

## ‘PUBLIC HEARINGS

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### **1. Citizens National Bank Building – Request to Convey Deed to the IDA and Authorize Negotiation and Execution of Architectural Services Contract**

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Emporia’s City Council held a Public Hearing on Tuesday, April 5 2011, at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. James C. Saunders, President of Council, presided over the session.

The following City Council members were present:

Councilman F. Woodrow Harris  
Councilman James C. Saunders  
Councilwoman Doris T. White  
Councilwoman Deborah D. Dixon  
Councilwoman L. Dale Temple  
Councilwoman Carolyn S. Carey

Others present: C. Butler Barrett, City Attorney  
Brian S. Thrower, City Manger  
Tessie S. Wilkins, City Clerk  
Don Wyatt, Chief of Police  
Ken Ryals, Emergency Service Coordinator  
Sheila Cutrell, Finance Director

Absent: Councilman John R. White  
Steven B. Hall, Assistant City Manager  
Samuel W. Adams, III, Mayor

### **1. Citizens National Bank Building – Request to Convey Deed to the IDA and Authorize Negotiation and Execution of Architectural Services Contract**

Mr. Thrower stated that the City had been discussing options regarding the Citizens National Bank building over the last several years. He also stated that at this time City staff is in the process of securing possible tenants to occupy this building. He further stated that he is requesting the City Council to approve conveying the deed to the Citizens National Bank building and rear parking areas, located at 401 S. Main Street otherwise known as tax map numbers 182-A-54, 182-A-55, 182-A-56, and 182-A-58, to the Emporia Industrial Development Authority (IDA). He advised that as required by State Code, a public hearing is required to dispose of publicly held real property.

Mr. Thrower stated that he will be working with the IDA, the City Attorney, and possible tenants to finalize the details of this project and will be seeking financing sources to pay for renovations to the building. He also stated that he is also requesting City Council to authorize himself to negotiate and execute a contract with The Yellow Room architectural firm to begin required design work. He further stated that a request for proposals (RFP) was issued for architectural services. He stated that The Yellow Room was ranked first out of the three firms

that submitted proposals. He also stated that part of the architectural services costs will be paid out of the City's FY11 budget, while the majority of these costs will be included in the City's FY12 Budget.

Mr. Thrower recommend that the City Council approve conveying the deed to the Citizens National Bank building and rear parking areas to the IDA. He also recommends that the City Council authorize himself to negotiate and execute a contract with The Yellow Room for architectural services.

Councilman Saunders asked if there was anyone who wished to make any comments regarding this matter.

With there being no comments, Councilman Saunders declared the public hearing closed.

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James C. Saunders, President of Council

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Tessie S. Wilkins, City Clerk

**MINUTES**  
**EMPORIA CITY COUNCIL**  
**CITY OF EMPORIA MUNICIPAL BUILDING**  
**April 5, 2011**

*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, April 5, 2011, at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Jim Saunders, President of Council presided over the meeting with Carolyn S. Carey, Council Member offering the invocation.

**ROLL CALL**

The following City Council members were present:

Councilman F. Woodrow Harris  
Councilman James C. Saunders  
Councilwoman Doris T. White  
Councilwoman Deborah D. Dixon  
Councilwoman L. Dale Temple  
Councilwoman Carolyn S. Carey

Others present:

C. Butler Barrett, City Attorney  
Brian S. Thrower, City Manger  
Tessie S. Wilkins, City Clerk  
Don Wyatt, Chief of Police  
Ken Ryals, Emergency Service Coordinator  
Sheila Cutrell, Finance Director

Absent: Councilman John R. White  
Steven B. Hall, Assistant City Manager  
Samuel W. Adams, III, Mayor

**MINUTES APPROVAL**

Councilwoman White moved to approve the minutes from the March 25, 2011 and March 26, 2011 Retreat and March 15, 2011 Public Hearing and Regular Meeting, as presented, seconded by Councilwoman Temple which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye

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

**AGENDA APPROVAL**

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

Councilman F. Woodrow Harris        aye  
Councilman James C. Saunders        aye  
Councilwoman Doris T. White        aye  
Councilwoman Deborah D. Dixon      aye  
Councilwoman L. Dale Temple        aye  
Councilwoman Carolyn S. Carey      aye

**NEW BUSINESS**

***11-33. Citizens National Bank Building – Request to Convey Deed to the IDA and Authorize Negotiation and Execution of Architectural Services Contract***

Mr. Thrower stated that the City had been discussing options regarding the Citizens National Bank building over the last several years. He also stated that at this time City staff is in the process of securing possible tenants to occupy this building. He further stated that he is requesting the City Council to approve conveying the deed to the Citizens National Bank building and rear parking areas, located at 401 S. Main Street otherwise known as tax map numbers 182-A-54, 182-A-55, 182-A-56, and 182-A-58, to the Emporia Industrial Development Authority (IDA). He advised that as required by State Code, a public hearing is required to dispose of publicly held real property.

