

## PUBLIC HEARINGS

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- 1. Architectural Compatibility Review – 141 Baker Street**
  - 2. Architectural Compatibility Review – 150 Baker Street**
  - 3. Architectural Compatibility Review – 407 Halifax Street**
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Emporia's City Council held a Public Hearing on Tuesday, November 19, 2013, at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Mary L. Person presided over the session.

The following City Council members were present:

Councilman F. Woodrow Harris  
Councilman James E. Ewing, III  
Councilwoman Carolyn S. Carey  
Councilwoman Deborah D. Lynch  
Councilwoman L. Dale Temple  
Councilwoman Carol Mercer

Others present:

Mary L. Person, Mayor  
C. Butler Barrett, City Attorney  
Brian S. Thrower, City Manger  
Jason Stewart, Assistant Manager  
Tessie S. Wilkins, City Clerk  
W. S. Harris, Jr., Treasurer  
Joyce E. Prince, Commissioner of the Revenue  
Don Wyatt, Chief of Police

Absent:

Councilwoman Doris T. White

Mayor Person presented Reverend George W. Pugh, Sr. a proclamation honoring his service rendered to District 19 Community Services Board.

### **1. Architectural Compatibility Review – 141 Baker Street**

Mr. Stewart reported that Emporia Associates, LLC seeks architectural compatibility approval for the building at 141 Baker Street located in the DT-Downtown District and is identified as Tax Map Numbers 143 A-31 & 31A, 32, and 33. He stated that the applicant was proposing to renovate the existing building with materials consistent with the ordinance for residential/commercial use.

Mr. Stewart stated that the proposed residential/commercial use was permitted in the Downtown District however, section 90-80(k) (1) requires that the Planning Commissions review the proposal for architectural compatibility and forward its recommendation to City Council. He also stated that alterations to existing buildings fall under the review requirements

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

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. Architectural Compatibility Review – 150 Baker Street**

Mr. Stewart reported that Emporia Associates, LLC seeks architectural compatibility review approval for the building at 150 Baker Street, located in the DT-Downtown District and is identified as Tax Map Numbers 143-8-0-8-13. He stated that the applicant was proposing to renovate an existing building with materials consistent with the ordinance for residential/commercial use.

Mr. Stewart stated that the proposed residential/commercial use was permitted in the Downtown District however, section 90-80(k) (1) requires that the Planning Commission review the proposal for architectural compatibility and forward its recommendation to City Council. He stated that alterations to existing buildings fall under the review requirements “Section 90-1 defines the term “alteration” as any change in total floor area, use, adaptability or external appearance of an existing structure.

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. Architectural Compatibility Review – 407 Halifax Street**

Mr. Stewart reported that Emporia Associates, LLC seeks architectural compatibility review approval for the building at 407 Halifax Street, located in the DT-Downtown District and is identified as Tax Map Numbers 143-7-0-4, 5, 6. He stated that the applicant was proposing to remove the 1960s era metal façade/canopy to restore to the original façade and repair the brick holes and point mortar as necessary as well as paint and trim with colors that meet the standards of the ordinance and are consistent with the history of the building.

Mr. Stewart stated that the proposed residential/commercial use was permitted in the Downtown District however, section 90-80(k) (1) requires that the Planning Commission review the proposal for architectural compatibility and forward its recommendation to City Council. He also stated that the alterations to existing buildings fall under the review requirements “Section 90-1 defines the term “alteration” as any change in total floor area, use, adaptability or external appearance of an existing structure.

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.

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Mary L. Person, Mayor

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Tessie S. Wilkins, City Clerk

**MINUTES  
EMPORIA CITY COUNCIL  
CITY OF EMPORIA MUNICIPAL BUILDING  
November 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, November 19, 2013 at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Mary L. Person presided over the meeting with Rev. George Pugh offering the invocation.

**ROLL CALL**

The following City Council members were present:

Councilman F. Woodrow Harris  
Councilman James E. Ewing, III  
Councilwoman Carolyn S. Carey  
Councilwoman Deborah D. Lynch  
Councilwoman L. Dale Temple  
Councilwoman Carol Mercer

Others present:

Mary L. Person, Mayor  
C. Butler Barrett, City Attorney  
Brian S. Thrower, City Manger  
Jason Stewart, Assistant Manager  
Tessie S. Wilkins, City Clerk  
W. S. Harris, Jr., Treasurer  
Joyce E. Prince, Commissioner of the Revenue  
Don Wyatt, Chief of Police

Absent:

Councilwoman Doris T. White

**MINUTES APPROVAL**

Councilwoman Temple moved to approve the minutes from the Tuesday, October 1, 2013, City Council Regular meeting minutes as presented, seconded by Councilwoman Carey, which passed as follows:

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

**APPROVAL OF BILLS**

A listing of the October 15, 2013 bills was presented to City Council members.

