

MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
December 16, 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.

Mayor Person presented Shirley Ottinger a resolution for her service to the City of Emporia.

Emporia City Council held a regular meeting on Tuesday, December 16, 2014 at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Mary L. Person presided over the meeting with Carolyn Carey, Council Member offering the invocation.

ROLL CALL

The following City Council members were present:

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

Others present:

Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Ken Ryals, Emergency Service Coordinator

Absent:

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, December 16, 2014, Public Hearing and Regular meeting minutes as presented, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris aye

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

APPROVAL OF BILLS

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

General Fund	\$	863,656.96
Utility Fund	\$	41,491.10

Councilwoman Temple moved to approve the December 16, 2014 bills as presented, seconded by Councilwoman Mercer, which passed as follows:

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

FINANCIAL AND TAX REPORTS

Honorable W. S. Harris, Jr., City Treasurer provided his report to City Council members. There were no questions regarding his report.

COMMISSIONER OF THE REVENUE REPORT

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

PERMIT AND INSPECTION REPORT

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

POLICE REPORT

Don Wyatt, Chief of Police provided his report to City Council members. There were no questions concerning his report.

CITY SHERIFF REPORT

Sam C. Brown, Sheriff provided his report to City Council members. There were no questions concerning his report.

CITY ATTORNEY REPORT

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

AGENDA APPROVAL

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

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

NEW BUSINESS

14-85. Personnel Policy Updates – Request for Approval

Mr. Thrower stated that at the December 2, 2014 meeting, Council approved giving employees hired prior to January 1, 2014 and police officers hired prior to January 1, 2015 the option of “opting into” the proposed new paid time (PTO) plan or staying with their current sick and annual leave plan. He also stated that the decision to “opt into” the new plan will be irrevocable and is a one-time opportunity. He further stated that the eligible employees would be required to make this decision no later than January 5, 2015. He advised that employees hired January 1, 2014 and after, excluding police officers hired prior to January 1, 2015, will be required to participate in the proposed new plan.

Mr. Thrower stated that there are amendments to Chapters 9 and 10 of the Personnel Manual that reflect Council direction. He also stated that there are a few minor amendments regarding observed holidays (Section 9-1), sick leave accrual and use (Section 9-3.1), annual leave accrual and use (Section 9.6-1), and final pay outs (10-06).

He recommended that Council approves the amendments to Chapter 9 and 10 of the Personnel Manual based on Council direction from the December 2, 2014 meeting. He stated that if Council approves these amendments, he will be asking Council to appropriate funds out of the unassigned fund balance to cover sick leave pay outs and cost of covering employees who “opt into” the new PTO plan under short and long-term disability programs.

Mr. Thrower pointed out some of the main things for opting into Paid Time Off (PTO) as following:

- Eligible employees shall be given a one-time opportunity to opt into the PTO policy. The decision to opt into the PTO policy shall be made no later than January 5, 2015 and is irrevocable. Should eligible employees not opt into the PTO policy by that date they shall continue to be covered under the sick and annual policies previously outlined in this chapter. The following provisions apply to those employees who opt into the PTO policy.

- All annual leave will be converted to PTO.
- Effective January 1, 2015 sick leave shall not be accrued.
- Employees may elect to be paid out all or a portion of sick leave accrued as of December 31, 2014 the equivalent of twenty-five (25) percent of his or her existing sick leave balance up to \$5,000.00. Payout based on hourly rate as of December 31, 2014. Pay outs will be made in January 2015.
- Employees may elect to ‘bank’ all or a portion of sick leave accrued as of December 31, 2014. This leave may only be used according to the sick leave guidelines previously outlined in this chapter. This leave may also be used to fill disability coverage gaps.
- Employees may elect to convert up to 96 hours (12 days) of sick leave accrued as of December 31, 2014 to PTO subject to the maximum carryovers based on years of service referenced in the chart provided in 9-7.1.
- Employee with five (5) or more consecutive years of City employment shall be paid out for all banked sick leave remaining upon separation from City employment the equivalent of twenty-five (25) percent of his or her existing sick leave balance up to a maximum of \$5,000.00.

Councilman Ewing recommended that the employees be given the opportunity to opt into the PTO policy one time per calendar year on an annual basis for the next three years ending December 31, 2016.

Councilman Harris made a motion to approve the amendments to Chapter 9 and 10 of the Personnel Manual and to also give employees the opportunity to opt into the PTO policy one time per calendar year on an annual basis for the next three years ending December 31, 2016, seconded by Councilman Ewing, which passed as follows:

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

14-86. Water and Sewer Tap Fees – Request for Direction

Mr. Thrower stated that at the November 18, 2014 meeting, Council directed staff to develop options regarding the water and sewer tap fee payment process. He also stated that the City Code currently required the payment of these fees at the time of building permit issuance. He further stated that below are suggested amendments to City Code Section 78-72 (5) and 78-188 (5) based on Council previous direction.

Water Taps

City Code Section 78-72 (5)

Water tap requests shall be included on the 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 prior to the issuance of a Certificate of Occupancy. 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 water tap charges and multiunit development connection fees as established by Council at the time of payment. Only authorized city employees shall make water taps.

Sewer Taps

City Code Section 78-188 (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 prior to the issuance of a Certificate of Occupancy. 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 sewer tap charges and multiunit development connection fees as established by council at the time of payment. Only authorized city employees shall make sewer taps.

Councilman Ewing made a motion to authorize a public hearing at the January 6, 2015 meeting, seconded by Councilwoman Temple which passed as follows:

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

14-87. Fire Program Funds (City) – Appropriation Ordinance

Mr. Thrower reported that the City received grant funds from the Virginia Department of Fire Programs (VDFP) on an annual basis. He also reported that the VDFP allowed the City to carry the unspent funds over from one fiscal year to the next. He further stated that the City had \$166,370.06 in carryover funds remaining. He stated that Council would need to re-appropriate \$166,370.06 into the FY15 Operating Budget so that the Emporia Volunteer Fire Department can utilize these grant funds.

