CITY OF EMPORIA

AGENDA
EMPORIA CITY COUNCIL
Regular Meeting
TUESDAY, October 1, 2013 - 6:30 P.M.

OPENING PRAYER

ROLL CALL

APPROVAL OF MINUTES

September 17, 2013 ~ Public Hearing and Regular Minutes

APPROVAL OF AGENDA

NEW BUSINESS

13-48. Southside Regional Medical Center – Presentation by Mike Yungmann, CEO

13-49. Emporia-Greensville Airport Commission Matching Grant Funds – Appropriation Ordinance

13-50. 2014 Highway Safety Project Grant (DMV) – Appropriation Ordinance

13-51. Department of Environmental Quality Grant Funds – Appropriation Ordinance

13-52. Fire Program Funds – Appropriation Ordinance

13-53. Virginia Local Disability Program (VLDP) – Request to Adopt Opt-Out

13-54. Emergency Medical Response Plan – Request to Approve

13-55. Voting at the VML Business Meeting

13-56. Boards and Commissions – Unexpired Terms (James Saunders)

13-57. November 5, 2013 Council Meeting – Request to Cancel

13-58. Smoove Operators – Six Month Conditional Use Permit Review

PUBLIC COMMENT
CLOSED SESSION

Closed Meeting pursuant to Virginia Code § 2.2 3711 (A) (7) legal matter requiring the advice of counsel pertaining to Social Services funding.

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

PUBLIC HEARINGS

---

1. Water Bill Code Amendments – Request to Adopt Ordinance

Emporia's City Council held a Public Hearing on Tuesday, September 17, 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 Deborah D. Lynch
Councilwoman L. Dale Temple
Councilwoman Carolyn S. Carey
Councilwoman Carol Mercer

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

Absent:
Councilwoman Doris T. White

1. Water Bill Code Amendments – Request to Adopt Ordinance

Mr. Thrower stated that at the July 16, 2013 meeting, Council requested that staff explore options aimed at creating a more flexible and customer friendly water billing and payment process. He also stated that on August 20, 2013 that Council authorized a public hearing for tonight's meeting to consider proposed amendments to the City Code. He further stated that in discussing the options with staff, he was proposing the following code amendments:

- Extension of the water service disconnection date from the 25th of the month until the 5th of the next month. This allows customers an additional 10 to 11 days to pay their water bill without being disconnected.

- Customers shall not be disconnected for non-payment or partial payment (for any reason) limited to one occurrence per calendar year. All past due and current balances must be paid in full the next month in order to avoid disconnection of service.

- Prior to disconnection of service, the City shall issue notices to each customer informing them of the specific date and time payment is due in order to avoid

discontinuation of water, sewer, and sanitation services. The notice shall also state the total payment due. Notices shall be issued no fewer than five calendar days prior to disconnection.

Mr. Thrower stated the Rural Development funding guidelines required the City to charge late fee penalties, reconnection charges and disconnect service after 60 days of non-payment. He also stated that as of September 17, 2013, there is$152,538.83 in uncollected water bills payment that is due to the City from delinquent and inactive accounts. He further stated that the uncollected payments put more strain on the City's Utility Fund, and ultimately, to those citizens and businesses that make timely payments.

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

Bruce Campbell, 314 West York Drive, addressed Council inquiring if the amount of $152,538.83 were inactive or delinquent accounts.

Mr. Brian Thrower, City Manager, stated that the amount included inactive accounts and delinquent water bill.

Jay Osburn, 206 Hickfords Avenue, addressed Council stating he was there to discuss the changing in the water bill code to make it more citizens friendly. He also stated that this conversation started after people were disconnected for non-payment of $.40, $.03 and $3.00. He stated that the problem did not come from the Code, but from the overzealous collection efforts in the guides of the City Treasurer. He also stated that the Treasurer apparent willful misapplication of the Code disproportionately affects the poor in our City. He further stated as Mr. Harris interprets the code, the $15.00 late fee is part of the amount considered past due. He stated that if any person who is even a cent in arrears qualifies for disconnection. He also stated that he would urge Council to correct that miss interpretation so that the unbilled late fee never counts towards the disconnection threshold.

Mr. Osburn stated that he urged Council to adopt a resolution giving the customer at least a month's notice for disconnection. He also stated that he urged Council to adopt a resolution asking the Treasurer to refund any disconnect and reconnect fees for customer who fell below the $15.00 threshold not including the late fee.

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

_____
Mary L. Person, Mayor

_____
Tessie S. Wilkins, City Clerk

MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
September 17, 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, September 17, 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 Carolyn S. Carey, Council Member offering the invocation.

Mayor Person welcomed Jason Stewart, Assistant Manager to the City of Emporia.

ROLL CALL

The following City Council members were present:

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

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

Absent:

Councilwoman Doris T. White

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, August 20, 2013, City Council Regular meeting 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 September 17, 2013 bills was presented to City Council members.

General Fund	$	920,866.99
Utility Fund	$	106,946.55

Councilwoman Temple moved to approve the September 17, 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 Mercer, 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

NEW BUSINESS

13-43. Water Bill Code Amendments- Request to Adopt Ordinance

Mr. Thrower stated that at the July 16, 2013 meeting Council requested that staff explore options aimed at creating a more flexible and customer friendly water billing and payment process. He also stated that on August 20, 2013 that Council authorized a public hearing for tonight's meeting to consider proposed amendments to the City Code. He further stated that in discussing the options with staff, he was proposing the following code amendments:

- Extension of the water service disconnection date from the 25th of the month until the 5th of the next month. This allows customers an additional 10 to 11 days to pay their water bill without being disconnected.

- Customers shall not be disconnected for non-payment or partial payment (for any reason) limited to one occurrence per calendar year. All past due and current balances must be paid in full the next month in order to avoid disconnection of service.

- Prior to disconnection of service, the City shall issue notices to each customer informing them of the specific date and time payment is due in order to avoid discontinuation of water, sewer, and sanitation services. The notice shall also state the total payment due. Notices shall be issued no fewer than five calendar days prior to disconnection.

Mr. Thrower stated the Rural Development funding guidelines required the City to charge late fee penalties, reconnection charges and disconnect service after 60 days of non-payment. He also stated that as of September 17, 2013, there is$152,538.83 in uncollected water bill's payment that is due to the City from delinquent and inactive accounts. He further stated that the uncollected payments put more strain on the City's Utility Fund, and ultimately, to those citizens and businesses that make timely payments.

Councilman Harris stated that Council, not the Treasurer, has set up the structure that's in the Code for collection of these amounts. He also stated that this addresses the situation sufficiently and provides better guidance to the Treasurer and City staff to what Council's expectations are for collections. He stated that if Council found further problems, we will change it again; nothing is carved in stone when it comes to a law or an ordinance. He also stated that Council would continue to make refinements as necessary. He further stated that he does appreciate the work that the City Administration, and the City Treasurer's office did in getting this more in line with what Council wanted.

Councilman Harris moved to approve **Ordinance No. 13-15** amend water bill code Sections 78-94, 78-95, and 42-9 of the City Code of Ordinances, seconded by Councilman Ewing, 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

13-44. Virginia Peanut Festival Fireworks Resolution

Mr. Thrower reported that in accordance with Article III. Fireworks; Section 38-68. Use and Discharge of the City of Emporia's code of Ordinances, the Virginia Peanut Festival Committee is requesting a resolution authorizing the use of fireworks as part of the 2013 Peanut Festival celebration.

Mr. Thrower recommended that Council adopt Resolution No. 13-06 authorizing the use of fireworks by the Virginia Peanut Festival Committee.

Councilman Harris moved to approve **Resolution No. 13-06** authorizing the use of fireworks by the Virginia Peanut Festival Committee as part of the 2013 Peanut Festival celebration, seconded by Councilwoman Temple 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

13-45. Virginia Growth Alliance – Request to Appoint an Alternate Board Member

Mr. Thrower stated that the Virginia's Growth Alliance (VGA) Board recently amended that by-laws in order to allow each locality to appoint an alternative Board Member to serve during the absence of on its appointed Board members. He stated that Council Member Temple and his self currently represent the City on the VGA Board.

Councilwoman Temple nominated Jan Harrell, Economic Development Manager, to serve as the alternative Board Member.

Councilwoman Temple made a motion to appoint Jan Harrell, Economic Development Manager to serve as the alternative board member on the Virginia's Growth Alliance Board, seconded by Councilwoman Lynch, 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

13-46. Highway Safety Commission Term Expirations – Jim Saunders/Jean Cobb

Mr. Thrower stated that on September 30, 2013, the three-year term of Mr. Jim Saunders and Ms. Jean Cobb on the City's Highway Safety Commission will expire. He also stated that Mr. Saunders had indicated that he does not wish to be considered for reappointment. He further stated that Ms. Cobb had indicated that she does wish to be considered for reappointment.

