

PUBLIC HEARINGS

1. **Official Intent Resolution – Request to Adopt**
 2. **West Atlantic Street Neighborhood Improvement Project – Request to Convey Lots to Habitat for Humanity**
 3. **Rezoning Request – Reese Street**
 4. **Rezoning Requests – 2412 and 2042 Reese Street**
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Emporia's City Council held a Public Hearing on Tuesday, October 21, 2014, 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 Doris T. White
Councilwoman L. Dale Temple
Councilwoman Carol Mercer

Others present:

Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Dr. Edwin C. Daley, Projects Administrator
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Don Wyatt, Chief of Police

Absent: Councilwoman Deborah D. Lynch

1. Official Intent Resolution – Request to Adopt

Mr. Thrower reported that Davenport & Company, LLC, serving as Financial Advisor to the City, has distributed a Request for Proposals (the "RFP") for the issuance of a 2014B General Obligation Bond in an amount not to exceed \$1,800,000.00 for the Wastewater Treatment Plant Solids Handling Facilities Modifications and the West Atlantic Street Sanitary Sewer Replacement as approved with the adoption of the City's FY15 Budget. He also reported that the responses to the RFP are due back to Davenport & Company, LLC on October 24, 2014.

Mr. Thrower stated that bids have been obtained for both projects and remain valid until November 2, 2014. He also stated that the lowest responsible and responsive bidder for the Wastewater Treatment Plant Solids Handling Facilities Modifications is English Construction with a bid of \$1,446,000.00. He also stated that the lowest responsible and responsive bidder for the West Atlantic Street Sanitary Sewer Replacement is Lyttle Utilities, Inc. with a bid of \$374,715.00. He further stated that due to the fact that City Council will not meet again until

November 18, 2014 and bond closing is not scheduled until November 25, 2014, an Official Intent Resolution will authorize the City to reimburse itself with the proceeds of Indebtedness for Expenditures made with respect to the Projects. He reported that the bids for these projects will need to be awarded prior to the bond closing date and related expenditures are possible prior to bond closing.

Mr. Thrower reported that Roland Kooch with Davenport & Company, LLC will be here at the November 18, 2014 meeting to present a summary of the responses to the RFP and to make a recommendation.

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

2. West Atlantic Street Neighborhood Improvement Project – Request to Convey Lots to Habitat for Humanity

Mr. Thrower stated that the City has been discussing options regarding the vacant lots created by the acquisition and demolition of properties on the West Atlantic Street Neighborhood Improvement Project area. He also stated that the project is funded by the Virginia Department of Housing and Community Development.

Mr. Thrower stated that the City is obligated to provide four new owner-occupied units in the project area. He also stated that the agreement Council approved at the September 2, 2014 meeting provided for the construction of two owner-occupied units by the Emporia-Greenville Habitat for Humanity. He further reported that the City staff is working with another agency for the construction of additional units.

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

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

3. Rezoning Request – Reese Street

Mr. Thrower reported that Dorothy Lee Toney has submitted an application to rezone a property located on Reese Street to R-2 Residential District. He also reported that the property is zoned I-1 Industrial District and is identified as City Tax Map Number 85-A-6A. He further reported that the property is currently vacant and has neither a structure nor home on the premises. He stated that the property abuts and is adjacent to parcels that are zoned both R-2 Residential District and I-1 Industrial District. He also stated that residential homes and industrial uses are also present in the area. He further stated that according to the application, Ms. Toney would like to have a home built on the property in the near future.

Mr. Thrower stated that the property is zoned I-1 Industrial District. He also stated that Section 90-78 (a) of the City's Zoning Code "I-1 districts shall be utilized for occupancy by certain industries which do not in any way detract from the utilization of adjacent areas to the

district for residential purposes.” He further stated that the property owner is requesting this property be rezoned to R-2 Residential District.

Mr. Thrower reported that Section 90-72 (a) of the City’s Zoning Code “R-2 districts shall be composed of quiet, residential area plus certain open areas where similar residential development appears likely to occur. He also reported that the regulations of this R-2 district are designed to stabilize and protect the essential characteristics of the R-2 district, to promote and encourage a suitable environment for family life, and to prohibit all activities of a commercial nature. He further reported that the development shall be limited to single unit dwellings, providing homes for the residents plus certain additional uses such as schools, parks, churches, and certain public facilities.”

