

PUBLIC HEARINGS

- 1. Conditional Use Permit Request – 311 Florida Avenue – Lounge (Nightclub)**
 - 2. Zoning Ordinance Update Request – “Internet Sweepstakes Cafes”**
 - 3. Consideration of a Rezoning Request – West Atlantic Street Neighborhood – Pine Street Area**
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Emporia’s City Council held a Public Hearing on Tuesday, October 19, 2010, at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Samuel W. Adams, III presided over the session.

The following City Council members were present:

Councilman John R. White
Councilman F. Woodrow Harris
Councilman James C. Saunders
Councilwoman Doris T. White
Councilman Ned V. Lankford
Councilwoman L. Dale Temple
Councilwoman Carolyn S. Carey

Others present: Samuel W. Adams, III, Mayor
C. Butler Barrett, City Attorney
Steve B. Hall, Assistant City Manager
Brian S. Thrower, City Manger
Tessie S. Wilkins, City Clerk
Todd Anderson, Captain
Joyce E. Prince, Commissioner of the Revenue
Bernard Richardson, Chief of Police
Ken Ryals, Emergency Service Coordinator
Royal Jones, Public Works Director

1. Conditional Use Permit Request – 311 Florida Avenue – Lounge (Nightclub)

Mr. Hall stated that Mr. Marvin Goode and Mr. William Thomas had applied for a conditional use permit to operate a lounge at 311 Florida Avenue, also identified as City Tax Map Number 121-4-0-2. He also stated that the property is located in the C-2 Commercial district. He further stated that the applicants and property owners have currently been renovating the facility and adjoining Rodeway Inn. He reported that the restaurant use has been approved administratively. He also reported that if approved, the use would have the name “Roadhouse Restaurant and Lounge.”

Mr. Hall stated that Mr. Goode met with him in-person to review and discuss his proposal on September 20, 2010. He also stated that Mr. Goode provided a written statement detailing his proposed use of the facility, a menu, ABC laws, hours of operation and dress code standards. He further stated that shortly thereafter, Mr. Goode met with Randy Pearce, Building Official to review necessary upgrades to the facility. He reported that Randy and himself were satisfied with Mr. Goode’s professionalism and entrepreneurial spirit.

Mr. Hall reported that the City Code section 90-77 (b) allows for “Nightclubs with conditional use permit.” He also reported that the City Code section 90-1 states the term “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, floor shows, or dancing.” He further reported that the under this framework, he is considering the term “lounge” to be interchangeable with night club.”

Utilities

Mr. Hall reported that this site is an existing building serviced by all utilities.

Ingress and Egress

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

Surrounding Land Uses

Mr. Hall reported that this property is in the C-2 Commercial district. He also reported that it states in City Code section Section 90-71 (a), the purpose is to ‘accommodate general business areas or auto or highway-oriented commercial use, and wholesaling operations which, by nature or space requirements, do not lend themselves to being concentrated within a centralized, C-1 district area.’ He further reported that all bordering land uses fall within the C-2 Commercial district designation, though a pending rezoning will change parcels fronting on Florida Avenue to R-3 Residential.

Comprehensive Plan Review

Mr. Hall reported that the Future Land Use Map in the City of Emporia Comprehensive Plan for 2008-2028 depicts this area as “General Commercial.” He also reported that a description of general commercial per the plan is as follows; “Intended for general commercial development including large retail stores, services, lodging/restaurants, offices, and shopping centers. He further reported that the general Commercial areas should be located on collector or arterial roads, have sufficient parking, and be adequately served by public utilities and services.” He stated that this proposed use is consistent with the future land use designation for the location in question.

Previous Land Use Amendment Application

Mr. Hall stated that a previous conditional use application request originally went before the Planning Commission on December 13, 2005. He also stated that the request was approved for a “pool/billiard room” with the condition of twelve month review. He further stated that a review of the conditional use permit was heard on December 12, 2006. He reported that the request to continue the permit was approved with another review in twelve months at which time the Planning Commission would consider granting the permit permanently. He also reported that on December 11, 2007, the final review of the permit was heard. He further reported that the Commission voted to approve the permit permanently. He stated that “Destry’s” went out of business in May of 2009.

Mayor Adams asked if anyone wished to speak concerning the matter.

