



# **CITY OF EMPORIA**

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**AGENDA**  
**EMPORIA CITY COUNCIL**  
*Regular Meeting*  
**TUESDAY, September 2, 2014 - 6:30 P.M.**

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**OPENING PRAYER**

**ROLL CALL**

**APPROVAL OF MINUTES**

August 19, 2014 ~ Public Hearing and Regular Meeting

**APPROVAL OF AGENDA**

**CLOSED SESSION**

Closed Meeting pursuant to Virginia Code § 2.2 3711 (A) (1) Personnel matter regarding consideration of candidates for appointment, (A) (3) Acquisition of real property for public purposes and (A) (7) Legal matter requiring the advice of counsel pertaining to Comprehensive Services Act Funding.

**NEW BUSINESS**

14-52. City and Greensville County School Board Appointments

14-53. West Atlantic Street Neighborhood Improvement Project - Request to Approve Agreement and Authorize a Public Hearing to Convey Deeds to Habitat for Humanity

14-54. Virginia Peanut Festival Fireworks Resolution

14-55. Water and Sewer Multiunit Connection Fees - Request for Direction and to Authorize a Public Hearing to Amend City Code

14-56. Nonconforming Structures - Request by Council Member White

14-57. Southside Community Criminal Justice Board - Unexpired Term (Dr. Philip L. Worrell)

14-58. Highway Safety Commission - 4 Term Expirations

**PUBLIC COMMENT**

**MINUTES  
EMPORIA CITY COUNCIL  
CITY OF EMPORIA MUNICIPAL BUILDING  
August 5, 2014**

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

Emporia City Council held a regular meeting on Tuesday, August 5, 2014 at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Mary L. Person presided over the meeting with Carolyn Carey, Council Member, offering the invocation.

**ROLL CALL**

The following City Council members were present:

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

Others present:

Mary L. Person, Mayor  
C. Butler Barrett, City Attorney  
Brian S. Thrower, City Manager  
Tessie Wilkins, City Clerk

**MINUTES APPROVAL**

Councilwoman Temple moved to approve the minutes from the Tuesday, July 15, 2014, City Council Regular meeting minutes as presented, seconded by Councilwoman Mercer, which passed as follows:

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

**AGENDA APPROVAL**

Mayor Person reported the additions of Closed Session pursuant to **Virginia Code Section § 2.2 3711 (A) (3) Acquisition of real property for public purpose and (A) (1) Personnel matter pertaining to performance review of a specific employee.**

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

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

### **NEW BUSINESS**

#### ***14-47. E-911 Wireless Board Grant – Appropriation***

Mr. Thrower reported that the City of Emporia Police Department has received a grant from the Virginia E-911 Wireless Board for \$22,439.86. He also reported that the Police Department would use the grant to purchase a 911/radio voice recorder that will replace the outdated model currently in use.

Councilwoman Temple made a motion to adopt **Ordinance No. 14-16** to appropriate the sum of \$22,439.86 in E-911 Wireless Board Grant Funds, seconded by Councilman Ewing, which passed as follows:

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

#### ***14-48. Victim Witness Program – Appropriation Ordinance***

Mr. Thrower reported that the City received grant funds annually from the Department of Criminal Justice Services (DCJS) for the Victim Witness Program. He stated that he received notification that DCJS has approved funding in the amount of \$58,317.00 for FY15. He also stated that the amount of \$56,618.00 were included in the adopted FY15 budget. He further stated that Council would need to appropriate the difference of \$1,699.00 into the current year budget.

Councilman Ewing made a motion to adopt **Ordinance No. 14-17** to appropriate the sum of \$1,699.00 in Grant Funds from the Department of Criminal Justice Services for the Victim Witness Program, seconded by Councilwoman Temple, which passed as follows:

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

***14-49. City Council Meetings – Request to Cancel***

Mr. Thrower stated that he was recommending Council to cancel the following upcoming City Council meetings due to various conflicts:

- September 16, 2014 – Staff will be attending the ICMA Annual Conference
- October 7, 2014 – Staff and Council will be attending the VML Annual Conference
- November 4, 2014 – Election Day

Councilman Harris made a motion to cancel the September 16<sup>th</sup>, October 7<sup>th</sup> and November 4<sup>th</sup> regular City Council meetings, seconded by Councilwoman Mercer, which passed as follows:

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

***14-50. Boards and Commissions – Unexpired Terms (Marguerite K. Burton)***

Mr. Thrower reported that due to recent passing of Marguerite K. Burton, there is a vacant seat on the City and Greenville County School Board. He stated that the vacant seat on the City and Greenville County School Board serves a four-year term with the current expiration date being December 31, 2014. He also stated that a notice would be published in the local newspaper indication that a public hearing will be conducted on August 19, 2014 concerning the matter.

Mr. Thrower stated that no action was required at this time. He also stated that Council will be requested to appoint an individual to this term on September 2, 2014.

Mayor Person stated that the candidates would be asked to submit a letter of interest and a resume during the Public Hearing.

**PUBLIC COMMENT**

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

*Linwood Matthews, 766 Courtland Road*, addressed Council with concerns about there not being enough space to get the boats in and out of the river.

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

**\*\*\*CLOSED SESSION\*\*\***

Councilman Harris moved that Closed Session be entered for the purpose of discussing Virginia Code Section § 2.2 3711 (A) (3) Acquisition of real property for public purpose and (A) (1) Personnel matter pertaining to performance review of a specific employee, seconded by Councilwoman Mercer, which passed as follows:

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

**\*\*\*Regular Session\*\*\***

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

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

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**CERTIFICATION**

Councilwoman Lynch moved to certify the following:

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

Councilwoman Temple seconded the motion, which passed as follows:

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

### **ADJOURNMENT**

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

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Mary L. Person, Mayor

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Tessie S. Wilkins, City Clerk



# CITY OF EMPORIA

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## Memorandum

August 29, 2014

**TO:** Honorable Mayor and City Council Members  
**FROM:** Brian S. Thrower, City Manager  
**SUBJECT:** City and Greensville County School Board Appointments  
**ITEM #:** 14-52

On August 19, 2014, City Council held a public hearing regarding one (1) appointment to the City School Board and one (1) appointment to the Greensville County School Board. City Council received the following nominations:

City School Board

Gloria Robinson  
Caroline Gatten  
Clifton Threat  
Marva Dunn

Greensville County School Board

Bernadette Battle  
Gloria Robinson  
Caroline Gatten  
Clifton Threat  
Marva Dunn

The City and Greensville County School Board appointees will serve the unexpired terms ending on December 31, 2014.

