

Joint Meeting
Public Works Committee/Committee of Whole
August 5, 2020

The Public Works Committee and the Committee of Whole met August 5, 2020, at 4:30 P.M., via teleconference and ZOOM in the Council chambers at City Hall. The meeting was broadcasted to the public via ZOOM.

Present at the meeting in the Council Chambers: Chairman Gould, Alderman Sharp, Alderman Braun, Alderman Jenkins, alderman Bredeman, Alderman Connor, Mayor White, Clerk Hurd, Public Works Superintendent, Sutherland, Economic Development Director Beadles, Office Manager Passage, Police Chief Mettille, Attorney Seghetti, City Engineer Coulter

Present after meeting started via teleconference: Alderman Hughes

Chairman Gould called the meeting to order.

PUBLIC COMMENT

No Public Comment

PUBLIC WORKS

HIGH USAGE WAIVER:

Office manager Passage presented on water usage waiver from JoAnn Walker in the amount of \$15.08. She reported that Public Works Superintendent had investigated and found that no water had ran through the city water system. It was the consensus of the committee to refund \$15.08.

SIDEWALK PROGRAM:

Office Manager Passage presented a sidewalk program application from Chuck Miar of 223 Beech Street city share amount of \$704.00. Superintendent Sutherland has reviewed the application and recommends approval. Discussion was held. It was the consensus of the committee to seek council approval. Office Manager Passage reported that the remaining balance in the Sidewalk Program after this payout would be \$7,296.00.

During discussion of the sidewalk program it was found that Alderman Hughes was trying to join the meeting via conference call. Clerk Hurd re-dialed the conference call number and Alderman Hughes was then able to join the meeting. Due to Alderman Hughes not on the conference call the above two topics were explained to Alderman Hughes.

CORRESPONDENCE-JACKIE GUILLIANI:

Mayor White stated that the correspondence was referred to the committee from the last council meeting. Office Manager Passage explained to the committee that she had found the work order that was dated Dec. 13th for 1621 Leonard that was finalized. Office manager did not know if the office staff wrote down wrong or if Ms. Guilliani stated the wrong address when requesting the final. Ms. Guilliani called the office and stated she had no water at 1521 Leonard. At that time we realized it was the wrong address finalized. Office manager said that Ms. Guilliani was informed when she called back in that the service at 1521 Leonard had been shut off and there was an amount owed of \$158.00 on the account.

She was informed the amount would need to be paid to have the service turned on. Ms. Guilliani paid the balance due and the water was turned on. There was no further discussion.

Emergency Item: Superintendent Sutherland asked for emergency agenda item tree removal at Second and Ash Streets. He informed the committee that the tree needs taken down immediately. He asked the committee to seek council, approval in the amount of \$1,800.00 payable from the Road & Bridge Fund to New View for the removal of the tree. The consensus of the committee was to seek council approval.

City Engineer Coulter reported that the overlay for TIF district will start soon. He informed the committee that River Sound Platt section 6 has been approved by the Platt Officer and will go to council for approval. Engineer Coulter reported that there are crosswalks in TIF Business that will need to be approved and asked for additional funding from Road & Bridge for areas not in the TIF Business. He questioned Office manager Passage if the crosswalk project had been brought forward. She replied yes and informed the committee that the additional funding will come from the street overlay project. It was the consensus of the committee to seek council approval.

Alderman Hughes via conference phone asked where we were on the agenda. Mayor White explained the City Engineer just wanted to give a project update and that crosswalks have been brought forward under projects.

Mayor White clarified that the tree removal would be an agenda item after the fact.

Office manager Passage reviewed agenda items for the council meeting:

- Sidewalk Program Application
- Emergency item - Tree Removal
- Riversound Platt
- TIFF Crosswalks – Road 7 Bridge Crosswalks

Alderman Connor asked if the committee was done discussing the correspondence from Ms. Guilliani. Alderman Connor said she was informed that Ms. Guilliani was not informed that this would be discussed at tonight's meeting.

Alderman Connor questioned if she should have been notified.