Mr. Marvin Goode, 20520 Cox Road, Sutherland VA, 23885 stated that he is the owner of the Roadhouse Restaurant and Lounge and wanted to extend their appreciation to the City of Emporia for cooperating with their plans for the Roadhouse Restaurant and Lounge. He also stated that the staff of the Roadhouse Restaurant and Lounge plans to take full advantage of the opportunity that the City has given them. He further stated that they hope to make the Roadhouse Restaurant a positive place in the City of Emporia. He stated that his team is prepared for obstacles that may come along the way, and as a unit they will bring their heads together and find a solution that will better them as a whole. He also stated that their goal for the Roadhouse is to make you proud of your decision to give the Roadhouse Restaurant a chance. He further stated that they plan to show their gratitude and thanks to the City of Emporia by becoming a profitable business and being a role model to others.

Mr. Goode stated that Mr. Williams Thomas, Jr, Owner, Mrs. A Jordan, Manager and himself want to just come to town and bring another vision as far as an upscale lounge to this area. He also stated that Mr. Field will be head of security at the Roadhouse Restaurant and Lounge with the help of Emporia Police. He further stated that the age limit is twenty five and up and thirty and up on Sunday. He also stated that he just wants to provide a safe environment for this area. He further stated that his staff consists of fifteen people and ten of them are security. Mr. Goode stated that Roadhouse is a franchise hotel that took over Holiday Inn. He also stated that the kids are allowed only in the day time with an adult.

John Kinsey 951 West Atlantic Street, Emporia VA, 23847 stated that as a citizen, and a pastor of a local church in the City of Emporia that he objects to this lounge coming to this area. He also stated that he had three reasons to why not: first one is that it will have a negative effect on the community in the long run, secondly the alcohol abuse, and thirdly crimes.

Troy A. Green Sr., Pastor, 4001 Moore's Ferry Road, Skippers, VA 23879 stated that he also objects to this lounge as it will be a downfall to this community. He also stated that from his obligations and situations that he faces day in and day out in the City and County he deals with individuals daily that are bound by alcoholism.

April Jordan, Manager 1926 Drybread Road, Emporia VA 23847, stated even if Roadhouse didn't sell alcohol in the establishment it could still be a problem regardless. She also stated that Roadhouse is not only a place that you come and have a drink but also a place to come and socialize with other people.

Sgt. Field, 772 Perry Luke, Freeman VA 23856, stated that Roadhouse will have a staff of ten for security and with so many they are trying to prevent things before they happen.

Mayor Adams asked if anyone else wished to speak concerning the matter.

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

2. Zoning Ordinance Update Request – “Internet Sweepstakes Cafes”

Mr. Hall reported that the City has received numerous inquiries and zoning compliance applications for “Internet Sweepstakes Cafes” over the past year. He also reported that those uses were approved as general retail/commercial uses due to the fact they are not specifically mentioned in the City's Zoning Code. He further reported that due to the recent proliferation of

these uses in the City and the action of the North Carolina General Assembly to ban such venues, revisiting the zoning ordinance is necessary.

Mr. Hall stated that the owners and operators of these establishments act under the premise that the “sweepstakes games” do not award prizes from server-based prize pools, as casino-style online games do. He also stated that rather cash prizes are paid to winners based on predetermined sweepstakes rules similar to those that govern many retail promotional campaigns conducted by companies such as McDonald’s.

Mr. Hall reported that the main issue surrounding these uses is the difficulty in documenting gross receipts for tax purposes. He also reported that other issues may include the perceived City support of a gambling establishment, abuse by local residents in terms of lost income and the creation of a haven for criminal activity. He further reported that until a precedent is set by the Virginia Supreme Court or legislation is enacted by the General Assembly, he recommend updating the City Zoning Ordinance to address these uses.

Mr. Hall reported that at the September 7, 2010 Regular Meeting, City Council requested the Planning Commission review this issue and offer a recommendation.

Mayor Adams asked if anyone else wished to speak concerning the matter.

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

3. Consideration of a Rezoning Request – West Atlantic Street Neighborhood – Pine Street Area

Mr. Hall reported that the City of Emporia seeks a zoning map amendment from C-2 Commercial District to R-3 Residential District for parcels possessing frontage primarily the ones on Pine Street, bounded by Florida Avenue to the north and Wolf Street to the south. He also reported that the addresses of the ones in question are as follows: 605 West Atlantic Street, 418, 420, 422, and 704 Pine Street, 403 and 404 Delaware Street, 401 Maryland Avenue, 401 and 403 Wolf Street, 402 Florida Avenue and 406 Pennsylvania Avenue. He further reported that the parcels in question are identified as Tax Map Numbers, 122-3-0-3A, 3B, 3C, 4, 4A, 5 and 5E, 122-9-0-1, 2, 3, 4, 121-6-BK-A-1, 1A 3, 3A, 5, 5A, 7, 9, 9A, 11, 11A, 13, 15, 21 and 23, and 121-14-0-A2.