General Fund	\$	918,018.43
Utility Fund	\$	99,176.47

Councilwoman Temple moved to approve the October 15, 2013 bills as presented, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	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 November 19, 2013 bills was presented to City Council members.

General Fund	\$	895,221.40
Utility Fund	\$	106,033.60

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

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	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**

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

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

### **NEW BUSINESS**

#### ***13-60. Architectural Compatibility Review – 141 Baker Street***

Mr. Stewart reported that Emporia Associates, LLC seeks architectural compatibility approval for the building at 141 Baker Street located in the DT-Downtown District and is identified as Tax Map Numbers 143 A-31 & 31A, 32, and 33. He stated that the applicant was proposing to renovate the existing building with materials consistent with the ordinance for residential/commercial use.

Mr. Stewart stated that the proposed residential/commercial use was permitted in the Downtown District however, section 90-80(k) (1) requires that the Planning Commissions review the proposal for architectural compatibility and forward its recommendation to City Council. He also stated that alterations to existing buildings fall under the review requirements

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

Mr. Stewart stated that the Planning Commission unanimously recommended approval at it November 12, 2013 meeting. He recommended that Council approve the Architectural Compatibility of the proposed renovations as presented.

Councilman Harris made a motion to approve the Architectural Compatibility of proposed renovations as presented for 141 Baker Street, seconded by Councilwoman Carey, which passed as follows:

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

### ***13-61. Architectural Compatibility Review – 150 Baker Street***

Mr. Stewart reported that Emporia Associates, LLC seeks architectural compatibility review approval for the building at 150 Baker Street, located in the DT-Downtown District and is identified as Tax Map Numbers 143-8-0-8-13. He stated that the applicant was proposing to renovate an existing building with materials consistent with the ordinance for residential/commercial use.

Mr. Stewart stated that the proposed residential/commercial use was permitted in the Downtown District however, section 90-80(k) (1) requires that the Planning Commission review the proposal for architectural compatibility and forward its recommendation to City Council. He stated that alterations to existing buildings fall under the review requirements “Section 90-1 defines the term “alteration” as any change in total floor area, use, adaptability or external appearance of an existing structure.

Mr. Stewart stated that the Planning Commission unanimously recommended approval at its November 12, 2013 meeting. He recommended that Council approve the Architectural Compatibility of the proposed renovations as presented.

Councilman Harris made a motion to approve the Architectural Compatibility of the proposed renovations as presented for 150 Baker Street, seconded by Councilwoman Carey, which passed as follows:

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

### ***13-62. Architectural Compatibility Review – 407 Halifax Street***

Mr. Stewart reported that Emporia Associates, LLC seeks architectural compatibility review approval for the building at 407 Halifax Street, located in the DT-Downtown District and is identified as Tax Map Numbers 143-7-0-4, 5, 6. He stated that the applicant was proposing to remove the 1960s era metal façade/canopy to restore to the original façade and repair the brick holes and point mortar as necessary as well as paint and trim with colors that meet the standards of the ordinance and are consistent with the history of the building.

Mr. Stewart stated that the proposed residential/commercial use was permitted in the Downtown District however, section 90-80(k) (1) requires that the Planning Commission review the proposal for architectural compatibility and forward its recommendation to City Council. He also stated that the alterations to existing buildings fall under the review requirements “Section 90-1 defines the term “alteration” as any change in total floor area, use, adaptability or external appearance of an existing structure.

Mr. Stewart stated that the Planning Commission unanimously recommended approval at its November 12, 2013 meeting. He recommended that Council approve the Architectural Compatibility of the proposed renovations as presented.

Councilman Harris made a motion to approve the Architectural Compatibility of the proposed renovations as presented at 407 Halifax Street, seconded by Councilwoman Carey, which passed as follows:

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

### ***13-63. Gateway Sign – Appropriation Ordinance***

Mr. Thrower stated that the City of Emporia anticipates receiving a refund from VML Insurance Programs for the replacement of a gateway sign damaged by a motorist in the median on Highway 58 East. He also stated that the anticipated refund amount of \$3,200.00 will cover the entire cost of replacing the sign. He further stated that in order for the City to utilize the funds to pay for the replacement of the sign, Council would need to appropriate the insurance funds in the current year budget.

Councilwoman Temple made a motion to approve **Ordinance No. 13-20** to appropriate the sum of \$3,200.00 in VML Insurance Funds for Replacement of the Gateway Sign, seconded by Councilwoman Lynch, which passed as follows:

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

### ***13-64. City Website – Appropriation Ordinance***

Mr. Thrower reported that the City previously budgeted funding to redesign the City's Website. He also reported that the work on the site has been on-going the past several years but has now completely ceased. He further reported that the City needed to terminate its agreement with the current contractor and procure a new contractor to complete the website improvements.