Mr. Thrower stated according to the City’s 2008-2028 Comprehensive Plan Future Land Use Map, which was previously recommended by the Planning Commission and adopted by City Council, this property is designated as “Industrial.” He also stated that the Comprehensive Plan describes Industrial as “areas intended for a wide variety of industrial operation, including the production, processing packaging or treatment of manufactured products and materials. He further stated that these sites are sufficiently separated from existing population centers and can accommodate heavier types of industrial use. He advised that it is the intent of this category to preserve these lands for industrial use only and to exclude new residential or commercial development except for certain appropriate adjuncts to industrial operations. He also advised that this includes warehousing, wholesaling, light manufacturing, and processing operations, as well as associated office development and support facilities.” He further advised that per Section 15.2-2223 of State Code, the overall purpose of a locality’s comprehensive plan is to guide and accomplish a “coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants.”

Mr. Thrower stated that Section 15.2-2284 of State Code lists the relevant factors to consider in rezoning applications. He also stated that every proposed rezoning should be accompanied by an analysis of how the amendment will satisfy one or more of these factors. He further stated that a locality is not required to consider all nine factors in each zoning decision.

Mr. Thrower reported that the most pertinent factors applicable to this request involve the existing use and character of the property, including other properties in the immediate area, as well as the Comprehensive Plan. He also reported that this property is currently vacant and has neither a structure nor home on the premises. He further reported that the applicant wishes to build a new home on the property in the near future. He stated that in terms of other properties in the immediate area, this property abuts and is adjacent to parcels that are zoned both R-2 Residential District and I-1 Industrial District. He also stated that residential homes and industrial uses are present in the area.

Mr. Thrower stated that in terms of the Comprehensive Plan Future Land Use Map, this parcel is designated as “Industrial.” He also stated that this property and other properties in the immediate area are currently zoned I-1 Industrial District and have collectively been identified as an industrial area on the Future Land Use Map. He further stated that the preservation of industrially zoned areas is of prime importance in order to both attract new industries to our area and help retain our existing industries. He advised that this is especially important given the City’s small geographic area and inability to annex. He also advised that City Council has also identified Economic Development as a Strategic Priority in its Strategic

Plan adopted May 6, 2014. He further advised that should this property be rezoned, the inventory of industrially zoned properties will decrease and the integrity of the Comprehensive Plan Future Land Use Map, as it currently exists, will be compromised. He stated that he recommended that this rezoning request be denied and the property remain zoned I-1 Industrial District. He also stated that the Planning Commission voted 5 to 0 to recommend that Council approve this rezoning request at the October 14, 2014 meeting.

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

Alton Bryant, of 2590 Reese Street, Emporia, Virginia stated that he was speaking on behalf of his sister Dorothy Toney. He also stated that his sister was not notified of the changes made to her property, and it has reduced the value of the property. He further stated that his sister would like to have a home built there in the future.

Marva Dunn, of 272 Astrio Street, Emporia, Virginia, stated that she hopes Council find a way to rezone the properties on Reese back to R-2 Residential District.

With there being no further comments to come before City Council, Mayor Person declared the third public hearing closed and proceeded to the fourth public hearing.

4. Rezoning Requests – 2412 and 2042 Reese Street

Mr. Thrower reported that Marveen Robinson has submitted an application to rezone 2412 Reese Street and 2042 Reese Street to R-2 Residential District. He also reported that these properties are zoned I-1 Industrial District and are identified as City Tax Map Numbers 105-A-2 and 105-A-3. He further reported that homes currently sit on both properties and are used for residential purposes. He stated that these properties are considered non-conforming, per Section 90-12 of the Zoning Code. He also stated that both properties abut and are adjacent to parcels that are all zoned I-1 Industrial District. He further stated the other non-conforming residential homes abut the properties. He stated that existing industrial uses are also present in the immediate area.