Clerk Hurd read the letter from Ms. Guilliani that was presented at the July 27, 2020 council meeting.

Mayor White asked Clerk Hurd to notify Ms. Guilliani that this will be discussed again at the next Public Works meeting and asked that it be placed on the agenda.

COMMITTEE OF WHOLE:

PREPARATION FOR MEETINGS:

MAYOR White asked that all Aldermen please be prepared when attending the council meeting and that they review their Agenda Packet thoroughly. He also asked that facemask be worn.

POTENTIAL NEW EMAIL PROGRAM:

Office Manager Passage informed the committee that there have been a lot of issues with Mediacom email. It was suggested by our IT (Pearl Technology) consultants that we switch to Microsoft 365. She stated that every council member would have their own email address. She is currently waiting on a price quote.

WATER BILLING/COLLECTION PROCESS:

Mayor White stated his objective for this agenda topic was to better inform the council members and understand the process.

He then asked Attorney Seghetti to review the current Ordinance. He explained that there are two sections in the code that allow the remedies for the city to collect unpaid water bills.

Those sections are Sec. 98-56 and Sec. 98-57

He explained that the lien process would get paid upon selling the property and does not affect the buyer of the property.

He stated two disadvantages to the lien process:

1. Does not create immediate response.
2. If it is a foreclosed property the lien usually gets extinguished.

Alderman Sharp then addressed Mr. Donnelley in the audience and asked that he raised his hand if he wished to speak.

Mayor white stated that public comment is over.

Attorney Seghetti continued. He explained section 98-57 of the city code states that if the ownership of the property transfers to another party all rights and responsibilities are transferred to the new owner. Therefore the new owner is liable for the previous owners past due bill.

He stated two advantages:

1. draws a response
2. will survive a foreclosure because it does not affect the title

Disadvantage not everyone knows about it as in the case of Mr. Bushell

Having gone through the Bushell a notice is being filed with the county. The notice will show up on a title search.

Alderman Connor asked if the Notice was as legal binding as a lien. Attorney Seghetti concurred it was binding.

Office Manager Passage gave a presentation on the water billing process. (presentation attached to the minutes)

Lengthy discussion was held.

It was the consensus of the committee that the policy needs to be followed as written and that no changes to the procedure will be made.

Discussion was held on the amount of a deposits and the name of who the account is in (owner vs. renter.)

There being no further action the committee adjourned at 5:47pm.

Margaret E Hurd, City Clerk

WATER BILLING PROCESS

JULY 2020

WATER BILLING

- BILL ON A MONTHLY BASIS
- WATER USAGE BILLED IN CUBIC FEET
- THERE ARE 15 ROUTES THAT ARE READ
- ACTIVE ACCOUNT NUMBER ENDS IN "00"
- FINALED ACCOUNT NUMBER ENDS IN "01..."

BILLING STEPS

- BILLING CLERK UPLOADS METERS TO THE HAND HELD
- PUBLIC WORKS TAKES HAND HELD AND READS ALL 15 ROUTES
- PUBLIC WORKS BRINGS READING BACK TO CITY HALL
- BILLING CLERK UPLOADS READINGS TO WATER BILLING SOFTWARE

BILLING STEPS

FIRST MONTH – BILLED MARCH

- WATER USED 2/5/20 TO 3/5/20 USAGE 784
- BILLED 3/12/20
TOTAL BILL \$65.54
- DUE 4/7/20 IF NOT PAID A PENALTY IS POSTED 4/8/20 TOTAL BILL \$68.50
- BILL IS MAILED IN MARCH

- Usage FEB. to MARCH
- Billed MARCH
- Due APRIL

BILLING STEPS

SECOND MONTH – BILLED APRIL

- BILL DUE 4/7/20 NOT PAID SO ARREARS OF \$68.50
- WATER USED 3/5/20 TO 4/7/20 USAGE 361
- BILLED 4/16/20 TOTAL BILL ARREARS \$68.50 NEW BILL \$ 39.30 TOTAL BILL \$107.80
- DUE 5/7/20 IF NOT PAID A PENALTY IS POSTED 5/8/20 TOTAL BILL \$110.07
- THIS BILL WILL BE MAILED IN APRIL WITH A NOTICE OF DELINQUENCY AS THEY ARE IN ARREARS OVER \$20.00
- DISCONNECTION DATE IS 5/9/20

