

## PUBLIC HEARINGS

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- 1. Conditional Use Permit Request – Mobile Home – 111 Harris Avenue**
  - 2. Conditional Use Permit Request – Ground Floor Residential – 323 Halifax Street**
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Emporia's City Council held a Public Hearing on Tuesday, May 15, 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 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: C. Butler Barrett, City Attorney  
Brian S. Thrower, City Manger  
Steven B. Hall, Assistant City Manager  
Tessie S. Wilkins, City Clerk  
Don Wyatt, Chief of Police  
Sheila Cutrell, Finance Director  
Don Wyatt, Chief of Police  
W. S. Harris, Jr., Treasurer  
Joyce E. Prince, Commissioner of the Revenue  
Ken Ryals, Emergency Service Coordinator

### **1. Conditional Use Permit Request – Mobile Home – 111 Harris Avenue**

Mr. Hall reported that Mr. Sherman Easter applied for a conditional use permit to place a single-wide mobile home on a vacant residential lot. He stated that the future address in question would be 111 Harris Avenue, indentified as City Tax Map number 123-4-0-24. He also stated that the parcel is located in the R-3 Residential district. He further stated that the City Code § 90-73 (b) allows for multi-sectional manufactured home/mobile home by conditional use permit.

Mr. Hall stated that the parcel currently has existing water and sewer services per Public Utilities Director, Linwood Pope.

Mr. Hall stated that this site is currently an open space but as shown in a sketch provided, will have adequate ingress and egress.

Mr. Hall stated that this property is in the R-3 Residential District. He also stated that in the City Code § 90-73 (a), Purpose and intent, "R-3 districts shall be composed of certain medium to high concentrations of residential uses ordinarily located between residential and commercial areas, plus certain open areas where uses ordinarily located between residential and

commercial areas, plus certain open areas where similar development appears likely to occur. He further stated that the regulations for this R-3 district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children, and to permit certain professional uses of a character unlikely to develop general concentration of traffic and crowds of customers. He stated that to these ends, retail activity shall be limited and this district shall be protected against encroachment of commercial or industrial uses. He also stated that all residential types of structures for both permanent and transient occupancy are permitted. He further stated that this R-3 residential district is not completely residential as it includes public, semipublic and other related uses. He stated that it is basically residential in character and, as such, shall not be spotted with commercial and industrial uses.”

Mr. Hall reported that all bordering land uses fall within the R-3 Residential district designation with a transition to C-1 Commercial at the intersection of Harris Avenue and North Main Street.

Mr. Hall reported that the 2008-2028 City of Emporia Comprehensive Plan designates this parcel as “medium density” residential on the Future Land Use Map. He also reported that this request and proposed use is consistent with the future land use designation.

Mr. Hall reported that Mr. Allen, Owner of Plan 5 received an adjacent property owner letter and in-person expressed he has no opposition to the request. He also reported that another adjacent property owner (anonymous) called the City and voiced concerns regarding the lot size and placement of a mobile home.

Mayor Adams asked if anyone who wished to make any comments regarding this matter.

**Sherman C. Easter** of 225 Moonlight Road, Emporia, Virginia stated that the reason for his request was because currently the lot has become a dumping ground for empty beer bottles, household rubbish, tires, and as a bypass from Ruffin Street to Harris Avenue and the Emporia Shopping Center areas. He also stated that this improvement would upgrade the appearance and security in the neighborhood.

Mayor Adams asked if there was anyone else present who wished to speak regarding this matter.

With there being no further comments to come before City Council, Mayor Adams declared the first public hearing closed and proceeded to the second public hearing.

## **2. Conditional Use Permit Request – Ground Floor Residential – 323 Halifax Street**

Mr. Hall reported that Ms. Hannah Barrett and Mr. Harvey Clement applied for a conditional use permit for ground floor residential occupancy at 323 Halifax Street, identified as tax map number 143-10-0-2. He also reported that the property is located in the DT – Downtown district. City Code section 90-8 (b) allows for ground floor residential use by conditional use permit.

Mr. Hall stated that the site is an existing building and has the appropriate ingress/egress.

