

PUBLIC HEARINGS

- 1. Conditional Use Permit Request – 773 North Main Street – “Smooove Operators”**
 - 2. Belfield Business District Revitalization Project – CDBG Application**
 - 3. City Council Meeting Time Change – Request to Adopt Ordinance Amendment**
-

Emporia’s City Council held a Public Hearing on Tuesday, March 19, 2013, at 7:30 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 Doris T. White
Councilwoman Deborah D. Lynch
Councilwoman L. Dale Temple
Councilwoman Carolyn S. Carey
Councilwoman Carol Mercer

Others present:

Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Jan Harrell, Economic Development Manager
Ken Ryals, Emergency Service Coordinator
Royal Jones, Public Works Director

1. Conditional Use Permit Request – 773 North Main Street – “Smooove Operators”

Mr. Thrower reported that Mr. Timothy Yates has applied for a conditional use permit to “begin having karaoke/lounge” at his restaurant “Smooove Operators” located at 773 North Main Street, identified as City Tax Map Number 83-A-0-11. He stated that the property is located in the C-2 Commercial district. He also stated that the zoning compliance has been obtained for a restaurant use at this property and the business has been operational for approximately four months.

Mr. Thrower reported that Mr. Yates’ application to the City stated that he was, “pursuing to have special events, karaoke, alcoholic beverages, live bands, comedy performances at his restaurant occasionally.” He also reported that City Code section 90-77 (b) allows for “Nightclubs with conditional use permit.” He further reported that City Code section 90-1 states “Nightclub means an establishment for evening entertainment, generally open until the early morning hours that serves liquor and usually food and offers patrons music, comedy acts, a floor show, or dancing.” He stated that under this framework and understanding Smooove Operators

will serve alcoholic beverages, making the request to fall under the City's definition of "nightclub."

He stated that this site is an existing building serviced by all utilities. He also stated that this site is an existing building and has the appropriate ingress/egress.

He reported that this property is in the C-2 Commercial district. He also reported that the City Code section Section 90-71 (a), the purpose is to "accommodate general business areas or for auto or highway-oriented commercial uses, and wholesaling operations which, by nature or space requirements, do not lend themselves to being concentrated within a centralized, C-1 district area."

Mr. Thrower stated that the Future Land Use Map in the City of Emporia Comprehensive Plan for 2008-2028 depicts this area as "Retail and Service". He also stated that a description of retail and service per the plan is as follows; "The purpose of this category is to provide for an appropriate dynamic variety of uses adjacent to the downtown for commercial, financial, professional, governmental and cultural activities. He further stated that this category is intended to promote an attractive, convenient, and relatively compact arrangement of uses and buildings with a strong pedestrian orientation. He stated that signage and outdoor storage should be adequately controlled to promote an attractive and stable urban environment." He also stated that this proposed use is consistent with the future land use designation for the location in question.

Mr. Thrower stated that there has been no previous land use amendment application filed in connection with this parcel.

Mr. Thrower stated that Don Wyatt, Police Chief, has no reason to recommend denial of this request. He also stated that this matter has been discussed with Agent Velvin of the Virginia Department of Alcoholic Beverage Control (ABC). He further stated that an application was submitted in December and is currently being processed. He stated that Agent Velvin met with the owners in November 2012 to review Virginia ABC laws and possible outcomes of any violation.

Mr. Thrower reported that the Planning Commission held a Public Hearing on this matter March 12, 2013 and unanimously recommended approval of the request with the conditions of a yearly review by City Council. He stated that per Section 90-55 of the City of Emporia Code of Ordinances, "Any conditional use permit may be authorized and issued for either a limited or an indefinite period of time and shall be revocable by council at any time for failure to adhere to the applicable conditions. He also stated that before revoking any such permit, however, council shall afford the permit holder an opportunity to be heard, giving at least five days' written notice of the time and place of such hearing, served as prescribed by law."

Mr. Thrower stated that staff recommends approval of the conditional use permit request with aforementioned conditions.

