

PUBLIC HEARINGS

1. Water Bill Code Amendments

Emporia's City Council held a Public Hearing on Tuesday, May 3, 2011, at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Samuel W. Adams, III, presided over the session.

The following City Council members were present:

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

Others present: Samuel W. Adams, III, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manger
Steve B. Hall, Assistant City Manager
Tessie S. Wilkins, City Clerk
Don Wyatt, Chief of Police
Royal Jones, Public Works Director
Sheila Cutrell, Finance Director
Linwood Pope, Public Utility Director

Absent: Councilwoman Carolyn S. Carey

1. Water Bill Code Amendments

Mr. Thrower stated that the City had been discussing amendments to the Utilities Code over the last year. He also stated that the City had 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 to 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 to the fact that water rates will increase effectively 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 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 25th of the second month of non-

payment. He also stated that the water bill payments are due by the 20th 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 25th of the month if the bill for water supplied to such premises are not paid prior to that date.” He also stated that however, per Council previous direction of wanting to allow more customer friendly billing practices he has included a provision 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 25th 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 until Friday, November 25, 2011 to pay those outstanding charges. He also stated that should those accounts not be paid by that date, water service will be disconnected the following Monday, November 28, 2011.

Mayor Adams asked if there was anyone who wished to make any comments regarding this matter.

Donna Boone, 122 West End Blvd, addressed Council with concerns about increasing the water deposit. She stated that if the current fees and deposits were a problem then increasing them would only contribute to a larger problem.

Debra Brown, 604 Temple Ave, addressed Council with concerns about increasing the water deposit. She stated that a lot people in the City are in financial trouble.

Jean Potts, 509 West End Blvd, addressed Council with concerns about the transferring of water deposit.

With there being no more comments, Mayor Adams declared the public hearing closed.

Samuel W. Adams, III, Mayor

Tessie S. Wilkins, City Clerk

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
May 3, 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, May 3, 2011, at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Samuel W. Adams, III presided over the meeting with Bishop Vincent Lowery, offering the invocation.

ROLL CALL

The following City Council members were present:

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

Others present: Samuel W. Adams, III, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manger
Steve B. Hall, Assistant City Manager
Tessie S. Wilkins, City Clerk
Don Wyatt, Chief of Police
Royal Jones, Public Works Director
Sheila Cutrell, Finance Director
Linwood Pope, Public Utility Director

Absent: Councilwoman Carolyn S. Carey

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, April 19, 2011, City Council meeting minutes as presented, seconded by Councilwoman White, which passed as follows:

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

Councilwoman L. Dale Temple	aye
Councilwoman Doris T. White	aye

AGENDA APPROVAL

Mayor Adams reported the addition of **Closed Session – Closed Meeting pursuant to Virginia Code § 2.2 3711 (A) (3) Acquisition of real property for public purpose.**

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

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

UNFINISHED BUSINESS

11-37. Water Bill Code Amendments

Mr. Thrower stated that the City had been discussing amendments to the Utilities Code over the last year. He also stated that the City had 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 to 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 to the fact that water rates will increase effectively 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 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 25th of the second month of non-payment. He also stated that the water bill payments are due by the 20th 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 25th of the month if the bill for water supplied to such premises are not paid prior to that date." He also stated that however, per Council previous direction of wanting to allow more customer friendly billing practices he has included a provision 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 25th 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 until Friday, November 25, 2011 to pay those outstanding charges. He also stated that should those accounts not be paid by that date, water service will be disconnected the following Monday, November 28, 2011.

Mr. Thrower stated that he is proposing that Council amend the water bill code. He also stated that there are two ordinances – Option A or B to consider is:

Ordinance-Option A

An Ordinance to Amend Chapter 78: Utilities, Division 3. Rates; Charges; Bills – Sections 78-91, 78-94, 78-95, and 78-102 Of The City Code of Ordinances Of The City of Emporia, Virginia

BE IT ORDAINED by the Council of the City of Emporia, Virginia as follows:

1. That Sections 78-91, 78-94, 78-95, and 78-102 of the Code of Ordinances, City of Emporia, Virginia, are hereby amended to read as follows:

Sec. 78-91. Schedule of rates – Designated; billing generally.