Mr. Hall stated that this property is in the DT – Downtown district. He also stated that the City Code section Section 90-80(a), the purpose is to “The DT downtown district is hereby recognized as an integral part of the city’s unique character and the goal of this section is to promote the conservation and preservation of the city’s downtown areas, and to encourage retail, general commercial business establishment and other appropriate mixed uses to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion. He further stated that the DT downtown district includes such uses as retail stores, banks, offices, restaurants and taverns located in the central area of the city.”

Mr. Hall stated that all bordering land uses fall within the DT – Downtown district designation.

Mr. Hall reported that the 2008-2028 City of Emporia Comprehensive Plan designates this parcel as “downtown/mixed-use” on the Future Land Use Map. He also reported that this request and proposed use is consistent with the future land use designation.

Mr. Hall reported that on the January 25, 2005, the Board of Zoning Appeals (BZA) approved a variance to reside on the ground floor for a period of 18 months. He stated that this application and decision holds no bearing on the current proposal.

Mayor Adams asked if anyone who wished to make any comments regarding this matter.

**Hannah Barrett** of 321 Halifax Street, Emporia, Virginia, stated that she was requesting Council to approve the CUP so that they can continue to reside on the ground floor level. She also stated that the building had been fully restored and met all of the current City building codes. She further stated that on site owners would deter break-ins and theft.

Mayor Adams asked if there was anyone else present who wished to speak regarding this matter.

With there being no further comments to come before City Council, Mayor Adams declared public hearing.

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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  
May 15, 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, May 15, 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 L. Dale Temple  
Councilwoman Carolyn S. Carey  
Councilwoman Beverly White

Others present: C. Butler Barrett, City Attorney  
Brian S. Thrower, City Manager  
Steven B. Hall, Assistant City Manager  
Tessie S. Wilkins, City Clerk  
Don Wyatt, Chief of Police  
Sheila Cutrell, Finance Director  
Don Wyatt, Chief of Police  
W. S. Harris, Jr., Treasurer  
Joyce E. Prince, Commissioner of the Revenue  
Ken Ryals, Emergency Service Coordinator

Brian Thrower, City Manager introduced Mrs. Jan Lee Harrell as the new Economic Development Manager for the City of Emporia to Council.

**MINUTES APPROVAL**

Councilwoman Temple moved to approve the minutes from the Tuesday, May 1, 2012, City Council Regular Meeting, and Budget Work Session minutes as presented, 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

## **APPROVAL OF BILLS**

A listing of the May 15, 2012 bills was presented to City Council members.

General Fund	\$	1,062,328.13
Utility Fund	\$	303,109.27

Councilman Saunders moved to approve the May 15, 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**

Councilwoman Temple moved to approve the agenda as presented, 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

## **NEW BUSINESS**

### ***12-34. Conditional Use Permit Request – Mobile Home – 111 Harris Avenue***

Mr. Hall reported that Mr. Sherman Easter applied for a conditional use permit to place a single-wide mobile home on a vacant residential lot. He stated that the future address in question would be 111 Harris Avenue, indentified as City Tax Map number 123-4-0-24. He also stated that the parcel is located in the R-3 Residential district. He further stated that the City Code § 90-73 (b) allows for multi-sectional manufactured home/mobile home by conditional use permit.

Mr. Hall stated that the parcel currently has existing water and sewer services per Public Utilities Director, Linwood Pope.

Mr. Hall stated that this site is currently an open space but as shown in a sketch provided, will have adequate ingress and egress.

Mr. Hall stated that this property is in the R-3 Residential District. He also stated that in the City Code § 90-73 (a), Purpose and intent, “R-3 districts shall be composed of certain medium to high concentrations of residential uses ordinarily located between residential and commercial areas, plus certain open areas where uses ordinarily located between residential and commercial areas, plus certain open areas where similar development appears likely to occur. He further stated that the regulations for this R-3 district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children, and to permit certain professional uses of a character unlikely to develop general concentration of traffic and crowds of customers. He stated that to these ends, retail activity shall be limited and this district shall be protected against encroachment of commercial or industrial uses. He also stated that all residential types of structures for both permanent and

transient occupancy are permitted. He further stated that this R-3 residential district is not completely residential as it includes public, semipublic and other related uses. He stated that it is basically residential in character and, as such, shall not be spotted with commercial and industrial uses.”

Mr. Hall reported that all bordering land uses fall within the R-3 Residential district designation with a transition to C-1 Commercial at the intersection of Harris Avenue and North Main Street.