### Recommendation

This information is provided to City Council for consideration.

BST/tsw



# CITY OF EMPORIA

## Memorandum

August 29, 2014

**TO:** The Honorable Mayor and City Council

**FROM:** Brian S. Thrower, City Manager *BST*

**SUBJECT:** West Atlantic Street Neighborhood Improvement Project – Request to Approve Agreement and Authorize a Public Hearing to Convey Deeds to Habitat for Humanity

**ITEM #:** 14-53

As you are aware, the City has been discussing options regarding the vacant lots created by the acquisition and demolition of properties in the West Atlantic Street Neighborhood Improvement Project area. The project is funded by the Virginia Department of Housing and Community Development.

The City is obligated to provide four new owner-occupied units in the project area. The attached agreement provides for the construction of two owner-occupied units by the Emporia-Greenville Habitat for Humanity. City staff is working with another agency for the construction of two additional units.

At this time, I am requesting you approve the agreement with the Emporia-Greenville Habitat for Humanity and authorize conducting a public hearing for conveying the deeds to the properties. City staff will then subdivide the five existing lots to create three new lots. As required by State Code, a public hearing is required to dispose of publicly held real property.

City staff will be working with the City Attorney and the Emporia-Greenville Habitat for Humanity to finalize the details of this project.

### Recommendation

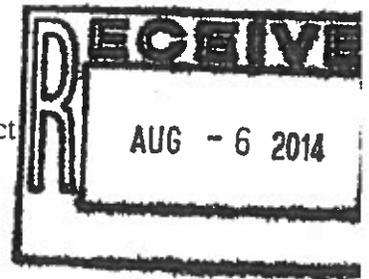
I recommend you approve the agreement with the Emporia-Greenville Habitat for Humanity and authorize conducting a public hearing on October 21, 2014 to approve transferring the vacant lots.

### Attachments

Emporia-Greenville Habitat for Humanity Agreement  
GIS Map of Vacant Lots

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](http://www.ci.emporia.va.us)

Memorandum of Understanding  
The Washington Street Development Housing Production Project



**PROJECT:**

The Washington Street Development is a two lot Habitat housing production project on approximately 0.45 acres of land located in the residential block of Emporia bounded by Washington Street, Pennsylvania Avenue, Pine Street and Maryland Avenue.

**DEVELOPMENT PARTNERS:**

Emporia-Greenville Habitat for Humanity  
City of Emporia

**LAND OWNER:**

Emporia-Greenville Habitat for Humanity

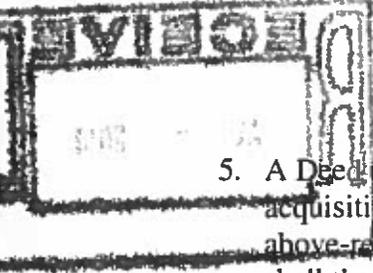
**PROJECT PRINCIPLES:**

We do hereby agree to the project principles outlined below for the development of the Washington Street Development:

1. The City will secure and administer, with the assistance of a Community Development Block Grant (CDBG) from the Department of Housing and Community Development (DHCD) to make improvements to required infrastructure to support the development of two subdivision lots. Infrastructure construction will be done in a manner consistent with the DHCD-approved Project Management Plan.
2. The City will transfer two (2) parcels that front Washington Street at the intersection with Pennsylvania Avenue to Habitat.
3. Habitat will commit to the construction of two (2) single family dwellings for low to moderate income families within two years of administrative grant close out. Housing production will be done in a manner consistent with the Emporia-Greenville Habitat's Housing Production Plan.

Habitat will be responsible for identifying income-eligible and qualified homebuyers and providing any housing counseling as needed. The City will assist with the recruitment of eligible buyers and the verification of eligibility as needed.

4. Upon administrative grant closeout, Habitat will be expected to provide progress reports to the City and DHCD on its construction activities until two (2) houses are produced and sold. These reports will be prepared using a format provided by and submitted in a frequency dictated by DHCD.



5. A Deed of Trust and Note equal to \$5,162.50 for each parcel will secure the original acquisition investment. If Habitat fails to produce and sell the two (2) dwellings by the above-referenced deadline, Habitat may return either or both lots to the City. The City shall then pursue other options to provide low and moderate housing opportunities after agreement with DHCD. The amount of the Deed of Trust and Note shall not be the responsibility of Habitat.

6. Once the dwellings are constructed and sold, the Deed of Trust will be forgiven.

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Brian Thrower, City Manager

*George Pugh, President*

Rev. George Pugh, President, Emporia-Greenville Habitat for Humanity

*P.S. We are looking forward to comply with all rules and regulations stated above.*

