

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
January 17, 2012**

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 17, 2012 at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Samuel W. Adams, III presided over the meeting with James C. Saunders, Council Member offering the invocation.

ROLL CALL

The following City Council members were present:

Councilman F. Woodrow Harris
Councilman James C. Saunders
Councilwoman Doris T. White
Councilwoman Deborah D. Dixon
Councilwoman Beverly White
Councilwoman L. Dale Temple
Councilwoman Carolyn S. Carey

Others present:

Samuel W. Adams, III, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Steve B. Hall, Assistant City Manager
Tessie S. Wilkins, City Clerk
Joyce E. Prince, Commissioner of the Revenue
Don Wyatt, Chief of Police

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, January 3, 2012, City Council meeting minutes as presented, seconded by Councilwoman D. White, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye

Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

APPROVAL OF BILLS

A listing of the January 17, 2012 bills was presented to City Council members.

General Fund	\$	924,976.19
Utility Fund	\$	276,853.73

Councilman Saunders moved to approve the January 17, 2012 bills as presented, seconded by Councilwoman Temple, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

FINANCIAL AND TAX REPORTS

Honorable W. S. Harris, Jr., City Treasurer provided City Council members with highlights of the City's financial position. There were no questions concerning his reports.

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

Mayor Adams reported the deletion of **Closed Session – Virginia Code § 2.2 3711 (A) (7) Legal matters pertaining to the Mega Site development.**

Councilwoman Temple moved to approve the amended agenda as presented, seconded by Councilwoman D. White, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

NEW BUSINESS

12-02. Conditional Use Permit Review – 608 Brunswick Avenue

Mr. Hall stated that at Regular Council meeting March 15, 2011 that Ms. Jacqueline Alamawi was granted a conditional use permit (CUP) to operate a “Licensed Family Day Home” at 608 Brunswick Avenue, identified as tax map number 160-3-BK C-2.

Mr. Hall stated that Council’s initial approval of the permit including the following conditions:

- ❖ A progress review by City Council at six and 18 months, and
- ❖ Full compliance with the Building Code and securing all necessary permits prior to opening, and
- ❖ Full compliance with the Department of Social Service and state requirements for a day care with six through 12 children.

Mr. Hall stated that the following review meetings have been held:

- ❖ September 20, 2011 – six month review, permit continued for 90 days
- ❖ December 20, 2011 – 90 day review, permit continued for 30 days.

Mr. Hall stated that he had spoken with Ms. Alamawi and sent a certified letter to her on January 9, 2012 as a courtesy reminder of the upcoming review. He also stated that she indicated since December 20 she had cleaned up the yard and was working on having the trash bin removed. He further stated that Mr. Edmonds (the initial contractor) has a debt with the bin owner, thus it has not been removed.

Mr. Hall stated that according to Ms. Alamawi, she had discussed the project with another contractor, Mr. Charles Jeffress, in completing the renovations. He also stated that Mr. Billy Wrenn did not pursue this project due to other obligations. He further stated that Ms. Alamawi stated that she is currently obtaining estimates from Mr. Jeffress and the final quote will be sent to the bank to secure a construction loan.

Mr. Hall stated that on Thursday, January 12, 2012, Mr. Bernard Prince obtained a permit application from City office. He also stated that he had a list of contractors who would be obtaining permits in the near future to work on the property upgrades.

Mr. Hall stated that he had received a letter from the Bank of Southside Virginia stating that they had received all of the requested information from Mr. and Mrs. Alamawi to process the application and they had been pre-qualified for a construction loan to complete the necessary improvements on the property. He also stated that the construction loan is subject to further underwriting by the Bank of Southside Virginia to include an appraisal of the property, a title search on the property, and a credit score analysis. He further stated that Mr. and Mrs. Alamawi had secured a Class “B” contractor by the name of Bernard Prince for the project and he expects to start working upon closing of the loan (estimated to be within the next two to three weeks).

Councilman Saunders inquired if Mrs. Alamawi had secured contractors for air, plumbing, and electric. Mrs. Alamawi stated yes that Jones Electric, Morris Refrigeration, and Charles Jeffress had been secured contractors also.

Councilman Saunders inquired if a Class “B” contractor license will be enough to complete the project. Mrs. Alamawi stated yes. Mr. Hall stated that a Class “B” license contractor can complete up to \$120,000.00 in work.

Councilman Saunders made a motion to continue the Conditional Use Permit with a review occurring in 30 days by City Administration, seconded by Councilwoman B. White, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

12-03. Downtown District Residential Zoning Regulations – Amendment Options for Consideration

Mr. Hall stated that per Council direction at the December 20, 2011 Regular Meeting, he had completed the research regarding ground-floor residential uses in downtown zoning districts. He also stated that his review was not scientific in nature, nor did he view locality-specific zoning maps to determine exact locations of districts.

Mr. Hall stated that he identified what appeared to be the main downtown zoning district for eight localities and reviewed provisions for residential uses. He also stated that all eight localities permitted residential in some form or fashion. He further stated that three of the eight localities allow residential use on the ground floor by right. He stated that the City of Salem allows ground floor residential by special exception except for its main downtown thoroughfares. He also stated that the City of Radford allows residential above the ground floor by special use. He further stated that City of Martinsville allows residential only above the ground floor by right. He stated that the City Charlottesville allows residential only as a part of a larger mixed-use

development. He stated that the Town of South Hill allows residential use in existing buildings where business is the primary use.

Mr. Hall recommended the following amendments to the DT – Downtown District of the City of Emporia Zoning Ordinance to include:

- ❖ Allowing residential uses above ground floor by right (currently conditional use)
- ❖ Allowing residential uses on the ground floor of a business by conditional use only. Any ground-floor residential proposal must be in the rear of a building with an existing business and be occupied by either the property owner(s), business owner(s) or employee(s) of the business only. Additionally, the apartment shall not be visible from the commercial space and occupy no more than 50 percent of total ground floor area as shown in a floor plan provided to the City for review.

He recommends that if Council wish to amend the zoning code per the language outlined above, that Council will need to direct the Planning Commission to hold a Public Hearing on the potential DT – Downtown District updates at its February 14, 2012 meeting and offer a recommendation to City Council. He stated that he anticipates recommendations returning for consideration at Council, February 21, 2012 Regular Meeting.

Councilman Harris asked why we wouldn't won't to by right under the conditions that Mr. Hall, outlined to permit residential uses on the ground floor of a business in allure of requiring a conditional use permit for such instance. Mr. Hall stated because it depends on the type of business that is being held on the ground level.

Mayor Adams inquired if Mr. Hall could do farther research on which businesses would fall under by right or by conditional use only of the ground floor.

Councilman Harris made a motion to authorize the Planning Commission to hold a Public Hearing on the potential DT – Downtown District updates at its February 14, 2012 meeting and offer a recommendation to City Council, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Dale Temple	aye

12-04. Board of Zoning Appeals – Term Expiration (Marion Jones)

Mr. Thrower stated that on February 28, 2012 Mrs. Marion Jones' five year term on the City of Emporia's Board of Zoning Appeals will expire. He also stated that Mrs. Jones has indicated that she does not wish to be considered for reappointment. He further stated that City Council needs to make a nomination(s) to fill the vacant seat and submit the result(s) to the Greenville County Circuit Court for consideration and appointment.

Mayor Adams stated that this item was to be continued at the February 7, 2012 City Council Regular meeting.

PUBLIC COMMENT

Mayor Adams 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 Adams closed the public comment portion of the meeting.

ADJOURNMENT

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

Samuel W. Adams, III, Mayor

Tessie S. Wilkins, City Clerk