



CITY OF EMPORIA

PUBLIC HEARINGS

- 1. City School Board Nominations**
- 2. Greensville County School Board Nominations**
- 3. Paid Time Off (PTO) Policy**

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

OPENING PRAYER

ROLL CALL

APPROVAL OF MINUTES

November 18, 2014 ~ Public Hearing and Regular Meeting

APPROVAL OF AGENDA

UNFINISHED BUSINESS

14-80. Farmers Market Advisory Board Expirations - Honorable Doris White/Mike Allen

NEW BUSINESS

14-84. Paid Time Off (PTO) Policy

PUBLIC COMMENT

CLOSED SESSION

Closed Meeting pursuant to Virginia Code § 2.2 (A) (7) Legal matter requiring the advice of counsel pertaining to Comprehensive Services Act Funding.

PUBLIC HEARINGS

- 1. Water and Sewer Multiunit Connection Fees – Request to Amend City Code**
 - 2. Transient Lodging Tax – Request to Amend City Code**
 - 3. Smoove Operators – Request to Revoke Conditional Use Permit**
-

Emporia's City Council held a Public Hearing on Tuesday, November 18, 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 session.

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
Dr. Edwin C. Daley, Projects Administrator
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Don Wyatt, Chief of Police
Sheila Cutrell, Finance Director
Ken Ryals, Emergency Service Coordinator

Absent:

1. Water and Sewer Multiunit Connection Fees – Request to Amend City Code

Mr. Thrower stated that at Council, July 15, 2014 meeting Council requested staff to develop options regarding how multiunit connection fees should be applied to various types of development. He also stated that per City Code Sections 78-72 and 78-188, developers are currently charged \$1,000.00 per unit within a multiunit development for each water tap, and \$2,000.00 per unit within a multiunit development for each sewer tap, for a total of \$3,000.00 per unit. He further stated that these per unit connection fees are in addition to standard water and sewer taps fees charged. He stated that the minimum water tap charge is \$3,000.00. He also stated that the minimum sewer tap charge is \$4,000.00.

Mr. Thrower reported per Council's, direction from the September 2, 2014 meeting, an ordinance amending both the aforementioned City Code sections to clarify the charge to various types of development. He also reported that the proposed fees were as follows:

- Single-family dwellings will be charged a \$3,000.00 water tap fee and a \$4,000.00 sewer fee. These are the current fees for single-family dwellings.
- Two-family and multiple-family dwellings will be charged a \$3,000.00 water tap fee plus \$1,000.00 per dwelling unit and a \$4,000.00 sewer tap fee plus \$2,000.00 per dwelling unit. These are the current fees for these dwellings.
- Lodging facilities, i.e. hotels, motels, recreational vehicle parks, etc., will be charged a \$5,000.00 water tap fee (\$3,000.00 water tap fee plus a \$2,000.00 maximum per room/space connection fee) and an \$8,000.00 sewer tap fee (\$4,000 sewer tap fee plus a \$4,000.00 maximum per room/space connection fee).
- All other types of development will be charged the current \$3,000.00 water tap fee and \$4,000.00 sewer tap fee.
- Developers will continue to be charged the difference in materials cost for any water and sewer taps exceeding the standard size.

Mr. Thrower stated that he recommends Council, to adopt the ordinance amending City Code Sections 78-72 and 78-188 as it applies to water and sewer tap fees.

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

Clinton Slate, of 103 Beech Tree Lane, Emporia, Virginia addressed Council stating that his concern was when the water and sewer tap fees are due up front before you can get a building permit.

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

2. Transient Lodging Tax – Request to Amend City Code

Mr. Thrower stated that per State Code Section 58.1-3840, “any city or town having general taxing powers established by charter pursuant to or consistent with the provisions of Section 15.2-1104 may impose excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds.” He also stated that as such he is proposing that Council amend City Code to allow for the imposition of excise taxes on “travel campgrounds,” as is already done with other lodging facilities such as motels and hotels. He further stated that a “travel campground” means but is not limited to a “recreational vehicle park” as defined in City Code Section 90-1.

Mr. Thrower stated that he recommended that Council, adopt the ordinance amending the City Code Sections 70-256, 70-258, 70-261, and 70-266 as it applies to the transient lodging tax.

