colors that meet the standards of the ordinance and are consistent with the history of the building.

Mr. Stewart stated that the proposed residential/commercial use was permitted in the Downtown District however, section 90-80(k) (1) requires that the Planning Commission review the proposal for architectural compatibility and forward its recommendation to City Council. He also stated that the alterations to existing buildings fall under the review requirements “Section 90-1 defines the term “alteration” as any change in total floor area, use, adaptability or external appearance of an existing structure.

Mr. Stewart stated that the Planning Commission unanimously recommended approval at its November 12, 2013 meeting. He recommended that Council approve the Architectural Compatibility of the proposed renovations as presented.

Councilman Harris made a motion to approve the Architectural Compatibility of the proposed renovations as presented at 407 Halifax Street, seconded by Councilwoman Carey, which passed as follows:

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

13-63. Gateway Sign – Appropriation Ordinance

Mr. Thrower stated that the City of Emporia anticipates receiving a refund from VML Insurance Programs for the replacement of a gateway sign damaged by a motorist in the median on Highway 58 East. He also stated that the anticipated refund amount of \$3,200.00 will cover the entire cost of replacing the sign. He further stated that in order for the City to utilize the funds to pay for the replacement of the sign, Council would need to appropriate the insurance funds in the current year budget.

Councilwoman Temple made a motion to approve **Ordinance No. 13-20** to appropriate the sum of \$3,200.00 in VML Insurance Funds for Replacement of the Gateway Sign, seconded by Councilwoman Lynch, which passed as follows:

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

13-64. City Website – Appropriation Ordinance

Mr. Thrower reported that the City previously budgeted funding to redesign the City's Website. He also reported that the work on the site has been on-going the past several years but has now completely ceased. He further reported that the City needed to terminate its agreement with the current contractor and procure a new contractor to complete the website improvements.

Mr. Thrower stated that in order for the City to utilize the remainder of the funding previously allocated for this project and to complete the redesign of the website, Council would need to adopt an ordinance appropriating \$4, 250.00 into the current year budget. He also stated that he anticipated the new website being completed before the end of the current fiscal year.

Councilwoman Temple made a motion to approve **Ordinance No. 13-21** to appropriate the sum of \$4,250.00 from the unappropriated fund balance of the General Fund for the completion of the City's Website, seconded by Councilwoman Carey, which passed as follows:

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

13-65. Drug Seizure Fund – Appropriation Ordinance

Mr. Thrower stated that the City of Emporia Police Department seizes money, by court order, determined to have been used in drug transactions. He also stated that before spending these funds, they must first be appropriated into the General Fund Operating Budget for the current year.

Mr. Thrower stated that the Police Department wished to use \$25,000.00 in seized funds for the purchase of an unmarked patrol vehicle.

Councilwoman Temple made a motion to approve **Ordinance No 13-22** to appropriate the sum of \$25,000.00 in Drug seizure Funds, seconded by Councilwoman Carey, which passed as follows:

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

13-66. Drug Interdiction – Request to Approve Resolution

Mr. Thrower reported that the Greensville County Sheriff James Edwards and Police Chief Don Wyatt have identified the need for designated Emporia police officers to be granted authority to enforce the laws of the Commonwealth within Greensville County. He stated that these designated officers would target, investigate, and prosecute individuals involved in transporting narcotics within Greensville County.

Mr. Thrower stated that per Section 15.2-1736 of Virginia State Code, Council would need to approve the resolution authoring the Police Chief and City Manager to enter the agreement.

Councilman Harris made a motion to adopt **Resolution No. 13-09** authoring the Police Chief and City Manager to enter into an agreement with the Greenville County Sheriff pertaining to Drug Interdiction activities within Greenville County, seconded by Councilwoman Temple, which passed as follows:

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

13-67. Board of Equalization Expirations – Brenda Brockwell/Dennis Allen/Preston Battle

Mr. Thrower stated that the one-year terms of Dennis Allen, Preston Battle, and Brenda Brockwell on the City’s Board of Equalization have expired. He also stated that all individuals had indicated that they do wish to be considered for reappointment. He further stated that all nominations to the City’s Board of Equalization must be provided to the Greenville County Circuit Court for consideration and official appointment.