Mr. Thrower stated that the properties are zoned I-1 Industrial District. He also stated that Section 90-78 (a) of the City's Zoning Code "I-1 districts shall be utilized for occupancy by certain industries which do not in any way detract from the utilization of adjacent areas to the district for residential purposes." He further stated that Ms. Robinson is requesting both properties be rezoned to R-2 Resident District.

Mr. Thrower reported that per Section 90-72 (a) of the City's Zoning Code "R-2 districts shall be composed of quiet, residential areas plus certain open areas where similar residential development appears likely to occur. The regulations of this R-2 district are designed to stabilize and protect the essential characteristics of the R-2 district, to promote and encourage a suitable environment for family life, and to prohibit all activities of a commercial nature. Development shall be limited to single unit dwellings, providing homes for the residents plus certain additional uses such as schools, parks, churches, and certain public facilities."

Mr. Thrower stated that according to the City's 2008-2028 Comprehensive Plan Future Land Use Map both of these properties are designated as "Industrial." He also stated that the Comprehensive Plan describes Industrial as "areas intended for a wide variety of industrial

operations, including the production, processing, packaging or treatment of manufactured products and materials. He further stated that these sites are sufficiently separated from existing population centers and can accommodate heavier types of industrial use. He advised that it is the intention of this category to preserve these lands for industrial use only and to exclude new residential or commercial development except for certain appropriate adjuncts to industrial operations. He also advised that this also includes warehousing, wholesaling, light manufacturing, and processing operations, as well as associated office development and support facilities.” He further advised that per Section 15.2-2223 of State Code, the overall purpose of a locality’s comprehensive plan is to guide and accomplish a ‘coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants.”

Mr. Thrower stated that Section 15.2-2284 of the State Code lists the relevant factors to consider in rezoning applications. He also stated that every proposed rezoning should be accompanied by an analysis of how the amendment will satisfy one or more of these factors. He further stated that a locality is not required to consider all nine factors in each zoning decision.

Mr. Thrower advised that the most pertinent factors applicable to these requests involve the existing use and character of the properties, including other properties in the immediate area, as well as the Comprehensive Plan. He also advised that homes currently sit on both properties and are used for residential purposes. He further advised that those properties serve as the primary residences for Ms. Robinson and her mother. He stated that in terms of other properties in the immediate area, both properties abut and are adjacent to parcels that are all zoned I-1 Industrial District. He also stated that other non-conforming existing residential homes abut the properties. He further stated that existing industrial uses are also present in the immediate area.

Mr. Thrower reported that in terms of the Comprehensive Plan Future Land Use Map, these two parcels are both designated as “Industrial.” He also reported that these properties and other properties in the immediate area are currently zoned as I-1 Industrial District and have collectively been identified as an industrial area on the Future Land Use Map. He further reported that preservation of industrially zoned areas is of prime importance in order to both attract new industries to the area and help retain the existing industries. He stated that this is especially important given the City’s small geographic area and inability to annex. He also stated that City Council has also identified Economic Development as a Strategic Priority in its Strategic Plan adopted May 6, 2014. He advised that should this property be rezoned, the inventory of industrially zoned properties will decrease and the integrity of the Comprehensive Plan Future Land Use Map will be compromised. He recommended that the rezoning requests be denied and the properties remain zoned I-1 Industrial District. He reported that the Planning Commission voted 3 to 2 to recommend that Council deny the request at the October 14, 2014 meeting.

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

Marveen W. Robinson, of 2412 Reese Street, Emporia, Virginia, stated she was not notified of changing the properties from residential to industrial; therefore, the value of my home was decreased. She also stated that felt as if she was treated very wrong.

With there being no more 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
October 21, 2014**

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, October 21, 2014 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 Carolyn 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 Carolyn S. Carey
Councilwoman Doris T. White
Councilwoman L. Dale Temple
Councilwoman Carol Mercer

Others present:

Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Dr. Edwin C. Daley, Projects Administrator
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Don Wyatt, Chief of Police

Absent: Councilwoman Deborah D. Lynch

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, September 2, 2014, City Council Regular meeting minutes as presented, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye

Councilwoman L. Dale Temple	aye
Councilman James E. Ewing, III	aye
Councilwoman Carol Mercer	aye

APPROVAL OF BILLS

A listing of the September 16, 2014 bills was presented to City Council members.