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. Belfield Business District Revitalization Project – CDBG Application

Mr. Thrower stated that the Community Development Block Grant (CDBG) program is a federal program created by the Housing and Community Development Act of 1974. He also stated that in Virginia the Department of Housing and Community Development (DHCD) administers the program. He further stated that the program provides funding for local governments to address and meet community development needs, particularly of low-and-moderate-income persons. He reported the goal of the CDBG program is to: (1) improve the economic and physical environment in Virginia's communities through implementation of activities which primarily benefit low and moderate income person, (2) prevent or eliminate slums and blighting conditions, or (3) meet urgent needs which threaten the welfare of citizens.

Mr. Thrower stated that the DHCD anticipates a total of approximately \$17,000,000 being available for 2-13 Community Improvement Grants with approximately \$9,000,000 available for Competitive Grants. He also stated that there are 286 eligible towns, cities, and counties in Virginia. He further stated that typically 50-60 communities will submit applications and 10-15 of those will receive funding. He stated that a wide range of activities can be pursued with CDBG funds. He also stated that the five primary project types under the Competitive CIG program are Comprehensive Community Development, Housing, Economic Development, Community Facility and Community Service Facility.

Mr. Thrower reported that the Belfield Business District Revitalization Project will be submitted as an Economic Development project under the CDBG goal of 'elimination of slums and blighting conditions.'

Mr. Thrower reported that the planning process has been ongoing since the summer of 2012 and funded thru a \$35,000 CDBG planning grant from DHCD. He also reported that the planning process included a public meeting, a Visioning process, development of an Economic Restructuring Plan, and a Proposed Improvement Plan. He further reported that the first public hearing for this project was held administratively on February 12, 2013.

Mr. Thrower stated that the following activities and improvements are being proposed for the Belfield Business District Revitalization Project: Annual Alley and Street Cleanup (\$3,000), Façade Improvement Program (\$434,500), Infrastructure Improvements (\$118,096), Construction of a public event space on city-owned property at the corner of East Atlantic Street and Halifax Street (\$32,000), Construction of a community garden on city-owned property at the corner of Halifax Street and Valley Street (\$20,000), request for CDBG Enhancement funds for Belfield District marketing and city website upgrades (\$20,000), project administration (\$80,000) and Engineering and Design Services (\$15,000).

Mr. Thrower stated that the CDBG application is due to the Virginia Department of Housing and Community Development on or before March 27, 2013. He also stated that the CDBG funding announcements will come from the Governor's Office late June or early July. He further stated that the project should begin early spring 2013.

Mr. Thrower stated that Chris Ward, Community Planning Partners, was in attendance at tonight's meeting for any questions.

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. City Council Meeting Change – Request to Adopt Ordinance Amendment

Mr. Thrower stated that at the March 5, 2013 meeting Council authorized holding a public hearing at tonight's meeting to consider changing the City Council meeting from 7:30 p.m. to 6:30 p.m. He also stated that this change was initially requested by Councilman Ewing. He further stated that the meeting dates of the 1st and 3rd Tuesday each month would remain the same.

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
March 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, March 19, 2013 at 7:30 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 S. 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 Doris T. White
Councilwoman Deborah D. Lynch
Councilwoman L. Dale Temple
Councilwoman Carolyn S. Carey
Councilwoman Carol Mercer

Others present: Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Jan Harrell, Economic Development Manager
Ken Ryals, Emergency Service Coordinator
Royal Jones, Public Works Director

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, March 5, 2013, City Council Regular meeting minutes as presented, seconded by Councilwoman Mercer, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Doris T. White	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 March 19, 2013 bills was presented to City Council members.

General Fund	\$	815,837.74
Utility Fund	\$	112,781.17

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

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Doris T. White	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

Mayor Person reported the deletion of Item 13-17 ~ FY12 Audit.

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

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

NEW BUSINESS

13-11. Conditional Use Permit Request – 773 North Main Street – “Smooove Operators”

Mr. Thrower reported that Mr. Timothy Yates has applied for a conditional use permit to “begin having karaoke/lounge” at his restaurant “Smooove Operators” located at 773 North Main Street, identified as City Tax Map Number 83-A-0-11. He stated that the property is located in the C-2 Commercial district. He also stated that the zoning compliance has been obtained for a restaurant use at this property and the business has been operational for approximately four months.

