

**TOWN OF WEST POINT
TOWN COUNCIL MINUTES
October 24th, 2011**

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, October 24th 2011. The Honorable James H. Hudson III called the meeting to order at 6:30 p.m. The Invocation was given followed by the Pledge of Allegiance.

Members Present: Mayor, Jim Hudson; Vice Mayor, Deborah Ball; Charlie Gordon; Tina Gulley; Paul Kelley; Jack Lawson; Bub Shreaves and Chris Vincent.

Also Present: John B. Edwards, Jr., Town Manager; Andrea Erard, Town Attorney; Karen Barrow, Town Clerk; Chief Bill Hodges, WPPD; Walt Feurer, Director of Public Works; TC Moore, Town Treasurer; Holly McGowan, Community Development Coordinator; Shawn Hershberger, Economic Development Coordinator and other interested persons.

II. CITIZENS ADDRESS TO COUNCIL

A. Public Hearing on the Water Supply Plan

Clara Meier of the Middle Peninsular Planning District Commission reviewed the General Assembly mandates that were issued in 2005 regarding the Regional Water Supply Plan.

John Marling of EEE Consulting advised that work on the plan began in 2007 and the final regional plan needs to be submitted to DEQ no later than November 2nd 2011.

Mayor Hudson read the Public Hearing advertisement and asked the Town Clerk if any of the following requests were received: 1) A request for a copy of the plan. 2) Comments submitted in writing. 3) A request for assistance to attend the meeting.

The Town Clerk advised that no requests were received.

Mr. Hudson opened the floor for citizens to comment on the public hearing. There being none, the Public Hearing was closed.

1. ACTION

Mr. Shreaves made a motion to adopt the attached Resolution, seconded by Mrs. Ball. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted "Aye".

B. Public Hearing on Ordinance 11-11 / Drought Ordinance

Mayor Hudson read the Public Hearing advertisement and asked the Town Clerk if any of the following requests were received: 1) A request for a copy of the plan. 2) Comments Submitted in writing. 3) A request for assistance to attend the meeting.

The Town Clerk advised that no requests were received.

Mr. Hudson opened the floor for citizens to comment on the public hearing. There being none, the Public Hearing was closed.

1. ACTION

Mr. Gordon made a motion for Town Council to adopt ordinance 11-11 as attached, seconded by Mr. Shreaves. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted "Aye".

C. Citizens Address to Council

Mr. Hudson opened the floor for citizens to address Town Council on any Town related business.

1. James Johnson, 428 3rd Street, West Point, Virginia stated that he received a letter from the Town prior to the Crab Carnival asking that free standing business signs be picked up. Mr. Johnson advised that he picked up his business sign, but other businesses still have signs out. Mr. Johnson asked if the other business signs will be picked up and whether all the other businesses received a letter.

Mr. Edwards advised that all the businesses with free standing signs received a letter requesting all signs be removed.

Mr. Johnson advised there is a sign located at 6th Street and Main Street that has not been removed.

Mr. Hudson stated that Town Staff will address the sign issue.

Mr. Hudson asked if there was anyone else that would like to address Town Council. There being none, Mr. Hudson closed the Citizens Address.

III. COUNCIL RESPONSE

None was noted.

IV. AGENDA CHANGES

Mr. Lawson made a motion to adopt the agenda as presented, seconded by Mr. Vincent. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted "Aye".

V. ADOPTION OF CONSENT AGENDA

Mrs. Ball made a motion to adopt the following consent agenda, seconded by Mr. Gordon. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

- 1) Minutes of September 26th, 2011 Town Council Meeting and Work Session
- 2) Cash Reports
 - a) General Fund
Cash on hand as of September 30, 2011 - \$ 5,888,520.69
 - b) Water Fund
Cash on hand as of September 30, 2011 - \$ 783,345.05
 - c) CIP
Cash on hand as of September 30, 2011 - \$ 43,075.01
- 3) Monthly Budget Report
- 4) School Fund Cash Report
 - a) Cash on hand as of September 30, 2011 - \$ 115,941.69
- 5) West Point Monthly Police Activity Report
- 6) Building Official Monthly Report
- 7) Public Works Monthly Permit Report
- 8) Community Development Monthly Permit Report
- 9) Treasurer Monthly Report
- 10) Economic Development Monthly Report

V. COMMITTEE REPORTS

A. Economic and Community Development – Mr. Lawson reported for the Committee

- 1 Referral of Satellite Dish Ordinance to Planning Commission

Mr. Lawson made a motion to refer Section 70-337, Satellite Dishes to the Planning Commission for review and to amend the language to be compliant with federal law, seconded by Mr. Kelley. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted "Aye".

B. Education Committee – Mr. Shreaves reported for the Committee

Mr. Shreaves advised there was nothing to report.