The rates for water and allied services supplied by the city shall be as follows:

- (1) Minimum 2,000 for water gallons....\$12.78
- (2) Next 48,000/1,000.....\$4.39
- (3) Over 50,000/1,000.....\$3.60
- (4) Water meter service charge—A monthly charge shall be made based on the size of the meters serving a customer according to the following schedule:

Meter size (Inches)	Monthly Charge
Up to ¾.....	\$1.50
1.....	3.00
1 ½.....	4.00
2.....	5.00
3.....	6.00
4.....	10.00
6.....	30.00
8.....	60.00
10.....	90.00

- (5) Water cut-on or cut-off charges \$45.00
- (6) In multiple-family dwellings, group of single-family dwelling units, group of mobile homes or commercial structures served by one meter, the rates for water and allied services supplied by the city shall not be less than the number of commercial or family dwelling units, multiplied by the minimum rates set out in this section.

When a consumer has more than one meter, the rates prescribed by this section shall apply separately to each meter, and the readings of said meters shall not be consolidated in applying such rates or charges.

Sec. 78-94. Sec 78-94. Penalty on delinquent customers.

A \$15.00 penalty shall be imposed on all delinquent water customers on the 20th of the month of billing.

Sec. 78-95. Shutting off water for failure to pay bill.

Water service to a premise shall be shut off on the 25th of the month if the bill for water supplied to such premises is not paid prior to that date. Payment must be received prior 4:00 p.m. for services to be restored the same business day. Water service shall not be shut off for non-payment of \$15.00 or less. However, any previous non-payment of \$15.00 or less shall be paid prior to the 25th of the next billing month to avoid disconnection of water and sewer services.

Sec. 78-102. Deposit upon opening a water account.

Upon the opening of a new account by any tenant, the tenant shall make a deposit to the city in the amount of \$250.00. Any deposit is to be refunded upon proof of such deposit without interest upon the closing of an account which has been paid in full at the time of closing.

Ordinance-Option B

An Ordinance to Amend Chapter 78: Utilities, Division 3. Rates; Charges; Bills – Sections 78-94, 78-95, and 78-102 Of The City Code of Ordinances Of The City of Emporia, Virginia

BE IT ORDAINED by the Council of the City of Emporia, Virginia as follows:

1. That Sections 78-94, 78-95, and 78-102 of the Code of Ordinances, City of Emporia, Virginia, are hereby amended to read as follows:

Sec. 78-94. Sec 78-94. Penalty on delinquent customers.

A \$15.00 penalty shall be imposed on all delinquent water customers on the 20th of the month of billing.

Sec. 78-95. Shutting off water for failure to pay bill.

Water service to a premise shall be shut off on the 25th of the month if the bill for water supplied to such premises is not paid prior to that date. Payment must be received prior 4:00 p.m. for services to be restored the same business day. Water service shall not be shut off for non-payment of \$15.00 or less. However, any previous non-payment of \$15.00 or less shall be paid prior to the 25th of the next billing month to avoid disconnection of water and sewer services.

Sec. 78-102. Deposit upon opening a water account.

Upon the opening of a new account by any tenant, the tenant shall make a deposit to the city in the amount of \$175.00. Any deposit is to be refunded upon proof of such deposit without interest upon the closing of an account which has been paid in full at the time of closing.

Councilman Harris stated that he believes that the reason the City Manager has brought this to Council is because everyone is paying higher water and sewer fees and rates by having to absorb the amount that is not being paid in uncollected debt. He further stated that the City Manager doesn't want the citizens to pay an even larger amount by letting that amount continue to grow. He further stated that he was not in favor of increasing the water deposit to \$250.00 at this time.

Councilman Harris stated that he would like to amend the \$175.00 deposit to open a new account to \$150.00

Councilman Saunders made a motion to adopt **Ordinance No. 11-08** to Amend Chapter 78: Utilities, Division 3. Rates; Charge; Bills – Sections 78-94, 78-95, and 78-102 of the City Code of Ordinances of the City of Emporia, Virginia to read as follows:

Sec 78-94. Penalty on delinquent customers.

A \$15.00 penalty shall be imposed on all delinquent water customers on the 20th of the month of billing.

Sec. 78-95. Shutting off water for failure to pay bill.

Water service to a premise shall be shut off on the 25th of the month if the bill for water supplied to such premises is not paid prior to that date. Payment must be received prior 4:00 p.m. for services to be restored the same business day. Water service shall not be shut off for non-payment of \$15.00 or less. However, any previous non-payment of \$15.00 or less shall be paid prior to the 25th of the next billing month to avoid disconnection of water and sewer services.

Sec. 78-102. Deposit upon opening a water account.

Upon the opening of a new account by any tenant, the tenant shall make a deposit to the city in the amount of \$150.00. Any deposit is to be refunded upon proof of such deposit without interest upon the closing of an account which has been paid in full at the time of closing.