Mr. Thrower reported that Mr. Yates’ application to the City stated that he was, “pursuing to have special events, karaoke, alcoholic beverages, live bands, comedy performances at his restaurant occasionally.” He also reported that City Code section 90-77 (b) allows for “Nightclubs with conditional use permit.” He further reported that City Code section 90-1 states “Nightclub means an establishment for evening entertainment, generally open until the early morning hours that serves liquor and usually food and offers patrons music, comedy acts, a floor show, or dancing.” He stated that under this framework and understanding Smooove Operators will serve alcoholic beverages, making the request to fall under the City’s definition of “nightclub.”

He stated that this site is an existing building serviced by all utilities. He also stated that this site is an existing building and has the appropriate ingress/egress.

He reported that this property is in the C-2 Commercial district. He also reported that the City Code section Section 90-71 (a), the purpose is to “accommodate general business areas or for auto or highway-oriented commercial uses, and wholesaling operations which, by nature or space requirements, do not lend themselves to being concentrated within a centralized, C-1 district area.”

Mr. Thrower stated that the Future Land Use Map in the City of Emporia Comprehensive Plan for 2008-2028 depicts this area as “Retail and Service”. He also stated that a description of retail and service per the plan is as follows; “The purpose of this category is to provide for an

appropriate dynamic variety of uses adjacent to the downtown for commercial, financial, professional, governmental and cultural activities. He further stated that this category is intended to promote an attractive, convenient, and relatively compact arrangement of uses and buildings with a strong pedestrian orientation. He stated that signage and outdoor storage should be adequately controlled to promote an attractive and stable urban environment.” He also stated that this proposed use is consistent with the future land use designation for the location in question.

Mr. Thrower stated that there has been no previous land use amendment application filed in connection with this parcel.

Mr. Thrower stated that Don Wyatt, Police Chief, has no reason to recommend denial of this request. He also stated that this matter has been discussed with Agent Velvin of the Virginia Department of Alcoholic Beverage Control (ABC). He further stated that an application was submitted in December and is currently being processed. He stated that Agent Velvin met with the owners in November 2012 to review Virginia ABC laws and possible outcomes of any violation.

Mr. Thrower reported that the Planning Commission held a Public Hearing on this matter March 12, 2013 and unanimously recommended approval of the request with the conditions of a yearly review by City Council. He stated that per Section 90-55 of the City of Emporia Code of Ordinances, “Any conditional use permit may be authorized and issued for either a limited or an indefinite period of time and shall be revocable by council at any time for failure to adhere to the applicable conditions. He also stated that before revoking any such permit, however, council shall afford the permit holder an opportunity to be heard, giving at least five days’ written notice of the time and place of such hearing, served as prescribed by law.”

Mr. Thrower stated that staff recommends approval of the conditional use permit request with aforementioned conditions.

Councilman Ewing made a motion to approve the conditional use permit request with the aforementioned conditions and a yearly review by City Council, seconded by Councilwoman Lynch, which passed as follows:

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

13-12. Belfield Business District Revitalization Project – CDBG Application

Mr. Thrower stated that the Community Development Block Grant (CDBG) program is a federal program created by the Housing and Community Development Act of 1974. He also stated that in Virginia the Department of Housing and Community Development (DHCD) administers the program. He further stated that the program provides funding for local

governments to address and meet community development needs, particularly of low-and-moderate-income persons. He reported the goal of the CDBG program is to: (1) improve the economic and physical environment in Virginia's communities through implementation of activities which primarily benefit low and moderate income person, (2) prevent or eliminate slums and blighting conditions, or (3) meet urgent needs which threaten the welfare of citizens.

Mr. Thrower stated that the DHCD anticipates a total of approximately \$17,000,000 being available for 2-13 Community Improvement Grants with approximately \$9,000,000 available for Competitive Grants. He also stated that there are 286 eligible towns, cities, and counties in Virginia. He further stated that typically 50-60 communities will submit applications and 10-15 of those will receive funding. He stated that a wide range of activities can be pursued with CDBG funds. He also stated that the five primary project types under the Competitive CIG program are Comprehensive Community Development, Housing, Economic Development, Community Facility and Community Service Facility.

Mr. Thrower reported that the Belfield Business District Revitalization Project will be submitted as an Economic Development project under the CDBG goal of 'elimination of slums and blighting conditions.'