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

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

3. Smoove Operators – Request to Revoke Conditional Use Permit

Mr. Thrower reported that at the March 19, 2013 meeting Council approved a Conditional Use Permit for Smoove Operators to operate a “nightclub” at 773 N. Main Street. He also reported that per Section 90-1 of City Zoning Code, a “nightclub” is defined as “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 stated that the Conditional Use Permit approved, stipulated an initial six month review by City Council with annual reviews thereafter.

Mr. Thrower stated that a list of incidents have occurred at Smoove Operators since January 2013. He also stated that many of these incidents involve noise complaints from residents, crowds in the parking lot, and patrons fighting. He further stated that most of these incidents occurred in the early morning hours. He reported that he recently received a written complaint from an adjacent resident regarding continued loud music and noise coming from the property, as well as patrons fighting in the road and in her front yard.

Mr. Thrower stated that Chief Wyatt and himself recommended that Smoove Operators’ Conditional Use Permit to operate a “nightclub” be revoked. He also stated that this recommendation is primarily attributed to the number of noise complaints received from residents in the immediate area and Smoove Operators’ close proximity to residential properties. He further stated that residential properties are located directly across and behind the streets from Smoove Operators. He stated that apartment units are also located beside the property.

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

Tim Yates, of 773 N Main Street, Emporia, Virginia addressed Council stating that the noise complaint at Smoove Operators has been taken care of by asking the DJ not to use the bass. He also stated that some of the complaint took place when Smoove Operators was closed, but yet he is held responsible for them.

Paul Grizzard, of 304 Echols Street, Emporia, Virginia, addressed Council stating that he has been to Smoove Operators on many occasions and has never had a problem. He also stated that the other businesses that had been there also had noise. He further stated that the City Police sits across the street and watch the place, but they can’t produce an arrest report that had happened there.

Jacquelyn Coleman, of 3571 Reedy Creek Road, Freeman, Virginia, addressed Council stating that Smoove Operators is an establishment where everyone can enjoy their self. She also stated that there is going to be noise everywhere so it’s not fair to take it out on Mr. Yates. She further stated that she also noticed the police sitting across the street and watching the place.

Lori King, of 509 Peachtree Street, Emporia, Virginia, addressed Council stating that if the noise ordinance is going to be enforced then make sure that it is enforced all across the board.

Jeffrey Powell, of 4284 Independence Church Road, Emporia, Virginia, addressed Council stating that he is one of the DJ for Smoove Operators and that Mr. Yates did ask him to tone the music down to volume.

Natasha Johnson, of 4326 Slagle Lakes Road, Emporia, Virginia, addressed Council stating that she has seen that Mr. Yates was addressing the noise issues.

Robert Wyche, Emporia, Virginia, addressed Council stating that he is concerned with the number of police office that sit outside of the club.

Robert Mullins, of 603 Park Avenue, Emporia, Virginia, addressed Council stating that it is only one shift from the Emporia Police department that sits outside of Smoove Operators consistently.

Carol Grizzard, of 304 Echols Street, Emporia, Virginia, addressed Council stating that Smoove Operators is a nice place to go. She also stated that she has also watched a police officer sit and watch the building.

Christopher Washington, Emporia, Virginia, addressed Council stating to give Mr. Yates opportunity to clean up the problems before closing the business down.

Freddie Green, of 1048 N Main Street, Emporia, Virginia, addressed Council stating that he lives adjacent to Smoove Operators, and he doesn't hear any noise coming from the building. He also stated that it is a nice place to go and enjoy yourself. He further stated that he have watched the police sit and watch the business.

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

Mary L. Person, Mayor

Tessie S. Wilkins, City Clerk

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
November 18, 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, November 18, 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
Dr. Edwin C. Daley, Projects Administrator
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Don Wyatt, Chief of Police
Sheila Cutrell, Finance Director
Ken Ryals, Emergency Service Coordinator

Absent:

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, October 21, 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 November 18, 2014 bills was presented to City Council members.

General Fund	\$	1,033,820.12
Utility Fund	\$	126,592.03

Councilwoman Temple moved to approve the November 18, 2014 bills as presented, seconded by Councilwoman Carey, which passed as follows:

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

Councilman Harris moved to approve the agenda with one addition Item 14-83 City Leave Policy – Request for Public Hearing and distribution of the proposal changes to City Employees, 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

NEW BUSINESS

14-72. Water and Sewer Multiunit Connection Fees – Request to Amend City Code

Mr. Thrower stated that this item was the subject of the public hearing previously held.