- Arrears from: MARCH
- Usage: MARCH to APRIL
- Billed: APRIL
- DUE: MAY
- MAY we could disconnect

BILLING STEP

THIRD MONTH -- BILLED MAY

- SINCE A DISCONNECT NOTICE WAS SENT IN APRIL ON MAY 8 ACCOUNT IS CHECKED TO SEE IF THEY PAID.
- IF THEY PAID THEIR ARREARS THEY ARE REMOVED FROM THE MAY DISCONNECT
- IF THEY DID NOT PAY THEY ARE PUT ON THE DISCONNECT LIST FOR PUBLIC WORKS TO DISCONNECT

BILLING STEP

THIRD MONTH – BILLED MAY Continued

- DISCONNECTION ARE COMPLETED 5/8/20
- SOME ARE DISCONNECTED AND SOME HAVE PAID ALL OR A PORTION OF THEIR BILL
- THE BILLING REPEATS

COLLECTION

- Bill from 2/5/20 – 3/5/20 in March
- Due April did not pay \$68.50
- Bill from 3/5/20 – 4/7/20 in April
- Due May - \$68.50 + \$39.30=\$107.80
- This bill is sent with Notice of Delinquency in April
- In May water is shut off for non payment
- Penalty is added
- In May bill from 4/7/20 to 5/7/20 (shut off) another \$70.00 for a total owed \$180.07. Due In June. Notice of Disconnect/lien is sent out.

NOTICE OF DELINQUENCY

Mr. John Smith
123 North Dove Lane
P.O. Box 12
Bainbridge, MS 39455

Account Balance is: 2002.23
Account Number is: 001 0000 002

Monday December 9, 2013
RE: NOTICE OF DELINQUENCY

Our records show you have an unpaid balance of \$20.00 or greater, therefore, you are receiving this Notice of Delinquency. You have the right to request a hearing on this matter by 4:00 p.m. Wednesday, May 15, 2013.

Unless a hearing is requested, or PAYMENT IN FULL of the balance shown at the top of this page is received, your water service will be disconnected at 9:00 a.m., Friday, May 17, 2013. *** NO FURTHER NOTICE WILL BE GIVEN!***

Note: 1) Owner and tenant are jointly and severally liable, 2) If ownership of the property is transferred to another party, all rights and responsibilities regarding payment will be transferred to the new owner, and 3) failure to pay may result in a lien placed on your property.

CHILLICOTHE
MUNICIPAL WATERWORKS

COLLECTIONS CONTINUED

- If this is rental property the owner is also notified
- After due date in June the lien is filed if not paid

WATER COLLECTION PROCEDURE
JANUARY, 2020

When a water/sewer service becomes delinquent the following procedure will be used to collect charges for the water/sewer service.

If gross charges for water/sewer service is not paid within 30 days after a rendition of a monthly bill, with the billing of the following month water/sewer service, a Notice of Delinquency will be sent to the property owner, and renter if applicable. Notice of Delinquency will include a hearing date, disconnection date, and a notice that a lien may be filed unless payment has been made in full by the due date of the bill. (see sample Notice of Delinquency letter)

20 days after the date of the notice of delinquency, and payment has not been received or payment plan established (see sample Payment Agreement), the water/sewer service will be disconnected.

At the discretion of the City, the City may allow the payment of the past due amounts pursuant to a payment plan to avoid disconnection. Even if a payment plan is in place, a lien may be filed.

Once the water/sewer service is disconnected, a water/sewer Notice of Disconnect will be issued with the next water bill to the owner of the property stating the amount owed. (see sample Notice of Disconnect letter)

If gross charges for water/sewer service is not paid within two days after the due date, a lien may be filed; the owner was informed in the Notice of Disconnect/Lien letter.

