

PUBLIC HEARING

1. Conditional Use Permit Request – Lowe’s Home Centers, Inc.

Emporia’s City Council held a Public Hearing on Tuesday, January 21, 2014, 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 Doris T. White
Councilwoman L. Dale Temple
Councilwoman Carol Mercer

Others present:

Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Dr. Edwin C. Daley, Projects Administrator
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Don Wyatt, Chief of Police

Absent:

Councilwoman Deborah D. Lynch
Brian S. Thrower, City Manager

1. Conditional Use Permit Request – Lowe’s Home Centers, Inc.

Mr. Daley reported that Lowe’s Home Centers, Inc. had applied for a Conditional Use Permit to use its existing building located at 113 E. Cloverleaf Drive as a “temporary satellite storage facility” for its Regional Distribution Center in Roanoke Rapid, NC. He stated that according to the applicant, “only the interior and the enclosed fenced area are being proposed to be used with there being no outside storage. He also stated that there would be an average of approximately thirty trucks per day after the initial two-week start-up period is completed. He further stated that the semi-trailers would be contained to the loading dock area and would not be parked on the site for extended periods of time. He stated that it was estimated that the facility would have approximately ten employees, and their personal vehicles would be parked in the front parking area.”

Mr. Daley stated that this property was zoned C-2 Commercial District and is identified as City Tax Map Number 120-A-0-L Sec. 90-77 (b) of the City’s Zoning Code allows “Warehouses and distribution centers, with a conditional use permit” as permitted use in the C-2 Zoning District.

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
January 21, 2014

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 21, 2014 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 Carolyn Carey, Council Member 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

Others present:

Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Dr. Edwin C. Daley, Projects Administrator
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Don Wyatt, Chief of Police

Absent:

Councilwoman Deborah D. Lynch
Brian S. Thrower, City Manager

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, December 17, 2013, City Council Regular meeting and Public Hearing 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 Doris T. White	aye

Councilwoman Carol Mercer aye
Councilwoman L. Dale Temple aye

APPROVAL OF BILLS

A listing of the January 21, 2014 bills was presented to City Council members.

General Fund	\$	958,850.87
Utility Fund	\$	136,888.15

Councilwoman Temple moved to approve the January 21, 2014 bills as presented, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris aye
Councilman James E. Ewing aye
Councilwoman Doris T. White 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 Mercer, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

NEW BUSINESS

14-01. Conditional Use Permit Request – Lowe’s Home Centers, Inc.

Mr. Daley stated that this property was zoned C-2 Commercial District and is identified as City Tax Map Number 120-A-0-L. Sec. 90-77 (b) of the City’s Zoning Code allows “Warehouses and distribution centers, with a conditional use permit” as a permitted use in the C-2 Zoning District.

He recommended that Council approve this request given the fact that the proposed use will not burden City services, will not require new infrastructure improvements, will not negatively impact adjacent property owners, nor generate a volume of truck traffic that is incompatible with the surrounding land uses and zoning classifications. He reported that the Planning Commission unanimously recommended approval of this request at its January 14, 2014 meeting.

Councilman Harris made a motion to approve the Conditional Use Permit Request for Lowe’s Home Center, Inc., seconded by Councilwoman Temple, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn Carey	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

14-02. City of Emporia Fire Program Funds – Appropriation Ordinance

Mr. Daley reported that the City of Emporia has received \$18,000.00 from the Virginia Department of Fire Programs. He stated that in order for the Emporia Volunteer Fire Department to utilize these grant funds, Council would need to appropriate the sum of \$18,000.00 into the FY14 operating budget.

Councilman Ewing made a motion to approve **Ordinance No. 14-01** to appropriate the sum of \$18,000.00 in Grant Funds from the Virginia Department of Fire Programs, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	aye
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Councilman James E. Ewing	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

14-03. Greenville County Fire Program Funds – Appropriation Ordinance

Mr. Daley reported that the City had received \$31,220.50 from Greenville County to be used for Emporia Volunteer Fire Department operations. He stated that the FY13 and FY14 funding was provided to Greenville County from the Virginia Department of Fire Programs. He also stated that in order for the Emporia Volunteer Fire Department to utilize those grant funds, Council would need to appropriate the sum of \$31,220.50 into the FY14 operating budget.