He recommended that Council adopted the ordinance amending City Code Section 78-72 and 78-188 as it applies to water and sewer taps fees.

Councilman Harris made a motion to adopt **Ordinance No. 14-21** amending City Code Sections 78-22 and 78-188 as it applied to water and sewer taps fees and for the City Manager to prepare for Council considerate language making an change in the code addressing, when the payment is due for the water and sewer tap fees, 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

14-73. Transient Lodging Tax – Request to Amend City Code

Mr. Thrower stated that this item was the subject of the public hearing previously held.

He recommended that Council adopts the ordinance amending City Code Sections 70-256, 70-258, 70-261, and 70-266 as it applies to the transient lodging tax.

Councilman Harris made a motion to adopt **Ordinance No. 14-22** amending the City Code Sections 70-256, 70-258, 70-261, and 70-266 as it applied to the transient lodging tax, 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

14-74. Smoove Operators – Request to Revoke Conditional Use Permit

Mr. Thrower stated that this item was the subject of the public hearing previously held.

Mr. Thrower stated that Chief Wyatt, and himself recommended that Smoove Operators' Conditional Use Permit to operate a "nightclub" be revoked. He also stated that this recommendation was primarily attributed to the number of noise complaints received from residents in the immediate area and Smoove Operators' close proximity to residential properties. He further stated that residential properties were located directly across and behind the streets from Smoove Operators. He stated that apartment units were also located beside the property.

Councilwoman White made a motion to continue the Conditional Use Permit at Smoove Operators with a 12 months review, 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

14-75. 2014B General Obligation Bond – Request to Adopt Resolution

Mr. Thrower stated that Davenport & Company, LLC, serving as Financial Advisor to the City, distributed a Request for Proposals (the "RFP") for the issuance of a 2014B General Obligation Bond in an amount not to exceed \$1,800,000.00 for the Wastewater Treatment Plant Solids Handling Facilities Modifications and the West Atlantic Street Sanitary Sewer Replacement as approved with the adoption of the City's FY15 Budget.

He recommended that Council adopt the resolution authorizing issuance of the 2014B General Obligation Bond and accepting Carter Bank & Trust's proposal to finance the aforementioned projects.

Mayor Person welcomed Mr. Roland Kooch and turned the presentation over to him.

Mr. Roland Kooch reported that Davenport respectfully recommended that the City implements the 2014B Bond with Carter Bank and Trust for the following reasons:

- The Carter Bank and Trust proposal does not have any put conditions the interest rate risk that is imbedded in PNC's or SunTrust's proposal;
- Lowest 20 year fixed rate that is fixed for the life of the loan (i.e. through FY 2035);
- Straightforward proposal that can be implemented by end of November;
- Based on market conditions as of October 24, 2014, the Carter Bank and Trust proposal provides better overall results than a potential VRA pooled financing alternative; and
- Implementing a direct bank loan today based on a known rate proposal also eliminates potential interest rate risk and uncertainty of financing at a later date (i.e. VRA's Spring 2015 pooled financing).

Mayor Person thanked Roland Kooch for his attendance and presentation.

Councilman Harris made a motion to approve the recommended Financial Policy Guidelines as presented by Roland Kooch, seconded by Councilwoman Temple, which passed as follows:

Councilman Harris made a motion to adopt **Resolution No. 14-10** authorizing issuance of the 2014B General Obligation Bond and accepting Carter Bank & Trust's proposal to finance the aforementioned projects, 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

14-76. Public-Private Education Facilities and Infrastructure Act of 2020 (PPEA) Guidelines – Request to Adopt

Mr. Thrower stated that the renovation and reuse of the old elementary school auditorium are listed as priority item in the strategic plan adopted May 6, 2014. He also stated that over the last few months, staff had been working with developers who have expressed interest in submitting reuse proposals for consideration.

Mr. Thrower stated that it was recommended that the City utilizes Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) guidelines to review and evaluate any proposals for the reuse of the building. He also stated that this process enabled the City to avoid spending public funds unless Council determines there is a need for a proposed project.

Mr. Thrower advised that the PPEA guidelines provide a path for developers to submit a proposal, a mechanism for the City to solicit additional proposals, and a process to evaluate any such proposals. He also advised that the proposed guidelines are based on the model state guidelines and have been reviewed by the City Attorney.