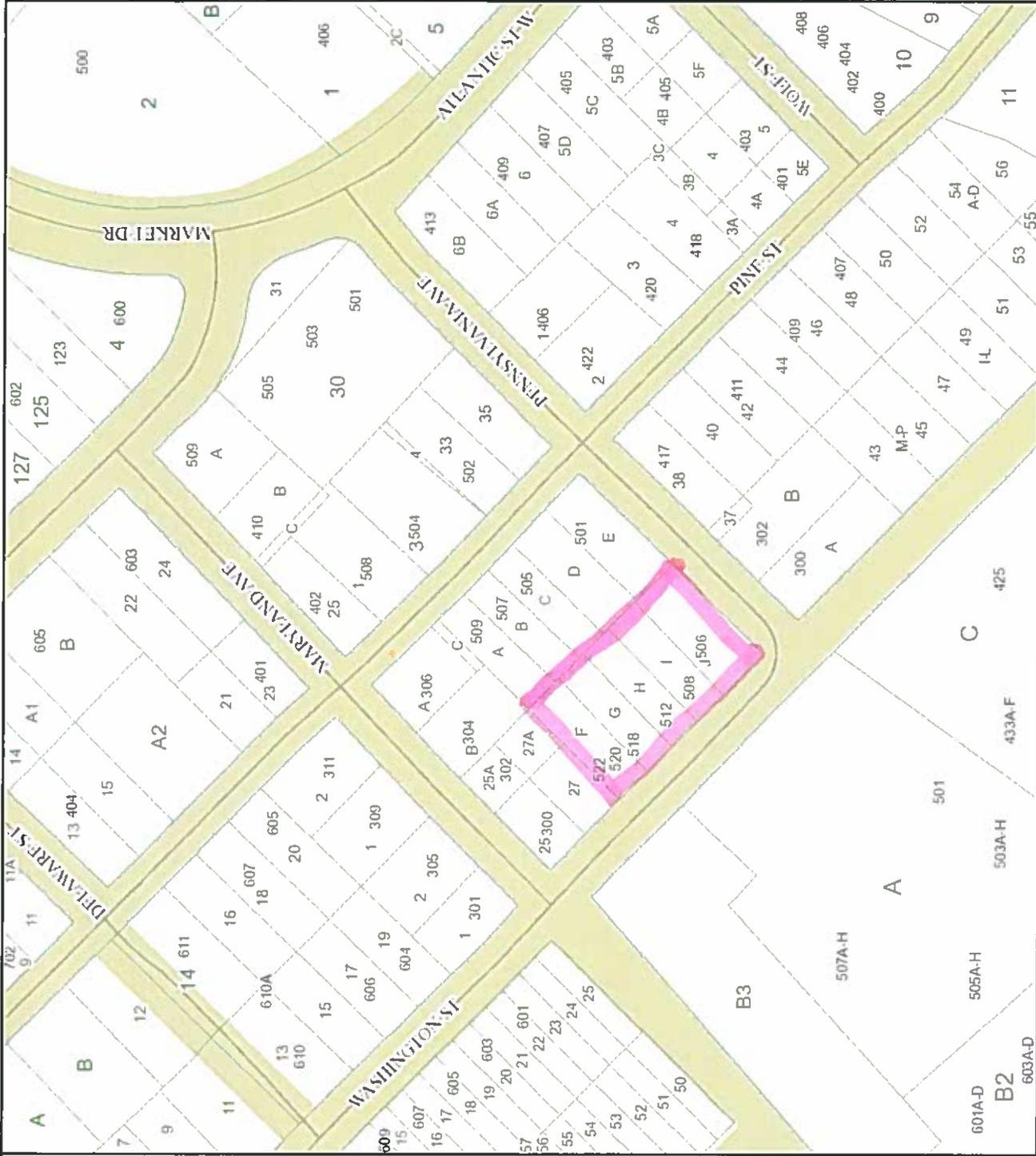
*Thanks.*

**Legend**

- City Boundary
- Parcels
- Rights of Way
- Site Addresses
- Road Centerlines
- Streams and Rivers
- Water Bodies

Project Lots

Feet



**Title:**

**Date: 8/26/2014**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Emporia is not responsible for its accuracy or how current it may be.*



# **CITY OF EMPORIA**

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## **Memorandum**

August 29, 2014

**TO:** The Honorable Mayor and City Council  
**FROM:** Brian S. Thrower, City Manager  
**SUBJECT:** Virginia Peanut Festival Fireworks Resolution  
**ITEM:** 14-54

In accordance with *Article III. Fireworks; Section 38-68. Use and Discharge* of the City of Emporia's Code of Ordinances, I have attached a resolution requesting authorization for the use of fireworks by the Virginia Peanut Festival Committee as part of the 2014 Peanut Festival celebration.

### **Recommendation**

This information is provided for City Council's consideration.

### **Attachment**

*Resolution for Adoption*  
*Article III. Fireworks; Section 38-68. Use and Discharge* of the City of Emporia's code of

*BST/tsw*

Emporia, Virginia, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 38 - FIRE PREVENTION AND PROTECTION >> **ARTICLE III. FIREWORKS >>**

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## ARTICLE III. FIREWORKS

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[Sec. 38-66. Definitions.](#)

[Sec. 38-67. Manufacture and sale.](#)

[Sec. 38-68. Use and discharge.](#)

### Sec. 38-66. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Fireworks* means firecrackers, rockets, torpedoes, Roman candles, toy cannons, detonating canes, blank cartridges and other devices designed and intended for noise making or pyrotechnic display.

*(Code 1972, § 14-34)*

*Cross reference— Definitions generally, § 1-2.*

### Sec. 38-67. Manufacture and sale.

The manufacture or the possession or display of fireworks for sale is prohibited in the city.

*(Code 1972, § 14-35)*

### Sec. 38-68. Use and discharge.

The use or discharge of fireworks is prohibited except that pyrotechnic displays may be authorized by resolution of the council when under the control of qualified individuals, and the time, place and manner of such display is approved by the fire marshal.

*(Code 1972, § 14-36; Ord. No. 00-05, 5-2-00; Ord. No. 08-01, 1-15-08)*

*State law reference— Authority of city to regulate or prohibit the use, etc., of fireworks, Code of Virginia, § 15.2-974.*

Resolution No. \_\_\_\_\_

**Resolution**

A Resolution Authorizing the Use and Display  
of Fireworks by the Virginia Peanut Festival  
Committee

**WHEREAS**, the Virginia Peanut Festival Committee desires to conduct a fireworks display on Saturday, September 27, 2014, as part of the 2014 Virginia Peanut Festival for the benefit of the citizens of the Emporia and its environs; and

**WHEREAS**, Virginia Peanut Festival Committee is requesting approval of the Council of the City of Emporia to conduct the said fireworks display.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Emporia, Virginia as follows:

**Section 1.** That the Council of the City of Emporia hereby approves the request from the Virginia Peanut Festival Committee to conduct a fireworks display on Saturday, September 27, 2014 and authorizes the same.

**Section 2.** That the City Manager is hereby authorized and directed to do all things necessary to implement the intent of this resolution.