Mr. Hall stated that the purpose for the rezoning request was a direct result of the recently funded West Atlantic Street Neighborhood Revitalization project. He also stated that the Housing rehabilitation will be taking place at numerous homes within this area. He further stated that if approved, general usage of the parcels will be medium-density residential and existing non-conforming uses will become in conformity.

Mr. Hall reported that the surrounding land uses are primarily residential with a commercial strip along West Atlantic Street beyond the rear lot line. He also reported that an adult day care facility is adjacent to the rezoning area.

Mr. Hall stated that this area possessing existing lots and residential dwellings has the appropriate ingress/egress.

Mr. Hall reported that he received one comment on August 24 from Ms. Judis Jarratt, PO Box 107, Emporia (also the owner of a lot within the proposed rezoning area). He also reported that Ms. Jarratt had noticed the public advertisement in the Independent Messenger. He further reported that a letter with information pertaining to the rezoning was mailed to Ms. Jarratt that same day. He stated that Ms. Jarratt had expressed no issue with the proposal but did question why this area was zone C-2 Commercial to begin with.

Mr. Hall stated that since the original memo was prepared and brought to Council on September 21, 2010 he had received one additional comment from Mr. John Romano. He also stated Mr. Romano is the owner of the vacant restaurant at 605 West Atlantic Street, otherwise known as tax map number 121- 14-0-A2. He further stated the parcel extends through to Pine Street. He stated that Mr. Romano has requested that his parcel remain completely C-2 commercial and not be rezoned.

Mayor Adams asked if anyone else wished to speak concerning the matter.

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

With no further matters to be presented before City Council members, Mayor Adams declared the public hearing closed.

Samuel W. Adams, III, Mayor

Tessie S. Wilkins, City Clerk

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
October 19, 2010**

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

Emporia City Council held a regular meeting on Tuesday, October 19, 2010, at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Samuel W. Adams, III presided over the meeting with Carolyn S. Carey, Council Member offering the invocation.

ROLL CALL

The following City Council members were present:

Councilman John R. White
Councilman F. Woodrow Harris
Councilman James C. Saunders
Councilwoman Doris T. White
Councilman Ned V. Lankford
Councilwoman L. Dale Temple
Councilwoman Carolyn S. Carey

Others present: Samuel W. Adams, III, Mayor
C. Butler Barrett, City Attorney
Steve B. Hall, Assistant City Manager
Brian S. Thrower, City Manger
Tessie S. Wilkins, City Clerk
Todd Anderson, Captain
Joyce E. Prince, Commissioner of the Revenue
Bernard Richardson, Chief of Police
Ken Ryals, Emergency Service Coordinator
Royal Jones, Public Works Director

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, September 21, 2010, City Council meeting minutes as presented, seconded by Councilman Lankford, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye

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

APPROVAL OF BILLS

A listing of the October 19, 2010 bills was presented to City Council members.

General Fund	\$867,379.48
Utility Fund	\$103,409.65

Councilman Saunders moved to approve the October 19, 2010 bills as presented, seconded by Councilwoman Carey, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

FINANCIAL AND TAX REPORTS

Honorable W. S. Harris, Jr., City Treasurer provided City Council members with highlights of the City's financial position. There were no questions concerning his reports.

COMMISSIONER OF THE REVENUE REPORT

Honorable Joyce E. Prince, Commissioner of the Revenue provided her report to City Council members. There were no questions regarding her report.

PERMIT AND INSPECTION REPORT

Randy C. Pearce, Building/Fire Official provided his report to City Council members. There were no questions concerning his report.

POLICE REPORT

Bernard Richardson, 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

Councilman White moved to approve the agenda as presented, seconded by Councilwoman White, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

UNFINISHED BUSINESS

10-80. Boards and Commissions – Highway Safety Commission

Mayor Adams stated that this item was to be continued at the November 16, 2010 City Council meeting. He also stated that Mrs. Bullock has indicated that she does not wish to be considered for reappointment.

