

## PUBLIC HEARINGS

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- 1. Request to Vacate Right-of-Way – Portion of Delaware Street**
  - 2. Architectural Compatibility Review – 102 ½ Valley Street**
  - 3. Menu Board Sign Code Amendment**
  - 4. Open Burning Code Amendment**
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Emporia's City Council held a Public Hearing on Tuesday, July 19, 2011, 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 session.

The following City Council members were present:

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

Others present: Samuel W. Adams, III, Mayor  
Steve B. Hall, Assistant City Manager  
Brian S. Thrower, City Manger  
Tessie S. Wilkins, City Clerk  
Royal Jones, Public Works Director  
W. S. Harris, Jr., Treasurer  
Joyce E. Prince, Commissioner of the Revenue

Absent: C. Butler Barrett, City Attorney

### **1. Request to Vacate Right-Of-Way – Portion of Delaware Street**

Mr. Hall stated that on June 7, 2011 City Council authorized City Administration to advertise for a public hearing and appoint viewers at the City's request to vacate a portion of right-of-way on Delaware Street.

Mr. Hall stated that a public hearing has been advertised in the local newspapers and letters have been mailed to the adjacent property owners. He also stated as of July 19, 2011, none of the adjacent property owners have contacted the City staff to raise any issues or concerns regarding the request.

Mr. Hall stated that on Thursday, June 23, 2011, Mr. Kreienbaum, Mr. Allen and Bishop Bailey met on Delaware Street to discuss the proposed right-of-way vacation. He also stated that all of the viewers were unanimous in recommending that City Council grant the right-of-way vacation.

Mayor Adams asked if anyone 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. Architectural Compatibility Review – 102 ½ Valley Street**

Mr. Hall reported that Mr. Rudolph Drake seeks architectural review approval for the Church of the Living God located at 102 ½ Valley Street. He also reported that this property is located in the DT – Downtown District and is identified as Tax Map Number 142-A-0-104, 105. He further reported that Mr. Drake is proposing to construct an 18' x 40' addition to the rear of the existing building. He stated that if approved, the addition will provide for a sixteen foot rear-yard setback and will not increase the existing nonconforming setback on the side yard.

Mr. Hall stated that this is a permitted use in the Downtown District; however, section 90-80(k)(1) requires that the Planning Commission review the proposal for architectural compatibility. He also stated that it reads:

(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 review. The planning commission may seek input from surrounding property owners, tenants or other organizations as it may see fit and shall make recommendations regarding the architectural compatibility of the proposed development or alteration of existing buildings to City Council. This review shall in no way require the use of specific materials.

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

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 second public hearing closed and proceeded to the third public hearing.

## **3. Menu Board Sign Code Amendment**

Mr. Hall stated that the City is seeking to amend Chapter 90: Zoning of the City of Emporia Code of Ordinances. He also stated that the provisions in question are located in Code § 90-149: Permitted Signs, specifically subsections (C): C-1 Districts and (d): C-2 Districts.

Mr. Hall stated that the Community Development and Planning Director was approached with a proposal by McDonald's of Emporia to create a second drive-thru lane. He also stated that this lane would provide for more efficient and effective service delivery. He further stated that along with the second lane would be a second menu board sign. He stated that the existing code only permits, “one menu board sign not to exceed 32 square feet and no higher than eight feet tall.”

Mr. Hall stated that upon receipt of the verbal proposal, he requested that the Building Official research the current square footage of several menu boards in the City. He also stated that McDonald's existing menu board is approximately forty square feet, while Wendy's is approximately forty-five square feet. He further stated in keeping with industry standards and

trends, he feel it in the City's best interest to revise these aforementioned code sections to allow one menu board per drive-thru lane at a maximum of forty-eight square feet each.

Mr. Hall stated that in discussion with the Planning Commission at its July 12, 2011 Regular Meeting, the point was raised that some drive-thru lanes already have and may require two menu boards for one lane; one board as you approach and another where an order would be placed. He also stated that this is a valid point. He further stated that as such the Commission recommended revising the proposed language to allow for more than one board per drive-thru lane.