Councilwoman Temple made a motion to approve **Ordinance No. 14-02** to appropriate the sum of \$31,220.50 in Grant Funds from the Virginia Department of Fire Programs which was received from the County of Greenville for Fire Programs, seconded by Councilwoman Temple, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

14-04. Through Truck Traffic – Options for Review

Mr. Daley stated that Council Member Harris initially requested that this issue be included on the December 3, 2013 meeting agenda for discussion. He also stated that at Council meeting held on December 17, 2013, Council directed administration to explore options regarding this issue. He further stated that those options were as follows:

Option 1 – Maintain the status quo and continue to enforce the existing ordinance as written. Many other cities have similar ordinances prohibiting through truck traffic or restricting truck traffic to certain streets.

Option 2 – Allow through truck traffic on City streets. No permit or fees required.

Option 3 – Allow through truck traffic on City streets. Require through trucks (trucking companies) to obtain permits from the City prior to use of City streets. Permits to be issued and fees paid on an individual (per through truck trip) basis.

Option 4 – Allow through truck traffic on City streets. Require through trucks (trucking companies) to obtain a monthly or annual permit from the City prior to use of City streets. Permit fees to be based on the number of anticipated, monthly or annual through truck trips. Reconcile anticipated versus the actual number of trips at the end of the month or year. Reimbursement or additional payment required.

Option 5 – Allow through truck traffic on City streets. No requirement of through trucks (trucking companies) obtaining a permit from the City prior to use of City streets. Require through trucks to pay a monthly or annual fee based on the actual number of through truck trips made the previous month or year.

Option 6 – Allow through truck traffic on City streets. Require through trucks (trucking companies) to obtain a monthly or annual permit from the City prior to use of City streets. Permit fee to be based on the number of trucks that will be traveling on City street that month or year.

Mr. Daley reported that the Administration recommended Option 1 for several reasons, including:

1. Maintaining the existing City Code prohibiting through truck traffic serves to reduce unnecessary traffic congestion and damage to City streets. Allowing additional truck traffic will increase the potential for traffic accidents and need for additional street maintenance funding. Moreover, emergency vehicle response may also be hampered due to increased traffic congestion caused by tractor trailers.
2. Trucks are already allowed to utilize I-95 and US 58 within the prescribed weigh limits. The trucking companies requesting this allowance are seeking to maximize profit by carrying extra weight at the expense of the City, i.e. traffic congestion and street damage.
3. There is very little economic interest to the City in allowing through truck traffic given the fact that the trucks are not directly engaged in commerce with other businesses and industries, i.e. picking up and delivering loads.
4. Designing, implementing, and enforcing any of the aforementioned permitting and fee based systems will be very difficult and time consuming.

Mr. Daley stated that if Council agreed with the Administration status quo (Option 1) no action is needed. He also stated that if Council wished to pursue Options 2 through 6 or another option not listed, he requested that Council specify such formal action, authorize a public hearing on the matter, and provide input on permit fee charges.

Councilman Harris proposed a seventh option to amend Section 74-13 of the code to add an item (D) which will state exempted from this ordinance are loaded log or chip trucks traveling on Main Street in the City through December 31, 2015.

Councilman Harris made a motion to authorize a public hearing to amend Section 74-13 of the City Code to add item (D) which will state exempted from this ordinance are loaded log or chip trucks traveling on Main Street in the City through December 31, 2015, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

PUBLIC COMMENT

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

Mr. C. K. Greene, 4356 Planters Rd, addressed Council stating that the through truck traffic ordinance was a great concern to him because it effected his chipping and logging business.

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) (5) **Discussion concerning a prospective business or industry where no previous announcement has been made and (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 Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

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

Councilwoman White 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 Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

CERTIFICATION

Councilwoman White 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 Doris T. White	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