Councilman Harris made a motion to reappoint Jean Cobb to a server another three-year term on the City's Highway Safety Commission, seconded by Councilwoman Temple, 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

Councilwoman Temple nominated Councilman Ewing to serve a three-year term on the City's Highway Safety Commission.

Councilman Harris made a motion to appoint Council Member James Ewing to serve a three-year term on the City's Highway Safety Commission, seconded by Councilwoman Temple, which passed as follows:

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

Councilwoman L. Dale Temple aye

13-47. Virginia Cooperative Extension – Introduction of 4-H Agent

Mr. Thrower stated that Amy Hawkins with the Virginia Cooperative Extension was in attendance to introduce Council to the new 4-H Extension Agent, Drexel Pierce.

Mr. Drexel Pierce addressed Council by thanking them for giving him the opportunity to serve as the 4-H Agent for the Greensville-Emporia areas. He also stated that education was his first priority.

PUBLIC COMMENT

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

Mr. and Mrs. James Robinson, 307 Halifax Street, addressed Council stating that she would like to readdress the matter that was previously concluded with a verbal agreement with Mr. Brian Thrower that specified that the shrubberies and flowering bush be removed during this fall season and that there be no further lawn mowing of the vacant lot beside 307 Halifax Street. She also stated that the decision was based on that there was no submitting of a proper request and proper approval by the City Council prior to actual placement of the shrubberies and the lawn mowing of the area. She further stated that after review, contemplating the overall scenario, they were here to propose the following request that all shrubberies and flowering bushes remain on the vacant lot, all care, costs for the upkeep will be maintained by them. She stated that in the event, the City further developed this area the shrubberies and flowering bushes will be properly removed and replanted with grass seeds.

Mrs. Robinson stated that they would like to continue the lawn mowing of the vacant lot which would assist the City in this endeavor. She also stated that they understood that such a proposal and request may be deemed as a situation, whereas they had initially placed the cart before the horse, and they extend their sincere apologies to everyone for any misconstrued thoughts on the matter. She further stated that it was with their intent then and now, to simply help beautify the area and to extend their continued support for the City of Emporia.

With there being no further comments to come before City Council, Mayor Person closed the public comment portion of the meeting.

ADJOURNMENT

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

_____

Mary L. Person, Mayor

_____

Tessie S. Wilkins, City Clerk

CITY OF EMPORIA

Memorandum

September 27, 2013

TO: Honorable Mayor and City Council Members

FROM: Brian S. Thrower, City Manager

SUBJECT: Southside Regional Medical Center – Presentation by Mike Yungmann, CEO

ITEM: 13-48

Mike Yungmann, CEO of Southside Regional Medical Center is in attendance to brief you on the hospital's recent approval to perform open heart surgeries.

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

CITY OF EMPORIA

Memorandum

September 27, 2013

TO: The Honorable Mayor and City Council

FROM: Brian S. Thrower, City Manager BST

SUBJECT: Emporia-Greensville Airport Commission Matching Grant Funds – Appropriation Ordinance

ITEM #: 13-49

The City has received a request from the Emporia-Greensville Airport Commission to provide funds in the amount of $33,400 as a local match for awarded federal and state grant funds. The Emporia-Greensville Airport Commission has been awarded $465,200 in grant funds contingent upon matching funds of $66,800.00 or $33,400.00 from each local government. The Emporia-Greensville Airport Commission plans to utilize these funds for a drainage system rehabilitation project and designing a runway extension.

During the regular budget process, the Airport Commission requested grant matching funds in the amount of $32,200. This grant match was included in the City's current operating budget. However, due to an increase in the actual bid price for construction, the Airport Commission will need an additional $1,200 from each local government in order to meet the required match. In order for the City to provide the additional matching funds to the Emporia-Greensville Airport Commission, you will need to appropriate these funds into the current operating budget via adoption of the attached appropriation ordinance.

Recommendation

I recommend that you adopt the attached ordinance.

Attachment

Ordinance
Request Letter from Richard C. Franklin, Jr., Executive Director

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

Ordinance No._____

Ordinance

An Ordinance To Appropriate The Sum Of $1,200.00 From The Unappropriated Fund Balance Of The General Fund For A Local Match To A Grant Received By The Emporia-Greensville Airport Commission For Capital Projects

BE IT ORDAINED by the Council of the City of Emporia, Virginia as follows:

1. That the sum of $1,200.00 from the Unappropriated Fund Balance of the General Fund be, and the same hereby is, appropriated into the City's Operating Budget for Fiscal Year 2013-2014.

2. Said appropriation shall be reflected in the 2013-2014 Operating Budget as the sum of $1,200.00 from the Unappropriated Fund Balance of the General Fund and the sum of $1,200.00 appropriated to General Fund Expenditures for a local match for the Emporia-Greensville Airport Commission, Account Number 81600-8101 Airport Capital.

3. This ordinance shall be in effect on and after its adoption.

Adopted: October 1, 2013

City of Emporia, Virginia

By_____
Mary L. Person
Mayor

Attest:

_____
City Clerk

Form Approved:

_____
City Attorney

Emporia-Greensville
REGIONAL AIRPORT

139 Airport Drive, Emporia, VA 23847

September 16, 2013

Mr. Brian Thrower, City Manager
ATT: Sheila Cutrell
City of Emporia
PO Box 511
Emporia, VA 23847

Dear Brian:

I am writing to request additional capital funding for the Emporia-Greensville Airport Commission.

As I understand it the City appropriated a total of $32,200 in your FY 14 budget for Airport Capital funding when $33,200 will be required to match federal and state grants.

The Commission has received a $249,600 State Grant (VDOA) to rehabilitate the Airport's 70 year old drainage system that will require local funds of $62,400 or 20% match.. The Commission has also received a Federal Runway Object Free Area Project grant in the amount $209,000.00 (FAA), with a matching State grant of $6,600.00 (DOAV) which requires local funds of $4,400.00. This would require $31,200 from each local government for the Drainage Project and $2,200 from each for the Federal Runway Object Free Project for a total of ***$33,400 or $1,200 more*** than allocated by the City.

Greensville County approved the funding this week. The Drainage project is expected to begin in the next 30 days and be completed within 90 days.

Please do not hesitate to contact me at (804) 370-2203 if you have any questions or need further information. Thank you for your government's continued support of aviation and economic development in Emporia-Greensville!

Sincerely,

Rich

RICHARD C. FRANKLIN, JR.
Executive Director

cc: Commission Members
Mrs. Sheila Cutrell

Phone 434.634.3696 **Fax 434.634.0602** **Cell 804.370.2203** flyemv@telpage.net

CITY OF EMPORIA

Memorandum

September 27, 2013

TO: The Honorable Mayor and City Council

FROM: Brian S. Thrower, City Manager BST

SUBJECT: 2014 Highway Safety Project Grant (DMV) – Appropriation Ordinance

ITEM #: 13-50

The City of Emporia made application and was awarded a Highway Safety Project Grant by the Virginia Department of Motor Vehicles. This grant consists of $13,622 in pass through funds from USDOT/NHTSA for the federal fiscal year 2014. The money is designated for traffic enforcement equipment and training (two digital in-car cameras, two radar units).

These funds were not included in the FY14 operating budget. As such, utilizing this award requires adoption of the attached ordinance to appropriate funds into the City's FY14 operating budget. DMV will reimburse the City's General Fund Revenue Account for $13,622 once all expenditures are submitted to it for approval. The City will provide a $6,811 in-kind match.

Recommendation

I recommend that you adopt this ordinance.

Attachment

Ordinance

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

Ordinance No._____

Ordinance

An Ordinance To Appropriate The Sum Of
$13,622.00 in DMV Highway Safety Grant Funds

BE IT ORDAINED by the Council of the City of Emporia, Virginia as follows:

1. That the sum of $13,622.00 in Highway Safety Grant funds from the Department of Motor Vehicles be, and the same hereby is, appropriated into the City's Operating Budget for Fiscal Year 2013-2014.

2. Said appropriation shall be reflected in the 2013-2014 Operating Budget as the sum of $13,622.00 in anticipated General Fund Revenues and the sum of $13,622.00 appropriated to General Fund Expenditures for expenses related to the City's highway safety enforcement activities, Account Number 31100-8111 DMV Highway Safety Grant.

3. The City Manager is hereby authorized to do all things necessary to implement this ordinance.

4. This ordinance shall be in effect on and after its adoption.

Adopted: October 1, 2013

City of Emporia, Virginia

By_____
Mary L. Person
Mayor

Attest:

_____
City Clerk

Form Approved:

_____
City Attorney

CITY OF EMPORIA

Memorandum

September 27, 2013

TO: The Honorable Mayor and City Council

FROM: Brian S. Thrower, City Manager BST

SUBJECT: Department of Environmental Quality Grant Funds – Appropriation Ordinance

ITEM #: 13-51

The City has been awarded a grant from the Department of Environmental Quality in the amount of $6,366 for our FY14 Litter Prevention and Recycling Program activities. You will need to appropriate these funds into the current operating budget via the attached ordinance in order for the City to utilize this award.