General Fund	\$	948,481.00
Utility Fund	\$	120,614.87

A listing of the October 21, 2014 bills was presented to City Council members.

General Fund	\$	1,012,692.39
Utility Fund	\$	77,281.46

Councilwoman Temple moved to approve the September 16, 2014 and October 21, 2014 bills as presented, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye
Councilman James E. Ewing, III	aye
Councilwoman Carol Mercer	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 Mercer, which passed as follows:

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

NEW BUSINESS

14-59. Financial Policy Guidelines – Request to Adopt

Mayor Person stated that Roland Kooch of Davenport and Company was in attendance to review the City's recommended Financial Policy Guidelines.

She welcomed Mr. Roland Kooch and turned the presentation over to him.

Mr. Roland Kooch of Davenport and Company addressed the Mayor, City Council and staff stating that Davenport & Company, as the City's Financial Advisor, was engaged to provide A Financial Advisory Service with respect to the analysis, development and implementation of Recommended Financial Policy Guidelines here by City Council.

He reported that the recommended Capital Improvement Budget policy was as followed:

- Implementation of a five-year Capital Improvement Plan and consideration of all capital improvements in accordance with such a plan
- The five-year Capital Improvement Plan will only include projects with identified and known/realistic funding sources.
- Enact an Annual Capital Budget based on the first year of the five-year Capital Improvement Plan.

He reported that the summary of budget development policies are as followed:

- The City will use current revenues to fund current expenditures.
- One-time funds will be used for special projects and will not be used for continuing operations.
- The City will prepare and annually update a long-range (five year) financial forecast model.

- The City Manager and Director of Finance Director will review expenditure and revenues quarterly and provide reports to City Council.
- Budget requests after the budgetary process and adoption of the annual budget shall be considered in the next budget cycle, unless such request is deemed an emergency or provide a material benefit (i.e. grant matching funds or other similar items) that affects the operations of the City government.

He reported that the recommended summary of General Fund/Utility Reserve (Days Cash on Hand) Policies shall not be less than 35% of the Total General Fund Budgeted Expenditures. He also reported that this translated into approximately \$5,845,000.00. He further reported that as of FY13, the City had \$7.0 million of Unassigned Fund Balance. He stated that the Utility Days Cash on Hand shall be maintained between 225 and 275 days. He also stated that this translated into an approximate \$1.7 to \$2.1 million of unrestricted cash. He further stated that as of FY2013, the City had \$1.9 million of Unassigned Cash (251 Days Cash on Hand).

He stated that the recommended summary of the Debt Policy guidelines are as followed:

- In addition to General Obligation debt, the City shall be able to incur Capital Leases, moral Obligation and/or Off-Balance sheet indebtedness from time to time, when shown to be in the best interest of the City.
- Total G.O. Debt shall not exceed 10% of Total Assessed Valuation of Taxable Real Property.
- The 10-year payout ratio of Direct Net Tax Supported Debt (excludes-self supporting Utility G.O. Bonds) shall not be less than 50%.
- Direct Net Supported Debt Service shall not exceed 12% of Total Governmental Expenditures (Budget). This policy excludes self-supporting Utility G.O. debt that is repaid from user fees and applies to General Fund tax supported General Obligation, Capital Lease, Moral Obligation and Off-Balance sheet debt. Projected capacity in FY2015 for new debt service payments is approximately \$1.35 million based on the City's operating budget. This translates into approximately \$17.5 million borrowing capacity.