NEW BUSINESS

10-81. Conditional Use Permit Request – 311 Florida Avenue – Lounge (Nightclub)

Mr. Hall stated that Mr. Marvin Goode and Mr. William Thomas had applied for a conditional use permit to operate a lounge at 311 Florida Avenue, also identified as City Tax Map Number 121-4-0-2. He also stated that the property is located in the C-2 Commercial district. He further stated that the applicants and property owners have currently been renovating the facility and adjoining Rodeway Inn. He reported that the restaurant use has been approved administratively. He also reported that if approved, the use would have the name “Roadhouse Restaurant and Lounge.”

Mr. Hall stated that Mr. Goode met with him in-person to review and discuss his proposal on September 20, 2010. He also stated that Mr. Goode provided a written statement detailing his proposed use of the facility, a menu, ABC laws, hours of operation and dress code standards. He further stated that shortly thereafter, Mr. Goode met with Randy Pearce, Building Official to review necessary upgrades to the facility. He reported that Randy and himself were satisfied with Mr. Goode’s professionalism and entrepreneurial spirit.

Mr. Hall reported that the City Code section 90-77 (b) allows for “Nightclubs with conditional use permit.” He also reported that the City Code section 90-1 states the term “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 further reported that the under this framework, he is considering the term “lounge” to be interchangeable with night club.”

Utilities

Mr. Hall reported that this site is an existing building serviced by all utilities.

Ingress and Egress

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

Surrounding Land Uses

Mr. Hall reported that this property is in the C-2 Commercial district. He also reported that it states in City Code section Section 90-71 (a), the purpose is to ‘accommodate general business areas or auto or highway-oriented commercial use, and wholesaling operations which, by nature or space requirements, do not lend themselves to being concentrated within a centralized, C-1 district area.’ He further reported that all bordering land uses fall within the C-2 Commercial district designation though a pending rezoning will change parcels fronting on Florida Avenue to R-3 Residential.

Comprehensive Plan Review

Mr. Hall reported that the Future Land Use Map in the City of Emporia Comprehensive Plan for 2008-2028 depicts this area as “General Commercial.” He also reported that a description of general commercial per the plan is as follows; “Intended for general commercial development including large retail stores, services, lodging/restaurants, offices, and shopping centers. He further reported that the general Commercial areas should be located on collector or arterial roads, have sufficient parking, and be adequately served by public utilities and services.” He stated that this proposed use is consistent with the future land use designation for the location in question.

Previous Land Use Amendment Application

Mr. Hall stated that a previous conditional use application request originally went before the Planning Commission on December 13, 2005. He also stated that the request was approved for a “pool/billiard room” with the condition of twelve month review. He further stated that a review of the conditional use permit was heard on December 12, 2006. He reported that the request to continue the permit was approved with another review in twelve months at which time the Planning Commission would consider granting the permit permanently. He also reported that on December 11, 2007, the final review of the permit was heard. He further reported that the Commission voted to approve the permit permanently. He stated that “Destry’s” went out of business in May of 2009.

Mr. Hall reported that the Planning Commission held a Public Hearing on this matter on October 12, 2010 and unanimously recommended approval of the request with conditions as stated below:

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

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 reported 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. Hall stated that Staff recommended the approval of the conditional use permit request with the aforementioned conditions.

Councilman Harris moved to approval of the conditional use permit request with the aforementioned conditions, seconded by Councilman Saunders, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

10-82. Zoning Ordinance Update Request – “Internet Sweepstakes Cafes”

Mr. Hall reported that the City has received numerous inquires and zoning compliance applications for “Internet Sweepstake Cafes” over the past year. He also reported that those uses were approved as general retail/commercial uses due to the fact they are not specifically mentioned in the City’s Zoning Code. He further reported that due to the recent proliferation of these uses in the City and the action of the North Carolina General Assembly to ban such venues, revisiting the zoning ordinance is necessary.

Mr. Hall stated that the owners and operators of these establishments act under the premise that the “sweepstakes games” do not award prizes from server-based prize pools, as casino-style online games do. He also stated that rather cash prizes are paid to winners based on predetermined sweepstakes rules similar to those that govern many retail promotional campaigns conducted by companies such as McDonald’s.

Mr. Hall reported that the main issue surrounding these uses is the difficulty in documenting gross receipts for tax purposes. He also reported that other issues may include the perceived City support of a gambling establishment, abuse by local residents in terms of lost income and the creation of a haven for criminal activity. He further reported that until a precedent is set by the Virginia Supreme Court or legislation is enacted by the General Assembly, he recommend updating the City Zoning Ordinance to address these uses.