Recommendation

I recommend that you adopt the attached ordinance.

Attachment

Ordinance

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

Ordinance No._____

Ordinance

An Ordinance To Appropriate The Sum Of $6,366.00 In Grant Funds From The Department Of Environmental Quality For Litter Prevention And Recycling

BE IT ORDAINED by the Council of the City of Emporia, Virginia as follows:

1. That the sum of $6,366.00 in grant funds from the Department of Environmental Quality be, and the same hereby is, appropriated into the City's Operating Budget for Fiscal Year 2013-2014.

2. Said appropriation shall be reflected in the 2013-2014 Operating Budget as the sum of $6,366.00 appropriated to General Fund Revenues and the sum of $6,366.00 appropriated to General Fund Expenditures, Account Number 42300-5880 Recycling.

3. The City Manager is hereby authorized to do all things necessary to implement this ordinance.

4. This ordinance shall be in effect on and after its adoption.

Adopted: October 1, 2013

City of Emporia, Virginia

By_____
Mary L. Person
Mayor

Attest:

_____
City Clerk

Form Approved:

_____
City Attorney

CITY OF EMPORIA

Memorandum

September 27, 2013

TO: The Honorable Mayor and City Council

FROM: Brian S. Thrower, City Manager BST

SUBJECT: Fire Program Funds – Appropriation Ordinance

ITEM #: 13-52

As you know, the City annually receives grant funds from the Virginia Department of Fire Programs for the Emporia Volunteer Fire Department. The Virginia Department of Fire Programs allows the City to carry the unspent funds over from one fiscal year to the next. We have $132,778.75 in carryover funds remaining. Therefore, you will need to re-appropriate $132,778.75 into the FY14 operating budget via the attached appropriation ordinance so that the Emporia Volunteer Fire Department can utilize these grant funds.

Recommendation

I recommend that you adopt the attached ordinance.

Attachment

Ordinance

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

Ordinance No._____

Ordinance

An Ordinance To Appropriate The Sum Of $132,778.75 In Previously Received Grant Funds From The Virginia Department of Fire Programs From The Unappropriated Fund Balance Of The General Fund For Fire Programs

BE IT ORDAINED by the Council of the City of Emporia, Virginia as follows:

1. That the sum of $132,778.75 in previously received grant funds from the Virginia Department of Fire Programs be, and the same hereby is, appropriated from the Unappropriated Fund Balance of the General Fund into the City's Operating Budget for Fiscal Year 2013-2014.

2. Said appropriation shall be reflected in the 2013-2014 Operating Budget as the sum of $132,778.75 appropriated to General Fund Expenditures, Account Number 32100-6020 Fire Program Funds Purchases.

3. The City Manager is hereby authorized to do all things necessary to implement this grant and appropriation.

4. This ordinance shall be in effect on and after its adoption.

Adopted: October 1, 2013

City of Emporia, Virginia

By_____
Mary L. Person
Mayor

Attest:

_____
City Clerk

Form Approved:

_____
City Attorney

CITY OF EMPORIA

Memorandum

September 27, 2013

TO: The Honorable Mayor and City Council

FROM: Brian S. Thrower, City Manager BST

SUBJECT: Virginia Local Disability Program (VLDP) – Request to Adopt Opt-Out Resolution

ITEM #: 13-53

The 2012 General Assembly created the Virginia Local Disability Program (VLDP) for political subdivision and school division employees who will be covered under the Virginia Retirement System (VRS) Hybrid Retirement Plan effective January 1, 2014. The Hybrid Retirement Plan will apply to most new employees hired on or after January 1, 2014 and current employees who opt to switch to the plan. Public safety (hazardous duty) employees are exempt from the Hybrid Plan and are not eligible to participate in the VLDP. VRS rates beginning January 1, 2014 through June 30, 2014 will be 0.91% of Hybrid Plan covered payroll.

Participation in VLDP by political subdivisions and school divisions is automatic through the VRS unless the governing body elects to opt out and provide a comparable employer paid disability program effective January 1, 2014. The comparable coverage must include short-term disability as specified in Chapter 11.1 of Title 51.1 of the Code of Virginia. This is an irrevocable decision.

Virginia Municipal League Insurance Programs (VMLIP) has partnered with Lincoln Financial Group and KSPH to develop alternatives to the VRS administered VLDP. Option 1 includes coverage for all employees (excludes public safety/hazardous duty employees). Administration of the Short Term Disability Program is $2.49 per employee, per month. Fully insured Long Term Disability Coverage is $0.49/$100 of covered monthly payroll. Option 2 includes coverage for only those employees hired on or after January 1, 2014 and those current employees who voluntarily elect to switch over to the new Hybrid Retirement Plan. Under this option, administration of the Short Term Disability Program is $2.49 per employee, per month. Fully insured Long Term Disability Coverage is $0.75/$100 of covered monthly payroll. Rates associated with both options are guaranteed for 24 months.

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

Option 2 allows employers to opt-out of the VRS administered VLDP program and take more time to consider the re-design of Paid Leave Programs and possibly implement coverage for all employees (excluding public safety/hazard duty employees) in the future. Moreover, under Option 2, the City would only be responsible for paying the aforementioned costs associated with employees (excluding public safety/hazardous duty) hired on or after January 1, 2014 and those employees who voluntarily elect to switch over to the new Hybrid Retirement Plan.

Recommendation

I recommend that you adopt the attached resolution to opt out of VRS VLDP coverage and authorize the City Manager to execute all agreements necessary to have the City covered under Option 2 of the VML Insurance Programs Plan.

Attachments

Opt-Out Resolution
VLDP Program Fact Sheet
Memo from Steve Craig, Managing Director of VML Insurance Programs
VML Insurance Programs PowerPoint Presentation

RESOLUTION

Irrevocable Election Not to Participate in Virginia Local Disability Program

WHEREAS, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program ("VLDP") for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before September 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the *Code of Virginia*, with the exception of long term care coverage, by January 1, 2014; and

WHEREAS, it is the intent of the City of Emporia, 55319, to make this irrevocable election to request that its eligible employees not participate in VLDP;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City of Emporia irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and it is further

RESOLVED that, as an integral part of making this irrevocable election, the City of Emporia certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

Adopted in Emporia, Virginia this 1st day of October, 2013.

Mayor

Authorized Signature Title

Virginia Local Disability Program

For Political Subdivisions and Schools

Effective January 1, 2014

At-a-glance

The 2012 General Assembly created the Virginia Local Disability Program for political subdivision and school division employees who will be covered under the VRS Hybrid Retirement Plan effective January 1, 2014. The Hybrid Retirement Plan will apply to most new employees hired on or after January 1, 2014 and current employees who opt to switch to the plan.

For detailed program information, view the VLDP Employer Manual at www.varetire.org/ermanuals.

Eligibility	This program applies to political subdivision and school employees covered by the VRS Hybrid Retirement Plan that do not submit an opt-out resolution to VRS. Coverage is automatic. VLDP-covered employees are not eligible for VRS Disability Retirement.
Exemptions	Hazardous duty employees covered under enhanced benefits are exempt from the Hybrid Retirement Plan and will continue to be covered under VRS Disability Retirement.
Rates	Rates beginning January 1, 2014 through June 30, 2014: Teachers: 0.39 percent of Hybrid Retirement Plan covered payroll Political Subdivisions: 0.91 percent of Hybrid Retirement Plan covered payroll Schools will pay the teacher rate for teachers and the political subdivision rate for non-administrative employees. New rates will be set each biennium.
Opting Out	Coverage for your employees is automatic under VLDP unless your governing body elects to opt out and provide a comparable employer-paid program. The comparable program does not require you to provide long-term care coverage even though this coverage is included in VLDP. To opt-out, return the VLDP opt-out resolution to VRS by September 1, 2013 (Attn: Susan Keith, P.O. Box 2500, Richmond, VA 23218-2500). The election to opt out of VLDP is irrevocable. Schools that decide to opt out will submit one resolution for all employees (teachers and non-administrative employees).
Program Features	VLDP provides income protection if an employee can't work because of a non-work related or work-related illness, injury or other condition, such as surgery, pregnancy, complications from pregnancy or a catastrophic or major chronic condition. It includes both short-term and long-term disability coverage. The program focuses on assisting employees with their recovery and helping them make a safe return to their full work duties, if possible. Program details are available in the VLDP Employer Manual at www.varetire.org/ermanuals.

Virginia Local Disability Program (VLDP)

Overview of Employer Contributions, Costs & Income Replacement

Short-term Disability (STD) Employer Costs

Employee income replacement
Employers pay the employee's STD income replacement (an amount based on years of continuous service with the same employer and adjusted for offsets) for the duration of the employee's disability, up to 125 work days. Work-related STD claims are offset by worker's compensation payments. See the VLDP Employer Manual for more information on income replacement amounts.