Adopted: September 2, 2014

City of Emporia, Virginia

By \_\_\_\_\_  
Mary L. Person  
Mayor

\_\_\_\_\_  
Tessie S. Wilkins  
City Clerk



# CITY OF EMPORIA

## Memorandum

August 29, 2014

**TO:** The Honorable Mayor and City Council

**FROM:** Brian S. Thrower, City Manager *BST*

**SUBJECT:** Water and Sewer Multiunit Connection Fees – Request for Direction and to Authorize a Public Hearing to Amend City Code

**ITEM #:** 14-55

At your July 15, 2014 meeting you approved Elliott Sadler's conditional use permit request to operate a recreational vehicle park on the lot located behind the Sadler Travel Plaza. At that meeting, you also requested staff to develop options regarding how multiunit connection fees should be applied to various types of development.

Per City Code Sections 78-72 and 78-188 (see attached), developers are currently charged \$1,000 per unit within a multiunit development for each water tap and \$2,000 per unit within a multiunit development for each sewer tap, for a total of \$3,000 per unit. These per unit connection fees are in addition to standard water and sewer tap fees charged. The minimum water tap charge is \$3,000. The minimum sewer tap charge is \$4,000.

Below are options for your consideration pertaining to the application of multiunit connection fees to various types of development:

### Options

- 1) Specify the exact types of development, i.e. multifamily dwellings/apartments, hotels/motels, recreational vehicle parks, etc., subject to multiunit connection fees. **Charge the exact same fees per unit, room, etc. for all development types.** Under this option the City could charge the same per unit fee it currently charges, i.e. \$1,000 per unit for water and \$2,000 per unit for sewer, or establish new per unit charges applicable to all development classifications. As an example, the City of Colonial Heights specifies each type of development that is subject to multiunit connection fees in its code (see attached). Should you choose this option staff requests guidance on which specific types of development should be subject to the fees and whether the City should maintain its current fees or establish new fees that will be applicable to all development classifications.

- 2) Specify the exact types of development, i.e. multifamily dwellings/apartments, hotels/motels, recreational vehicle parks, etc., subject to multiunit connection fees. **Charge different fees per unit, room, etc. based on the type of development specified.** This option would model Colonial Heights' system of charging a different fee per unit, room, etc. based on development classification (see attached). Should you choose this option staff requests guidance on which specific types of development should be subject to the fees and the exact fees that should be charged per unit, room, etc. for each development classification.
  
- 3) **Eliminate multiunit connection fees for all types of development.** Developers would only be charged standard water and sewer tap fees.

### **Recommendation**

I request you select one of the options listed above or devise another alternative to provide direction to staff. Based on your direction, staff will then prepare code amendments for consideration at your October 21, 2014 meeting. I also request you authorize conducting a public hearing on the proposed amendments at that meeting.

### **Attachments**

City of Emporia Code Section 78-72  
City of Emporia Code Section 78-188  
City of Colonial Heights Code Section 238-2  
City of Colonial Heights Code Section 277-6

## Sec. 78-72. Charges, application, and payment for water taps.

Charges, application, and payment for water taps are as follows:

- (1) Charge for three-fourths of an inch water taps shall be \$3,000.00.
- (2) Charges for water taps exceeding three-fourths of an inch shall be \$3,000.00 plus the difference in materials cost.
- (3) For connecting a multiunit residential or commercial development, there shall be, in addition to any tap charges otherwise required in this Code, a fee of \$1,000.00 for each unit within the multiunit development. All facilities constructed or installed on private property for the purpose of serving the development itself shall be maintained by the owner or developer and shall be subject to use regulations as provided elsewhere in this Code.
- (4) There shall be a 100 percent surcharge for all customers who reside outside of the corporate limits of the city.
- (5) Water tap requests shall be included on building permit application forms. After receipt of the building permit application, the director of public utilities will determine the size of the water tap. Water tap charges, including multiunit development connection fees, will be paid for by the owner or agent at the time of building permit issuance. The owner or agent shall be charged the multiunit development connection fees associated with those units to be developed under the current building permit application. Should a building permit be required due to the expiration of an existing permit or addition of units within the same development, the owner or agent will be responsible for paying the current multiunit development connection fees as established by council. After all water tap charges have been paid and a building permit has been issued, the department of public utilities will make the requested water tap. Only authorized city employees shall make water taps.

*(C 2011-2012 § 28-34, Ord. No. 97-35, 6-17-97; Ord. No. 06-17, 6-20-06; Ord. No. 06-22, 6-20-06; Ord. No. 06-28, 7-1-06; Ord. No. 06-39-01, 8-16-09; Ord. No. 09-55, 9-1-09)*

**Sec. 78-188. Charges, application, and payment for sewer taps.**

Charges, application, and payment for sewer taps are as follows:

- (1) Charges for four-inch sewer taps shall be \$4,000.00.
- (2) Charges for sewer taps exceeding four inches shall be \$4,000.00 plus the difference in materials costs.
- (3) For connecting a multiunit residential or commercial development, there shall be, in addition to any tap charges otherwise required in this Code, a fee of \$2,000.00 for each unit within the multiunit development. All facilities constructed or installed on private property for the purpose of serving the development itself shall be maintained by the owner or developer and shall be subject to use regulations as provided elsewhere in this Code.
- (4) There shall be a 100 percent surcharge for all customers who reside outside of the corporate limits of the city.
- (5) ~~Sewer~~ tap requests shall be included on building permit application forms. After receipt of the building permit application, the director of public utilities will determine the size of the sewer tap. Sewer tap charges, including multiunit development connection fees, will be paid for by the owner or agent at the time of building permit issuance. The owner or agent shall be charged the multiunit development connection fees associated with those units to be developed under the current building permit application. Should a building permit be required due to the expiration of an existing permit or addition of units within the same development, the owner or agent will be responsible for paying the current multiunit development connection fees as established by city council. After all sewer tap charges have been paid and a building permit has been issued, the department of public utilities will make the requested sewer tap. Only authorized city employees shall make sewer taps.

