

PUBLIC HEARINGS

- 1. Rezoning Requests – Southampton and Reese Street**
 - 2. Architectural Compatibility Review – 210 School Street**
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Emporia's City Council held a Public Hearing on Tuesday, January 20, 2015, at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Carolyn S. Carey, President of Council 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 Doris T. White
Councilwoman L. Dale Temple
Councilwoman Carol Mercer
Councilwoman Deborah D. Lynch

Others present:

C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Dr. Edwin C. Daley, Projects Administrator
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Ricky Pinksaw, Chief of Police
Sheila Cutrell, Finance Director

Absent: Mary L. Person, Mayor

1. Rezoning Requests – Southampton and Reese Streets

Mr. Thrower reported that Mark Yeattes, Sr. has submitted an application to rezone 208, 210, and 212 Southampton Street to R-2 Residential District. He stated that he was also proposing to build rental properties on those parcels. He also stated that the City Administration is also proposing to rezone several properties in that same block to R-2 Residential District. He further stated that all the properties were currently zoned C-1 Commercial District and are identified as tax map parcel numbers 163-1-3-19A, 163-1-3-19, 163-1-3-20, 163-1-3-21, 163-1-3-22, 163-1-3-23, 163-1-3-24, 163-1-3-25, 163-21-1, and 163-21-3.

Mr. Thrower stated that the properties proposed to be rezoned are a mix of vacant lots and lots with existing homes. He also stated that the properties with existing homes are considered non-conforming, per Section 90-12 of the Zoning Code. He further stated that the properties in the immediate area are primarily residential in nature and are zoned both R-2 Residential District and R-3 Residential District. He stated that the large parcel directly across

the street from the lots proposed to be rezoned are zoned C-1 Commercial District and also owned by the City.

Mr. Thrower reported that the properties proposed to be rezoned are currently zoned C-1 Commercial District. He also reported that according to Section 90-76 (a) of the City's Zoning Code "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 are characterized by constant heavy traffic and by noises of congestion..."

Mr. Thrower stated that Mark Yeattes, Sr. and City Administrations are proposing to rezone the aforementioned properties to R-2 Residential District. He also stated that per Section 90-72 (a) of the City's Zoning Code "R-2 districts shall be composed of quiet, residential areas plus certain open areas where similar residential development appears likely to occur. He further stated that the regulations of this R-2 district are designed to stabilize and protect the essential characteristics of the R-2 district, to promote and encourage a suitable environment for family life, and to prohibit all activities of a commercial nature. He advised that the development shall be limited to single unit dwellings, providing homes for the residents plus certain additional uses such as schools, parks, churches, and certain public facilities."

Mr. Thrower stated that according to the City's 2015-2035 Comprehensive Plan Future Land Use Map, all the aforementioned properties were designated as "Medium-Density Density Residential." He also stated that the Comprehensive Plan described "Medium-Density Density Residential" as "neighborhoods or areas, which allow a greater density and variation of housing types. He further stated that the permitted uses included one and two-family dwellings and townhouses. He stated that the plan designated medium-density residential use in some of the older neighborhoods. He also stated that the smaller lot sized in these areas generally prevail, as well as a pedestrian oriented environment. He further stated that the older neighborhoods contained a diverse housing stock and include homes of modest size as well as larger homes."

Mr. Thrower stated that per section 15.2-2223 of State Code, the overall purpose of a locality's comprehensive plan is to guide and accomplish a "coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants."

Mr. Thrower reported that Section 15.2-2284 of State Code lists the relevant factors to consider in rezoning applications. He also reported that every proposed rezoning should be accompanied by an analysis of how the amendment will satisfy one or more of these factors. He further reported that a locality was not required to consider all nine factors in each zoning decision.

Mr. Thrower stated that the most pertinent factors applicable to these requests involve the existing use and character of the properties, including other properties in the immediate area, as well as the Comprehensive Plan. He also stated that as previously stated, homes currently sat on some of these properties and are used for residential purposes. He further stated that the remaining parcels were vacant. He reported that the properties in the immediate area are predominately zone R0=-2 Residential District. He also reported that in terms of the Comprehensive Plan Future Land Use Map, the properties proposed to be rezoned are designated as "Medium-Density Density Residential." He further reported that the properties in the

immediate neighborhood area are also primarily identified as “Medium-Density Residential” on the Future Land Use Map.