He recommended that Council approve the resolution adopting the PPEA Guidelines.

Councilwoman Temple made a motion to adopt **Resolution No. 14-09** adopting the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) Guidelines, 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

14-77. Resolution of Support for Construction of and Access to the Atlantic Coast Pipeline – Request to Adopt

Mr. Thrower reported that Dominion Resources was proceeding with plans to construct a major natural-gas pipeline, otherwise known as the Atlantic Coast Pipeline (ACP), in the region. He also reported that the ACP would originate in West Virginia and run through Virginia, including Greensville County, into North Carolina.

Mr. Thrower stated that the Virginia’s Growth Alliance (VGA) had requested that all member localities adopt resolutions of support for the project. He also stated that the construction of this pipeline will increase customers’ accessibility to natural gas and greatly enhance economic development opportunities in our region.

He recommended that Council adopt the resolution of support for the construction of and access to the Atlantic Coast Pipeline. He stated that if approved, the resolution would be distributed to various representatives and regulatory agencies.

Councilman Ewing made a motion to adopt **Resolution No. 14-08** of support for Construction of and Access to the Atlantic Coast Pipeline, seconded by Councilman Harris, 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	abstained
Councilwoman Carolyn S. Carey	aye

14-78. East Atlantic Street Reconstruction Project – Request to Adopt VDOT Revenue Sharing Resolution

Mr. Thrower reported that the City had been working with the Virginia Department of Transportation (VDOT) and Jeff Robinson & Associates on the resurfacing and widening of East Atlantic Street for a number of years. He also reported that the approval for the project plans has

been received from VDOT and the Federal Department of Highways. He further reported that the project was bid in September. He stated that the sole bid received was \$1,035,890.00, which is \$383,094.00 over the engineer's estimate.

Mr. Thrower stated that after discussing options with VDOT, the City rejected the sole bid. He also stated that the City anticipated rebidding this project in early 2015. He further stated that VDOT also reviewed the funding sources and recommended that the City applied for additional revenue sharing funds. He reported that the total project cost was estimated at \$1,273,202.00. He also reported that the Staff was requesting Council authorization to apply for \$294,890.00 from the VDOT Revenue Sharing Fund. He further reported that this would require a \$294,890.00 match by the City.

He recommended that Council approve the resolution authorizing submittal of an application for VDOT Revenue Sharing Funds in the amount of \$294,890.00 for the East Atlantic Street Reconstruction Project. He also recommended that Council authorize the City Manager to execute all required agreements with VDOT for the funding.

Councilwoman Carey made a motion to approve **Resolution No. 14-11** authorizing the submission of an application for allocation of funds through the Virginia Department of Transportation fiscal year 2015-16 Revenue Sharing Program for Improvements to East Atlantic Street, 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

14-79. EAGLES Scholarship Initiative – Request by Mayor Person

Mayor Person reported that the Southside Virginia Education Center (SVEC) Board of Directors requested that the Emporia City Council and Greensville County Board of Supervisors each approve \$10,000.00 in funding for the EAGLES Scholarship Initiative. She also reported that the graduating seniors from Greensville County High School would be eligible to receive scholarship funds to attend Southside Virginia Community College, should this program move forward. She further stated the funds would not be needed until July 2015 to fund the Scholarship program. She stated that the approval was needed now, in advance of the normal budgetary process so that the Scholarship program can be announced for the spring and awarded in May to the graduating seniors. She also stated that a yearly appropriation by the two governing bodies would go far in fulfilling the higher educational needs within the community. She further stated that it appears that the SVEC Board plans on making this an annual request to both governing bodies.

Mr. Thrower stated that he does not recommend that Council approve this request at this time primarily due to the fact that Council would be violating the Financial Policy Guidelines just adopted at the October 21, 2014 meeting. He also stated that the Financial Policy Guideline #5 under Budget Development Policies states, "Budget requests after the budgetary process and adopting of the annual budget shall be considered in the next budget cycle, unless such request is

deemed an emergency or provides a material benefit that affects the operations of the City government.” He further stated that approving a request from an external organization outside of the normal budgeting process sets bad precedent and is an unwise budgeting practice. He reported that should Council agree with the recommendation no action is required.