Member and employer contributions
Employers continue to report and make contributions to VRS based on the full creditable compensation, including those to the defined benefit and defined contribution plans. If an employee is on worker's compensation and the employer cannot take the deduction, the employee does not earn service, but may purchase the service at a later date.

VLDP Contribution Rates through June 30, 2014
Employers continue to pay VLDP contributions:
Teachers: 0.39 percent of Hybrid Retirement Plan covered payroll
Political Subdivisions: 0.91 percent of Hybrid Retirement Plan covered payroll

Group Life Insurance Program
If coverage is provided as a condition of employment, employers continue paying contributions for group life insurance coverage.

Health Insurance Credit (HIC)
If the HIC is provided as a condition of employment, employers continue paying contributions for the HIC.

Group Health Insurance Plan
If health insurance is provided as a condition of employment, employers continue to maintain the employee in their active group health insurance plan.

Long-term Disability (LTD) Employer Costs

Employee income replacement
If the employer participates in VLDP income replacement is provided by Unum, the plan's third-party administrator, once an employee is on LTD.

Employer Defined Contribution
Employers pay the mandatory 1% employer contribution to the defined contribution component of the Hybrid Retirement Plan if the employee is on LTD and the employee meets the Social Security Administration's definition of disabled.
If the employee is covered under VLDP: the 1% is paid from the VRS trust fund
Note: if the employer provides a comparable plan, the employer is responsible for paying the 1%

Group Health Insurance Plan
If health insurance is provided as a condition of employment, LTD employees must be offered coverage at the group rate and the LTD employee pays the premiums.

Health Insurance Credit (HIC), Group Life Insurance Program & VLDP Contributions
Employers are not responsible for paying the HIC, Group Life Insurance and VLDP contributions when an employee is under LTD.

This information is governed by Title 51.1 of the Code of Virginia. It is intended to be a general guide of employer responsibilities during short-term and long-term disability periods under VLDP. It cannot be complete in all details and cannot supersede or restrict the authority granted by the Code of Virginia, which may be amended from time to time.

©Virginia Retirement System
07-2013

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

Date: August 22, 2013

To: Members of VML Insurance Programs

From: Steve Craig, Managing Director

Re: Virginia Local Disability Program (VLDP): *The VMLIP Solution*

VLDP: The Facts

VML Insurance Programs understands that Virginia's local governments and school systems that are in the Virginia Retirement System (VRS) face an unexpected challenge. Prior to September 1, 2013 (or November 1 for those who file for an extension), an irrevocable decision must be made regarding participation in the new Virginia Local Disability Plan (VLDP). As you know, the implementation of VLDP accompanies the new VRS hybrid retirement program.

Specifically, unless local governments formally "opt out" of the VLDP program, and offer "comparable disability coverage" the following plan provisions will become effective on January 1, 2014:

- All new employees and current employees who choose the new retirement program will have (1) employer-paid, self-insured Short Term Disability (STD) benefits that will vary based on years of service, in addition to (2) fully-insured Long Term Disability (LTD) benefits.

To opt out of VLDP, local governments/school systems must offer disability coverage that matches (or exceeds) the state's offerings. Important points to consider during this decision-making process include the following:

- The decision to opt in or opt out is irrevocable. Those who join VRS VLDP will forfeit future control of these plans.

- Current plan pricing published by VRS will only remain in force until July 1, 2014. The plans will be re-rated between January and July, and revised pricing will be communicated prior to July 1. Afterward, rates will be reviewed every two years.

In addition, those who elect VLDP are likely to face underlying plan design issues that must be resolved by each employer group. For example:

- The new STD plan may duplicate or overlap existing Sick Leave accrual programs.

- Localities must administer two Sick Leave/Paid Leave Programs, or, develop a single leave program for all employees.

- Those who currently offer Voluntary Long Term Disability plans will lose participants as employees retire and new employees no longer enroll in the program. Carriers will either re-rate these LTD plans or terminate them.

The VMLIP Solution

VML Insurance Programs (VMLIP) is working in partnership with the consulting team at KSPH, a Marsh McLennan Agency (KSHP/MMA) and Lincoln Financial Group. As you review the VMLIP alternative to the state program, it is important to note the following of our comparable coverage:

- The VMLIP plan is a "single leave program" that integrates Short and Long Term Disability as well as underlying Paid Leave systems (Annual/Vacation/Sick Leave) to ensure the elimination of gaps and overlaps in income replacement.

- With the exception of Public Safety employees, the VMLIP Leave Program covers all employees (traditional VRS and those covered by the new hybrid plan). Income replacement is not restricted by insufficient sick leave accruals, and contributory sick leave "banks" are unnecessary. VMLIP's plan structure provides income replacement through sick or disability payments, preventing an employee from "falling through the cracks" without coverage for a catastrophic disability.

- This seamless approach to paid leave streamlines administrative procedures for Benefits, HR and Payroll processes.

- The one-year eligibility waiting period for Short Term Disability (included in the VLDP Plan) has been eliminated. Covered employees will have immediate access to income replacement after the STD elimination period (seven days).

- Employee education and communication is simplified under a single Paid Leave program.

- The VMLIP program has been designed to increase workforce productivity through the elimination of large sick leave accruals. The program also includes professional management of extended periods of sick leave and short term disability through an experienced absence management vendor – Lincoln Financial Group.

- The VMLIP program allows participants to "lock in" a lower Long Term Disability rate by spreading the risk across all employees, rather than accepting the higher VRS rate for a smaller subsection of the population.

- In partnership with Lincoln Financial, the VMLIP Leave Program offers a suite of valuable voluntary products (Critical Illness, Accident, Permanent Life) that (1) are funded through employee contributions (2) enhance replacement income in the event of accident or illness (3) offer a cash "wellness" benefit, and (4) include a portability feature. LTD pricing from Lincoln assumes that your workforce will be offered two of their voluntary products.

- Through Lincoln Financial Group, VMLIP offers the following alternatives and competitive pricing:

Option 1: Coverage for All Employees (Minimum of 10 full time lives)

- Administration of the Short Term Disability Program: $2.49 per employee, per month
- Fully insured Long Term Disability Coverage: $.49/$100 of covered monthly payroll for local government entities and .26/100 for school employers.

For employers who may prefer to offer the VMLIP Solution to new hires and current VRS members who elect the new retirement program, Lincoln offers a second alternative:

Option 2: New Hires and VRS Cross-Overs Only (Minimum of 50 full time employees)

- Administration of the Short Term Disability Program: $2.49 per employee, per month
- Fully insured Long Term Disability Coverage: $.75/$100 of covered monthly payroll for local government entities and .34/100 for school employers.

This alternative allows employers to opt-out of VLDP and take more time to consider the re-design of Paid Leave Programs and implement coverage for all employees in the future.

As a group, VMLIP is able to offer our membership a superior alternative to VLDP, more control over benefits, and a comprehensive solution to the overriding paid leave issues.

Next Steps

We will be having group webinars to explain the program in more detail as follows:

September 4 at 1:30 p.m.
September 11 at 10 a.m.

For those who would like to go ahead and obtain a quote, please provide KHSP/MMA with the information contained in the enclosed Requested Data Sheet. Please feel free to contact KSPH/MMA directly should you have questions or need additional information regarding VMLIP's offering:

Mr. Tom Mackay	or	Ms. Dawn Hall
Senior Vice President		Senior Consultant
804-200-6751		804-200-6752
tmackay@ksphllc.com		dhall@ksphllc.com

Representatives from KSPH/MMA and Lincoln Financial will be available at our fall workshops in late September/early October. The state's deadline for opting out of VLDP was September 1, 2013, however, an extension has been granted until November 1, 2013. (Requests for extension must be received by September 1.) If your entity has not yet opted out, you may do so by sending extension requests to ZaeAnne Sferra, employer coverage coordinator at zsferra@varetire.org.

We appreciate your patience during the development of this important new offering and look forward to serving you during the upcoming review and implementation process.

VML INSURANCE PROGRAMS

Virginia's Local Government Specialists™

INTRODUCTION TO THE VMLIP PAID LEAVE SOLUTION

In Partnership With:

VLDP: An Overview

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

- Virginia Local Disability Plan: Effective – January 1, 2014
- New VRS Hybrid Retirement Plan with accompanying Disability benefits and Long Term Care program
- For all new hires and current VRS members who elect the new retirement plan
- Plan components – all employer-paid:
  - STD – self-insured program – administered by UNUM
  - LTD – fully insured plan – insured by UNUM
  - Long Term Care
- Those who opt out of the VRS Disability program must offer **"comparable coverage"** that meets or exceeds all provisions of the VRS Disability plans. *(Note: Long Term Care program is not required.)*

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

- A Fully-Integrated Paid Leave Program that qualifies as comparable coverage, opportunity for political jurisdictions to redesign their entire sick leave and disability program.