Mr. Thrower stated that he will be working with the IDA, the City Attorney, and possible tenants to finalize the details of this project and will be seeking financing sources to pay for renovations to the building. He also stated that he is also requesting City Council to authorize himself to negotiate and execute a contract with The Yellow Room architectural firm to begin required design work. He further stated that a request for proposals (RFP) was issued for architectural services. He stated that The Yellow Room was ranked first out of the three firms that submitted proposals. He also stated that part of the architectural services costs will be paid out of the City's FY11 budget, while the majority of these costs will be included in the City's FY12 Budget.

Mr. Thrower recommend that the City Council approve conveying the deed to the Citizens National Bank building and rear parking areas to the IDA. He also recommends that the City Council authorize himself to negotiate and execute a contract with The Yellow Room for architectural services.

Councilwoman Temple moved to approve conveying the deed to the Citizens National Bank building and rear parking areas to the IDA, and authorize the City Manager to negotiate and execute a contract with The Yellow Room for architectural services, seconded by Councilwoman White, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

**11-34. 2011 VML Policy Committee Nominations**

Mr. Thrower reported that the annual submission of nominations to VML’s Policy Committees was needed by City Council members.

Councilman Harris made a motion to nominate the following to VML’s Policy Committees as indicated:

Councilwoman Doris T. White	.....	Environmental Quality
Mr. Thrower	.....	Finance
Councilwoman Deborah D. Dixon	.....	General Laws
Councilwoman Carolyn S. Carey	.....	Human Development & Education
Dale Temple	.....	Human Development & Education

Councilwoman Dixon seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

**11-35. Industrial Development Corporation Board of Directors Appointments**

Mr. Thrower reported that the annual nominations to the Emporia-Greenville Industrial Development Corporation, was needed by Council Members.

Councilwoman Temple made a motion to nominate the following:

C. Butler Barrett  
 Councilman F. Woodrow Harris  
 Councilman James C. Saunders  
 Mr. Brian S. Thrower

Councilwoman Carey seconded the motion which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

**11-36. Family Violence/Sexual Assault Program – Appropriation Ordinance**

Mr. Thrower stated that the City annually receives grant funds from the Department of Social Services for our Family Violence/Sexual Assault Program. He also stated that the City had received notification that the Department of Social Services had approved funding in the amount of \$60,000.00 for FY11. He further stated that the funding in the amount of \$55,221.00 was included in our FY11 budget. He stated that the City Council will need to appropriate the difference of \$4,779.00 into the FY11 Operating Budget so that these grant funds may be utilized for our Family Violence/Sexual Assault Program.

He recommended that City Council adopt this ordinance.

Councilwoman Temple made a motion to adopt **Ordinance No. 11-06** to appropriate the Sum of \$4,779.00 in Grant Funds from the Department of Social Services for the Family Violence/Sexual Assault Program, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	abstained
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Deborah D. Dixon	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

**11-37. Water Bill Code Amendments – Request to Conduct a Public Hearing**

Mr. Thrower stated that the City has been discussing amendments to the Utilities Code over the last year. He also stated that the City has been discussing increasing the required deposit upon opening an account, as well as reverting back to a one month water bill payment structure.

Mr. Thrower stated that the current deposit upon opening a new account is \$125.00. He also stated that he is now recommending this amount be increased to \$250.00 in order to adequately cover non-payments, cut-on and cut-off fees, and penalties assessed by the City. He further stated that the increased deposit is necessary given the fact that water rates will be increased effective July 1, 2011 in order to cover the cost of debt service for the water treatment plant and distribution line upgrade project. He stated that he's also proposing to increase the water cut-on and cut-off charges from \$30.00 to \$45.00, as well as increasing the late payment penalty from \$10.00 to \$15.00.