He stated that the recommended summaries of Investment Policies are the following:

- Primary objectives in order: Safety, Liquidity and Return on Investment
- Investments shall be made with a Standard of Prudence and investment practices shall be such that Conflicts of Interest are avoided.
- Safekeeping of Investments shall be in accordance with Section 2.2-4515 of the Code of Virginia (Safekeeping with a third-party custodian who is not a counterparty among other requirements)
- Authorized investments include the following and are generally restricted to a maximum term of five years:
 - U.S. Treasury Obligations.
 - Agencies (FHLB, FNMA, FFCB and FHLMC) – Fixed rate and guaranteed as to principal and interest.
 - Prime Commercial Paper- Rated by at least two of the three National Credit Rating Agencies (P-1, A-1 or F-1 or better).

- Certificates of Deposit issued by domestic banks – Rated P-1 and A-1 or better; Issuer must be domestic or domestic office of an international bank rated Aa and AA or better.
- Municipal Obligations – Commonwealth of Virginia and Virginia Local Government Obligations rated AA or better by at least two of the three National Credit Rating Agencies.
- Repurchase Agreements – Collateralized U.S. Treasuries and Agencies listed above; required collateral at 102% marked to market weekly.
- Mutual Funds – Trade on a constant net asset value and are registered under the Securities Act of the Commonwealth of Virginia or the Federal Investment Co. Act of 1940 and, which invest solely in instruments otherwise permitted above.
- LGIP and SNAP

Mayor Person thanked Roland Kooch for his attendance and presentation.

He recommended that Council approves the Financial Policy Guidelines.

Councilman Harris made a motion to approve the recommended Financial Policy Guidelines as presented by Roland Kooch, seconded by Councilwoman Temple, which passed as follows:

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

14-60. Official Intent Resolution – Request to Adopt

Mr. Thrower stated that this item was the subject of the public hearing previously held.

Councilman Harris made a motion to adopt **Resolution No. 14-07** declaring its intent to reimburse the cost certain expenditures, seconded by Councilwoman Mercer, which passed as follows:

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

14-61. West Atlantic Street Neighborhood Improvement Project – Request to Convey Lots to Habitat for Humanity

Mr. Thrower stated that this item was the subject of the public hearing previously held.

Councilwoman Carey made a motion to approve conveying the two vacant lots located on Washington Street to Habitat for Humanity, seconded by Councilman Ewing, which passed as follows:

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

14-62. Rezoning Request – Reese Street

Mr. Thrower stated that this item was the subject of the public hearing previously held.

Councilwoman Carey made a motion to approve the rezoning request for the Reese Street property identified as City Tax Map Number 85-A-6A and to also waive the rezoning application fee, seconded by Councilwoman White, which passed as follows:

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

14-63. Rezoning Requests – 2412 and 2042 Reese Street

Mr. Thrower stated that this item was the subject of the public hearing previously held.

Councilwoman Carey made a motion to approve the rezoning requests for 2412 and 2042 Reese Street property and to also waive the rezoning application fee, seconded by Councilwoman White, which passed as follows:

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

14-64. Architectural Compatibility Review – 310 North Main Street

Mr. Thrower reported that Billy Soles seeks architectural compatibility review approval for a pre-built 12x21 storage shed to be installed behind the annex at Calvary Baptist Church located at 310 North Main Street. He stated that according to the application, Calvary Baptist Church plans to remove the existing carport style unit and replace it with the storage shed in the rear of the property. He also stated that Section 90-80 (k) of the City's Zoning Code requires that City Council review architectural compatibility requests in the Downtown District.

He recommended that Council approve this request. He reported that at the October 14, 2014, the Planning Commission voted to approve this request.

Councilwoman Temple made a motion to approve the architectural compatibility review, seconded by Councilwoman White, which passed as follows:

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

14-65. Enterprise Zone Incentives – Appropriation Ordinance

Mr. Thrower stated that he recommended that Council adopt the ordinance appropriating the sum of \$55,976.00 into the City's FY15 budget to be utilized for BPOL and machinery & Tools grant disbursements through the Emporia Industrial Development Authority as part of the City's local Enterprise Zone incentive program.

Councilwoman Temple made a motion to adopt **Ordinance No. 14-18** to appropriate the sum of \$55,976.00 from the Unappropriated Fund Balance of the General Fund for the Enterprise Zone Incentives, seconded by Councilwoman Mercer, which passed as follows:

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

14-66. Drug Seizure Fund – Appropriation Ordinance

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

Mr. Thrower reported that the Police Department wished to use \$36,000.00 in seized funds for the purchase of an unmarked equipped patrol vehicle.