Components:

Short Term Disability	Self-Insured	Employer Paid
Long Term Disability	Fully Insured	Employer Paid
Sick Leave	Self-Insured	Employer Paid
Voluntary Benefits	Fully Insured	Employee Paid

VLDP: An Overview

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

- As an association plan, the VMLIP Paid Leave Solution is exempt from procurement requirements, under Section 2.2-4345, A-13 of the Virginia Code.

- Those not currently members of VMLIP will become members of the **Virginia Local Government Risk Management Association.**

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

Option 1 – 2-Life Minimum

- **Coverage provided to all eligible employees, including VRS participants**
  - Self-Insured Short Term Disability Program
  - Fully Insured Long Term Disability Program
  - Review and modification of existing Sick Leave program
  - Voluntary Benefits offered by Lincoln Financial Group

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

- **Short Term Disability Program – Highlights**
  - Claims Paid by Employer; administration provided by Lincoln Financial
  - Elimination Period – 7 days (none for major chronic/catastrophic)
  - Maximum Duration – 125 working days (6 months)
  - Income replacement: 60%, 80% or 100%, based on years of service
  - No waiting period first year, but a 3/12 pre-existing condition limitation

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

- **Short Term Disability Program – Benefit Schedule**

Non-Work-Related Disabilities

Months of Service	Work Days at 100% Income Replacement	Workdays at 80% Income Replacement	Workdays at 60% Income Replacement
0-12	0	0	125
13-59	0	0	125
60-119	25	25	75
120-179	25	50	50
180 or more	25	75	25

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

- **Short Term Disability Program – Benefit Schedule**

Work-Related Disabilities

Months of Service	Work Days at 100% Income Replacement	Workdays at 80% Income Replacement	Workdays at 60% Income Replacement
< 60	0	0	125
60-119	85	25	15
120 or more	85	40	0

Worker's Compensation benefits would be offset by any work-related disability benefits.

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

- **Long Term Disability Program – Highlights**
  - Claims administered and paid by Lincoln Financial
  - Elimination Period – 125 work days (the STD maximum benefit period)
  - Maximum Duration – to Social Security Normal Retirement Age
  - Income replacement: 60% up to $15,000 per month
  - 20% catastrophic benefit up to a maximum of $5,000 (2 ADLs)
  - No eligibility waiting period
  - Pre-existing condition limitation – 3/12
  - Enhanced Partial Disability – Return to Work provision

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

- **Sick Leave Program – Review and Modification**
  - Integrated Short and Long Term Disability eliminate the need for Sick Leave accruals.
  - Modified plan structure will be designed to replace income during the STD elimination period (7 days; 5 work days).
  - Large and unlimited accruals will be eliminated.
  - Existing Sick Leave accruals will be "frozen". Recommend unused time must be used before STD benefits will be paid.
  - Exposure to "unpaid leave" will never be more than 7 days/5 work days, regardless of years of service or availability of Sick Leave.

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

- **Sick Leave Program – Design Options**
  - **PTO (Paid Time Off)** – combine Vacation/Annual Leave and Sick Leave (can also include Personal Leave and Holidays)
  - **Modify the existing Sick Leave program**; maintain current Vacation/Annual Leave program
  - KSPH/MMA Paid Leave Specialists will work with each organization to modify the current sick leave and/or vacation programs to align with the new STD/LTD plan designs.
  - Give you the opportunity to offer one integrated sick leave and disability program for all employees, not just new hires.

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

- **Sick Leave Modification – The Opportunity for Savings**
  - **Hard Dollar Cost Savings**
    - Reduced utilization of sick leave
  - **Soft Dollar Savings**
    - Reduction in overtime
    - Reduction of temporary staffing costs
    - Improved employee morale
    - Decrease supervisors' time on replacement of absent employees
    - Increase in efficiency of the workforce

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

- **Voluntary Benefits – Offered by Lincoln Financial**
  - Critical Illness
  - Accident Coverage

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

Critical Illness Coverage – Highlights

- Benefits paid directly to the covered employee, and may be used for any purpose
- Covered categories include: heart, cancer, organ failure/replacement, Quality of Life (e.g., Parkinson's, Lou Gehrig's Disease, Advanced Alzheimer's), and Child (e.g., structure defects, genetic disorders)
- Employees may select a maximum cash benefit of $5,000 to $30,000.
- Coverage available for spouse and/or children
- No health examination - if treated for a condition within the past 6 months, no coverage for first 12 months.
- Coverage is portable, if coverage in force for at least 12 months
- Plan includes a "Health Assessment Benefit" - $50 per year payment to member for checkups or screenings

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

Accident Coverage – Highlights

- Protects income from unexpected expenses related to an accident
- Elect coverage for employee only or add dependents
- Cash benefits are paid directly to the covered employee - may be used for any purpose
- Coverage accidents include: emergency care, treatment care, fractures, dislocations, surgery, medical equipment, as well as accidental death and dismemberment
- Cash benefits range from $25 to $50,000, based on the nature of the accident and associated expenses
- No waiting period to receive plan benefits
- No health examination required
- Coverage is portable – if in force for at least 12 months
- Premiums are based on the number of family members covered

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

Option 2 – 25-Life Minimum (Eligible) (Same Integrated Paid Leave Program)

- **Coverage provided to all new hires (effective 1/1/2014) and VRS participants who elect to "cross over" into the new Hybrid Retirement Plan**
  - Self-Insured Short Term Disability Program
  - Fully Insured Long Term Disability Program
  - Review and modification of existing Sick Leave program
  - Voluntary Benefits offered by Lincoln Financial Group
  - Gives employers the option to extend the new mandated coverage to new hires until they are ready to redesign the sick leave plan and transition to Option 1.
  - Two (2) participants will be required by 1/1/15.
  - Note: Current VRS employees who elect to stay in the current VRS Retirement Plan will not be eligible for the new STD/LTD benefits.

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

Cost Comparison

Plan Element	VRS/VLDP	VMLIP Option 1	VMLIP Option 2
Short Term Disability Administrative Services	Included in Plan Rates	$2.49 per PEPM	$2.49 per PEPM
Long Term Disability	Schools: $.39/$100 of covered payroll	Schools/Admin: $.26/$100 of covered payroll	Schools/Admin: $.34/$100 of covered payroll
	Political Subdivisions: $.91/$100 of covered payroll	Political Subdivisions: $.49/$100 of covered payroll	Political Subdivisions: $.75/$100 of covered payroll
Review and Modification of Paid Leave Program	Not included	Included	Included

Rate Guarantee: 24 months

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

Data Request – Evaluation of Paid Leave Plan

- Employee Handbook or Summary detailing current policies for:
  - Vacation
  - Sick Leave
  - Bereavement
  - Holidays
  - Personal Time Off
  - Other Paid Leave
- Description of the current Short and Long Term Disability plans
- Description of Voluntary Plans currently offered and current invoice

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

Data Request – Evaluation of Paid Leave Plan

- Excel spreadsheet, census data for a ***12-month period***
  - Date of hire
  - Date of birth
  - Gender
  - Occupation *(exclude Public Safety/Judges eligible for LEOS)*
  - Annual Salary (hourly rate for hourly employees)
  - Job classification *(fulltime, regular part-time, part-time 20 hours+)*
  - Sick Leave Earned
  - Sick Leave Used
  - Available Sick Leave Balance (including carryover)
  - Vacation Earned
  - Vacation Used
  - Available Vacation Balance (including carryover)
  - Current elections for existing Voluntary Plans

The VMLIP Program

For Additional Information, or to Obtain a Proposal, Contact:

Tom Mackay
KSPH
804-200-6751
tmackay@ksphllc.com

Dawn Hall
KSPH
804-200-6752
dhall@ksphllc.com

For All Proposal Requests – Please copy:
Jenny Gayle – jgayle@ksphllc.com

The VMLIP Program

VML INSURANCE PROGRAMS
Virginia's Local Government Specialists™

Reminder:

Deadline for opting out of the VRS/VLDP program is November 1, 2013 – for those who requested an extension by September 1st

The VMLIP Program

Questions

CITY OF EMPORIA

Memorandum

September 27, 2013

TO: The Honorable Mayor and City Council

FROM: Brian S. Thrower, City Manager BST

SUBJECT: Emergency Medical Response Plan – Request to Approve

ITEM #: 13-54

Per request of the Greensville Volunteer Rescue Squad, I have attached the City of Emporia/Greensville County, Virginia Emergency Medical Response Plan. This plan was prepared by the Greensville Volunteer Rescue Squad and serves to provide the necessary basis for coordination of emergency responses in the City of Emporia and Greensville County. In accordance with 12VAC5-31-610, all designated emergency response agencies shall develop or participate in a written local emergency medical response plan.