Councilwoman Temple made a motion to reappoint Dennis Allen, Preston Battle, and Brenda Brockwell to serve a one-year term on the City’s Board of Equalization, seconded by Councilwoman Carey, which passed as follows:

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

13-68. City School Board Expirations – Bernadette Battle

Mr. Thrower stated that on December 31, 2013, Bernadette Battle’s four-year term on the City School Board will expire. He also stated that she had indicated that she does wish to be considered for reappointment. He further stated that a notice would be published in the local newspaper indicating that a public hearing will be conducted on December 3, 2013 concerning this matter.

Mr. Thrower stated that this was for information only. He also stated that no action was required during this time, and Council will be requested to appoint an individual to this term on December 17, 2013.

13-69. Farmer Market Advisory Board Expirations – Hannah Barrett/Morris White/Jean Cobb

Mr. Thrower stated that on November 30, 2013, the four-year terms of Morris White, Hannah Barrett, and Jean Cobb on the City's Farmers Market Advisory Board would expire. He also stated that Morris White and Hannah Barrett had indicated that they do not wish to be considered for reappointment. He further stated that Jean Cobb had stated that she does wish to be considered for reappointment.

Councilman Harris made a motion to reappoint Jean Cobb to serve another four-term on the City's Farmers Market Advisory Board, seconded by Councilwoman Temple, which passed as follows:

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

Councilwoman Temple nominated Drexel Pierce to serve a four-year term on the City's Farmers Market Advisory Board.

Councilwoman Temple made a motion to appoint Drexel Pierce to serve a four-term on the City's Farmers Market Advisory Board, seconded by Councilwoman Carey, which passed as follows:

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

Mayor Person stated that the term of Hannah Barrett be carried over to the December 3, 2013 Council meeting.

PUBLIC COMMENT

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

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

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

Councilwoman Temple moved that Closed Session be entered for the purpose of discussing Virginia Code Sections § 2.2 3711 (A) (7) Legal matter requiring the advice of counsel pertaining to Social Services funding, seconded by Councilwoman Carey, which passed as follows:

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

*****Regular Session*****

Councilwoman Lynch moved that the meeting be returned to Regular Session. Councilwoman Temple seconded the motion, which passed as follows:

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

CERTIFICATION

Councilwoman Lynch moved to certify the following:

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

Councilwoman Temple seconded the motion, which passed as follows:

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

ADJOURNMENT

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

Mary L. Person, Mayor

Tessie S. Wilkins, City Clerk



CITY OF EMPORIA

Memorandum

November 15, 2013

TO: The Honorable Mayor and City Council

FROM: Brian S. Thrower, City Manager *BST*

SUBJECT: Farmers Market Advisory Board Expirations – Hannah Barrett/Morris White/Jean Cobb

ITEM#: 13-69

On November 30, 2013, the four-year terms of Morris White, Hannah Barrett, and Jean Cobb on the City's Farmers Market Advisory Board will expire. Morris White and Hannah Barrett have indicated that they do not wish to be considered for reappointment. Jean Cobb has stated that she does wish to be considered for reappointment.

Recommendation

This information is provided for your consideration.

Attachments

Current Farmers Market Advisory Roster

BST/tsw

FARMERS MARKET ADVISORY BOARD

Term of Office: 4

(Notify Jan Harrell of City Manager Office of updates)

Nancy Turner 704 N York Drive Emporia, Virginia 23847 (W) 434/348-3645	Mayor	11/30/16
Doris T. White 501 Gowin Street Emporia, Virginia 23847 (H) 434/634-4085	Council Member	11/30/14
Bill Howell 429 S. Main Street Emporia, Virginia 23847 (W) 434/634-3286		11/30/16
Hannah Barrett 323 Halifax Street Emporia, Virginia 23847 (H) 434/634-6115		11/30/13
Morris White 302 Broad Street Emporia, Virginia 23847 (W) 434/348-4233		11/30/13
Jean Cobb 315 Echols Street Emporia, Virginia 23847 (H) 434/348-3509		11/30/13
Mike Allen 205 Ruritan Drive Emporia, Virginia (C) 434/594-4144		11/30/14



CITY OF EMPORIA

MEMORANDUM

November 27, 2013

TO: The Honorable Mayor and City Council
FROM: Brian S. Thrower, City Manager
SUBJECT: City School Board Nominations
ITEM: 13-70

A public hearing was held at tonight's meeting concerning the term of Ms. Bernadette Battle, on the City School Board, which is scheduled to expire on December 31, 2013.