*(Ord. 1972, 1-1-72; Ord. No. 97-0, 6-17-97; Ord. No. 06-16, 6-20-06; Ord. No. 08-57, 6-11-07; Ord. No. 10-13, 7-1-10; Ord. No. 16-11, 6-16-16; Ord. No. 09-35, 9-1-09)*

City of Colonial Heights, VA  
Wednesday, August 27, 2014

## Chapter 238. SEWERS AND SEWAGE DISPOSAL

### Article I. Connections

#### § 238-2. Permit required; fee.

[Amended 6-10-1980 by Ord. No. 80-40; 11-10-1987 by Ord. No. 87-31; 3-8-1988 by Ord. No. 87-31A; 5-9-1989 by Ord. No. 89-24; 5-13-1992 by Ord. No. 92-17; 7-14-1992 by Ord. No. 92-23; 5-8-2001 by Ord. No. 01-12<sup>[1]</sup>; 9-10-2002 by Ord. No. 02-31; 1-10-2006 by Ord. No. 05-29]

- A. All connections made with or into the sewer lines or mains under the control of or owned by the City shall be made under the supervision of the Director of Public Works and/or the Building Official, and no such connection shall be made without a permit to do so being first obtained. Each single-family residence and any auxiliary structures and uses may be connected by the same number of taps as would result from the development of the entire adjacent property of the owner as conforming lots or validly recorded nonconforming lots. Future connection of any additional residence, or of a use of an equal or greater intensity, to any such tap other than the primary tap shall require prior issuance of an additional permit and prior payment of an additional fee.
- B. Every person tapping into and connecting with the sewer lines or mains under the control of or owned by the City, except as otherwise provided, shall pay into the City treasury connection fees according to the following schedule:

Type	Fee
Single-family detached houses	\$3,000
Apartments, Townhouses, Attached Condominiums Quadruplexes and Duplexes (owner occupied or tenant occupied), per unit	\$6,000
Motel/hotel, per room	\$700
Hospital, per bed	\$2,500
Nursing home, per bed	\$1,250

- C. Any commercial or industrial user tapping into and connecting with the sewer lines or mains under the control of or owned by the City shall pay into the City treasury connections fees according to the following schedule:

<b>Size of Meter (inches)</b>	<b>Fee</b>
5/8 or 3/4	\$2,000
1	\$3,500
1 1/2	\$7,000
2	\$12,000
3	\$23,000
4	\$37,000
6	\$73,000
8	\$117,000

- D. Nothing contained in this section shall be construed to apply to the provisions of Chapter 250, Subdivision of Land.

[1]: *Editor's Note: This ordinance stated that the provisions of § 238-2 would be in effect on and after 7-1-2001.*

City of Colonial Heights, VA  
Wednesday, August 27, 2014

## Chapter 277. WATER

### Article I. General Provisions

#### § 277-6. Water taps and connections; connection charges.

[Amended 6-10-1980 by Ord. No. 80-35; 6-12-1984 by Ord. No. 84-32; 11-10-1987 by Ord. No. 87-31; 3-8-1998 by Ord. No. 87-31A; 5-9-1989 by Ord. No. 89-24; 8-11-1998 by Ord. No. 98-19; 5-8-2001 by Ord. No. 01-13<sup>(1)</sup>; 9-10-2002 by Ord. No. 02-31; 1-10-2006 by Ord. No. 05-29]

- A. All connections made with or into any lines or any water mains or pipes under the control of the City shall be made under the supervision of the Director of Public Works and/or the Building Official, and no such connection shall be made without a permit to do so being first obtained.
- B. Every person tapping into and connecting with the water mains so provided under this section, except as otherwise provided, shall pay into the City treasury connection fees according to the following schedule:

Type	Fee
Single-family detached houses	\$2,000
Apartments, Townhouses, Attached	\$4,000
Condominiums, Quadruplexes & Duplexes (owner occupied or tenant occupied), per unit	
Motel/hotel, per room	\$700
Hospital, per bed	\$1,500
Nursing home, per bed	\$750

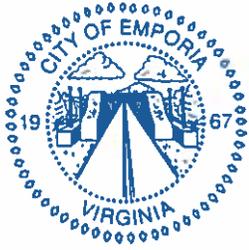
- C. Any commercial or industrial user tapping into and connecting with the water mains so provided under this section shall pay into the City treasury connection fees according to the following schedule:

Size of Meter (inches)	Fee
5/8	\$2,000
1	\$3,500
1 1/2	\$7,000

<b>Size of Meter (inches)</b>	<b>Fee</b>
2	\$12,000
3	\$23,000
4	\$37,000
6	\$73,000
8	\$117,000

- D. All persons occupying property in the City which is connected with the water system of the City and all persons who are required by law or ordinance to connect with such water system shall hereafter be required to connect to a water meter, which shall be installed, owned and controlled by the City.
- E. The following is a definition of the materials to be furnished by the City in making water taps in accordance with this section: In making water taps, the City shall make the tap, furnishing corporation cock when necessary, lead goose neck, lead to iron coupling and curb cock to meter, but no other pipe. Pipe shall be supplied by the water taker or the water taker's plumber and must be a good quality three-fourths-inch Type K copper pipe, or larger sizes when necessary. Such pipe shall not be covered up until tested and inspected by the City Building Inspector.

[1]: *Editor's Note: This ordinance stated that § 277-6 would be in effect on and after 7-1-2001.*



# **CITY OF EMPORIA**

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## **Memorandum**

August 29, 2014

**TO:** The Honorable Mayor and City Council  
**FROM:** Brian S. Thrower, City Manager *BST*  
**SUBJECT:** Nonconforming Structures – Request by Council Member White  
**ITEM #:** 14-56

Council Member White has requested the issue of nonconforming uses be put on tonight's agenda for discussion, specifically as it relates to the ability of property owners to rebuild nonconforming structures should they be damaged by an act of God.