C. Finance Committee – Mrs. Ball reported for the Committee

1 Appointment to the Building Code of Appeals

Mrs. Ball made a motion to appoint Chase Evans and David Layne to the Building Code of Appeals for a four year term commencing immediately and expiring September 30, 2015. Seconded by Mr. Gordon, Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson and Mr. Shreaves all voted “Aye” Mr. Vincent abstained from voting.

2. Budget Amendment 02-11/12 Resolution [*See Attached Resolution*]

Mrs. Ball made a motion to adopt the attached resolution for Budget Amendment 02-11/12, seconded by Mr. Shreaves. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted “Aye”.

D. Public Safety – Mrs. Gulley reported for the Committee.

1. Authorization to Advertise a Public Hearing to Amend the Firearms Ordinance

Mrs. Gulley made a motion to Authorize the Town Manager to advertise for a public hearing to amend the Town Code Section 14-8, Dangerous Devices for the November 28th Town Council meeting, seconded by Mr. Vincent. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted “Aye”.

D. Public Works – Mr. Gordon reported for the Committee

1. Award of Contract for the East Euclid Boulevard Waterline Extension

Mr. Gordon made a motion to award the contract for the East Euclid Boulevard Waterline Extension to Walter C. Via Enterprises, Inc. for a cost not to exceed \$164,000 and to authorize the Town Manager to execute and deliver the agreement upon receipt of a Certificate of Insurance, Posting Performance and Payment Bonds and upon final approval of the Town Attorney. Seconded by Mr. Vincent, upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted “Aye”.

VII. TOWN MANAGER’S ITEMS

A. Award of Contract for Kirby Street Rehabilitation Specialist

Mrs. Gulley made a motion to approve the Kirby Street Neighborhood Renewal Project Housing Rehabilitation Specialist Services Contract between the Town of West Point and American Housing Specialist and that the Town Manager be authorized to execute the contract on behalf of the Town, subject to the negotiation, final review and approval of the Town Attorney. Seconded by Mrs. Ball, upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted “Aye”.

VIII. OLD BUSINESS

There was nothing to report under Old Business

IX. NEW BUSINESS

A. Planning Commission Report - Mr. Hudson

Mr. Hudson advised that the Planning Commission met on October 5th 2011 to discuss the Off-Premise Directional Signs. Per the request of the Community Development Committee, Ms. McGowan is currently reviewing the ordinance with the Ministerial Association and will submit any suggestion or comments they might have back to the Planning Commission for review.

X. ADJOURNMENT

There being no further business the meeting was adjourned at 7:05 P.M.

James H.
Hudson, III
Mayor

ATTEST:

Karen M. Barrow
Town Clerk

A RESOLUTION APPROVING THE REGIONAL
WATER SUPPLY PLAN FOR THE MIDDLE PENINSULA OF VIRGINIA.

WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ); and

WHEREAS, the Town of West Point is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on October 24, 2011, the Town of West Point held a public hearing to accept public comment on the Regional Water Supply Plan; and

WHEREAS, the adopted Regional Water Supply Plan will be submitted to the DEQ on or before November 2, 2011.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of West Point hereby adopts the Regional Water Supply Plan as it pertains to the Town of West Point. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. The Town of West Point reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. The Town of West Point will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

BE IT FURTHER RESOLVED that the West Point Town Council intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

PASSED, APPROVED AND ADOPTED by the West Point Town Council at a meeting held on October 24, 2011.

Those members voting:

James H. Hudson	N/A
Deborah Ball	Aye
Tina Gulley	Aye
Charles Gordon	Aye
Paul Kelley	Aye
Joshua Lawson	Aye
Otto Shreaves	Aye
Christopher Vincent	Aye

James H. Hudson, III
Mayor, Town of West Point

Adopted this 24th day of October, 2011

ATTEST:

Karen M. Barrow
Town Clerk
Adopted: October 24th 2011

ORDINANCE NO. 11-11

ORDINANCE NO. 11-11 AMENDS THE WEST POINT TOWN CODE, CHAPTER 62, "WATER, SEWERS AND SEWAGE DISPOSAL," BY ADDING TO ARTICLE I, SECTION 62-9, "WATER EMERGENCIES AND CONSERVATION" TO IMPLEMENT A SYSTEM FOR WATER RESTRICTIONS IN THE EVENT OF A WATER SHORTAGE. ORDINANCE NO. 11-11 INCLUDES PENALTIES FOR VIOLATIONS: A FIRST OFFENSE RESULTS IN A WRITTEN WARNING, A SECOND OFFENSE RESULTS IN A \$ 50 FINE, A THIRD OFFENSE RESULTS IN A \$ 100 FINE, A FOURTH OFFENSE RESULTS IN A \$ 250 FINE AND WATER SERVICE SUSPENSION. THERE SHALL BE A \$ 50 FEE ASSOCIATED WITH ANY RESTORATION OF WATER SERVICE AFTER SUSPENSION. ORDINANCE NO. 11-11 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VA CODE SECTIONS 15.2-923, 15.2-924 AND 15.2-1429.