Councilwoman Temple made a motion to support the EAGLES Scholarship Initiative, seconded by Councilwoman Mercer, which passed as follows:

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

14-80. Farmers Market Advisory Board Expirations – Honorable Doris White/Mike Allen

Mr. Thrower stated that on November 30, 2014 the four-year terms of Mr. Mike Allen and Council Member Doris White on the City’s Farmers Market Advisory Board would expire. He also stated that Council Member White stated that she does not wish to be considered for reappointment. He further stated that Mr. Allen had stated that he does wish to be considered for reappointment.

Mayor Person stated that Council Member Doris White seat be held until the December 2, 2014 Council meeting.

Councilwoman Temple made a motion to reappoint Mike Allen to serve another four-years term on the Farmers Market Advisory 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

14-81. City School Board – Term Expirations

Mr. Thrower stated that on December 31, 2014, the four-year terms of Mrs. Denise Parker and Ms. Marva Dunn on the City School Board will expire. He also stated that a notice would be published in the local newspaper indicating that a public hearing will be conducted on December 2, 2014 concerning this matter. He further stated that both individuals indicated that they do wish to be considered for reappointment.

He reported that no action was required during this time. He also reported that Council, will be requested to appoint an individual to this on December 16, 2014.

14-82. Greenville County School Board – Term Expiration

Mr. Thrower stated that on December 31, 2014, Ms. Marva Dunn’s four-year term on the Greenville County School Board will expire. He also stated that a notice would be published in the local newspaper indicating that a public hearing will be conducted on December 2, 2014 concerning this matter. He further stated that Ms. Dunn indicated that she does wish to be considered for reappointment.

He reported that no action was required during this time. He also reported that Council, will be requested to appoint an individual to this on December 16, 2014.

14-76. City Leave Policy – Request by Council Member Harris

Councilman Harris made a motion to authorize a Public Hearing at the December 2, 2014 Council meeting concerning the City Leave Policy and also for the City Manager to share with the employees a written description of the proposal changes, 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

PUBLIC COMMENT

Mayor Person 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, Mayor Person closed the public comment portion of the meeting.

ADJOURNMENT

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

Mary L. Person, Mayor

Tessie S. Wilkins, City Clerk



CITY OF EMPORIA

Memorandum

November 14, 2014

TO: Honorable Mayor and City Council Members
FROM: Brian S. Thrower, City Manager
SUBJECT: Farmers Market Advisory Board Expirations – Honorable Doris White/Mike Allen
ITEM #: 14-80

On November 30, 2014 the 4-year terms of Mr. Mike Allen and Council Member Doris White on the City's Farmers Market Advisory Board will expire. Council Member White has stated that she does not wish to be considered for reappointment. Mr. Allen has stated that he does wish to be considered for reappointment.

Recommendation

This information is provided to City Council members for consideration and action.

Attachments

Current Farmers Market Advisory Roster

BST/tsw

FARMERS MARKET ADVISORY BOARD

Term of Office: 4

(Notify Jan Harrell of City Manager Office of updates)

Nancy Turner 704 N York Drive Emporia, Virginia 23847 (W) 434/348-3645		11/30/16
Doris T. White 501 Gowin Street Emporia, Virginia 23847 (H) 434/634-4085	Council Member	11/30/14
Bill Howell 429 S. Main Street Emporia, Virginia 23847 (W) 434/634-3286		11/30/16
Tia Powell 105 Oaks Street Emporia, Virginia 23847 (H) 434/348-4223		11/30/17
Drexel Pierce 105 Oaks Street Emporia, Virginia 23847 (W) 434/348-4233		11/30/17
Jean Cobb 315 Echols Street Emporia, Virginia 23847 (H) 434/348-3509		11/30/17
Mike Allen 205 Ruritan Drive Emporia, Virginia (C) 434/594-4144		11/30/14
Carrie Moore 406 Southampton Street Emporia, Virginia (H) 434/634-3337		11/30/17



CITY OF EMPORIA

Memorandum

November 26, 2014

TO: The Honorable Mayor and City Council
FROM: Brian S. Thrower, City Manager *BST*
SUBJECT: Paid Time Off (PTO) Policy
ITEM #: 14-84

What Are The Major Reasons For Doing This?