Mr. Hall reported that the 2008-2028 City of Emporia Comprehensive Plan designates this parcel as “medium density” residential on the Future Land Use Map. He also reported that this request and proposed use is consistent with the future land use designation.

Mr. Hall reported that Mr. Allen, Owner of Plan 5 received an adjacent property owner letter and in-person expressed he has no opposition to the request. He also reported that another adjacent property owner (anonymous) called the City and voiced concerns regarding the lot size and placement of a mobile home.

Mr. Hall reported that at its Regular Meeting on May 8, the Planning Commission voted 6-1 to recommend approval of the request with the condition of a trailer no more than five (5) years old.

He recommended Council to approve this request with the condition.

Councilwoman Beverly White made a motion to approve the conditional use permit for a single-wide mobile home to be located at 111 Harris Avenue with the condition of the trailer to be no more than five (5) years old, 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

#### ***12-35. Conditional Use Permit Request – Ground Floor Residential – 323 Halifax Street***

Mr. Hall reported that Ms. Hannah Barrett and Mr. Harvey Clement applied for a conditional use permit for ground floor residential occupancy at 323 Halifax Street, identified as tax map number 143-10-0-2. He also reported that the property is located in the DT – Downtown district. City Code section 90-8 (b) allows for ground floor residential use by conditional use permit.

Mr. Hall stated that the site is an existing building and has the appropriate ingress/egress.

Mr. Hall stated that this property is in the DT – Downtown district. He also stated that the City Code section Section 90-80(a), the purpose is to “The DT downtown district is hereby recognized as an integral part of the city’s unique character and the goal of this section is to promote the conservation and preservation of the city’s downtown areas, and to encourage retail,

general commercial business establishment and other appropriate mixed uses to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion. He further stated that the DT downtown district includes such uses as retail stores, banks, offices, restaurants and taverns located in the central area of the city.”

Mr. Hall stated that all bordering land uses fall within the DT – Downtown district designation.

Mr. Hall reported that the 2008-2028 City of Emporia Comprehensive Plan designates this parcel as “downtown/mixed-use” on the Future Land Use Map. He also reported that this request and proposed use is consistent with the future land use designation.

Mr. Hall reported that on the January 25, 2005, the Board of Zoning Appeals (BZA) approved a variance to reside on the ground floor for a period of 18 months. He stated that this application and decision holds no bearing on the current proposal.

Mr. Hall reported that at its Regular Meeting on May 8, the Planning Commission voted 5-1, with one abstaining vote to recommend approval of the request with the condition of owner occupancy only.

He recommended Council to approve this request with the condition.

Councilman Harris made a motion to approve the conditional use permit for ground-floor residential living at 323 Halifax Street for property owner(s) or business owner(s), seconded by Councilwoman Doris T. 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

### ***12-36. Conditional Use Permit Review – 311 Florida Avenue – Roadhouse Lounge***

Mr. Hall reported that Mr. Marvin Goode applied for and was granted a conditional use permit to operate a “lounge” at 311 Florida Avenue, identified as City Tax Map Number 121-4-0-2. He reported that the initial review by the Planning Commission took place on October 12, 2010 with a unanimous vote recommending approval. He further reported that the formal approval was granted at Council Regular Meeting on October 19, 2010 with the following conditions:

- A review by City Council six months after the lounge is opened,
- A yearly review by City Council thereafter, and
- Provision of private security inside and outside of establishment from 8pm to close

Mr. Hall reported that Mr. Goode performed significant renovations to the property and the final certificate of occupancy was issued on November 3, 2011 and the lounge has been in operation since that time.

Mr. Hall stated per Council approval one of the conditions required a six-month review after opening. He also stated that to his knowledge, Roadhouse has done an excellent job with handling its patrons and keeping incidents involving the Police Department to a minimum until last Friday. He further stated that private security has also been employed per condition three. He stated that since opening, the Emporia Police Department had reported only one incident at this location for disorderly conduct. He stated that no violent crimes to his knowledge have occurred.