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 third public hearing closed and proceeded to the fourth public hearing.

#### **4. Open Burning Code Amendment**

Mr. Hall reported that the City of Emporia has recently reviewed its policy concerning open burning in the City limits. He also reported that as it stands presently per City Code § 50.7, "Burning woods, brush, and other inflammable material—Generally; bonfires," fires may be set anytime to "woods, brush, logs, leaves, grass, debris or other inflammable material." He further reported that in these instances, all precautions shall have been taken to prevent the spread of any fire to lands not owned by the person conducting the burning.

Mr. Hall stated that based on discussions with the Fire Chief, Fire Official and City Manager, it is in the City's best interest to repeal the existing Code § 50.7 and enact Code § 38.5, "Open Burning – Prohibited" that will prohibit open burning in the City limits except for a few exceptions. He also stated that the new code section will appear in Chapter 38, "Fire Prevention and Protection."

Mr. Hall stated that the City of Franklin utilizes similar provisions. He also stated that the revised policy proposed for the City of Emporia will closely mirror Franklin's with minor modifications. He further stated that a violation of the proposed ordinance shall constitute a Class 3 misdemeanor.

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 fourth public hearing closed.

With no further matters to be presented before City Council members, Mayor Adams declared the public hearing closed.

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Samuel W. Adams, III, Mayor

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Tessie S. Wilkins, City Clerk

**MINUTES  
EMPORIA CITY COUNCIL  
CITY OF EMPORIA MUNICIPAL BUILDING  
July 19, 2011**

*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, July 19, 2011, 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 Carolyn S. Carey, 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 L. Dale Temple  
Councilwoman Carolyn S. Carey  
Councilwoman Beverly White

Others present: Samuel W. Adams, III, Mayor  
Brian S. Thrower, City Manger  
Steve B. Hall, Assistant City Manager  
Tessie S. Wilkins, City Clerk  
Royal Jones, Public Works Director  
W. S. Harris, Jr., Treasurer  
Joyce E. Prince, Commissioner of the Revenue

Absent: C. Butler Barrett, City Attorney

**MINUTES APPROVAL**

Councilwoman Temple moved to approve the minutes from the Tuesday, June 21, 2011, City Council meeting minutes as presented, 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 L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Beverly White	aye

## **APPROVAL OF BILLS**

A listing of the January 19, 2011 bills was presented to City Council members.

General Fund	\$ 341,679.53
Utility Fund	\$ 248,988.93

Councilman Saunders moved to approve the July 19, 2011 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 L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Beverly White	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**

Bernard Richardson, 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 addition of **Closed Session – Virginia Code § 2.2 3711 (A) (1) Personnel matters regarding assignment of the City Manager and Item 11-69 Financial and Tax Reports – Personal Property and Real-Estate Delinquent Tax List**

Councilman Saunders moved to approve the amended agenda 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 L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Beverly White	aye

## **UNFINISHED BUISNESS**

### ***11-59. Boards and Commissions – Various Term Expirations***

Mayor Adams reported that an appointment was needed for the Planning Commission.

Councilman Saunders moved to nominate Chris Thompson to the Planning Commission.

Councilman Harris moved to appoint Chris Thompson to serve a four year (4) term on the City of Emporia's Planning Commission, 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 L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Beverly White	aye

## **NEW BUSINESS**

### ***11-61. Justice Assistance Grant (JAG) – Appropriation Ordinance***

Mr. Thrower reported that the City of Emporia was awarded an Edward Byrne Memorial Justice Assistance Grant (JAG) from the United States Department of Justice. He also reported that this \$9,999.00 grant will be used together with \$1,111.00 in matching funds to purchase and install emergency equipment in new patrol cars.

Mr. Thrower reported that those funds were appropriated into the FY11 operating budget on June 7, 2011. He also reported that this project has not been completed as of June 30, 2011, and the funds were neither received nor expended. He further reported that in order for the Police Department to utilize these funds, Council will need to appropriate them into the current year budget. He stated that the Department of Justice will reimburse the City's General Revenue Account for \$9,999.00 once all expenditures are submitted for approval.