Mr. Thrower stated that in terms of cutting off water service due to non-payment, the current code states that the water service shall be shut off on the 25<sup>th</sup> of the second month of non-payment. He also stated that the water bill payments are due by the 20<sup>th</sup> of each month with a ten dollar penalty assessed on those customers not making the required payment by that date. He further stated that this policy, coupled with the low deposit fee, has facilitated the accumulation of \$159,245.01 (as of 3/31/11) in uncollected water bills from both inactive accounts and active accounts (thirty days or more past due). He stated that these uncollected payments put more strain on City finances, and ultimately, those responsible citizens and businesses that actually make timely payments.

Mr. Thrower stated that under his recommendation that water service to a property “be shut off on the 25<sup>th</sup> of the month if the bill for water supplied to such premises is not paid prior to that date.” He also stated that however, per Council provisions stating “service shall not be shut off for non-payment of fifteen dollar (proposed new penalty or less. He further stated any previous non-payment of fifteen dollar or less shall be paid prior to the 25<sup>th</sup> of the next billing month to avoid disconnection of water and sewer services.” He stated that should Council agree with his recommendation of reverting back to a one month payment structure, the Treasurer’s Office will allow existing active accounts that have accumulated charges covering more than a one month billing cycle a period of six months to pay those outstanding charges. He also stated that should those accounts not be paid by that time period, water service will be disconnected.

Mr. Thrower stated that another customer friendly amendment to this code section is in regards to the restoration of water service. He also stated that the current code states that payment of water and sewer services must be rendered prior to noon on the due date in order for service to be restored the same business day. He further stated that the proposed amended code section states that “payment must be received prior to 4:00 p.m. for services to be restored the same business day.” He stated that this will allow services to be restored in a timelier manner upon payment.

He recommended that City Council authorize conducting a public hearing on these code amendments at the City Council’s May 3, 2011 meeting.

Councilwoman Temple stated that she had concerns with the deposit increasing from \$125.00 to \$250.00. Mr. Thrower stated that currently customers can have at least four water bills left unpaid and that the \$125.00 deposit is not covering the outstanding bills that are being left behind in the City by customers that cannot be track down for payment.

Councilman Harris stated that he had concerns with the utility bills being due less then twenty days after customers received it. He also stated that he did not think it was best to do both increase the deposit amount and reconvert back to one month cut-off.

Mr. Thrower gave a scenario which showed that the current deposit of \$125 would not cover the bills in the event of a cut-off resulting from non-payment if you took two month of minimum bill of \$49.84 and that did not take into account the rate increase for water plus the cut-on and cut-off fee which could be another \$30.00 plus the late penalty that is why he recommends the deposit be increased to \$250.00 but it not at least increase to a \$200.00 deposit fee.

Councilman Saunders requested the balance of uncollected bills for the City. Mr. Thrower stated that there is \$114,000.00 of uncollected bills for the City. Councilman Saunders inquired if the uncollected bills were turned over to a collection agency after the City had tried to collect the funds. Mr. Thrower stated no the uncollected utility bills were not turned over to a collection agency. Mr. Thrower stated that the City have started talking to Collection Agency and getting some proposal on what they will charge for that service.

Councilman Saunders stated that reverting back to first month for cut-off on the 25<sup>th</sup> of that month with bills due on the 20<sup>th</sup> is the responsible thing to do. He also stated that he would be in favor of the increase for the penalty on the Utility bill. He further stated that he is not in favor of increasing the deposit, cut-on, and cut-off fees.

Councilwoman Carey stated that she also had concern about the deposit increase to \$250.00.

Councilman Harris stated that he was not in favor of the changes because increasing the fees is not the problem. He also stated that the issue is those people who leave during the night and do not pay. He further stated that there needs to be more flexibility in determining if a bill that is late and needs to be penalized has a justifiable call to waive those fees. He gave an example of an elderly customer who was hospitalized and could not pay her bill do to circumstances beyond her control. He stated that instances like this it should be a way that the fees are waived.

Councilman Saunders stated that this item was to be continued at the April 19, 2011 City Council meeting.

### **PUBLIC COMMENT**

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

With there being no comments to come before City Council, Councilman Saunders closed the public comment portion of the meeting.

### **ADJOURNMENT**

With no further business to come before City Council, Councilman Saunders adjourned the meeting.

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James C. Saunders, President of  
Council

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Tessie S. Wilkins, City Clerk