- The State of Virginia mandated localities to cover all new full-time employees, excluding hazardous duty employees (police and fire), commencing employment on or after January 1, 2014 under short and long term disability programs. Existing employees hired before January 1, 2014 are not currently covered under these programs.
- This proposal covers ALL new and existing full-time City employees, including police and fire, under short and long term disability programs, i.e. increased level of benefits for all City employees and a more equitable benefit plan.
- Covers all full-time employees under the same benefit programs instead of having two different programs for two different groups of employees.
- Curbs the abuse of sick leave and unplanned absences to generate higher productivity.
- Rewards employees who do not abuse sick leave given the fact that employees will be accruing 2 additional hours per pay period, as compared to the current annual leave accrual rate.
- Employees will be covered under short and long term disability programs which reduces the need for sick leave.

Sick leave

- 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 at a rate of 25% with no cap. Payout based on hourly rate as of December 31, 2014. Payouts will occur 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 existing sick leave guidelines, i.e. personal and family illness and injury, doctor’s note required, employees subject to disciplinary action if they misrepresent need to use sick, etc. Leave may also be used to fill disability coverage gaps. Payout based on hourly rate at time of separation from City employment.
- 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 accruals provided in the PTO table. Employees may elect to convert up to 96 hours (12 days) of banked sick leave to PTO on an annual basis subject to the maximum accruals provided in the table.

Paid Time Off

- Employees will accrue 2 additional hours per pay period (48 hours/6 days additional per year), as compared to annual leave.
- Employees will be allowed to carryover an additional 96 hours (12 days) per calendar year, as compared to annual leave.
- Maximum payouts upon separation from employment will increase as follows, as compared to annual leave:
 - Under 5 years – 96 additional hours/12 days
 - 5-9 years – 96 additional hours/12 days
 - 10-14 years – 96 additional hours/12 days
 - 15-19 years – 144 additional hours/18 days
 - 20-24 years – 144 additional hours/18 days
 - 25 years or more – 192 additional hours/24 days

- PTO will be classified as “scheduled” or “unscheduled.”
 - “Scheduled” leave shall be submitted to the supervisor in advance and shall be permitted at the discretion of the supervisor based on operational needs.
 - “Unscheduled” PTO will be used in the event the employee is unable to work due to unforeseen personal/family illness/injury or for other unforeseen reasons. If an employee is unable to report to work for any reason, he/she shall notify his/her supervisor prior to the beginning of his/her shift. Employees may be required to furnish medical verification or other proof that unscheduled use of PTO was unavoidable to his/her supervisor. Excessive use/abuse of unscheduled PTO by an employee may subject the employee to disciplinary action.

Options

- 1) Approve the plan as previously outlined.
- 2) Approve the plan as previously outlined with some amendments, i.e. increase accrual rates to supplement the net loss of 3 hours of sick leave, increase maximum carryovers, increase maximum payouts, and/or increase the sick leave payout percentage from 25% with no cap to 50%, 75%, or 100% with no cap.
- 3) Give employees hired prior to January 1, 2014 the option of “opting into” the new plan. Those employees hired January 1, 2014 and after would be required to participate in the new plan.
- 4) Take no action at this time and continue the current inequitable system of new employees receiving a higher level of benefits than current employees, i.e. receiving disability coverage while still accruing sick leave at the same rate as existing employees. Should you take no action at this time, the City will need to amend its leave plan at some point in the future.

Recommendation

I recommend you provide direction to City Administration regarding the aforementioned options. Should you direct City Administration to move forward with options 1, 2 or 3, I will amend the various leave policies and bring them back to you for consideration. You may also wish to hold a special meeting the week of December 8th in order to further consider this item so that any changes to current policy can be implemented prior to January 1, 2015 and communicated to employees in a timely manner.

Attachments

Proposed PTO Accrual, Carryover, and Payout Table
Current Annual Leave Accrual, Carryover, and Payout Table
Summary of Short-Term Disability Benefits
Summary of Long-Term Disability Benefits

Proposed Paid Time Off Accrual, Carryover, and Payout Table

Years of Service	Pay Period Accrual Rate	Maximum Carryover	Maximum Payment
Under 5 Years	6 Hours	288 Hours (36 days)	288Hours (36 days)
5-9 Years	7 Hours	336 Hours (42 Days)	336 Hours (42 Days)
10-14 Years	8 Hours	384 Hours (48 Days)	384 Hours (48 Days)
15-19 Years	9 Hours	432 Hours (54 Days)	432 Hours (54 Days)
20-24 Years	10 Hours	480 Hours (60 Days)	480 Hours (60 Days)
25 Years or More	11 Hours	528 Hours (66 Days)	528 Hours (66 Days)