Mr. Hall reported that two options were provided to the Planning Commission for review and recommendation at its Public Hearing on October 12, 2010.

- Option A: revise the zoning ordinance by including a definition of an “internet sweepstakes café” and allowing these uses by conditional use only in C-2 Commercial districts

- Option B: confirm this use shall not be permitted in the city under any circumstance and include only a definition of “internet sweepstakes café” in the zoning ordinance indication such.

He also reported that the Commission unanimously recommended amending the Zoning Ordinance with Option A but also including the DT – Downtown zoning district as a potential location for “internet sweepstakes cafes.”

He recommended that Council amending the City Zoning Ordinance with Option A as originally presented, not to include the DT – Downtown district as a potential location.

Councilman Harris moved to approve **Ordinances No. 10-41 and 10-42** Option A: to revise the zoning ordinance by including a definition of an “internet sweepstakes café” and allowing these uses by conditional use only in C-2 Commercial Districts, seconded by Councilman Saunders, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

Councilman Harris stated if the “Internet Sweepstake Café” already in existence in the Downtown area will they be grandfathered in. Mr. Hall stated yes those “Internet Sweepstake Café” will be grandfathered in.

10-83. Consideration of a Rezoning Request – West Atlantic Street Neighborhood – Pine Street Area

Mr. Hall reported that the City of Emporia seeks a zoning map amendment from C-2 Commercial District to R-3 Residential District for parcels possessing frontage primarily the ones on Pine Street, bounded by Florida Avenue to the north and Wolf Street to the south. He also reported that the addresses of the ones in question are as follows: 605 West Atlantic Street, 418, 420, 422, and 704 Pine Street, 403 and 404 Delaware Street, 401 Maryland Avenue, 401 and 403 Wolf Street, 402 Florida Avenue and 406 Pennsylvania Avenue. He further reported that the parcels in question are identified as Tax Map Numbers, 122-3-0-3A, 3B, 3C, 4, 4A, 5 and 5E, 122-9-0-1, 2, 3, 4, 121-6-BK-A-1, 1A 3, 3A, 5, 5A, 7, 9, 9A, 11, 11A, 13, 15, 21 and 23, and 121-14-0-A2.

Mr. Hall stated that the purpose for the rezoning request was a direct result of the recently funded West Atlantic Street Neighborhood Revitalization project. He also stated that the Housing rehabilitation will be taking place at numerous homes within this area. He further stated that if approved, general usage of the parcels will be medium-density residential and existing non-conforming uses will become in conformity.

Mr. Hall reported that the surrounding land uses are primarily residential with a commercial strip along West Atlantic Street beyond the rear lot line. He also reported that an adult day care facility is adjacent to the rezoning area.

Mr. Hall stated that this area possessing existing lots and residential dwellings has the appropriate ingress/egress.

Mr. Hall reported that he received one comment on August 24 from Ms. Judis Jarratt, PO Box 107, Emporia (also the owner of a lot within the proposed rezoning area). He also reported that Ms. Jarratt had noticed the public advertisement in the Independent Messenger. He further reported that a letter with information pertaining to the rezoning was mailed to Ms. Jarratt that same day. He stated that Ms. Jarratt had expressed no issue with the proposal but did question why was this area zone C-2 Commercial to begin with.

Mr. Hall stated that since the original memo was prepared and brought to Council on September 21, 2010 he had received one additional comment from Mr. John Romano. He also stated Mr. Romano is the owner of the vacant restaurant at 605 West Atlantic Street, otherwise known as tax map number 121- 14-0-A2. He further stated the parcel extends through to Pine Street. He stated that Mr. Romano has requested that his parcel remain completely C-2 commercial and not be rezoned.

Mr. Hall reported due to the fact a Public Hearing was not held by City Council on September 21, 2010, this item has returned to City Council for formal action this evening. He also stated that the Planning Commission held a Public Hearing regarding this matter on Tuesday, September 14, 2010 and unanimously voted to recommend approval of the rezoning request.

He recommended that Council approve the rezoning request less Mr. Romano's parcel, tax map number 121-14-0-A2.