### **Attachments**

City of Emporia Code Section 90-12

**Sec. 90-12. Nonconforming uses; regulations.**

No nonconforming building or use shall be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law or order, unless the use thereof is changed to a use permitted in the district in which located, except as follows:

- (1) Such use may be extended throughout any part of the building which was manifestly arranged or designed for such use on April 4, 1975, provided no structural alterations except those required by law are made therein.
- (2) Any building that is conforming as to use, but is nonconforming as to floor area, lot, yard, road frontage, distance or height requirements, may be enlarged or structurally altered, but not reconstructed or substituted, so that it more nearly complies with these requirements.
- (3) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification, but it shall not thereafter be changed back to a use of a less restricted classification.
- (4) Any nonconforming building or structure which is hereafter damaged to an extent exceeding 50 percent of its then appraised value exclusive of foundations, by fire, flood, explosion, earthquake, war, riot, storm, or so-called act of God, may not be restored, reconstructed or used for any purpose other than one permitted in the district in which it is located. However, if such damage is not more than 50 percent, such building or structure may be restored, reconstructed, and used as before, provided that it be done within two years after the damage occurs, and provided also that the height, yard, court, and other provisions of this chapter are complied with as nearly as possible. Any building that is conforming as to use, but is nonconforming as to floor area, lot, yard, road frontage, distance or height requirements, may be restored, reconstructed and used as before even though damaged to an extent exceeding 50 percent, provided that it is done within two years and that the floor area, lot, yard, road frontage, distance, or height requirements of this chapter are complied with as nearly as possible.
- (5) No building, structure, or premises where a nonconforming use has ceased for two years or more shall again be put to a nonconforming use.
- (6) All nonconforming buildings and uses in any R district which are of a type first permitted in a C or I district or are restricted for such district, may be continued for a period of ten years after April 4, 1975, unless the owner produces satisfactory evidence that the building at that time is less than 40 years old, in which case the use may be continued until the building does become 40 years old, after which (in either case) the use shall be changed to a conforming use or the building shall be removed.

(Code 1972, § 24-10(1)—(5), (7))



# CITY OF EMPORIA

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## Memorandum

August 29, 2014

**TO:** The Honorable Mayor and City Council

**FROM:** Brian S. Thrower, City Manager

**SUBJECT:** Southside Community Criminal Justice Board – Unexpired Term (Dr. Philip L. Worrell)

**ITEM:** 14-57

Dr. Philip L. Worrell currently serves on the Southside Community Criminal Justice Board. Due to Dr. Worrell relocation out of town he is no longer able to complete his two (2) year term on the SCCJB. His unexpired two (2) year term on the SCCJB has an expiration date of June 30, 2015. As a result, City Council needs to make a nomination(s) to fill the vacant seat. The nomination would require that the individual be a local educator.

### **Recommendation:**

This information is provided to City Council for consideration.

### **Attachment:**

*SCCJB – By-Laws*

*SCCJB – Roster*

*BST/tsw*

REVISED COPY

**BY-LAWS  
of the  
SOUTHSIDE COMMUNITY CRIMINAL JUSTICE BOARD**

for

the Counties of Brunswick, Greenville, and Sussex  
and the City of Emporia

**ARTICLE I - Name**

The name of this Board shall be the Southside Community Criminal Justice Board for the Counties of Brunswick, Greenville, and Sussex and the City of Emporia, hereafter referred to as the SCCJB.

**ARTICLE II - Purpose**

Hereby established is the Southside Community Criminal Justice Board (SCCJB). The purpose shall be to enable Brunswick, Greenville, and Sussex Counties and the City of Emporia in combination to develop pretrial court services, and community-based corrections programs consistent with the Comprehensive Community Corrections Act (CCCA) and Pretrial Services Act (PSA). Refer to code section 53.1-180 et seq. and 19.2-152.2 et seq.

The law shall be interpreted and construed so as to effect the following purposes:

1. To allow individual cities, counties, or combinations thereof greater flexibility and involvement in responding to the problem of crime in the communities;
2. To provide more effective protection of society and to promote efficiency and economy in the delivery of correctional services;
3. To provide increased opportunities for offenders to make restitution to victims of crimes through financial reimbursement to the community at large through Community Service Programs;
4. To permit cities, counties, or combinations thereof to operate and utilize programs and services specifically designed to meet the rehabilitative needs of selected offenders; and
5. To provide appropriate post-sentencing alternatives in localities for certain offenders with the goal of reducing the incidence of repeat offenders.

### **ARTICLE III - Responsibilities**

On behalf of the Counties of Brunswick, Greenville, and Sussex and the City of Emporia, the Southside Community Criminal Justice Board (SCCJB) shall have the responsibility to:

1. Advise on the development and operation of local pretrial services and community-based probation programs and services pursuant to §19.2-152.2 and §53.1-182.1 for use by the courts in diverting offenders from local correctional facility placements;
2. Assist community agencies and organizations in establishing and modifying programs and services for offenders on the basis of an objective assessment of the community's needs and resources;
3. Evaluate and monitor community programs, services and facilities to determine their impact on offenders;
4. Develop and amend the criminal justice plan in accordance with guidelines and standards set forth by the Department of Criminal Justice Services and oversee the development and amendment of the community-based corrections plan as required by §53.1-82.1 for approval by participating local governing bodies;
5. Review the submission of all criminal justice grants regardless of the source of funding;
6. Facilitate local involvement and flexibility in responding to the problem of crime in their communities; and
7. Do all things necessary or convenient to carry out the responsibilities expressly given in this article.

### **ARTICLE IV - Southside Community Criminal Justice Board**

There is hereby established a Southside Community Criminal Justice Board, consisting of persons appointed by the participating governing bodies of cities and counties in the Sixth Judicial District pursuant to Sections 53.1-180 and 19.2-152.2 to 7 in the Code of Virginia as amended.

In cases of multijurisdictional participation, unless otherwise agreed upon, each participating city or county shall have an equal number of appointments. Boards shall be composed of the number of members established by resolution or ordinance of each participating jurisdiction.