Current Annual Leave Accrual, Carryover, and Payout Table

Years of Service	Pay Period Accrual Rate	Maximum Carryover	Maximum Payment
Under 5 Years	4 Hours	192 Hours (24 days)	192 Hours (24 days)
5-9 Years	5 Hours	240 Hours (30 Days)	240 Hours (30 Days)
10-14 Years	6 Hours	288 Hours (36 Days)	288 Hours (36 Days)
15-19 Years	7 Hours	336 Hours (42 Days)	288 Hours (36 Days)
20-24 Years	8 Hours	384 Hours (48 Days)	336 Hours (42 Days)
25 Years or More	9 Hours	432 Hours (54 Days)	336 Hours (42 Days)

SUMMARY OF SHORT-TERM DISABILITY BENEFITS

Advice to Pay ATP

Provided by: City of Emporia

Effective: March 1, 2014

All Active Full-time non Hazardous duty political subdivisions employees

ELIGIBILITY

All employees in an eligible class.

MAXIMUM WEEKLY BENEFIT

Non-Work Related Disability:

Months of Service	Work Days at 100%	Work Days at 80%	Work Days at 60%
<12	0	0	125
13-59	0	0	125
60-119	25	25	75
120-170	25	50	50
180+	25	75	25

Work Related Disability:

Months of Service	Work Days at 100%	Work Days at 80%	Work Days at 60%
<60	0	0	125
60-119	85	25	15
120+	85	40	0

MAXIMUM BENEFIT DURATION

125 business days

DEFINITION OF TOTAL DISABILITY

Total Disability is defined as the inability to perform each of the main duties of your regular occupation due to injury or sickness.

DEFINITION OF PARTIAL DISABILITY

Due to an injury or illness, you are unable to perform each of the main duties of your regular occupation on a full-time basis. Partial Disability benefits may be payable if you are earning at least 20% of the income you earned prior to becoming disabled, but not more than 99%. Partial disability benefits allow you to work and earn income from your employer as well as continue to receive benefits, which may enable you to receive 100% of your income during your time of disability.

ELIMINATION PERIOD

Benefits begin on the 7th day for disability due to an accident.
Benefits begin on the 7th day for disability due to an illness.

PREGNANCY

Pregnancy is treated as an illness. The Elimination Period has to be completed before benefits would begin.

BENEFIT REDUCTIONS

Your benefits will be reduced if you are receiving benefits from:

- You are receiving benefits from any compulsory benefit, act, or law, such as a state disability plan.
- Any governmental retirement system earned as a result of working for the current policyholder;
- Any Social Security, or similar plan or act, benefits;
- Any disability or retirement benefit received under a retirement plan;
- Earnings the insured earns or receives from any form of employment.

PRE-EXISTING CONDITION

You may not be eligible for benefits if you have received treatment for a condition within 3 months prior to your effective date under this policy until you have been covered under the policy for 12 months.

For assistance or additional information please contact your group administrator



Group Long-Term Disability Insurance
SUMMARY OF BENEFITS

Sponsored by: City of Emporia

Effective Date: March 1, 2014

Long-term disability is intended to protect your income for a long duration after you have depleted short-term disability or any sick leave your company may offer.

All Active Full-time non Hazardous duty political subdivisions employees

LTD Benefit

	Monthly Benefit	Maximum Benefit	Maximum Benefit Duration	Own Occupation Period	Elimination Period
Employer Paid Plan	60%	\$15,000	Later of Age 65 or Social Security Normal Retirement Age	24 Months	175 Calendar Days

Maximum Benefit Duration	Age at Disability	Maximum Benefit Duration
	Less than Age 64	Greater of 5 years or Social Security Normal Retirement Age
	65 - 68	To Age 70
	69 and Over	1 year

Pre-Existing Condition You may not be eligible for benefits if you have received treatment for a condition within 3 months prior to your effective date under this policy until you have been covered under the policy for 12 months

Benefit Limitations
 Mental Illness: No Limit
 Substance Abuse: No Limit
 Specified Illness: No Limit

Enrolling for Coverage

Eligibility: All employees in an eligible class.

(Please see other side)