Mr. Thrower stated that in order for the City to utilize the remainder of the funding previously allocated for this project and to complete the redesign of the website, Council would need to adopt an ordinance appropriating \$4, 250.00 into the current year budget. He also stated that he anticipated the new website being completed before the end of the current fiscal year.

Councilwoman Temple made a motion to approve **Ordinance No. 13-21** to appropriate the sum of \$4,250.00 from the unappropriated fund balance of the General Fund for the completion of the City's Website, seconded by Councilwoman Carey, which passed as follows:

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

#### ***13-65. Drug Seizure Fund – Appropriation Ordinance***

Mr. Thrower stated that the City of Emporia Police Department seizes money, by court order, determined to have been used in drug transactions. He also stated that before spending these funds, they must first be appropriated into the General Fund Operating Budget for the current year.

Mr. Thrower stated that the Police Department wished to use \$25,000.00 in seized funds for the purchase of an unmarked patrol vehicle.

Councilwoman Temple made a motion to approve **Ordinance No 13-22** to appropriate the sum of \$25,000.00 in Drug seizure Funds, seconded by Councilwoman Carey, which passed as follows:

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

#### ***13-66. Drug Interdiction – Request to Approve Resolution***

Mr. Thrower reported that the Greensville County Sheriff James Edwards and Police Chief Don Wyatt have identified the need for designated Emporia police officers to be granted authority to enforce the laws of the Commonwealth within Greensville County. He stated that these designated officers would target, investigate, and prosecute individuals involved in transporting narcotics within Greensville County.

Mr. Thrower stated that per Section 15.2-1736 of Virginia State Code, Council would need to approve the resolution authoring the Police Chief and City Manager to enter the agreement.

Councilman Harris made a motion to adopt **Resolution No. 13-09** authoring the Police Chief and City Manager to enter into an agreement with the Greensville County Sheriff pertaining to Drug Interdiction activities within Greensville County, seconded by Councilwoman Temple, which passed as follows:

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

***13-67. Board of Equalization Expirations – Brenda Brockwell/Dennis Allen/Preston Battle***

Mr. Thrower stated that the one-year terms of Dennis Allen, Preston Battle, and Brenda Brockwell on the City’s Board of Equalization have expired. He also stated that all individuals had indicated that they do wish to be considered for reappointment. He further stated that all nominations to the City’s Board of Equalization must be provided to the Greensville County Circuit Court for consideration and official appointment.

Councilwoman Temple made a motion to reappoint Dennis Allen, Preston Battle, and Brenda Brockwell to serve a one-year term on the City’s Board of Equalization, seconded by Councilwoman Carey, which passed as follows:

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

***13-68. City School Board Expirations – Bernadette Battle***

Mr. Thrower stated that on December 31, 2013, Bernadette Battle’s four-year term on the City School Board will expire. He also stated that she had indicated that she does wish to be considered for reappointment. He further stated that a notice would be published in the local newspaper indicating that a public hearing will be conducted on December 3, 2013 concerning this matter.

Mr. Thrower stated that this was for information only. He also stated that no action was required during this time, and Council will be requested to appoint an individual to this term on December 17, 2013.

***13-69. Farmer Market Advisory Board Expirations – Hannah Barrett/Morris White/Jean Cobb***

Mr. Thrower stated that on November 30, 2013, the four-year terms of Morris White, Hannah Barrett, and Jean Cobb on the City's Farmers Market Advisory Board would expire. He also stated that Morris White and Hannah Barrett had indicated that they do not wish to be considered for reappointment. He further stated that Jean Cobb had stated that she does wish to be considered for reappointment.

Councilman Harris made a motion to reappoint Jean Cobb to serve another four-term on the City's Farmers Market Advisory Board, seconded by Councilwoman Temple, which passed as follows:

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

Mayor Person stated that the terms of Hannah Barrett and Morris White be carried over to the December 3, 2013 Council meeting.

## **PUBLIC COMMENT**

Mayor Person 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 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) (7) **Legal matter requiring the advice of counsel pertaining to Social Services funding**, seconded by Councilwoman Carey, which passed as follows:

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

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**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 Carolyn S. Carey	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye

Councilman Harris made the motion to continue discussions with Greensville County pertaining to Social Services funding issues and to authorize the City Manager to procure an independent accounting/auditing firm to assist the City in determining historical fiscal responsibility/liability as it pertains to the existing cash balance issue between the City of Emporia, Greensville County, and the Greensville/Emporia Department of Social Services, Councilman Ewing seconded the motion, which passed as follows:

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

**ADJOURNMENT**

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

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Mary L. Person, Mayor

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Tessie S. Wilkins, City Clerk