He recommended that the rezoning requests be approved, and the properties be rezoned to R-2 Residential District. He stated that at the January 13, 2015, meeting the Planning Commission voted 7 to 2 to recommend approval of the rezoning requests.

Councilwoman Carey asked if there was anyone present who wished to speak regarding this matter.

Ruth Koch, of 310 Southampton Street, Emporia, Virginia addressed Council stating that she was in objection to the rezoning request for Southampton and Reese Street because it is one of the challenging areas of the City. She also stated that she is concerned with the crime rate, loud noise, fighting, property not being kept up and other illegal activities that takes place in this area. She further stated that if you brought more rental properties to this area, it might cause more problems.

Herman Harris, of Southampton Street, Emporia, Virginia addressed Council stating that he was in objection to the rezoning request for Southampton and Reese Street. He also stated that when he purchased his home in 1956, it was one of the best areas in the City of Emporia to live. He further stated that he had watched this area go down the hill over the last 10 years. He stated that he is concerned with the crime rate and area not be safe.

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

2. Architectural Compatibility Review – 210 School Street

Mr. Thrower stated that Carrying the Cross Ministries seeks architectural compatibility review approval to demolish its building located at 210 School Street. He also stated that this property had been cited for property maintenance violations and is deemed as an unsafe structure by the City’s Code Enforcement Officer. He further stated that the Circuit Court of Greensville County has authorized the City to demolish the building should the property owners not do so willingly.

Mr. Thrower reported that Section 90-80 (k) of the City’s Zoning Code requires the Planning Commission to review the proposal for architectural compatibility and forward its recommendation to City Council. He also reported that City Council was given the authority to make the final determination.

Mr. Thrower stated that he recommended that Council, approve this request. He reported that the Planning Commission voted 9 to 0 to approve this request at the January 13, 2015 meeting.

Councilwoman Carey asked if there was anyone present who wished to speak regarding this matter.

With there being no comments to come before City Council, Councilwoman Carey declared the second public hearing closed.

Carolyn S. Carey, President of Council

Tessie S. Wilkins, City Clerk

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
January 20, 2015**

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, January 20, 2015 at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Carolyn S. Carey, President of Council presided over the meeting with Jerry Wicker 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 Doris T. White
Councilwoman L. Dale Temple
Councilwoman Carol Mercer
Councilwoman Deborah D. Lynch

Others present:

C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Dr. Edwin C. Daley, Projects Administrator
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Ricky Pinksaw, Chief of Police
Sheila Cutrell, Finance Director

Absent: Mary L. Person, Mayor

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, January 6, 2015, Public Hearing and Regular meeting minutes as presented, seconded by Councilwoman White, which passed as follows:

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

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

APPROVAL OF BILLS

A listing of the January 20, 2015 bills was presented to City Council members.

General Fund	\$	947,058.56
Utility Fund	\$	152,597.23

Councilwoman Temple moved to approve the January 20, 2015 bills as presented, seconded by Councilwoman Mercer, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	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

Ricky Pinksaw, 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

Councilman Harris moved to approve the agenda as presented, seconded by Councilwoman Lynch, which passed as follows:

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

NEW BUSINESS

15-06. Rezoning Requests – Southampton and Reese Street

Mr. Thrower stated that this item was the subject of the public hearing previously held.

Councilman Harris made a motion to deny the rezoning requests for Southampton and Reese Street, seconded by Councilwoman Mercer, which passed as follows:

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

15-07. Architectural Compatibility Review – 210 School Street

Mr. Thrower stated that this item was the subject of the public hearing previously held.

Councilman Harris made a motion to approve Carrying the Cross Ministries architectural compatibility review to demolish its building located at 210 School Street, seconded by Councilwoman Temple which passed as follows:

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

15-08. Zoning Code Amendment Request – Architectural Compatibility Reviews

Mr. Thrower reported that the City was awarded \$719,596.00 in grant funding through the Virginia Department of Housing and Community Development for our Belfield Business District Revitalization Project. He also reported that a substantial portion of that funding has

been allocated to improving building facades in the project area. He further reported that architectural design work was now underway.