Councilman Saunders moved to approve the rezoning request less Mr. Romano's parcel, tax map number 121-14-0-A2, seconded by Councilman Lankford, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

10-84. Request Authorization of Public Hearing – Subdivision Code Updates

Mr. Hall reported that in a recent review of City Code 66: Subdivisions, several inconsistencies were noted that should be revised and amended accordingly. He also reported that these sections are 66-9: Appeal, 66-10: Variances and 66-11: Amendments. He further reported that the necessary revisions to Sections 66-9 and 10 will authorize the Board of Zoning Appeals to review all appeals and variances. He stated that the necessary revision to Section 66-11 will authorize City council to amend the Subdivision Ordinance upon recommendation of the Planning Commission. He also stated that if adopted these updates will mirror the provisions of the Zoning Ordinance.

He recommended that Council authorize a Public Hearing to be held on this item at Council November 16, 2010 Regular Meeting.

Councilman Saunders moved to approve a Public Hearing to be held on November 16, 2010 at Regular Meeting on Subdivision Code Updates, seconded by Councilman Harris, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

10-85. *Consideration of Appointments – Farmers Market Advisory Board*

Mr. Hall stated that the City Council shall appoint a seven (7) member Farmers Market Advisory Board (hereinafter “Board”) per the adopted City of Emporia Farmers Market Rules and Regulations. He also stated that the Board’s primary purpose will be to assist City staff with administration, management, enforcement of rules and regulations and dispute resolution. He further stated that the Board may recommend items to City Council regarding proposed policy revisions. He reported that the Board will meet quarterly or on an “as needed” basis. He also reported that he anticipate the first meeting being held in early December.

Mr. Hall stated that each member shall serve a four year term with an unlimited number of reappointments. He also stated that the initial appointments shall be made in a staggered format (i.e. two members serve two year term, three serve three year term, two serve four year term). He further stated that the Board may include representatives from the following organizations: City Council, Emporia Downtown Development Association, Planning Commission, Virginia Cooperative Extension, Health Department, media outlet, Chamber of Commerce, Virginia Department of Agriculture and Consumer Services, farmers/vendors and other related groups and organizations. He reported that Mayor Adams, Councilman John White and Mr. Bill Hodge have expressed interest in serving on the Board.

Mr. Hall stated that the initial Appointment Recommendations (official terms to begin on January 1, 2010):

- Two-year terms (2)
- Three-year terms (3)
- Four-year terms (2)

He recommends that Council consider appointments to the Farmers Market Advisory Board. He stated that this item will return for official nominations and appointments at the November 16, 2010 Regular Meeting.

Mayor Adams reported that the appointments for the Farmers Market Advisory Board be delayed until the November 16, 2010 City Council Regular Meeting allowing additional time for consideration.

10-86. Planning Commission – Unexpired Term (Roosevelt Skeeter, Jr.)

Mr. Thrower reported that Roosevelt Skeeter, Jr., had submitted his letter of resignation from the Planning Commission effective September 28, 2010. He also reported that his unexpired four (4) year term on the Planning Commission has an expiration date of June 30, 2011. He further reported that City Council needs to make nomination(s) to fill the vacant seat.

Mayor Adams reported that the appointment for the Planning Commission term be delayed until the November 16, 2010 City Council Regular Meeting to provide additional time for consideration.

10-87. VML Risk Management Grant Funds – Appropriation Ordinance

Mr. Thrower reported that the City had received a grant from Virginia Municipal Liability Insurance Programs in the amount of \$2, 770.00 to be used for upgrading City security monitoring system. He also reported that in order for the City to utilize these funds for this purpose, Council must appropriate them into the Fiscal Year 2010-2011 operating budget.

He recommended that Council adopt Ordinance No. 10-43 to appropriate the Sum of \$2,770.00 in Grant Funds from Virginia Municipal Liability Insurance Programs to upgrading City security monitoring system.

Councilwoman Temple made a motion to adopt **Ordinance No 10-43** to appropriating the sum of \$2,770.00 in Grant Funds from Virginia Municipal Liability Insurance Programs to upgrading City security monitoring system, seconded by Councilman White, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

10-88. Fire Program Funds – Appropriation Ordinance

Mr. Thrower reported that the City annually receives grant funds from the Virginia Department of Fire programs for the Emporia Volunteer Fire Department. He also reported that the Virginia Department of Fire Programs allows the City to carry the unspent funds over from one fiscal year to the next. He further reported that City have \$112, 383.36 in carry over funds remaining. He stated that the City needed to re-appropriate \$112, 383.36 into the Fiscal Year 2010-2011 Operating Budget so that the City Fire Department can utilize these grant funds.