Membership of the Southside Community Criminal Justice Board shall include, at a minimum, the following members:

1. One person appointed by the Brunswick County Board of Supervisors to represent the governing body;
2. One person appointed by the Greenville County Board of Supervisors to represent the governing body;
3. One person appointed by the Sussex County Board of Supervisors to represent the governing body;
4. One person appointed by the Emporia City Council to represent the governing body;
5. A Judge of the Sixth Judicial General District Court, or another General District Court Judge designated by the Chief Judge;
6. The Chief Judge of the Sixth Judicial Circuit Court, or another Circuit Court Judge designated by the Chief Judge;
7. A Judge of the Sixth Judicial Juvenile and Domestic Relations Court, or another Juvenile and Domestic Relations Court Judge designated by the Chief Judge;
8. The Chief Magistrate representing the Counties of Brunswick, Greenville, and Sussex and the City of Emporia;
9. The Sheriff of Brunswick County to represent law enforcement for Brunswick County;
10. The Sheriff of Greenville County to represent law enforcement for Greenville County;
11. The Sheriff of Sussex County to represent law enforcement for Sussex County;
12. The Chief of Police for the City of Emporia to represent law enforcement for the City of Emporia;
13. The Commonwealth Attorney for the County of Brunswick or his/her designee;
14. The Commonwealth Attorney for the County of Greenville/City of Emporia or his/her designee;
15. The Commonwealth Attorney for the County of Sussex or his/her designee;
16. A public defender and/or an attorney who is experienced in the defense of criminal matters;
17. A sheriff or the Regional Jail Administrator responsible for jails serving those jurisdictions involved in the local pretrial services and community-based probation program;
18. A local educator;
19. And a Community Services Board Administrator.

Appointments shall serve in four year terms for public elected officials. The members appointed by their jurisdictions shall serve a two year term, at which time they may be reappointed by their governing body with terms beginning July 1<sup>st</sup> of the appointing year and ending June 30<sup>th</sup>.

A vacated SCCJB membership shall be filled by the vacated member's original appointing authority for the balance of the vacated member's term.

Any member of the SCCJB may be removed by his/her appointing authority for any behavior which is contrary to the goals and purposes of the board, after being given a written statement of the cause and an opportunity to be heard thereupon.

The appointed membership of the SCCJB shall elect one of its members as its Chair who shall be the administrative head of the SCCJB for a period of two years, beginning July 1<sup>st</sup>. The duties of the Chair shall be to facilitate the business conducted by the SCCJB.

#### **ARTICLE V - Meetings**

Section 1. Regular meetings shall be held by the SCCJB, one each quarter (during the months of September, December, March, and June) at 7:00 PM.

Section 2. Special meetings of the SCCJB may be called by the SCCJB Chair or upon written notice from a majority of the current membership.

Section 3. The quorum for all SCCJB or committee meetings shall be one member greater than 50% of the current membership of the SCCJB committee.

Section 4. SCCJB and committee meetings will normally be open to the public. However, in special circumstances, when allowed by the Code of Virginia, the SCCJB and/or its committees may meet in executive session behind closed doors with others present only by invitation.

#### **ARTICLE VI - Order of Business**

Section 1. The order in which business shall be conducted at any regular or special meeting of the Board or committee shall be:

1. SCCJB Chair calls the meeting to order;
2. Roll call and announcement of a quorum (roll may be taken silently by the Chair or the Administrative Assistant of Southside Community Corrections and Pretrial Services);
3. Chair recognizes guests and/or visitors;
4. Reading, correction and approval of minutes of the previous meeting (or correction and approval if prior distribution has been made to all members);
5. Report of the Chair;
6. Report of any committee;
7. Report of the Program Director;
8. Old business;
9. New business;
10. Elections (when necessary; see Article IV);
11. Announcements;
12. Final remarks;
13. Adjournment.

Section 2. The Agency Director or his/her designee shall participate; staff members of Southside Community Corrections at the discretion of the Director, shall participate at any time during the proceedings of the SCCJB or its committee meetings when such participation might assist the SCCJB or committee in its deliberations, unless excluded during executive session.

Section 3. Invited guests or members of committees may be invited to speak to the SCCJB or one of its committees at any point in the order of business, when the remarks of the guests might assist the SCCJB or one of its committees in its undertakings. Other visitors of the SCCJB and committee meetings may, at the discretion of the Chair, be invited to speak during the recognition of visitors at the appropriate point in the consideration of old business and/or new business, and/or during the expression of voluntary remarks.

Section 4. The SCCJB and its committees may adopt standing rules relating to the allotment of time to speakers discussed in Section 3 of this article, and/or to the number of speakers who may be heard on any issue, pro or con.

Section 5. Committees of the SCCJB are not bound by the provisions of Section 1 of this Article.

#### **ARTICLE VII - Voting**

Section 1. A majority of SCCJB members present and voting at a Board or Committee meeting is necessary for the passage of any action not otherwise provided for in the By-Laws. A majority is defined as any number greater than one-half.

Section 2. Voting of the SCCJB and its committees shall normally be by voice. However, in every case where a vote other than a simple majority is required for passage, or as a discretionary vote, the vote shall be by the show of hands. The vote of any member will be recorded in the minutes at the request of the member.

Section 3. This article does not apply to the election of officers.

#### **Article VIII - Standing Rules and Policy**

Section 1. Standing rules for the operation of SCCJB or its committees may be established if the SCCJB or committee membership desires it. They shall be published and a copy furnished to each member of the SCCJB at the regular meeting following adoption. A majority vote of the entire SCCJB or of the initiating committee membership shall be required to adopt, resend, or change a standing rule.

Section 2. Statements of policy or position may be adopted from time to time by the vote of a simple majority of the entire SCCJB membership. A copy of such policy or position statement shall be furnished to each member of the SCCJB at the next regular meeting following adoption.

Section 3. The Chair shall ensure that new members of the SCCJB will receive a complete set of current SCCJB By-Laws, and copies of the Comprehensive Community Corrections Act and Pretrial Services Act.

#### **ARTICLE IX - Rules of Procedure**

The Rules contained in Roberts Rules of Order, revised, shall govern the SCCJB and its committees in all cases to which they are applicable, except in those cases where the rules of order are inconsistent with these By-Laws, the Code of Virginia, or the Codes of the Counties of Brunswick, Greensville, and Sussex, and the City of Emporia, Virginia.

#### **ARTICLE X - Suspension of Rules**

Section 1. Standing rules may be suspended pro tempore by the vote of not less than simple majority of the members present and voting at a meeting of the SCCJB or a committee.

Section 2. Established policies and/or positions may be suspended pro tempore by the vote of a simple majority of the members present and voting at a meeting of the entire SCCJB.

Section 3. The provisions of Article VI may be suspended pro tempore by the unanimous vote of members present at the meeting of the SCCJB or a committee. No other provisions of the By-Laws may be suspended.