Mr. Thrower stated that in order to expedite the review and approval process for building facades receiving grant funding as part of the Belfield Business District Revitalization Project, staff recommended Council to amend the architectural compatibility review section of the City's Zoning Code. He also stated that the proposed amendments would authorize the Zoning Administrator to approve building façade plans that are initially approved by the Department of Historic Resources (DHR). He further stated that this would eliminate the requirement of submitting all plans to the Planning Commission and City Council for review and approval.

Mr. Thrower stated that the other proposed amendments sought to differentiate the review and approval process for minor and major alteration projects that fall outside of the Belfield Project. He also stated that minor alterations would be subject to review and approval by the Zoning Administrator. He further stated that the minor alterations included modifications such as awnings, landscaping, lighting, roofing, paint colors, and signage. He stated that the Zoning Administrator was presently given expressed authority to approve paint colors, and signage. He also stated that the Major alteration would continue to require the Planning Commission to make architectural compatibility recommendations to City Council. He further stated that the final decision-making authority would continue to be vested in City Council.

He recommended that Council send the proposed Zoning Code amendments to the Planning Commission for review and recommendation. He also recommended that Council authorize conducting a public hearing on the proposed amendments at the February 17, 2015 meeting.

Councilman Harris made a motion to send the proposed Zoning Code amendments to the Planning Commission for review and recommendation and to authorize conducting a public hearing on the proposed amendments at the February 17, 2015 meeting, seconded by Councilwoman Mercer, which passed as follows:

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

15-09. Paid Time Off (PTO) Program – Appropriation Ordinances

Mr. Thrower reported that at the December 16, 2014 meeting, Council approved the new Paid Time Off (PTO) policy. He also reported that Council would need to adopt the appropriation ordinances in order to pay employees for accumulated sick leave and to cover employees under short and long-term disability plans the remainder of the fiscal year. He further stated that a total of 41 out of 93 eligible employees opted into the program this year.

Mr. Thrower reported that the costs were as follows:

<u>General Fund</u>	
Sick Leave Payouts including FICA	\$56,191.00

Short and Long-Term Disability Plans \$ 7,277.00

Utility Fund

Sick Leave Payouts including FICA \$18,169.00

Short and Long-Term Disability Plans \$ 1,536.00

He recommended that Council adopt the appropriation ordinances.

Councilwoman Temple made a motion to adopt **Ordinance No. 15-03** to appropriate the sum of \$63,468.00 from the Unappropriated Fund Balance of the General Fund to compensate employees who chose to be paid for 25% of their Sick Leave Balance and to provide Short Term Disability Administration and Long-Term Disability Insurance for employees who opted into the PTO Leave Program, seconded by Councilwoman Mercer, which passed as follows:

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

Councilwoman Temple made a motion to adopt **Ordinance No. 15-04** to appropriate the sum of \$19,705.00 from the Unappropriated Fund Balance of the Utility Fund to compensate employees who chose to be paid for 25% of their Sick Leave Balance and to provide Short Term Disability Administration and Long-Term Disability Insurance for employees who opted into the PTO Leave Program, seconded by Councilwoman Mercer, which passed as follows:

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

15-10. Sexual Assault Program – Appropriation Ordinance

Mr. Thrower reported that the City receives grant funds from the Department of Criminal Justice Services (DCJS) for the Sexual Assault Program. He also reported that the City received notification that DCJS has approved an additional grant award for the program in the amount of \$10,997.00 for the period ending December 31, 2015. He further reported that Council would need to appropriate these additional funds into the FY15 budget so that the funds may be utilized in the program.

He recommended that Council adopt the ordinance.

Councilwoman Temple made a motion to adopt **Ordinance No. 15-05** to appropriate the sum of \$10,997.00 in grant funds from The Department of Criminal Justice Services for the Sexual Assault Program, seconded by Councilman Ewing, which passed as follows:

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

PUBLIC COMMENT

Councilwoman Carey 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, Councilwoman Carey closed the public comment portion of the meeting.

ADJOURNMENT

With no further business to come before City Council, Councilwoman Carey adjourned the meeting.

Carolyn S. Carey, President of
Council

Tessie S. Wilkins, City Clerk