Water/sewer service shall not be re-established until all charges are paid in full, including lien amount. If the owner pays the amount due, including the lien amount, the lien will be removed. There is a reconnect fee of \$30 currently.

Adopted: January 27, 2020
City Council Meeting

Example

- A citizen goes through the process and receives a Delinquency Notice.
- A few days before shut off calls and states they can't pay until the end of the month.
- A Utility Payment Agreement is signed by citizens stating they will pay \$40.00 and full payment of \$212.95 on July 30.
- The citizens makes the \$40.00 payment

City of Chillicothe
Utility Payment Agreement
309-274-2020

I, _____ agree to make the payment of \$ _____ on _____.
_____ I will make another payment of \$ _____ on _____. I will have the
remaining balance paid off by _____.

Notes: _____

****If you choose not to follow through with the agreement made above, your water service will be disconnected and payment in full will be required, with an additional reconnect fee, and a lien may be placed on your property for the amount due plus legal fees and associated filing fees. No further notice will be given.**

Print Name: _____
Signature: _____ Date: _____
Address: _____

Employee Signature: _____ Date: _____

NOTICE OF DISCONNECTION/LIEN

Monday December 20, 2019

Mr. John Smith
123 North Dove Lane
P.O. Box 12
Bainbridge, MS 39422

Account Balance is: 2002.23
Account Number is: 001 0000 002

Re: Notice of Disconnect/Lien

Our records indicate that the water service has been disconnected due to non-payment. The total amount owed stated at the top of this statement is what must be paid on or before _____ to avoid a lien being placed on the property.

Should a lien be placed on the property, there will be attorney fees and filing fees added to the amount owed (generally \$350). Once payment is received, there will be a \$30.00 reconnect fee to establish service. Reconnection will not occur until all charges and associated costs are paid.

For questions contact the Water Department 309-274-5056.

Note: If ownership of the property is transferred to another party, all rights and responsibilities regarding payment will be transferred to the new owner.

CHILLICOTHE
MUNICIPAL WATERWORKS

Example continues

- The citizens is advised that a new bill is being held until their full payment is made.
- On July 30 the citizens places in the drop slot a payment of \$202.00.
- Do you disconnect because they did not follow the agreement?

Example Continues

- The citizens is short \$10.95.
- If you disconnect you add a reconnect fee
- No further notice will be given per the agreement

Example #2

- Property owner rents property and renter moves
- Property is put in property owners name and there is water used and billed to owner
- New renter calls to put water in their name
- Final is taken and put in new renters name
- Property owner does not pay bill
- Do you file a lien water is not off

**Sec. 98-56. Due date for payment of charges;
lien for unpaid charges.**

The charges as set forth in this Article shall be payable monthly. If the charges for services to certain real estate are not paid within 30 days after rendition of a bill for such services, all charges for services to such real estate shall be deemed and hereby are declared to be delinquent. The amount due, together with all costs and expenses incurred by the city with respect to the collection of such amounts due, including attorneys fees and costs, shall constitute a lien upon the real estate for which such services have been supplied upon the recording of a notice of lien in the office of the county recorder of deeds. The filing of such notice in the recorder's office shall be deemed notice for the payment of such charges for such services.

(Code 1996, § 8-1-6; Ord. No. 11-02-02, § 1, 2-28-2011; Ord. No. 20-01-01, § 2, 1-27-2020)

Sec. 98-57. Discontinuance of service for failure to pay charges.

If the gross charges for water and sewer services are not paid within 50 days after rendition of the monthly bill, such services shall be discontinued until all past due bills are paid in full unless the customer agrees to a payment plan acceptable to the city. Service shall not be discontinued for nonpayment of delinquent charges until notice of the delinquency and the opportunity for a hearing on the delinquency are provided to the customer according to procedures as determined by the city council. If the ownership of property transfers to another party, all rights and responsibilities as described in this section regarding the payment of bills are transferred to the new owner and services shall not be reinstated until all past due bills are paid in full.

(Code 1996, § 8-1-7; Ord. No. 11-02-02, § 2, 2-28-2011; Ord. No. 20-01-01, § 2, 1-27-2020)