

1 **Minutes of the New Market**
2 **Special Called**
3 **Town Council Meeting & Public Hearing**
4 **Monday, April 5, 2021**
5 **6:30 pm**
6

7 The New Market Town Council met in the Council Chambers of the Arthur L.
8 Hildreth, Jr. Municipal Building on Monday, April 5, 2021 with the following members
9 present: Mayor Larry Bompiani, Scott Wymer, Janice Hannah, Daryl Watkins, Peggy
10 Harkness, and Bob King. Council Member Doug Bradley was absent.

11
12 Town Manager – J. Todd Walters
13 Town Attorney – Jason Ham
14 Administrative Assistant – Donna Lohr
15

16 **Establishment of a quorum:**

17
18 Mayor Bompiani called the meeting to order and established a quorum with five
19 members present.

20 The Pledge of Allegiance was recited in unison.
21

22 **Approval of the Agenda:**

23 **Mr. Watkins made a motion to approve the agenda as presented. Mr.**
24 **Wymer seconded the motion which passed on a unanimous 5-0 voice vote of**
25 **members.**
26

27 **Public Hearing:**
28

29 A public hearing was opened at 6:32 p.m. to hear comments on the following
30 items:
31

32 1) In accordance with Virginia Code Section 15.2-1800(B), the Town Council
33 intends to consider the conveyance of a utility right of way to Dominion
34 Energy Virginia as shown on easement 84-21-0009, which is available to be
35 viewed at the Municipal Building, 9418 John Sevier Road. (The right of way
36 being conveyed is located on Tax Parcel No. 104- A-21.)

37 2) In accordance with the Virginia Acts of Assembly 2021 Special Session I, H
38 1800 (the “Bill”) § 4-14.00, clause 7(f), the Town Council intends to consider
39 exempting the Town from the utility disconnection moratorium established by
40 the Bill and to begin shutting off customers who have not paid their utility
41 bills as is permissible when there are arrearages exceeding 1% of the utility’s
42 annual operating revenues. Working papers verifying the 1% exceedance are
43 available for public inspection by contacting J. Todd Walters, Town Manager,
44 540-740-3432, or by visiting the Municipal Building, 9418 John Sevier Road.

45 Mr. Walters explained that the first item for the public hearing is in regard to an easement
46 that Dominion Energy Virginia has requested from the Town and it involves an issue at
47 Mr. Champion’s property on John Sevier Road. Mr. Champion has relocated his electric

48 panels to the north side of his property on his building. He would like to come
49 underground rather than have overhead lines to the pole on his property. So Dominion
50 Energy Virginia is requesting an easement. The easement is thirty foot and then
51 narrows down to fifteen feet. Mr. Walters referred to a map indicating where the
52 easement is located. Mr. Walters advised that he does not anticipate any issues with the
53 Town granting this easement to Dominion Energy Virginia. Mr. Walters mentioned that
54 this is the closest way to get power to the property to the location where Mr. Champion
55 has moved the electrical panel. Mr. Walters mentioned that there have been no
56 comments submitted to him via email in regard to this public hearing. Mayor Bompiani
57 closed the first part of the public hearing at 6:37 p.m. and opened the second portion of
58 the public hearing.

59 Mayor Bompiani read aloud the second item for the public hearing. Mr. Walters
60 mentioned that there was a Moratorium issued and the Town was not allowed to
61 disconnect water service to its customers. However, this allows the Town to exempt
62 themselves from this Moratorium if the total arrearages exceed 1% of the utility budget.
63 As of today, the Town has more than that 1% so what Council could do at this meeting is
64 to exempt itself from the Moratorium. This would mean that disconnections could begin,
65 however, they would not begin until May. The Town would provide thirty day notice to
66 affected customers prior to commencing disconnections. Mr. Ham remarked that the
67 mandate means that the Town cannot disconnect utility service unless the Council finds
68 that the Utility's accounts receivable arrearages exceeds 1% of the Utility's budget. Mr.
69 Ham advised that he has a motion that would track the statute and allow Council to
70 resume normal shut offs if they wish to utilize it. Mr. Ham read aloud the following
71 motion for Council's consideration:

72 "I move that the Town Council verify that the Utility Accounts Receivable
73 Arrearage exceeds 1% of the Utility's budget, that such exceedance is verified, and that
74 the Town exempt itself from the Utility Shut Off Moratorium."

75 Mr. Watkins asked if those people that are in arrears are aware that
76 disconnections may be coming. Town Staff advised Mr. Watkins that affected residents
77 have been made aware of this. Letters have been generated every month providing them
78 with thirty day notice advising them of their arrearages and the possibility of
79 disconnection.

80 Mr. King asked if the Town goes less than 1% arrearages, does this revert back.

81 Mr. Ham advised that it does not revert back, that this is a one-time thing.

82 Mayor Bompiani noted for the Town's records that there are no citizens present at
83 the public hearing and no comments were received by Mr. Walters via email in regard to
84 this public hearing. Mayor Bompiani then Closed the Public Hearing at 6:42 p.m.

85
86 **Action Items:**

87
88 The first action item was the discussion and consideration of the conveyance of a
89 utility right of way to Dominion Energy Virginia as shown on easement 84-21-0009 (The
90 right of way being conveyed is located on Tax Parcel No. 104-A-21).

91 **Mr. Wymer made a motion to accept the conveyance of a utility right of way**
92 **to Dominion Energy Virginia as shown on easement 84-21-0009 (The right of way**
93 **being conveyed is located on Tax Parcel No. 104-A-21). Mr. Watkins seconded the**
94 **motion which passed on the following unanimous 5-0 following roll call vote:**

97	Mr. Wymer	Aye	Mrs. Harkness	Aye
98	Mrs. Hannah	Aye	Mr. King	Aye
99	Mr. Watkins	Aye		

100

101 The next action item was the discussion and consideration of the Virginia Acts of
 102 Assembly 2021 Special Session I, H 1800 (the "Bill") § 4-14.00, clause 7(f). The Town
 103 Council intends to consider exempting the Town from the utility disconnection
 104 moratorium established by the Bill and to begin shutting off customers who have not paid
 105 their utility bills as is permissible when there are arrearages exceeding 1% of the utility's
 106 annual operating revenues.

107 **Mrs. Harkness made a motion that the Town Council verify that the Utility**
 108 **Accounts Receivable arrearage exceeds 1% of the Utility's budget, that such**
 109 **exceedance is verified, and that the Town exempt itself from the Utility Shut Off**
 110 **Moratorium. Mr. King seconded the motion which passed on the following**
 111 **unanimous 5-0 roll call vote:**

112

113	Mr. King	Aye	Mrs. Hannah	Aye
114	Mrs. Harkness	Aye	Mr. Wymer	Aye
115	Mr. Watkins	Aye		

116

117

118 **Adjournment:**

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120 **At 6:45 p.m. Mr. Wymer made a motion to adjourn the meeting. Mr. King**
 121 **seconded the motion which carried on a unanimous 5-0 voice vote.**


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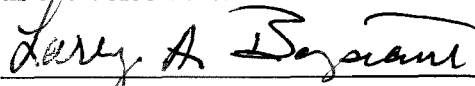
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 J. Todd Walters, Town Clerk


 Larry Bompiani, Mayor