

PUBLIC HEARINGS

1. Water Bill Code Amendments – Request to Adopt Ordinance

Emporia's City Council held a Public Hearing on Tuesday, September 17, 2013, 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 Deborah D. Lynch
Councilwoman L. Dale Temple
Councilwoman Carolyn S. Carey
Councilwoman Carol Mercer

Others present: Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Jason Stewart, Assistant Manager
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue

Absent:
Councilwoman Doris T. White

1. Water Bill Code Amendments – Request to Adopt Ordinance

Mr. Thrower stated that at the July 16, 2013 meeting, Council requested that staff explore options aimed at creating a more flexible and customer friendly water billing and payment process. He also stated that on August 20, 2013 that Council authorized a public hearing for tonight's meeting to consider proposed amendments to the City Code. He further stated that in discussing the options with staff, he was proposing the following code amendments:

- Extension of the water service disconnection date from the 25th of the month until the 5th of the next month. This allows customers an additional 10 to 11 days to pay their water bill without being disconnected.
- Customers shall not be disconnected for non-payment or partial payment (for any reason) limited to one occurrence per calendar year. All past due and current balances must be paid in full the next month in order to avoid disconnection of service.
- Prior to disconnection of service, the City shall issue notices to each customer informing them of the specific date and time payment is due in order to avoid

discontinuation of water, sewer, and sanitation services. The notice shall also state the total payment due. Notices shall be issued no fewer than five calendar days prior to disconnection.

Mr. Thrower stated the Rural Development funding guidelines required the City to charge late fee penalties, reconnection charges and disconnect service after 60 days of non-payment. He also stated that as of September 17, 2013, there is \$152,538.83 in uncollected water bills payment that is due to the City from delinquent and inactive accounts. He further stated that the uncollected payments put more strain on the City's Utility Fund, and ultimately, to those citizens and businesses that make timely payments.

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

Bruce Campbell, 314 West York Drive, addressed Council inquiring if the amount of \$152,538.83 were inactive or delinquent accounts.

Mr. Brian Thrower, City Manager, stated that the amount included inactive accounts and delinquent water bill.

Jay Osburn, 206 Hickfords Avenue, addressed Council stating he was there to discuss the changing in the water bill code to make it more citizens friendly. He also stated that this conversation started after people were disconnected for non-payment of \$.40, \$.03 and \$3.00. He stated that the problem did not come from the Code, but from the overzealous collection efforts in the guides of the City Treasurer. He also stated that the Treasurer apparent willful misapplication of the Code disproportionately affects the poor in our City. He further stated as Mr. Harris interprets the code, the \$15.00 late fee is part of the amount considered past due. He stated that if any person who is even a cent in arrears qualifies for disconnection. He also stated that he would urge Council to correct that miss interpretation so that the unbilled late fee never counts towards the disconnection threshold.

Mr. Osburn stated that he urged Council to adopt a resolution giving the customer at least a month's notice for disconnection. He also stated that he urged Council to adopt a resolution asking the Treasurer to refund any disconnect and reconnect fees for customer who fell below the \$15.00 threshold not including the late fee.

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

Mary L. Person, Mayor

Tessie S. Wilkins, City Clerk

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
September 17, 2013**

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, September 17, 2013 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 S. Carey, Council Member offering the invocation.

Mayor Person welcomed Jason Stewart, Assistant Manager to the City of Emporia.

ROLL CALL

The following City Council members were present:

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

Others present: Mary L. Person, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manager
Jason Stewart, Assistant Manager
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue

Absent:

Councilwoman Doris T. White

MINUTES APPROVAL

Councilwoman Temple moved to approve the minutes from the Tuesday, August 20, 2013, City Council Regular meeting 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 Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman L. Dale Temple	aye

APPROVAL OF BILLS

A listing of the September 17, 2013 bills was presented to City Council members.

General Fund	\$	920,866.99
Utility Fund	\$	106,946.55

Councilwoman Temple moved to approve the September 17, 2013 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 Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye
Councilwoman L. Dale Temple	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 Mercer, which passed as follows:

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

NEW BUSINESS

13-43. Water Bill Code Amendments- Request to Adopt Ordinance

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Mr. Thrower stated the Rural Development funding guidelines required the City to charge late fee penalties, reconnection charges and disconnect service after 60 days of non-payment. He also stated that as of September 17, 2013, there is \$152,538.83 in uncollected water bill's payment that is due to the City from delinquent and inactive accounts. He further stated that the uncollected payments put more strain on the City's Utility Fund, and ultimately, to those citizens and businesses that make timely payments.