He recommended that Council adopt an Ordinance to appropriate the funds

Councilman Harris made a motion to adopt **Ordinance No 11-16** appropriating the sum of \$9,999.00 in DOJ Justice Assistance Grant (JAG) Funds, 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 L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Beverly White	aye

#### ***11-62. Sexual Assault Program – Appropriation Ordinance***

Mr. Thrower reported that the City annually receives grant funds from the Department of Criminal Justice Services for the City Sexual Assault Program. He also reported that the City has received notification that the Department of Criminal Justice Services has approved funding in the amount of \$45,397.00 for Fiscal Year 2011-2012. He further reported that the funding in the amount of \$44,188.00 was included in our Fiscal Year 2011-2012 budget. He stated that the City will need to appropriate the difference of \$2,209.00 into the Fiscal Year 2011-2012 Operating Budget so that these grant funds may be utilized for our Sexual Assault Program.

He recommended that Council adopt Ordinance to appropriate the funds

Councilwoman Temple made a motion to adopt **Ordinance No 11-17** appropriating the sum of \$2,209.00 in grant funds from the Department of Criminal Justice Service for the Sexual Assault Program, seconded by Councilwoman Carey, which passed as follows:

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

#### ***11-63. Conditional Use Permit Review – 916-E West Atlantic Street – “Evening Entertainment”***

Mr. Hall reported that Fosho Foods, LLC (c/o Mr. Hermie Sadler) applied for and was granted a conditional use permit to operate “evening entertainment on selected dates” at 916-E

West Atlantic Street, also identified as City Tax Map Number 100-A-0-A. He also reported that the initial review by the Planning Commission occurred on January 11, 2011 and formal approval was granted at Council regular meeting on January 18. He further reported that this property is located in the C-2 Commercial district. He stated that the restaurant/bar has been in operation since the turn of the calendar year.

Mr. Hall reported that per Council approval, one of the conditions required a six-month review. He also reported that this review was put in place to ensure concerns regarding interaction between tractor trailers and passenger vehicles, disputes/altercations and overflow parking are not issues.

Mr. Hall stated that to his knowledge, Fosho has done an excellent job with handling the interaction between big rigs and vehicles as well as the overflow parking. He also stated that per Ms. June Rae with the Police Department, there have been no incidents relating to Evening Entertainment” at this location.

He recommended that City Council authorize the continuation of the Conditional Use Permit for another year with the second required review to occur in July 2012.

Councilwoman Temple moved to authorize the continuation of the Conditional Use Permit for another year with the second required review to occur in July 2012, seconded by Councilman Saunders, 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 L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Beverly White	aye

#### ***11-64. Request to Vacate Right-of-Way – Portion of Delaware Street***

Mr. Hall stated that on June 7, 2011 City Council authorized City Administration to advertise for a public hearing and appoint viewers at the City’s request to vacate a portion of right-of-way on Delaware Street.

Mr. Hall stated that a public hearing has been advertised in the local newspapers and letters have been mailed to the adjacent property owners. He also stated as of July 19, 2011, none of the adjacent property owners have contacted the City staff to raise any issues or concerns regarding the request.

Mr. Hall stated that on Thursday, June 23, 2011, Mr. Kreienbaum, Mr. Allen and Bishop Bailey met on Delaware Street to discuss the proposed right-of-way vacation. He also stated that all of the viewers were unanimous in recommending that City Council grant the right-of-way vacation.

He recommended that Council approve the right-of-way vacation and adopt an ordinance indicating such approval.

Councilman Harris made a motion to approve the right-of-way and to adopt **Ordinance No 11-18** to vacate a right-of-way on Delaware Street, 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 L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Beverly White	aye

***11-65. Residential Side-yard Zoning Setbacks – ERHA Review***

Mr. Hall stated that he has compiled research relating to the side-yard setbacks in residential districts upon request from Council February 3, 2009 meeting. He also stated that this research was brought before the Emporia Redevelopment and Housing Authority on July 6, 2011. He further stated that the issue at hand is whether the City’s existing zoning ordinance should be amended to require larger side yard setbacks in these districts.