Recommendation

This is for your information only. No action is required at this time. You will be requested to appoint an individual to this term on December 17, 2013.

Attachments

/tsw



CITY OF EMPORIA

Memorandum

November 27, 2013

TO: The Honorable Mayor and City Council

FROM: Jason M. Stewart, Assistant City Manager 

SUBJECT: Recreational Trails Program Application – Request to Adopt Resolution

ITEM: 13-71

The Virginia Department of Recreation requires the local governing body to adopt a resolution authorizing the locality to make application for federal funding assistance through its Recreational Trails Program. Staff intends to submit an application by the December 5, 2013 deadline to apply for grant funds to be used for Phase II of the Farmers Market Trailhead Project. The grant application, if approved, will fund up to 80 percent of the construction costs associated with the remainder of the project.

Recommendation

Staff recommends that you approve the attached resolution.

Attachment

Resolution

Resolution No. _____

Resolution

Recreational Trails Program Resolution

A resolution authorizing application(s) for federal funding assistance from the Recreational Trails Program to the Virginia Department of Conservation & Recreation (DCR) as provided by the Federal Highway Administration Of the U.S. Department Of Transportation.

WHEREAS, under the provisions of RTP, federal funding assistance is requested to aid in financing the cost of the construction and/or rehabilitation of recreational trails and trail related facilities,

WHEREAS, The City of Emporia considers it in the best public interest to complete the Farmer's Market Trailhead recreational trail project described in the 2013-2014 RTP application;

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Manager be authorized to make formal application to DCR for funding assistance;
2. Any fund assistance received be used for implementation and completion of Farmers Market Trailhead within the specified time frame;
3. The City of Emporia hereby certifies that project funding is committed and will be derived from city funds and other grant sources.
4. We acknowledge that we are responsible for supporting all non-cash commitments to this project should they not materialize;
5. We are aware that the grant, if approved by the Federal Highway Administration, will be paid on a 80-20 reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid and remitted to our vendors and evidence of such has been provided to DCR in the format required by the project agreement.
6. The resolution becomes part of a formal application to the Virginia Department of Conservation & Recreation;

7. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, and at a minimum the Endangered Species Act, and Historic Preservation Act as well as all applicable state and federal laws provided appropriate opportunity for public comment on this application
8. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval.

Adopted: December 3, 2013

City of Emporia, Virginia

By _____
Mary L. Person
Mayor

Attest:

Form Approved:

City Clerk

City Attorney



CITY OF EMPORIA

Memorandum

November 27, 2013

TO: The Honorable Mayor and City Council

FROM: Brian S. Thrower, City Manager *BST*

SUBJECT: City Code Section 74-13. Commercial Vehicle Routes: Certain Streets Closed to Commercial Vehicles Except Receiving Loads or Making Deliveries – Request by Council Member Harris

ITEM #: 13-72

Council Member Harris requested this issue be put on tonight's agenda for discussion.

Attachment

City Code Section 74-13

Sec. 74-13. Commercial vehicle routes; certain streets closed to commercial vehicles except receiving loads or making deliveries.

- (a) *Purpose and intent.* To restrict commercial vehicles from traveling or passing through the city on certain streets as designated by ordinance of the council in order to reduce or prevent congestion, hazardous traffic conditions, and protect both public and private property within the boundaries of the city. Operators of commercial vehicles shall be restricted to the exclusive use of street adopted by ordinance of council in traveling or passing through the city, except for the purpose of receiving loads or making deliveries.
- (b) *Commercial vehicle defined.* Any motor vehicle used to transport property which either: (i) is designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto (such commercial vehicle is commonly referred to as a "tractor truck"); or (ii) is of any size and is used in the transportation of hazardous materials. Every such motor vehicle shall be considered a commercial motor vehicle whether or not it is used in a commercial or profit-making activity.
- (c) *Restricted streets.* Interstate Highway 95 and U.S. Highway 58 bypass are hereby designated as the streets or roads upon which such vehicles may travel.

(Code 1972, § 20-15; Ord. No. 05-05, § 1, 4-6-05)