Mr. Hall reported that he was notified via email on Saturday, May 12 from Police Chief, Don Wyatt, of an incident that occurred early that same Saturday morning at the Roadhouse Lounge. He also reported that excerpts from the original correspondence from the Chief are as follows, "At approximately 2:24am, our patrol units responded to a large crowd (est. 100-150 people) exiting the Roadhouse Lounge. Cpl. Totino reported that a fight within the crowd was about to take place. Due to the size of the crowd, the Emporia units' (4) requested the assistance of the county and state units. After the crowd was dispersed, I spoke with Sgt. Romano about the upcoming review of this location by Council. Sgt. Romano informed me that the number of patrons for the Roadhouse Lounge has increased greatly due to their dropping a "dress code". In addition, he stated that the owner of the motel had issues with the Roadhouse Lounge within the past few weeks due to the patrons being loud and disturbing the guests that are staying at the motel. Sgt. Romano informed me that last night the security for the Roadhouse Lounge stopped an 18 year old from entering the Lounge with a firearm."

Mr. Hall stated that there are two police incident reports with details on the weapons claim and general disorderly conduct of that evening. He also stated that there appears to be some disagreement between the reports and what the owners informed him occurred that night, there are comments directly from the private security contained within the reports.

Mr. Hall stated that he had spoken with Chief Wyatt and the Roadhouse owner Mr. Marvin Goode individually. He also stated that Chief Wyatt and himself share similar concerns regarding this incident and potential future issues; however they do not recommend revoking the lounge permit at his juncture. He further stated that Mr. Goode appeared to understand the concerns from the City's standpoint and reiterated to me his interest in keeping the business operational. He stated that Mr. Goode offered a viable business plan when he originally came to City Council in 2010 and did make a substantial investment over the last 12 months into rehabilitating the property. He also stated that it is his understanding general market forces are what led to the age restriction and dress code changes from his original proposal and general operating policy.

He recommended that Council authorize continuation of the conditional use permit with the inclusion of the original conditions of providing private security inside and outside of establishment from 8pm to close and a new condition of a new review to occur at Council August 21, 2012 Regular Meeting.

Mr. Marvin Goode stated market forces is what led to the age restriction and dress code changes from his original proposal and general operating policy to accommodate special events held at the Roadhouse Lounge.

Councilwoman Carey made a motion to continue the conditional use permit to include the original condition of providing private security inside and outside of establishment from 8pm to close and a new condition of a new review to occur at Council August 21, 2012 Regular Meeting, seconded by Councilwoman Doris 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

***12-37. Four-For-Life Funds – Appropriation Ordinance***

Mr. Thrower reported that the City annually receives Four-For-Life funds from the Virginia Department of Health. He stated that this year the City has received \$4,349.80 in Four-For-Life funds. He also stated that each year these funds are given to the Greenville Volunteer Rescue Squad to be used for training or the purchase of equipment or supplies in accordance with the Code of Virginia §46.2-694. He further stated that Council will need to appropriate the sum of \$4,349.80 into the Fiscal Year 211-2012 operating budget so that the City can send these funds to the Greenville Volunteer Rescue Squad.

Councilman Saunders made a motion to adopt **Ordinance No. 12-05** to appropriate the Sum of \$4,349.80 in Four-For-Life Funds from the Virginia Department of Health, 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

***12-38. Owner Contribution – W. Atlantic St. Project – Appropriation Ordinance***

Mr. Thrower reported that the City has received a monetary contribution from a homeowner to be expended for repairs made to a home in the W. Atlantic Street Project area. He stated that the cost of needed repairs to this home exceeds the amount allowed by the Department of Housing and Community Development. He also stated that any costs which exceed the allowable amount must be paid for by the homeowner. He further stated that in order for the City to utilize these funds to pay the contractor for these repairs, Council must appropriate them into the Fiscal Year 2011-2012 operating budget.

Councilman Saunders made a motion to adopt **Ordinance No. 12-06** to appropriate the Sum of \$3,845.60 in Owner Contribution Funds for the West Atlantic Street Project, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	nay
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**

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

*Jamil Reginald Doswell, 211 Turner Street*, addressed Council asking if they would consider donate a building in the City of Emporia to Ninth Dimension Boxing Club. He stated that this boxing club program was help get the youth off of the street.

*Marva Dunn, 272 Astrio Street*, addressed Council stating that boxing is a great program.

With there being no comments to come before City Council, May or Adams closed the public comment portion of the meeting.

## **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