Councilman Ewing made a motion to approve **Ordinance No. 14-19** to appropriate the sum of \$36,000.00 in Drug Seizure Funds, seconded by Councilwoman Temple, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye
Councilman James E. Ewing, III	aye

14-67. Department of Environment Quality Grant Funds – Appropriation Ordinance

Mr. Thrower reported that the City of Emporia was awarded a grant from the Department of Environmental Quality (DEQ) in the amount of \$6,357.00 for the Litter Prevention and Recycling Program. He also reported that Council would need to adopt the ordinance in order to appropriate these funds into the FY15 budget in order to utilize this award.

Councilman Ewing made a motion to approve **Ordinance No. 14-20** to appropriate the sum of \$6,357.00 in Grant Funds from the Department of Environmental Quality for Litter Prevention and Recycling, seconded by Councilwoman Temple, which passed as follows:

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

14-68. Water and Sewer Multiunit Connection Fees – Request to Authorize a Public Hearing to Amend City Code

Mr. Thrower stated that at Council, July 15, 2014 meeting Council requested staff to develop options regarding how multiunit connection fees should be applied to various types of development. He also stated that per City Code Sections 78-72 and 78-188, developers are currently charged \$1,000.00 per unit within a multiunit development for each water tap, and \$2,000.00 per unit within a multiunit development for each sewer tap, for a total of \$3,000.00 per unit. He further stated that these per unit connection fees are in addition to standard water and sewer tap fees charged. He stated that the minimum water tap charge is \$3,000.00. He also stated that the minimum sewer tap charge is \$4,000.00.

Mr. Thrower reported per Council's, direction from the September 2, 2014 meeting, an ordinance amending both the aforementioned City Code sections to clarify the charge to various types of development. He also reported that the proposed fees were as follows:

- Single-family dwellings will be charged a \$3,000.00 water tap fee and a \$4,000.00 sewer fee. These are the current fees for single-family dwellings.
- Two-family and multiple-family dwellings will be charged a \$3,000.00 water tap fee plus \$1,000.00 per dwelling unit and a \$4,000.00 sewer tap fee plus \$2,000.00 per dwelling unit. These are the current fees for these dwellings.
- Lodging facilities, i.e. hotels, motels, recreational vehicle parks, etc., will be charged a \$5,000.00 water tap fee (\$3,000.00 water tap fee plus a \$2,000.00 per dwelling unit. These are the current fees for these dwellings.
- All other types of development will be charged the current \$3,000.00 water tap fee and \$4,000.00 sewer tap fee.

- Developers will continue to be charged the difference in materials cost for any water and sewer taps exceeding the standard size.

He recommended that Council authorize conducting a public hearing on November 18, 2014 with the intent of amending City Code as it applies to water and sewer tap fees.

Councilman Harris made a motion to authorize conducting a public hearing on November 18, 2014 with the intent of amending City Code as it applies to water and sewer tap fees seconded by Councilman Ewing, which passed as follows:

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

14-69. Transient Lodging Tax – Request to Authorize a Public Hearing to Amend City Code

Mr. Thrower reported that per State Code Section 58.1-3840, “any city or town having general taxing powers established by charter pursuant to or consistent with the provisions of Section 15.2-1104 may impose excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds.” He also reported that he was proposing that Council amend the City Code to allow for the imposition of excise taxes on “travel campgrounds,” as is already done with other lodging facilities such as motels and hotels. He further reported that a “travel campground” means but is not limited to a “recreational vehicle park” as defined in City Code Section 90-1.

He recommend Council authorize conducting a public hearing on November 18, 2014 with the intent of amending the City Code as it applies to the transient lodging tax.