He recommended that Council adopt Ordinance No. 10-44 to appropriate the Sum of \$112,383.36 in Previously Received Grant Funds from the Virginia Department of Fire Program from the unappropriated fund balance of the General fund for Fire Programs.

Councilman Lankford made a motion to adopt **Ordinance No. 10-44** to appropriating the Sum of \$5,000.00 In Previously Received Grant Funds from the Virginia Department of Fire Program from the Unappropriated Fund balance of the General Fund for Fire Programs , seconded by Councilman Saunders, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

10-89. Department of Environmental Quality Grant Funds – Appropriation Ordinance

Mr. Thrower stated that on October 5, 2010 the City of Emporia had been awarded a grant from the Department of Environmental Quality in the amount of \$5,910.00 for litter prevention and recycling program activities for Fiscal Year 2010-2011. He also stated that the Council needed to appropriate these funds into the current operating budget in order for the City to utilize this award.

He recommended that Council adopt Ordinance No. 10-45 to appropriate the Sum of \$5,910.00 in Grant Funds from the Department of Environmental Quality for Litter Prevention and Recycling.

Councilwoman Temple made a motion to adopt **Ordinance No. 10-45** to appropriating the Sum of \$5,910.00 in Grant Funds from The Department of Environmental Quality for Littler Prevention and Recycling, seconded by Councilwoman Carey, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

10-90. 2011 Highway Safety Project Grant (DMV) – Appropriation Ordinance

Mr. Thrower reported that the City of Emporia made application and was awarded a Highway Safety Project Grant by the Virginia Department of Motor Vehicles (DMV). He also reported that this grant consists of \$15, 824 in pass through funds from USDOT/NHTSA for the federal fiscal year 2011. He further reported that the money is designated for traffic enforcement equipment (one digital in-car camera, five lidar (laser) units, four breath testing devices, and traffic safety training).

Mr. Thrower reported that these funds were not included in the City's FY11 operating budget, as the availability of grant funds is uncertain each year. He also reported that utilizing this award requires adoption of the attached ordinance to appropriate funds into the City's FY11 operating budget. He further reported that the DMV will reimburse the City's General Fund

Revenue Account for \$15,824. 00 once all expenditures are submitted to them for approval. He stated that the City will provide a \$3,165.00 in-kind match.

He recommended that Council adopt Ordinance No. 10-46 to appropriate the Sum of \$15,824.00 in DMV Highway Safety Grant Funds.

Councilman Harris made a motion to adopt **Ordinance No. 10-46** to appropriating the Sum of \$15, 824.00 in DMV Highway Safety Grant Funds, seconded by Councilman Saunders, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

10-91. Water Treatment Plant and Distribution Line Upgrade Project – Request to Adopt Resolution

Mr. Thrower reported that the City has been seeking funding sources for the City’s Water Treatment Plant and Distribution Line Upgrade Project. He also reported that the City was previously awarded grant funding of \$225,000 through the Virginia Department of Health to complete the preliminary engineering report and the future construction of a new intake structure.

Mr. Thrower reported that the Virginia Tobacco Indemnification & Community Revitalization Commission (Tobacco Commission) has also approved the City’s grant application of \$932,000 to develop final engineering plans, specifications, and contract documents. He also reported that the City will provide a 15% match, or \$164,427, for this grant. He further reported that it is anticipated construction will begin in late summer or early fall of 2011.

Mr. Thrower stated that the City has also been authorized for American Recovery and Reinvestment Act (ARRA) loan funding, otherwise known as “stimulus” funding, in the amount of \$10,837,000 through USDA Rural Development. He also stated that the City has received the low interest “poverty” rate of 2.3750% to be repaid over 40 years. He further stated that the City has until September 14, 2011 to officially close on this loan. He reported that after closing, the City will begin making debt payments. He also reported that in order to proceed with utilizing this funding, the City Council will need to adopt a resolution authorizing the City Manager to sign any and all forms for this project, per USDA Rural Development regulations.

He recommended that Council adopt the resolutions authorizing the City Manager to Sign any all USDA Rural Development Forms for the Water Treatment Plant and Distribution Line Upgrade Project.