BE IT ORDAINED by the West Point Town Council that the West Point Town Code be amended by adding to Chapter 62, "Water, Sewers and Sewage Disposal" Section 62-9, "Water emergencies and conservation" to read in its entirety as follows:

"Section 62-9, "Water emergencies and conservation"

(a) Purpose and authority to declare water emergencies. For purposes of this section, unless the context clearly requires a contrary meaning, the term "water" shall mean potable water withdrawn from any water utility system that is owned and/or operated "by a locality, authority, or company distributing water for a fee or charge".

In the event of an actual or anticipated shortage of potable water due to climatic, hydrological, mechanical and/or other extraordinary conditions, the Town of West Point may determine that certain uses of water should be reduced, restricted, curtailed and/or prohibited. These reductions, restrictions, curtailments and/or prohibitions are intended to protect the health, safety and welfare of the residents of the Town of West Point.

The Town Manager, with the concurrence of the Town Council, and its subsequent ratification by the Council, is authorized to declare water emergencies in the Town, as a whole or portions thereof, affecting the use of water.

A Drought Emergency declaration will be issued after consideration of the conditions of individual affected systems. The Town Manager may order mandatory restrictions on water use in response to specific conditions, such as when any system exceeds 90 percent of the permitted capacity for 3 consecutive months. The Town Manager may intervene to declare a drought emergency for privately-owned systems if the private system operation is unable to restrict water usage when needed.

(b) Drought monitoring to anticipate water emergency conditions. The Town of West Point, in cooperation with other jurisdictions of the Middle-Peninsula Water Supply Planning Region, will monitor the U.S. Drought Monitor operated by the U.S. Geological Service and made available through DEQ's website at: <http://www.deq.virginia.gov/waterresources/drought.php>. When the USGS Drought Monitor registers a condition "D1-Moderate Drought" for the Town of West Point, the Town Manager shall declare a Drought Watch alert for all water systems addressed by this ordinance.

(c) Water conservation measures. After the declaration of a water emergency under the authority provided by Virginia Code Sections 15.2-923 and 15.2-924, and upon a determination by the Town Manager of the existence of the following one or more conditions, the Town Manager shall take the following actions which shall apply to any person whose water supply is furnished from an affected water utility system:

(1) Condition 1 (Drought Warning). When moderate but limited supplies of water are available or when a "D2-Severe Drought" condition is registered on the USGS Drought Monitor, the Town Manager may, through appropriate means, call upon the affected population and entities to employ prudent restraint in water usage and to conserve water voluntarily by whatever methods available.

(2) Condition 2 (Drought Emergency). The Town Manager is hereby further authorized during the duration of a water emergency for which voluntary measures would be insufficient to order the restriction or prohibition of any or all of the following water uses by users of an identified, affected water system after consultation with the affected water system owner/operator:

a. Watering of outside shrubbery, trees, lawns, grass, plants, home vegetable gardens, or any other vegetation except from a watering can or other container not exceeding five gallons in capacity. This limitation shall not apply to commercial greenhouses, nursery stocks and sod growing, which may be watered in the minimum amount required to preserve plant life between 6:00 p.m. and 8:00 a.m.

b. Washing of automobiles, trucks, trailers, or any other type of mobile equipment, except in licensed commercial vehicle wash facilities.

c. Washing of sidewalks, streets, driveways, parking lots, service station aprons, exteriors of homes or apartments, commercial or industrial buildings or any other outdoor surface, except where mandated by federal, state or local law.

d. The operation of any ornamental fountain or other structure making a similar use of water.

- e. The filling of swimming or wading pools requiring more than five gallons of water, or the refilling of swimming or wading pools that were drained after the effective date of the declaration of emergency, except that pools may be filled to a level of two feet below normal, or water may be added to bring the level to two feet below normal, or as necessary to protect the structure from hydrostatic damage.
- f. The use of water during outdoor recreational activities. This limitation shall not apply to water utilized for drinking and sanitary purposes during such activities.
- g. The use of water from fire hydrants for any purposes other than fire suppression and related training exercises, unless otherwise approved by the county administrator.
- h. The serving of drinking water in restaurants, except upon request.
- i. The operation of any water-cooled comfort air conditioning that does not have water-conserving equipment in operation.