Mr. Hall reported that the City of Emporia zoning ordinance has three residential districts based on the density of development; R-1, R-2 and R-3. He also reported that in R-1, minimum required setbacks are 20 feet total with ten feet for each side yard. He further reported that in R-2 and R-3, minimum required setbacks are 15 feet total with a minimum of five feet for each side yard. He further reported that the other localities similar in size to Emporia have been reviewed. He stated that generally side yard setbacks are consistent with that of Emporia’s. He also stated that in addition, the 2006 Virginia Residential Code (effective May 1, 2008) recommends a minimum of five feet separation for non fire-resistant walls and projections.

Mr. Hall stated that in consulting with the City Attorney on this matter, other issues may also arise if the setbacks are increased. He also stated that firstly, an increased setback fringes on a taking of private property if a particular lot cannot be built upon as a result of the increase. He further stated that secondly, even if setbacks are updated, any owner could claim an “undue hardship” and request a variance. He stated that one goal of regulating land use is to limit the number of variances granted. He also stated that localities that experience a low volume of variance applications, such as Emporia, are generally considered to possess sound land use management practices and an effective zoning ordinance.

He reported that at its July 6, 2011 Regular Meeting, the ERHA recommended to maintain existing setbacks and not increase requirements. He recommended that City maintain the existing setbacks. He stated that if Council concur, no formal action is necessary.

It was the consensus of City Council members to concur this item.

***11-66. Architectural Compatibility Review – 102 ½ Valley Street***

Mr. Hall reported that Mr. Rudolph Drake seeks architectural review approval for the Church of the Living God located at 102 ½ Valley Street. He also reported that this property is located in the DT – Downtown District and is identified as Tax Map Number 142-A-0-104, 105. He further reported that Mr. Drake is proposing to construct an 18’ x 40’ addition to the rear of

the existing building. He stated that if approved, the addition will provide for a sixteen foot rear-yard setback and will not increase the existing nonconforming setback on the side yard.

Mr. Hall stated that this is a permitted use in the Downtown District; however, section 90-80(k)(1) requires that the Planning Commission review the proposal for architectural compatibility. He also stated that it reads:

(k) Architectural compatibility.

(l) 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 review. The planning commission may seek input from surrounding property owners, tenants or other organizations as it may see fit and shall make recommendations regarding the architectural compatibility of the proposed development or alteration of existing buildings to City Council. This review shall in no way require the use of specific materials.

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

He reported that at its July 12, 2011 Regular Meeting, the Planning Commission offered a recommendation of approval regarding this request. He recommended that Council approve the architectural compatibility request for 102 ½ Valley Street.

Councilman Saunders made a motion to approve the architectural compatibility request for 102 ½ Valley Street, 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 L. Dale Temple	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye

### ***11-67. Menu Board Sign Code Amendment***

Mr. Hall stated that the City is seeking to amend Chapter 90: Zoning of the City of Emporia Code of Ordinances. He also stated that the provisions in question are located in Code § 90-149: Permitted Signs, specifically subsections (C): C-1 Districts and (d): C-2 Districts.

Mr. Hall stated that the Community Development and Planning Director was approached with a proposal by McDonald’s of Emporia to create a second drive-thru lane. He also stated that this lane would provide for more efficient and effective service delivery. He further stated that along with the second lane would be a second menu board sign. He stated that the existing code only permits, “one menu board sign not to exceed 32 square feet and no higher than eight feet tall.”

Mr. Hall stated that upon receipt of the verbal proposal, he requested that the Building Official research the current square footage of several menu boards in the City. He also stated

that McDonald's existing menu board is approximately forty square feet, while Wendy's is approximately forty-five square feet. He further stated in keeping with industry standards and trends, he feel it in the City's best interest to revise these aforementioned code sections to allow one menu board per drive-thru lane at a maximum of forty-eight square feet each.