Recommendation

I recommend that you approve the attached Emergency Medical Response Plan and authorize the City Manager and Mayor to execute such on behalf of the City.

Attachment

Emergency Medical Response Plan
12VAC5-31-610

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

City of Emporia/Greensville County, Virginia
Emergency Medical Response Plan

Purpose: This plan is implemented to provide the necessary basis for coordination of emergency medical responses in the City of Emporia and County of Greensville Virginia. This plan will serve as both operational and administrative guidelines.

Authority: In accordance with 12VAC5-31-610 (Designated emergency response agency standards); all designated emergency response agencies shall develop or participate in a written local emergency medical response plan. The authority for such agencies to provide emergency medical services to the community is derived from the local Government.

Designations of Emergency Medical Services (EMS) Response Agencies

There is one (1) designated emergency medical service (EMS) transport agency operating under the authority of the City of Emporia & County of Greensville, Virginia.

Agency Name	Physical Address	City	Telephone #
Greensville Volunteer Rescue Squad	513 S Main St.	Emporia	(434) 634-4012

There is one (1) designated emergency medical service (EMR) non-transport agency operating under the authority of Greensville County.

Agency Name	Physical Address	City	Telephone #
Jarratt Volunteer Fire & EMS	414 Jarratt Ave	Jarratt	(434) 535-8920

There are other agencies that will respond for Mutual-Aid that are outside of the jurisdictional authority of the City of Emporia & Greensville County, Virginia.

Agency Name	Physical Address	City	Telephone #
Lifestar Ambulance Service Inc.	300 N. Main St.	Emporia	(434) 634-1144
Stony Creek VRS	13328 Blue Star Hwy	Stony Creek	(434) 246-9300
Central Lifesaving & Rescue Squad	5736 Gasburg Rd.	Gasburg	(434) 577-3079
Brunswick VRS	1148 Lawrenceville Plank Rd	Lawrence ville	(434) 848-3020
Capron Fire & EMS	18090 Railroad Ave	Capron	(434) 658-4600

City of Emporia/Greensville County, Virginia
Emergency Medical Response Plan

These agencies do not fall under the authority of the City of Emporia & County of Greensville thus are not bound by the guidelines set forth in this plan.

Designated Emergency Response Agencies Boundaries

The boundaries of the primary response area for the two designated emergency response agencies are depicted on the County GIS map showing the response areas for the agencies listed above in the City of Emporia & County of Greensville. The decisions to revise any response area will be based on the best response to the patient in need.

The primary response area for the Greensville Vol. Rescue Squad is bounded as follows below:

- The entire City of Emporia & County of Greensville for the exception of:
  a) Residents of the Emporia Manor, 200 Weaver Ave, Emporia Virginia
  b) Residents of the Greensville Manor, 214 Weaver Ave, Emporia Virginia
  c) Offenders of the Greensville Correctional Facility, 901 Corrections Way, Jarratt Virginia
- Southampton County from the County line, east bound to Adams Grove Store which will be defined in a Memorandum of Understanding (MOU) with Southampton County and Greensville Volunteer Rescue Squad Inc.

The Primary Response area for Jarratt Volunteer Fire & EMS is bounded a follows below:

a) Otterdam & Aberdour Road intersection to Allen Road
b) Slagles Lake Road & Meadow Bank Road Intersection to the Sussex County Line
c) Purdy Road & Scotland Drive Intersection to the Sussex County Line
d) Town of Jarratt corporate limits
e) Wyatt's Mill Road to the Brunswick County Line

All designated emergency medical response agencies in the City of Emporia & Greensville County provide 24-hour coverage for their respective primary response area with available personnel to achieve the approved responding interval standard. Staffing of the response units may be with paid personnel, volunteer personnel, or a combination of paid and volunteer personnel.

The response time is defined as the amount of time from the time of dispatch to the arrival on the first EMS unit on scene. The response time standard for the City of Emporia & Greensville County designated response agencies is 25 minutes. The standard was developed based on the potential travel time needed to reach the remote areas of Greensville County Virginia.

City of Emporia/Greensville County, Virginia
Emergency Medical Response Plan

All EMS agencies within the City of Emporia & Greensville County will attempt to maintain a 90% compliance with this standard within their respective primary response area. The following guidelines are in place to ensure care for the citizens and visitors the City of Emporia & Greensville County:

1) Current guidelines for EMS dispatch allow a 5 minute response time. This is the time from the initial dispatch to the time that a staffed unit is responding.

2) If there is no response from the agency or a responding member an automatic re-page is performed up until the third page.
    a. If there is no response from an EMS unit after the third page, Lifestar Ambulance should be automatically contacted for Mutual-Aid and the Emergency Communications Center (ECC) should re-page until a GVRS or mutual-aid agency marks responding.
    b. After the third page and there has been a response only from (1) member Lifestar should automatically be called for a mutual-aid response.

3) If Lifestar is not available the closest mutual-aid agency should be contacted to respond and the ECC should continue to re-page GVRS until a staffed unit marks responding.

A copy of this plan shall be distributed to County and City administration, public safety agencies, communications centers, Virginia Office of Emergency Medical Services. Copies will also be available for public review.

Designated emergency response agencies shall document their compliance with this standard. The documentation will include EMS response capability, time from initial dispatch until unit responding and time from dispatch to arrival on scene of the incident.

Each agency will conduct an annual review of the exceptions or non-complaint incidents. This review will attempt to document causes of non-compliance. The results of this review shall be provided to the agency operational medical director and local governing bodies as requested.

The County Administrator & City Manager or their designee and representatives of all emergency response agencies shall review this plan following submission of each requested report.

City of Emporia/Greensville County, Virginia
Emergency Medical Response Plan

Peggy R. Wiley Chair, Board of Supervisors Greensville County	Date
David K. Whittington County Administrator Greensville County	Date
Brian S. Thrower City Manager City of Emporia	Date
Mary L. Person Mayor City of Emporia	Date
Richard H. Short President Greensville Volunteer Rescue Squad	Date
Timmy Moseley Chief Jarratt Volunteer Fire & EMS	Date

prev | next

12VAC5-31-610. Designated emergency response agency standards.

A. A designated emergency response agency shall develop or participate in a written local EMS response plan that addresses the following items:

1. The designated emergency response agency shall develop and maintain, in coordination with their locality, a written plan to provide 24-hour coverage of the agency's primary service area with the available personnel to achieve the approved responding interval standard.

2. A designated emergency response agency shall conform to the local responding interval, or in the absence of a local standard the EMS agency shall develop a standard in conjunction with OMD and local government in the best interests of the patient and the community. The EMS agency shall use the response time standard to establish a time frame the EMS agency complies with on a 90% basis within its primary service area (i.e., a time frame in which the EMS agency can arrive at the scene of a medical emergency in 90% or greater of all calls).

a. If the designated emergency response agency finds it is unable to respond within the established unit mobilization interval standard, the call shall be referred to the closest available mutual aid EMS agency.

b. If the designated emergency response agency finds it is able to respond to the patient location sooner than the mutual aid EMS agency, the EMS agency shall notify the PSAP of its availability to respond.

c. If the designated emergency response agency is unable to respond (e.g., lack of operational response vehicle or available personnel), the EMS agency shall notify the PSAP.

d. If a designated emergency response agency determines in advance that it will be unable to respond for emergency service for a specified period of time, it shall notify its PSAP.

B. A designated emergency response agency shall have available for review a copy of the local EMS response plan that shall include the established EMS Responding Interval standards.

C. A designated emergency response agency shall document its compliance with the established EMS response capability, unit mobilization interval, and responding interval standards.

D. A designated emergency response agency shall document an annual review of exceptions to established EMS response capability and time interval standards. The results of this review shall be provided to the agency's operational medical director and local governing body.

Statutory Authority

§§ 32.1-12 and 32.1-111.4 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 29, Issue 1, eff. October 10, 2012; amended, Virginia Register Volume 29, Issue 1, eff. October 10, 2012.

---

prev | next | new search | table of contents | home

CITY OF EMPORIA

Memorandum

September 27, 2013

TO: Honorable Mayor and City Council Members

FROM: Brian S. Thrower, City Manager

SUBJECT: Voting at the VML Business Meeting

ITEM: 13-55

Per the attached memo from the Virginia Municipal League staff, you will need to appoint a Council Member to serve as the City's voting delegate at the annual VML business meeting, due to the Mayor's absence.