Mr. Thrower reported that the planning process has been ongoing since the summer of 2012 and funded thru a \$35,000 CDBG planning grant from DHCD. He also reported that the planning process included a public meeting, a Visioning process, development of an Economic Restructuring Plan, and a Proposed Improvement Plan. He further reported that the first public hearing for this project was held administratively on February 12, 2013.

Mr. Thrower stated that the following activities and improvements are being proposed for the Belfield Business District Revitalization Project: Annual Alley and Street Cleanup (\$3,000), Façade Improvement Program (\$434,500), Infrastructure Improvements (\$118,096), Construction of a public event space on city-owned property at the corner of East Atlantic Street and Halifax Street (\$32,000), Construction of a community garden on city-owned property at the corner of Halifax Street and Valley Street (\$20,000), request for CDBG Enhancement funds for Belfield District marketing and city website upgrades (\$20,000), project administration (\$80,000) and Engineering and Design Services (\$15,000).

Mr. Thrower stated that the CDBG application is due to the Virginia Department of Housing and Community Development on or before March 27, 2013. He also stated that the CDBG funding announcements will come from the Governor's Office late June or early July. He further stated that the project should begin early spring 2013.

Councilwoman Temple made a motion to adopt **Resolution No. 13-03** authorizing the preparation and filing of an application for Community Improvement Grant Funds through the Small Cities Community Development Block Grant program of the Commonwealth of Virginia for the Belfield Business District Revitalization Project, seconded by Councilwoman Carey, which passed as follows:

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

Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

13-13. City Council Meeting Time Change – Request to Adopt Ordinance

Councilman Ewing requested that the City Council meeting time be changed from 7:30 p.m. to 6:30 p.m.

Councilman Ewing made a motion to adopt **Ordinance No. 13-05** to Amend Section 2-31 of the City Code of Ordinances of the City of Emporia, seconded by Councilwoman Carey, which passed as follows:

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

13-14. I-95 Tolls Opposition – Request to Authorize Payment of Legal Expense

Mr. Thrower stated that City Council previously authorized \$7,500 for legal expenses associated with opposing the proposed I-95 tolls in Sussex County. He also stated that correspondence was received from Greenville County staff requesting the City of Emporia, Greenville County, and Sussex County each pay an additional \$5,902.94 for expenses incurred beyond the total contribution of \$36,500.

He recommended that Council authorize payment of \$5,902.94 for the aforementioned legal expenses.

Councilman Harris made a motion to authorize payment of \$5,902.94 for the aforementioned legal expenses, seconded by Councilwoman Temple, which passed as follows:

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

13-15. Emporia Redevelopment & Housing Authority – Term Expiration (David Thomas)

Mr. Thrower stated that on March 1, 2013 Mr. David Thomas' four year term on the City of Emporia's Redevelopment & Housing Authority Board has expired. He stated that Mr. Thomas indicated that he does wish to be considered for reappointment.

Councilman Harris made a motion to reappoint David Thomas to serve another four year term on the City of Emporia's Redevelopment & Housing Authority Board, seconded by Councilwoman Carey, which passed as follows:

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

13-16. Recreation Advisory Commission – Term Expirations

Mr. Thrower stated that on April 1, 2013, Mr. Edward V. Lankford, IV, Mr. Samuel W. Adams, III, Mr. Rick Franklin and Ms. Doris White's one year term on the Recreation Advisory Commission will expire. Mr. Lankford, Mr. Franklin and Ms. White have indicated that they do wish to be considered for reappointment. Mr. Adams has stated that he does not wish to be considered for reappointment.

Mayor Person stated that Samuel W. Adams term for the Recreation Advisory Commission will be held until April 2, 2013 Council meeting.

Councilman Harris made a motion to reappoint Edward Lankford, Rick Franklin and Doris White to serve another one year term on the Recreation Advisory Commission, seconded by Councilman Ewing, which passed as follows:

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

Thelma Dugger, 207 Lowground Road, addressed Council with concerns about the community not having anything here for the youths to do.

With there being no further 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) (1) a **personnel matter involving the salary or other compensation of a specific employee**, seconded by Councilwoman Carey, which passed as follows:

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