Councilwoman Temple made a motion to adopt **Ordinance No. 14-23** to appropriate the sum of \$166,370.06 in previously received grant funds from the Virginia Department of Fire Programs from the Unappropriated Fund balance of the General Fund for Fire Programs, seconded by Councilwoman Mercer, which passed as follows:

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

Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

14-88. Fire Program Funds (County) – Appropriation Ordinance

Mr. Thrower reported that the City received grant funds from the Virginia Department of Fire Programs (VDFP) through Greenville County on an annual basis. He also reported that the City had received \$2,755.50 in additional funds from Greenville County for FY14. He further reported that in order for the Emporia Volunteer Fire Department to utilize these grant funds, Council would need to appropriate the sum of \$2,755.50 into the FY15 Operating Budget.

Councilman Ewing made a motion to adopt **Ordinance No. 14-24** to appropriate the sum of \$2,755.50 in grant funds from the Virginia Department of Fire Programs which was received from the County of Greenville for Fire Programs, seconded by Councilwoman Temple, which passed as follows:

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

14-89. Farmers Market Trailhead Improvement Project – Appropriation Ordinance

Mr. Thrower stated that the City entered into an agreement with H. G. Reynolds Company, Inc. for construction of the boat and canoe/kayak launch work related to the Farmers Market Trailhead Improvement Project on October 25, 2013. He also stated that the work was not completed prior to the close of FY14 and therefore, must be paid for from the FY15 budget. He further stated that there were funds remaining in the FY14 budget to cover the cost of this work, which totals \$70,338.04. He advised that City Administration requests that Council re-appropriate the funds remaining from the FY14 budget to the FY15 budget to cover the cost of this work.

Councilman Ewing made a motion to adopt **Ordinance No. 14-25** to appropriate the sum of \$70,339.00 from the unappropriated fund balance of the General Fund for the Construction of the Farmers Trailhead Improvements Project, seconded by Councilwoman Mercer, which passed as follows:

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

14-90. DHCD Housing Needs Assessment Planning Grant – Appropriation Ordinance

Mr. Thrower reported that the City of Emporia was awarded a \$15,000.00 planning grant by the Virginia Department of Housing and Community Development (DHCD) for a Housing Needs Assessment. He advised that in order for the City to utilize this award, Council will need to adopt the ordinance appropriating the grant funding into the City’s FY15 budget.

Councilwoman Temple made a motion to adopt **Ordinance No. 14-26** to appropriate the sum of \$15,000.00 in Planning Grant Funds from the Virginia Department of Housing and Community Development for the Housing Needs Assessment, seconded by Councilwoman Mercer, which passed as follows:

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

14-91. City and Greensville County School Board Appointments

Mr. Thrower stated that on December 2, 2014, City Council held a public hearing regarding two appointments to the City School Board and one to the Greensville County school board. He also stated that City Council received the following nomination for the City School Board: Denise Parker and Marva Dunn. He further stated that City Council received the following nomination for the Greensville County School Board: Bernadette Battle and Marva Dunn.

Mr. Thrower stated that the City School Board and Greensville County School Board appointees would fill the term of office for four years until December 31, 2018.

Councilman Harris made a motion to reappoint Denise Parker and Marva Dunn to serve another four-years term on the City School Board seconded by Councilwoman Mercer, which passed as follows:

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

Councilman Harris made a motion to reappoint Marva Dunn to serve another four-years term on the Greensville County School Board seconded by Councilwoman Carey, which passed as follows:

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

14-92. Water and Sewer Tap Fees – Request by Council Member Carey

Councilwoman Carey stated that she suggests amending the water and sewer tap fee's ordinance to impose the same cap on two-family and multiple-family dwellings as on lodging facilities.

Councilman Harris stated that this was a bad idea because lodging facilities are paying a transient lodging tax which two-family or multiple-family dwellings don't.

Councilwoman Carey made a motion to authorize a public hearing to amend the water and sewer tap fee's ordinance to impose the same cap on two-family and multiple-family dwellings as on lodging facilities, seconded by Councilwoman White, which passed as follows:

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

PUBLIC COMMENT

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

Clinton Slate, of 103 Beech Tree Lane, Emporia, VA addressed Council stating that once the DHCD Housing Needs Assessment Planning Grant was conducted maybe it will show that the City of Emporia is in need of housing and then Council will consider changing the water and sewer tap fees for a multi-family dwelling.

Mr. Thrower stated that the DHCD Housing Needs Assessment Planning Grant will only show the houses in the City of Emporia that needed house repairs.

Deacon Cornell Hines, Emporia, VA, addressed Council inviting them to Habitat for Humanity ceremony for their 8th home at 223 Zion Blvd on December 31, 2014.

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

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

Councilwoman Temple moved that Closed Session be entered for the purpose of discussing Virginia Code Sections § 2.2 3711 (A) (7) **Legal matter requiring the advice of counsel pertaining to Comprehensive Services Act Funding**, seconded by Councilwoman Mercer, which passed as follows:

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

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

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

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

CERTIFICATION

Councilwoman White moved to certify the following:

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

Councilwoman Temple seconded the motion, which passed as follows:

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

Councilman Ewing made the motion to authorize the Mayor to execute the Comprehensive Services Act Agreement with the revisions discussed, Councilwoman Temple seconded the motion, which passed as follows:

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

ADJOURNMENT

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

Mary L. Person, Mayor

Tessie S. Wilkins, City Clerk