Recommendation

I recommend you appoint a voting delegate

Attachment

Memo from VML – Voting at the Business Meeting

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

VIRGINIA MUNICIPAL LEAGUE

Officers

President
Edwin C. Daley, DPA
Hopewell City Manager

President-Elect
David P. Helms
Marion Mayor

Vice President
William D. Euille
Alexandria Mayor

Immediate Past President
Rosemary Wilson
Virginia Beach Council Member

Executive Director
R. Michael Amyx

Magazine
Virginia Town & City

P.O. Box 12164
Richmond, Virginia 23241

13 East Franklin Street
Richmond, Virginia 23219

804/649-8471
Fax 804/343-3758
e-mail@vml.org
www.vml.org

TO: Key Officials

FROM: R. Michael Amyx, Executive Director

DATE: August 28, 2013

RE: Voting at the Business Meeting

The rules for voting by member localities during the Business Session are set out in Article IV, Section 6 of the League Constitution:

"Representatives. The mayor or board chairman, as the case may be, of each active member shall be deemed to be its official representative for the purpose of voting upon matters considered by an annual or special meeting of the League. In lieu of the mayor or board chairman, the governing body of a member may designate another official of the member to vote on behalf of the member. Such designation shall be in writing filed with the Executive Director or such other person acting as Secretary of the meeting prior to any vote. In the absence of the mayor or board chairman or other officers designated by the governing body as above specified at a vote taking, a majority of the elected and appointed officials present and registered at the meeting may file with the Executive Director or Secretary of the meeting in writing designating one of the member's officials present to vote in behalf of the member, and said filing to be in advance of the taking of any vote in which such person casts a vote."

VML's principle is that each locality that attends should be entitled to one vote at the business meeting. The rules are set up to ensure that.

Voting may not be by proxy. If the mayor or chair is not going to be at the business meeting, please complete the enclosed form (**Attachment A**) and return by September 30 to certify your locality's voting delegate during the Conference's Business Meeting on Tuesday, October 15. If you are not sure who will be present at the Business Session, credentials may be certified at the registration desk during the Conference or prior to the start of the business meeting. Each member locality has one vote at the business meeting. This voting certification does not exclude others from your locality from participating in discussions during the Business Session.

At the business meeting, VML staff will check in each attending member locality. Any vote that is contested or not unanimous will be by voice roll call administered by the presiding officer. The goal is that each locality attending the business meeting has the opportunity to cast a vote.

ATTACHMENT A

CERTIFICATION OF VOTING DELEGATE AND ALTERNATE

BUSINESS SESSION

Virginia Municipal League Annual Conference
Arlington County, Virginia
Tuesday, October 15, 2013

Voting Delegate:

Name_____

Title_____

Locality_____

Alternate Voting Delegate:

Name_____

Title_____

Locality_____

Certified by:

Name_____

Title_____

Locality_____

Return by September 30, 2013 to:

Virginia Municipal League
P.O. Box 12164
Richmond, Virginia 23241
FAX: (804) 343-3758

CITY OF EMPORIA

MEMORANDUM

September 27, 2013

TO: The Honorable Mayor and City Council

FROM: Brian S. Thrower, City Manager

SUBJECT: Boards and Commissions – Unexpired Terms (James Saunders)

ITEM: 13-56

Planning Commission – Due to Mr. Saunders relocation out of town he is no longer able to complete his four (4) year term on the Planning Commission. His unexpired four (4) year term on the Planning Commission has an expiration date of June 30, 2014. As a result, City Council needs to make a nomination(s) to fill the vacant seat.

Social Services Board – Due to Mr. Saunders relocation out of town he is no longer able to complete his four (4) year term on the Social Services Board. His unexpired four (4) year term on the Social Services Board has an expiration date of June 30, 2015. As a result, City Council needs to make a nomination(s) to fill the vacant seat.

Recommendation

This information is provided to City Council for its consideration.

Attachment:

Letter – James Saunders

BST/tsw

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

Received
SEP 2013
City of Emporia, VA

September 25, 2013

Mr. Brian Thrower
City Manager
City of Emporia
Main Street
Emporia, Virginia 23847

Brian,

I am sending this to inform you, Mayor Person, and the City Council of my resignation for any and all representation in which I am serving the City of Emporia. It has been my sincere pleasure and honor to have been a member of the Emporia City Council, to serve on several boards appointed by council, and to serve the citizens of the city. As you know, my family and I are in the process of relocating to Virginia Beach with my employment. I wish you, Mayor Person, Council, and the employees of the City of Emporia the very best in the future, and hope to see progressive growth to improve the community.

I wish you all much success in the future and again I thank you for allowing me to play a part.

Sincerely,

Jim Saunders

CITY OF EMPORIA

Memorandum

September 27, 2013

TO: The Honorable Mayor and City Council

FROM: Brian S. Thrower, City Manager BST

SUBJECT: November 5, 2013 Council Meeting – Request to Cancel

ITEM #: 13-57

I recommend you cancel your November 5, 2013 meeting, due to Election Day falling on that same day.

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

CITY OF EMPORIA

Memorandum

September 27, 2013

TO: The Honorable Mayor and City Council

FROM: Jason M. Stewart, Assistant City Manager/Zoning Administrator

SUBJECT: Smoove Operators – Six Month Conditional Use Permit Review

ITEM #: 13-58

At your March 19, 2013 meeting, you approved a Conditional Use Permit for Smoove Operators to operate as a "nightclub," as defined in the City's Zoning Code. Smoove Operators is located at 773 N. Main Street and is identified as Tax Map # 83-A-0-11. The Conditional Use Permit you previously approved stipulated an initial six month review by City Council with annual reviews thereafter. Police complaints and incidents on the property within the past six months have been minor in nature. The permit holder has been compliant with all City codes and the Virginia ABC to the knowledge of this office.

Recommendation

After discussing the issue with the Police Chief and other City staff, the Police Chief sees no reason to take action on Smoove Operator's permit at this time. Staff recommends allowing Smoove Operators to continue operating under the terms of the original Conditional Use Permit issued, subject to review by City Council in twelve months.

Attachments

CUP Conditions as approved by City Council
Original CUP Application & Supporting Materials

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
March 19, 2013

Note to Reader: *Although the printed agenda document for this City Council meeting is not part of these minutes, the agenda document provides background information on the items discussed by City Council during the meeting. A copy of the agenda document for this meeting may be obtained by contacting the Office of the City Clerk.*

Emporia City Council held a regular meeting on Tuesday, March 19, 2013 at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Mary L. Person presided over the meeting with Carolyn S. Carey, Council Member offering the invocation.

ROLL CALL

The following City Council members were present:

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

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

MINUTES APPROVAL

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

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

C. Butler Barrett, City Attorney had no matters to report to City Council members.

AGENDA APPROVAL

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

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

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

NEW BUSINESS

13-11. Conditional Use Permit Request – 773 North Main Street – "Smoove Operators"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF EMPORIA

Memorandum

March 15, 2013

TO: Honorable Mayor and City Council

FROM: Steven B. Hall, Assistant City Manager SH

SUBJECT: Conditional Use Permit Request – 773 North Main Street – "Smoove Operators"

ITEM #: 13-11

Mr. Timothy Yates has applied for a conditional use permit to "begin having karaoke/lounge" at his restaurant "Smoove Operators" located at 773 North Main Street, also identified as City Tax Map Number 83-A-0-11. The property is located in the C-2 Commercial district. Zoning compliance has been obtained for a restaurant use at the property and to my knowledge the business has been operational for approximately four months.

Mr. Yates' application to the City stated he is, "pursuing to have special events, karaoke, alcoholic beverages, live bands, comedy performances at my restaurant occasionally." City Code section 90-77 (b) allows for "Nightclubs with conditional use permit." City Code section 90-1 states "*Nightclub* means an establishment for evening entertainment, generally open until the early morning hours that serves liquor and usually food and offers patrons music, comedy acts, a floor show, or dancing." Under this framework and understanding that Smoove Operators serves/will serve alcoholic beverages, I consider the request falls under the City's definition of "nightclub."

Utilities

This site is an existing building serviced by all utilities.

Ingress and Egress

This site is an existing building and has the appropriate ingress/egress.

Surrounding Land Uses

This property is in the C-2 Commercial district. As stated in City Code section Section 90-71(a), the purpose is to "accommodate general business areas or for auto or highway-oriented commercial uses, and wholesaling operations which, by nature or space requirements, do not lend themselves to being

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

concentrated within a centralized, C-1 district area." As depicted in the attached zoning map, bordering land uses fall within the C-2 Commercial and R-3 Residential districts.

Comprehensive Plan Review

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

Previous Land Use Amendment Applications

To my knowledge, there has been no previous land use amendment application filed in connection with this parcel.

Recommendation

In discussing this matter with Police Chief Don Wyatt, he has no reason to recommend denial of the request. I have also discussed this matter with Agent Velvin of the Virginia Department of Alcoholic Beverage Control (ABC). An application was submitted in December and is currently being processed. Agent Velvin indicated she had met with the owners in November 2012 to review Virginia ABC laws and possible outcomes of any violation.

The Planning Commission held a Public Hearing on this matter on March 12, 2013 and unanimously recommended approval of the request with conditions stated below:

- A yearly review by City Council.