Councilman Ewing made a motion to authorize conducting a public hearing on November 18, 2014 with the intent of amending the City Code as it applies to the transient lodging tax, seconded by Councilwoman Temple, which passed as follows:

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

14-70. Smoove Operators – Conditional Use Permit Review

Mr. Thrower stated that at Council, March 19, 2013 meeting a Conditional Use Permit was approved for Smoove Operators to operate a “nightclub” at 773 N. Main Street. He also stated per Section 90-1 of City Zoning Code, a “nightclub” is defined as “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 further stated

that the Conditional Use Permit initially approved stipulated an initial six month review by City Council with annual reviews thereafter.

Mr. Thrower reported a list of incidents that have occurred at Smoove Operators since January 2013 involving noise complaints from residents, crowds in the parking lot, and patrons fighting. He also reported that most of these incidents occurred in the early-morning hours.

Mr. Thrower stated that Chief Wyatt, and himself recommended that Smoove Operators' Conditional Use Permit to operate a "nightclub" be revoked. He also stated that this recommendation was primarily attributed to the number of noise complaints received from residents in the immediate area and Smoove Operators' close proximity to residential properties. He further stated that residential properties were located directly across and behind the streets of Smoove Operators. He stated that apartment units were also located beside the property. He also stated that if Council agreed with staff's recommendations to revoke Smoove Operators' Conditional Use Permit, Council will need to authorize conducting a public hearing at the November 18, 2014 meeting to consider the matter and take official action at that time.

Councilman Harris made a motion to authorize conducting a public hearing at the November 18, 2014 meeting to consider the Conditional Use Permit for Smoove Operators, seconded by Councilwoman Temple, which passed as follows:

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

14-71. Take Home Vehicle/Residency Requirement Policy – Request by Council Member Harris

Mr. Thrower reported that Councilman Harris requested that this item be placed on the agenda. He also reported that per Codes, Section 1-5 Residency stated "The City Manager shall be required to reside within the corporate limits of Emporia within 12 months of appointment, as required by the City Charter. Individuals appointed to the positions of Police Chief, Emergency Services coordinator/Director, Public Works Director, and Public Utilities Director shall also reside within the corporate limits of Emporia, Greensville County, or a 20-mile radius of the City within 12 months of appointment in order to provide a timely response in emergency situations. This requirement shall only apply to individuals appointed to the aforementioned positions after March 1, 2011. All other employees including other department heads and the Assistant City Manager are encouraged to reside within the corporate limits of Emporia, Greensville County, or a 20-mile radius of the City but are not required to do so. Any new or existing employee who chooses to reside outside the corporate limits of Emporia, Greensville County, or a 20-mile radius of the City and who drives a City vehicle shall keep that vehicle at his or her work site and shall not be permitted to drive that vehicle home."

Councilman Harris made a motion to amend Codes Section 1-5 Residency 20-mile radius to a 25-mile radius, seconded by Councilwoman White, which passed as follows:

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

PUBLIC COMMENT

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

Ms. Marva Dunn, 272 Astrio Street, addressed Council stating that she appreciates Council rezoning the properties on Reese Street.

Deacon Cornell Hines, Emporia, VA, addressed Council stating that Revered Pruett has been ill over a month now and is progressing very nicely. He also thanks Council for all of their assistance to Habitat for Humanity.

Mr. Alton Bryant, 2590 Reese Street, addressed Council stating thank you for rezoning the Reese Street properties.

Mr. Tim Yates, 773 N Main Street, addressed Council requesting a copy of the incidents that have taken place at Smoove Operations.

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) (3) **Acquisition of real property for public purposes and (A) (7) Legal matter requiring the advice of counsel pertaining to Social Services funding**, seconded by Councilwoman Mercer, which passed as follows:

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

*****Regular Session*****

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

Councilman F. Woodrow Harris	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

Councilman James E. Ewing, III aye
Councilwoman Carol Mercer aye

CERTIFICATION

Councilwoman White 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
Councilwoman Doris T. White aye
Councilwoman Carolyn S. Carey aye
Councilwoman L. Dale Temple aye
Councilman James E. Ewing, III aye
Councilwoman Carol Mercer aye

Councilman Harris made the motion to authorize the City Manager to proceed with obtaining the option on the property discussed in closed session, Councilwoman Mercer seconded the motion, which passed as follows:

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