Councilwoman Temple made a motion to approve **Resolution No. 10-14** authorizing the City Manager to sign any and all USDA Rural Development Forms for the Water Treatment

Plant and Distribution Line Upgrade Project, seconded by Councilwoman Carey, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

10-92. Personnel Manual Updates – Request by Council Member J. White

Council Member John White reported that he has requested updates to Chapter 6 of the City's personnel manual addressing disciplinary issues and the grievance procedure. He also reported that he request that the City Administration review the present personnel policy with regard to grievance and bring recommendations back to Council.

10-93. 2012 Real Estate Reassessment Services – Approval of Contract

Mr. Thrower reported that the City Administration has solicited bids on the upcoming 2012 real estate reassessment. He also reported that a total of two appraisal firms has made bid on these services. He further reported that Randall C. Willis submitted the lowest bid at \$42,940.00.

Mr. Thrower reported that the contractor will begin fieldwork by March 2, 2011 and complete assigned tasks by October 15, 2011. He further advised that the contractor will conduct the general reassessment of all real estate with values estimated at 100 % of fair market value and shall appraise 100% of all real property within the City.

Mr. Thrower stated that the contractor shall maintain the appropriate general and professional liability insurance in accordance with City standards. He also stated that the contractor amount is \$42,940.00, which will be paid over two (2) fiscal years and in installments of \$3,578.33 over twelve (12) months

Mr. Thrower reported that the contract has been reviewed by the City Attorney and is before City Council for consideration.

Mayor Adams inquired about the amount of the second bid. Mr. Thrower reported that the other bid amount was \$74,950.00.

He recommended that Council authorize the approval of the contract.

Councilman Lankford moved to authorize the approval of the contract, seconded by Councilwoman Temple, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye

Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

10-94. Payday Lending Resolution – Request by Council Member Harris

Council Member Harris reported that he has requested that the City of Emporia adopt the resolution seeking action by the General Assembly and Governor to enact laws strictly prohibiting and deterring all predatory and usurious lending practices in Virginia.

Councilman Harris reported that at the next legislative session, the General Assembly and the Governor of the Commonwealth of Virginia are hereby requested to enact laws strictly prohibiting and deterring all predatory, usurious lending practices, including but not limited to provisions that would: Impose an interest rate cap of thirty-six percent (36%); Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly, to gain access to a consumer's bank account; and Incorporate into the Virginia Code the protections regarding consumer credit to military personnel as reflected in the Military Lending Act, 10 United States Code Section 987.

He recommended that Council adopt resolution No 10-15 and communicate copy to Delegate Tyler, Senator Lucas, and VML.

Councilman Harris made a motion to adopt **Resolution No. 10-15** Seeking Action by the General Assembly and Governor to prohibit all Predatory, Usurious Lending Practices in the Commonwealth of Virginia, seconded by Councilwoman White, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

10-95. Budget Review Session

Mayor Adams reported that City Manager and Finance Director had requested that Council conduct a budget review work session on Tuesday, November 16, 2010 at 6:00 PM in the Council Chambers.

Council approved to conduct a Budget Review Work Session on Tuesday, November 16, 2010 at 6:00 PM in the Council Chambers.

PUBLIC COMMENT

With there being no matters to come before City Council members, Mayor Adams entertained a motion to enter into Closed Session.

*****CLOSED SESSION*****

Councilman Saunders moved that Closed Session be entered for the purpose of discussing Virginia Code Sections **2.2-3711 (A) (1) Personnel Matter, (A) (3) Acquisition of real property for a public purpose, and (A) (5) Discussion concerning a prospective business** seconded by Councilman Lankford, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

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

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

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

CERTIFICATION

Councilman Saunders moved to certify the following:

1. only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Session to which this certification applies, and
2. only such public business matter as were identified in the motion by which the Closed Session was convened were heard, discussed, or considered by City Council.

Councilman Lankford seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

Councilwoman Temple made the motion to authorize the City Manager to enter into contracts with Commonwealth Preservation Group for the development of a Request for Proposals for Architectural Design and Construction Administration Services and for the development of state and federal historic rehabilitation tax credits applications pertaining to the Citizens National Bank Building on South Main Street; seconded by Councilman Saunders which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

Councilwoman Temple made the motion to appoint Councilwoman Carolyn Carey and Mayor/Emergency Services Director Sam Adams to the Police Chief advisory interview panel; seconded by Councilman Lankford which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

ADJOURNMENT

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

Samuel W. Adams, III, Mayor

Tessie S. Wilkins, City Clerk