Per Section 90-55 of the City of Emporia Code of Ordinances, "Any conditional use permit may be authorized and issued for either a limited or an indefinite period of time and shall be revocable by council at any time for failure to adhere to the applicable conditions. Before revoking any such permit, however, council shall afford the permit holder an opportunity to be heard, giving at least five days' written notice of the time and place of such hearing, served as prescribed by law."

Staff recommends approval of the conditional use permit request with the aforementioned conditions.

Attachments

Zoning Map, Aerial Photo, Existing Appearance of 773 North Main Street
Conditional Use Permit Application
Correspondence from Mr. Mark Yeattes – In Support

City of Emporia
Community Development and Planning
201 South Main Street
Emporia, VA 23847
(434) 634-3332 (434) 634-0003 Fax

Permit Number _____
Date _____
Tax Map # _____
Zoning District _____

LAND USE AMENDMENT APPLICATION

Information must be typed or printed and completed in full.
Attach additional pages where necessary.

Land Use Information:

Application Type: (Circle One): ☐ Variance ☐ Rezoning ☑ Conditional Use Permit
☐ Special Exception ☐ Amendment ☐ Appeal
☐ Telecommunications ☐ Tower ☐ Co-location on existing tower

Description of Request: "Restaurant" Opening Small Restaurant (Smoove Operators)

Proposed Acreage: _____

Applicant/Agent Information:

Is the applicant: ☐ Property Owner (If property owner skip to next section) ☑ Contract Purchaser ☐ Other: _____

Agent(s): Timothy Yates Phone # 347-860-2820

Address: 199 Waterwheel Rd. Emporia Va 23847

If you are the agent for the property owner, do you have consent of the owner attached? ☐ Yes ☐ No

Property Owner Information:

Property Owner (s): Mark Yeattes Phone # 434-634-4373

Address: 800 N. Main St.
Emporia Va. 23847

Property owners mailing address (*If this is different from that listed in the Assessor's Office*)

_____

_____

Subject Parcel Information

Location of Property: _____

Street Address: 773 N. Main St. Emporia Va 23847

General Description of Property:

Current Zoning (circle one)

☐R-1 ☐R-2 ☐R-3 ☐C-1 ☐C-2 ☐I-1 ☐I-2 ☐DT ☐Other_____

Proposed Zoning (for rezoning request)

☐R-1 ☐R-2 ☐R-3 ☐C-1 ☐C-2 ☐I-1 ☐I-2 ☐DT ☐Other_____

Existing Use(s) of Property

A. Explain fully the proposed use, type of development, operation program, reason for this request, etc.:
I am pursuing to have Special Events, Karaoke, Alcohol beverages, live bands and comedy performance at my restaurant occasionally.

B. Section(s) of the City Code that pertain to this request

C. State how this request will not be materially detrimental to adjacent property, the surrounding neighborhood or City in general. Include where applicable; information concerning use of public utilities/services, relationship to the comprehensive plan effect of request on public schools, traffic impact, means of access to nearest public road, existing and future area development, etc.

D. Has any previous application for a land use amendment been filed in connection with these parcels? List case numbers and explain any existing use permit, special exception, conditional use or variance previously granted on the parcels in question. If this application is to amend an existing special use

exception, or other applicable amendment, please explain the request (proposed change in structure(s) including all signs).

_____

_____

_____

E. **Proffers and Conditions**

List any conditions or proffers currently associated with this property.

_____

_____

If the applicant proffers any conditions (§ 15.2-2297 of the Code of Virginia), they must:

1) Have a reasonable relationship to the rezoning
2) Not include a cash contribution to the City of Emporia
3) Not include mandatory dedication of property
4) Not include payment for construction of off-site improvements

Proffers may be amended in writing prior the Planning Commission public hearing.

If this is an application for a **conditional zoning**, the following conditions are voluntarily proffered:

_____

_____

_____

F. Please list any and all restrictive covenants, deed restrictions and other special considerations:

_____

_____

_____

G. If required by the Zoning Administrator, attach a site plan / plot plan / survey plat / building dimensions / densities showing the location(s) of existing and proposed structures to be erected and applicable setback lines and distances including all zoning district requirements.

Notes:

(1) Special use permits shall be for an indefinite period of time unless the Planning Commission imposes a condition specifying a shorter duration. Such permits shall run with the land unless the City of Emporia imposes a more restrictive condition with regard to the succession to rights in such a permit.

(2) The City of Emporia may include, as part of the ordinance granting any conditional use permit, suitable regulations and safeguards as it may deem appropriate. Once a special use permit is approved subject to such conditions, they shall be deemed to be a part of the zoning ordinance and may be enforced by the zoning administrator. Conditions attached to a special use permit may only be amended or deleted by subsequent application for the purpose.

(3) This application for a conditional special use permit must be accompanied by two (2) copies of any required site plans or plot plans.

H. If requesting a variance, explain the unique physical hardship or extraordinary situation (size, shape, topography, etc.) that is justification for the request:

_____

_____

_____

i. Explain how the zoning ordinance prohibits or unreasonable restricts the use of the property.

_____

_____

_____

j. Applicant Remarks

_____

_____

_____

_____

_____

Checklist:

- ✓ The required fee must accompany this application. A fee schedule is attached for your convenience Checks must be made payable to: "Treasurer, City of Emporia".
- ✓ Enclosed with the application, a copy of the appropriate city tax map with the property marked and, if available, a surveyed plat of the entire parcel.
- ✓ Enclose with this application any required plans or plats (plans must be folded).
- ✓ Enclose with this application any additional information to assist with review and determination.

I/We hereby certify that to the best of my/our knowledge all the above statements and the statements contained in any exhibits transmitted are true and that the adjacent property owners listed herewith are the owners of record as of the date of the application:

Date: 2/14/13

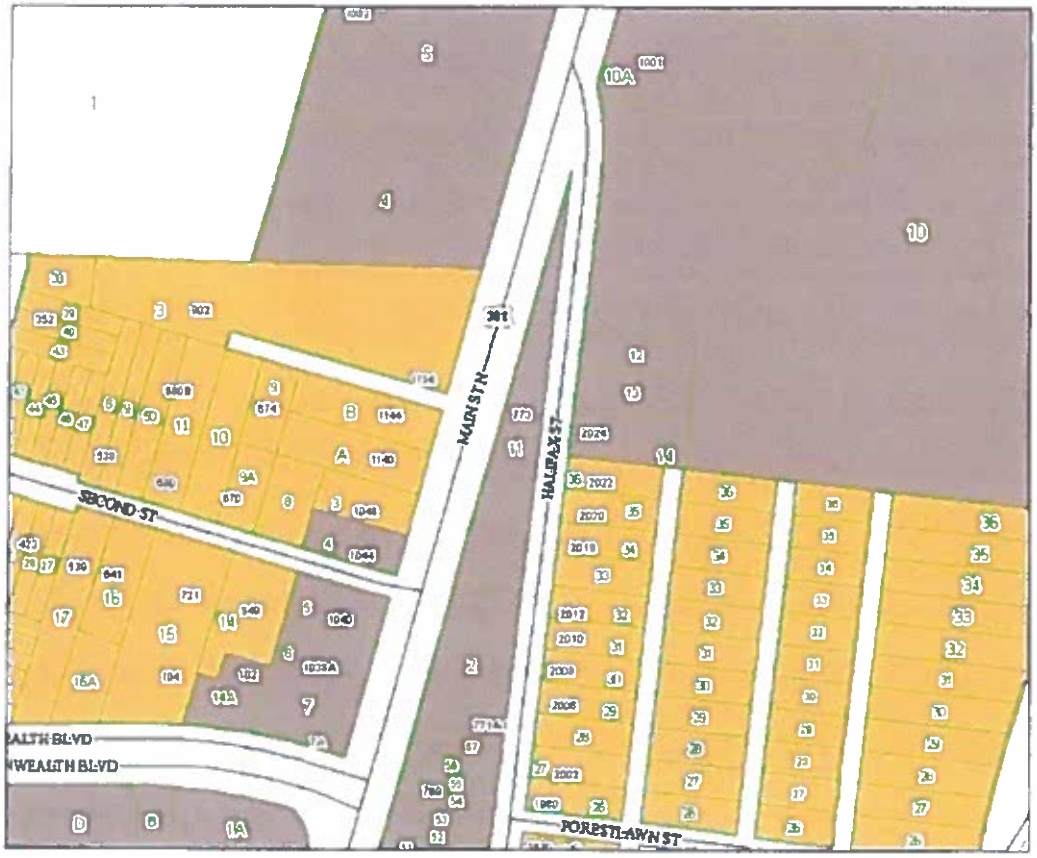
Applicants Name Timothy Yates
(Typed or printed)

Signature of Applicant Timothy Yates

Note: Incomplete application will not be accepted. Any request that requires plans must be accompanied by those plans at the time submission of the application.

773 North Main Street – Aerial Image

773 North Main Street – C-2 Zoning District



773 North Main Street – Looking South

773 North Main Street – Looking North