Section 4. The suspension of any rule, policy, position or portion of the By-Laws may not extend beyond the call to order at the next meeting of the SCCJB or committee. Any action taken during such suspension shall remain in effect until changed or resended by subsequent action or the SCCJB or initiating committee.

#### **ARTICLE XI - Amendments**

Section 1. The By-Laws may be amended at the regular meetings of the entire SCCJB by vote of one more than 50% of the members of the current total membership. A copy of the proposed amendment(s) shall be submitted to each member in writing not less than two full weeks prior to the meeting and introduced and seconded at the meeting as an order of new business.

# SOUTHSIDE COMMUNITY CRIMINAL JUSTICE BOARD

## **Term of Office: 2 Years**

*(David M. Holland, Executive Director, Southside Community Criminal Justice Board, 201 Uriah Branch Way, Emporia, Virginia 23847 - 434/348-4269 or 434/348-1035 - Sherry)*

Don Wyatt  
Emporia Police Department  
310 Budd Street  
Emporia, Virginia 23847  
(W) 434/634-2121

Chief of Police

Term

William W. Robinson, III  
316 South Main Street  
Emporia, Virginia 23847  
(W) 434/634-9198

06/30/2015

Dr. Philip L. Worrell  
300 Shore Drive  
Emporia, Virginia 23847  
(H) 434/634-5802

06/30/2015

F. Woodrow Harris  
1105 West End Drive  
Emporia, Virginia 23847  
(H) 434/634-2725  
(W) 434/348-3645

City Council Member

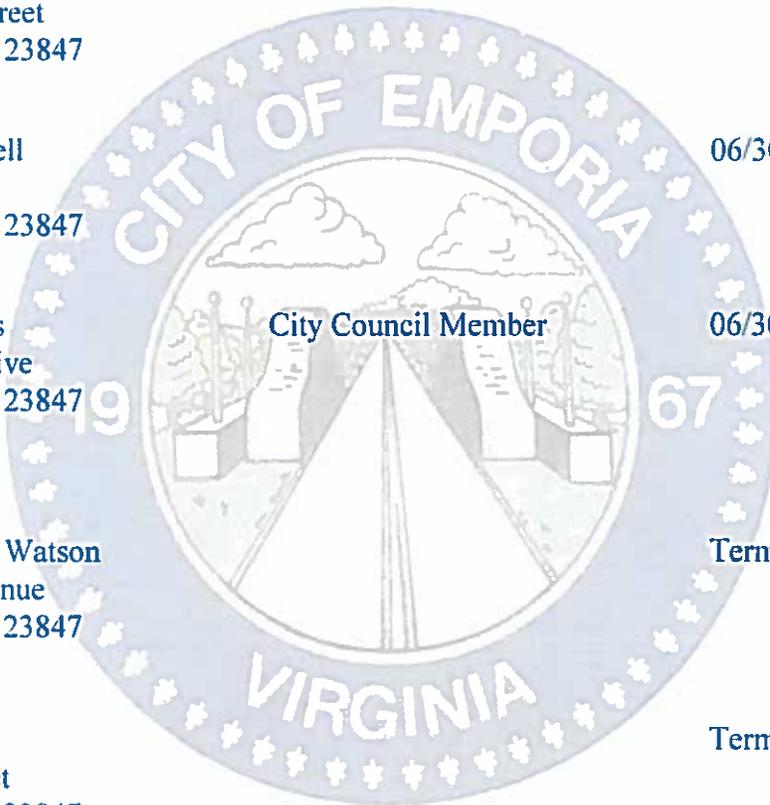
06/30/2015

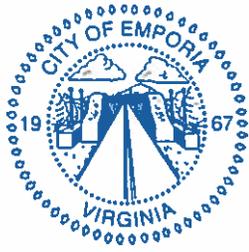
Honorable Patricia Watson  
202 Hicksford Avenue  
Emporia, Virginia 23847  
(W) 434/634-4285

Term

Allan Sharrett  
301 Jefferson Street  
Emporia, Virginia 23847  
(H) 434/634-6950  
(W) 434/634-2167

Term





# CITY OF EMPORIA

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## Memorandum

August 29, 2014

**TO:** The Honorable Mayor and City Council  
**FROM:** Brian S. Thrower, City Manager  
**SUBJECT:** Highway Safety Commission – 4 Term Expirations  
**ITEM:** 14-58

The following individuals are currently serving 3-year terms on the City's Highway Safety Commission that will expire on September 30, 2014:

1. **Reginald Harris**
2. **Joshua Barnes**
3. **Sam Brown**
4. **Shirley Thomas**

All four individuals have indicated that they wish to be considered for reappointment.

**Recommendation:**

This information is provided to City Council for consideration.

**Attachment:**

*City's current Highway Safety Commission Roster*

*BST/tsw*

# HIGHWAY SAFETY COMMISSION

**Term of Office: 3 Years**

*(Notify Linwood Pope of Community Services of updates)*

Reginald Harris 09/30/2014  
500 Waters Street  
Emporia, Virginia 23847  
(H) 434/634-8025

Joshua Barnes 09/30/2014  
418 Harding Street  
Emporia, Virginia 23847  
(H) 434/594-5806

James E. Ewing, III City Council Member 09/30/2016  
221 E. York Drive  
Emporia, Virginia 23847  
(H) 434/634-0919

Jean Cobb 09/30/2016  
315 Echols Street  
Emporia, Virginia 23847  
(H) 434/348-3509

Sam C. Brown Sheriff 09/30/2014  
201 South Main Street  
Emporia, Virginia 23847  
(W) 434/634-4671

## HIGHWAY SAFETY COMMISSION (Continued)...

Meade Horne Chair 09/30/2015  
611 Temple Avenue  
Emporia, Virginia 23847  
(H) 434/634-5300

Shirley Thomas 09/30/2014  
401 Purdy Road  
Emporia, Virginia 23847  
(H) 434/336-1869

Don Wyatt Chief of Police Ex Officio  
Emporia Police Department  
310 Budd Street  
Emporia, Virginia 23847

(W) 434/634-2121

Bob Morris  
VDOT  
610 Johnston Willis Drive  
Richmond, Virginia 23236

Transp. Field Coordinator

VDOT Representative