Mr. Hall stated that in discussion with the Planning Commission at its July 12, 2011 Regular Meeting, the point was raised that some drive-thru lanes already have and may require two menu boards for one lane; one board as you approach and another where an order would be placed. He also stated that this is a valid point. He further stated that as such the Commission recommended revising the proposed language to allow for more than one board per drive-thru lane.

He reported that at its July 12, 2011 Regular Meeting, the Planning Commission recommend approving the amendment with revised language. He recommended that Council adopt one of the two ordinances.

Councilman Harris made a motion to adopt **Ordinance No 11-19** approving the amendment with revised language, 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 L. Dale Temple	aye
Councilwoman Beverly White	aye
Councilwoman Carolyn S. Carey	aye

### ***11-68. Open Burning Code Amendment***

Mr. Hall reported that the City of Emporia has recently reviewed its policy concerning open burning in the City limits. He also reported that as it stands presently per City Code § 50.7, "Burning woods, brush, and other inflammable material—Generally; bonfires," fires may be set anytime to "woods, brush, logs, leaves, grass, debris or other inflammable material." He further reported that in these instances, all precautions shall have been taken to prevent the spread of any fire to lands not owned by the person conducting the burning.

Mr. Hall stated that based on discussions with the Fire Chief, Fire Official and City Manager, it is in the City's best interest to repeal the existing Code § 50.7 and enact Code § 38.5, "Open Burning – Prohibited" that will prohibit open burning in the City limits except for a few exceptions. He also stated that the new code section will appear in Chapter 38, "Fire Prevention and Protection."

Mr. Hall stated that the City of Franklin utilizes similar provisions. He also stated that the revised policy proposed for the City of Emporia will closely mirror Franklin's with minor modifications. He further stated that a violation of the proposed ordinance shall constitute a Class 3 misdemeanor.

He recommended that Council adopt Ordinances repealing City Code § 50-7 and enacting Code § 38.5.

Councilman Saunders made a motion to adopt Ordinance 11-20 and 11-21 repealing City Code § 50-7 and enacting Code § 38.5, 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 L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Beverly White	aye

***11-69. Financial and Tax Reports – Personal Property and Real-Estate Delinquent Tax List***

Honorable W.S. Harris, Jr., City Treasurer provided the City Council members with highlights of the City’s financial position. He requested that the City Council members authorize him to submit the names of all individuals owing delinquent taxes for 2010 to the local newspaper for publishing in accordance with Section 58.1-3924 of the Code of Virginia.

Councilman Saunders moved to approve that the names of all individuals owing delinquent taxes for 2010 be submitted by the treasurer to the local newspaper for publishing with the understanding that those individuals who pay, prior to publishing, will have their names stricken from the listing prior to submission. Councilman Harris seconded the motion, 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 L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Beverly White	aye

**PUBLIC COMMENT**

With there being no matters to come before City Council members, Mayor Adams entertained a motion to enter into Closed Session.

**\*\*\*CLOSED SESSION\*\*\***

Councilwoman Temple moved that Closed Session be entered for the purpose of discussing Virginia Code Sections **2.2-3711 (A) (1) Personnel matters regarding assignment of the City Manager** 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 L. Dale Temple            aye  
Councilwoman Beverly White            aye  
Councilwoman Carolyn S. Carey        aye

**\*\*\*Regular Session\*\*\***

Councilman Harris moved that the meeting be returned to Regular Session.  
Councilwoman D. White seconded the motion, which passed as follows:

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

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**CERTIFICATION**

Councilman Saunders 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 matter as were identified in the motion by which the Closed Session was convened were heard, discussed, or considered by City Council.

Councilwoman D. White seconded the motion, which passed as follows:

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

Councilman Harris made the motion authorizing the City Attorney to amend and the Mayor to execute the City Manager's employment contract as agreed upon by both City Council and the City Manager and to amend the City Manager's job description, 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 L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Beverly White	aye

## **ADJOURNMENT**

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

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Samuel W. Adams, III, Mayor

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Tessie S. Wilkins, City Clerk