, seconded by Councilwoman Carey, which passed as follows:

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

11-38. Council Vacancy – Filling of Unexpired Term

Mr. Thrower stated that due to the passing of Council Member John White, Council will need to appoint an individual from Council District Two to fill the vacant seat. He also stated that per City Charter, "Vacancies in either the office of the Mayor or in the Council shall be

filled within thirty days by a recorded majority vote of the Council for the unexpired term.” He further stated that Council will need to appoint an individual to fill the vacant seat at the May 3, 2011 Council meeting.

Mr. Thrower stated that citizens of Council District Two who are interested in the position should submit a resume and a letter expressing their interest to the City Clerk no later than Thursday, April 28, 2011 by 5:00 p.m.

Mr. Thrower reported that Beverly White, resident of 232 Lewis Street, has expressed interest in filling the vacant seat created by the passing of her husband, John White.

Mr. Thrower reported that Brenda Smith, resident of 216 Graham Street, has also expressed interest in filling the vacant Council seat

Councilman Harris moved to nominate Beverly White, 232 Lewis Street, to fill the unexpired term on City Council.

Councilman Harris move to appoint Beverly White, to fill the unexpired term of the late Councilman John White, seconded by Councilman Saunders, which passed as follows:

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

Mayor Adams congratulated Ms. Beverly White as she was appointed to fill the unexpired term of late Councilman White representing the second district.

Mayor Adams stated that Council would also need to appoint an individual(s) to fill vacancies on the Social Services Board and Farmers Market Advisory Board. He also stated that the term on the Social Services Board expires June 30, 2014. He further stated that the Farmers Market Advisory Board appointment has no expiration date at this time.

Councilman Harris moved to nominate Councilman James C. Saunders to fill the unexpired term of the late Councilman John White on the Social Services Board.

Councilman Harris moved to appoint Councilman James C. Saunders, to fill the unexpired term of the late Councilman John White on the Social Services Board, seconded by Councilwoman Temple, which passed as follows:

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

Councilman Harris moved to nominate Councilwoman Doris White to fill the unexpired term of the late Councilman John White on the Farmers Market Advisory Board.

Councilman Harris moved to appoint Councilwoman Doris White, to fill the unexpired term of the late Councilman John White on the Farmers Market Advisory Board, seconded by Councilman Saunders, which passed as follows:

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

NEW BUSINESS

11-41. FY 11-12 School Administration Budget

Mr. Thrower stated that the proposed FY 11-12 Operating Budget for the Greenville County Public School System is \$28,392,912 or a 6.586% reduction from FY 11.

Mr. Thrower stated that in regards to the proposed budget, \$7,004,412 is attributed to the local share; \$1,801,392 is attributed to debt service; the remainder of \$5,203,020 to operations. He also stated that if the City was to fully fund the School Administration's request, the City would appropriate \$3,465,837 or a 6.74% increase over FY 11. He further stated that the City is proposing to budget \$3,246,879 (\$3,315,021 – County's share), which is a reduction of 6.31% regarding the total local funding of the budget. He stated that the proposed City only contribution of \$3,246,879 is level funding from FY11. He also stated that the ADM numbers regarding the student population have been confirmed by the School Administration, which is 1054.43 – Emporia, 1343.30 – Greenville for a total of 2,397.73. He further stated that the ADM numbers for the county decreased by 96.99 and City's ADM number increased by 56.04.

Mr. Thrower stated that the total local funding to the School Administration is \$6,561,903, which reflects a 9.289% decrease in operations and a 2.562% increase in debt service.

Councilman Harris moved to approve **Resolution No. 11-02** To Set the Dollar Amount for the Greenville County School Budget for Fiscal Year 2011 - 2012, seconded by Councilman Saunders which passed as follows:

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

PUBLIC COMMENT

Debra Brown, 604 Temple Ave, addressed Council with concerns about the public comment being at the end of the agenda and not at the beginning.

Marva Dunn, 505-D Washington Street, addressed Council by thanking them for reconsidering the water code amendments.

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

*****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, and (A) (3) Acquisition of real property for public purpose** seconded by Councilman Saunders, which passed as follows:

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

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

Councilman Saunders 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 C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilman Deborah D. Dixon	aye
Councilwoman L. Dale Temple	aye

CERTIFICATION

Councilman Saunders moved to certify the following:

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

Councilwoman Temple seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman Deborah D. Dixon	aye

Councilwoman L. Dale Temple

aye

ADJOURNMENT

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

Samuel W. Adams, III, Mayor

Tessie S. Wilkins, City Clerk