(3) Condition 3. In addition to the restrictions and prohibitions authorized under subsection (2) above, the Town Manager is hereby further authorized during the duration of a water emergency to implement any or all of the following for any of the affected water systems:

a. For any publicly owned and operated public water utility:

- i. Industrial, institutional, commercial, governmental, wholesale and all other nonresidential customers shall be allotted a percentage reduction based on that customer's average monthly water consumption for the same billing period of the previous calendar year's consumption.
- ii. Individual residential customers shall be limited to a specific volume or percentage reduction of water per month.
- iii. If the allotted monthly water usage, as determined in subsection (3)a.i. and (3)a.ii. above, is exceeded, the customer shall be charged two times the existing service rate for consumption over the minimum monthly charge for every 1,000 gallons of water consumed above the allotted volume. Where prior consumption data is not available, the county administrator shall estimate allocations based upon the data available from similar activities of equal intensity.
- iv. Declaration of a moratorium on new and expanded connections to the public water utility system, unless such connections are primarily intended and designed to provide fire protection and/or potable drinking water to lawfully permitted residential or nonresidential buildings that are existing or substantially constructed at the time that a water emergency is declared.

b. For any privately owned and operated public water supply:

The system operator shall be required to demonstrate on a monthly schedule, compliance with the capacity requirements set forth by the Virginia Department of Health Waterworks Regulations (12 VAC5-590-520 and 12 VAC5-590-690).

(4) Condition 4. When crucially limited supplies of water are available, the Town Manager shall restrict the use of water from any affected water system to purposes which are absolutely essential to life, health and safety. Such permitted uses of water may include, but may not be limited to, the provision of limited quantities of water for drinking and sanitation purposes to residents, health care facility patients and/or emergency shelter evacuees, who are unable to utilize their potable water supplies due to the loss of electrical power, storm events or other natural or manmade causes.

(d) Failure to address leaks. It shall be unlawful for the owner of any residential unit or units, or the owner of any commercial or industrial establishment which is found to be an excessive user of water due to leakage from waterlines or plumbing fixtures on the premises, to fail to take immediate action to repair and to stop such leakage after being so ordered by the Town Manager or his agent.

(e) Effective date. The imposition of the restrictions above shall become effective upon the restrictions being posted on the Town's website, the restrictions being printed in any newspaper of general circulation in the Town of West Point, or the broadcasting of the restrictions on any radio or television station serving the Town of West Point.

(f) Appeals for exemptions. Upon implementation of subsections (2), (3) or (4) above, the Town Manager shall establish an appeals procedure to review customer applications for exemptions from the provisions of subsections (2), (3) or (4) on a case-by-case basis and, if warranted, to make equitable adjustments to such provisions. The Town Manager shall also be empowered to establish regulations governing the granting of temporary exemptions applicable to all or some of the uses of the water supply set forth in subsections (2), (3) or (4). The Town Manager shall, in rendering a decision on such applications, balance economic and other hardships to the applicant resulting from the imposition of water use restrictions or allocations against the individual and cumulative impacts to the water supply resulting from the granting of such exemptions and may impose reasonable conditions to ensure compliance with the terms of the exemption.

Any person subject to a decision rendered by the Town Manager under this section may appeal such decision to the Town Council.

The appeal shall be in writing and shall be submitted to the Town Manager, as agent for and clerk to the Town Council.

The Town Manager may issue temporary waivers or exemptions within the provisions of this subsection for such periods of time as may be necessary for the Town Council to formally consider action on the appeal.

The Town Council shall render a decision on the appeal and may: affirm, with or without modification, the Town Manager's decision; or approve the requested exemption, with or without modification. The Town Council may impose reasonable conditions to ensure compliance with the terms of any exemption granted hereunder.

Any decision rendered by the Town Council shall be subject to remedies provided by statute.

(g) Penalty for violations. Any person who shall violate any of the provisions of this section, or of any of the conservation regulations promulgated by the Town of West Point pursuant thereto, shall, be subject to the following penalties:

- (1) First offense: Written warning;
- (2) Second offense \$50 fine;
- (3) Third offense \$100 fine;
- (4) Fourth offense \$250 fine and water service suspension.

Each act or each day's continuation of a violation shall be deemed a separate offense. In addition to the foregoing, the Town Manager may suspend public water utility service to any person continuing to violate the provisions of this ordinance or the regulations promulgated hereunder. If such public water utility service is terminated, the person shall pay a reconnection fee of \$50.00 before service is restored.

(h) Declaration of end of water emergencies. The Town Manager shall notify the Town Council when, in his opinion, the water emergency situation no longer exists. Upon concurrence of the Town Council, the water emergency shall be declared to have ended.”

Those members voting:

James H. Hudson	N/A
Deborah Ball	Aye
Tina Gulley	Aye
Charles Gordon	Aye
Paul Kelley	Aye
Joshua Lawson	Aye
Otto Shreaves	Aye
Christopher Vincent	Aye

James H. Hudson, III
Mayor

ATTEST:

Karen M. Barrow
Town Clerk