Councilman Harris stated that Council, not the Treasurer, has set up the structure that's in the Code for collection of these amounts. He also stated that this addresses the situation sufficiently and provides better guidance to the Treasurer and City staff to what Council's expectations are for collections. He stated that if Council found further problems, we will change it again; nothing is carved in stone when it comes to a law or an ordinance. He also

stated that Council would continue to make refinements as necessary. He further stated that he does appreciate the work that the City Administration, and the City Treasurer's office did in getting this more in line with what Council wanted.

Councilman Harris moved to approve **Ordinance No. 13-15** amend water bill code Sections 78-94, 78-95, and 42-9 of the City Code of Ordinances, seconded by Councilman Ewing, which passed as follows:

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

13-44. Virginia Peanut Festival Fireworks Resolution

Mr. Thrower reported that in accordance with Article III. Fireworks; Section 38-68. Use and Discharge of the City of Emporia's code of Ordinances, the Virginia Peanut Festival Committee is requesting a resolution authorizing the use of fireworks as part of the 2013 Peanut Festival celebration.

Mr. Thrower recommended that Council adopt Resolution No. 13-06 authorizing the use of fireworks by the Virginia Peanut Festival Committee.

Councilman Harris moved to approve **Resolution No. 13-06** authorizing the use of fireworks by the Virginia Peanut Festival Committee as part of the 2013 Peanut Festival celebration, seconded by Councilwoman Temple which passed as follows:

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

13-45. Virginia Growth Alliance – Request to Appoint an Alternate Board Member

Mr. Thrower stated that the Virginia's Growth Alliance (VGA) Board recently amended that by-laws in order to allow each locality to appoint an alternative Board Member to serve during the absence of on its appointed Board members. He stated that Council Member Temple and his self currently represent the City on the VGA Board.

Councilwoman Temple nominated Jan Harrell, Economic Development Manager, to serve as the alternative Board Member.

Councilwoman Temple made a motion to appoint Jan Harrell, Economic Development Manager to serve as the alternative board member on the Virginia's Growth Alliance Board, seconded by Councilwoman Lynch, which passed as follows:

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

13-46. Highway Safety Commission Term Expirations – Jim Saunders/Jean Cobb

Mr. Thrower stated that on September 30, 2013, the three-year term of Mr. Jim Saunders and Ms. Jean Cobb on the City’s Highway Safety Commission will expire. He also stated that Mr. Saunders had indicated that he does not wish to be considered for reappointment. He further stated that Ms. Cobb had indicated that she does wish to be considered for reappointment.

Councilman Harris made a motion to reappoint Jean Cobb to a server another three-year term on the City’s Highway Safety Commission, seconded by Councilwoman Temple, which passed as follows:

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

Councilwoman Temple nominated Councilman Ewing to serve a three-year term on the City’s Highway Safety Commission.

Councilman Harris made a motion to appoint Council Member James Ewing to serve a three-year term on the City’s Highway Safety Commission, seconded by Councilwoman Temple, which passed as follows:

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

13-47. Virginia Cooperative Extension – Introduction of 4-H Agent

Mr. Thrower stated that Amy Hawkins with the Virginia Cooperative Extension was in attendance to introduce Council to the new 4-H Extension Agent, Drexel Pierce.

Mr. Drexel Pierce addressed Council by thanking them for giving him the opportunity to serve as the 4-H Agent for the Greensville-Emporia areas. He also stated that education was his first priority.

PUBLIC COMMENT

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

Mr. and Mrs. James Robinson, 307 Halifax Street, addressed Council stating that she would like to readdress the matter that was previously concluded with a verbal agreement with Mr. Brian Thrower that specified that the shrubberies and flowering bush be removed during this fall season and that there be no further lawn mowing of the vacant lot beside 307 Halifax Street. She also stated that the decision was based on that there was no submitting of a proper request and proper approval by the City Council prior to actual placement of the shrubberies and the lawn mowing of the area. She further stated that after review, contemplating the overall scenario, they were here to propose the following request that all shrubberies and flowering bushes remain on the vacant lot, all care, costs for the upkeep will be maintained by them. She stated that in the event, the City further developed this area the shrubberies and flowering bushes will be properly removed and replanted with grass seeds.

Mrs. Robinson stated that they would like to continue the lawn mowing of the vacant lot which would assist the City in this endeavor. She also stated that they understood that such a proposal and request may be deemed as a situation, whereas they had initially placed the cart before the horse, and they extend their sincere apologies to everyone for any misconstrued thoughts on the matter. She further stated that it was with their intent then and now, to simply help beautify the area and to extend their continued support for the City of Emporia.

With there being no further 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