

**TOWN OF WEST POINT
TOWN COUNCIL
MINUTES
NOVEMBER 26th, 2012**

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, November 26th 2012. The Honorable James H. Hudson III called the meeting to order at 6:30 p.m. The Invocation was given by Robin Boring 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; Interim Chief of Police Tom Clark, WPPD; Sgt. Lisa Woodson, WPPD; Walt Feurer, Director of Public Works; TC Moore, Town Treasurer; Holly McGowan, Community Development Coordinator; and other interested persons.

II. CITIZENS ADDRESS TO COUNCIL

A. Citizen Recognition – A Resolution to Honor Thomas Whitmore

Mr. Hudson presented the attached resolution to the late Thomas Whitmore family in honor of all that Tom Whitmore done for the community during his life time.

B. West Point Historical Society

Jim Dopp, Chairman of the West Point Historical Society presented Town Council with copies of a newly published book of West Point, the co-authors are William J. Addison and Kathryn Hogenson.

C. Continued Public Hearing Ordinance 04-12 – Administrative Variances

Mr. Hudson advised that due to Hurricane Sandy, the public hearing on Administrative Variances had been continued from October 29th 2012 until tonight November 26th 2012. Mr. Hudson opened the floor for citizens to address Town Council on Ordinance 04-12, Administrative Variances. There being none, the public hearing was closed.

1. Action

Mrs. Gulley made a motion to adopt Ordinance 04-12, Administrative Variances. Seconded by Mr. Lawson, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

D. Public Hearing – Issuance of General Obligation Bonds

Mr. Hudson read the advertisement for the public hearing and opened the floor for citizens to comment on the public hearing. There being none, the public hearing was closed.

1 Action

a. Tax-supported Debt Resolution *[See Attached]*

Mr. Gordon made a motion to adopt the attached resolution, seconded by Mrs. Gulley. Upon roll call Deborah Ball; Charlie Gordon; Tina Gulley; Paul Kelley; Jack Lawson; Bub Shreaves and Chris Vincent all voted “Aye”.

b. Resolution Authorizing the Issuance and Sale of General Obligation Bond Series 2012B *[See Attached]*

Mr. Shreaves made a motion to adopted the above resolution for the General Obligation Bond Series 2012B, seconded by Mrs. Ball. Upon roll call Deborah Ball; Charlie Gordon; Tina Gulley; Paul Kelley; Jack Lawson; Bub Shreaves and Chris Vincent all voted “Aye”.

c. Resolution Authorizing the Issuance and Sale of General Obligation Bond Series 2012C *[See Attached]*

Mr. Shreaves made a motion to adopted the above resolution for the General Obligation Bond Series 2012C, seconded by Mrs. Ball. Upon roll call Deborah Ball; Charlie Gordon; Tina Gulley; Paul Kelley; Jack Lawson; Bub Shreaves and Chris Vincent all voted “Aye”.

E. Public Hearing – 0212-SUB-01, Henderson Residential, LLC., Fairways Subdivision Plat

Mr. Hudson asked Holly McGowan to review the application.

Ms. McGowan advised that Planning Commission has reviewed the application and held a public hearing. It is the recommendation of Planning Commission that Town Council approve the application.

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

1 Action

Mrs. Ball made a motion for Town Council to approve 0212-SUB-01, Henderson Residential, LLC, Fairways final subdivision plat, prepared by James E. Mitchell, dated September 28, 2012. Seconded by Mrs. Gulley, upon roll call, Deborah Ball; Charlie Gordon; Tina Gulley; Paul Kelley; Jack Lawson; Bub Shreaves and Chris Vincent all voted “Aye”.

F. Citizens Address to Council

Mr. Hudson opened the floor for citizens to address Town Council on any Town related business. There being none the Citizens Address to Council was closed.

III. COUNCIL RESPONSE

None was noted.

IV. AGENDA CHANGES

Mr. Lawson made a motion to adopt the agenda as presented, 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”.

V. ADOPTION OF CONSENT AGENDA

Mr. Gordon made a motion to adopt the following consent agenda, 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”.

- 1) Minutes of October 29th, 2012 Town Council Meeting and Work Session
- 2) Cash Reports
 - a) General Fund
Cash on hand as of October 31, 2012 - \$5,787,118.29
 - b) Water Fund
Cash on hand as of October 31, 2012 - \$(53,075.65)
 - c) CIP
Cash on hand as of October 31, 2012 - \$699,993.13
 - d) Solid Waste
Cash on hand as of October 31, 2012 - \$41,598.37

- 3) Monthly Budget Report
- 4) School Fund Cash Report
 - a) Cash on hand as of October 31, 2012 - \$227,804.30
- 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

V. COMMITTEE REPORTS

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

Mr. Lawson advised there was nothing to report.

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 Revised Purchasing Policy [*See Attached*]

Mrs. Ball made a motion for Town Council to adopt the revised purchasing policy that has been approved by the Town Attorney, 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”.

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

Mrs. Gulley advised there was nothing to report.

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

Mr. Gordon advised there was nothing to report.

VII. TOWN MANAGER’S ITEMS

Mr. Edwards presented Town Council with a budget calendar and stated that Town Staff has begun working on budget items for FY 20113-14.

VIII. OLD BUSINESS

There was nothing to report under Old Business.

IX. NEW BUSINESS

A. Planning Commission Report - Mr. Hudson

Mr. Hudson stated that Planning Commission did not meet in November and that there is nothing to report.

X. RECESS

There being no further business Mayor Hudson recessed the meeting until Wednesday, November 28th 2012 at 6:00 p.m.

James H. Hudson, III
Mayor

Karen M. Barrow, Town Clerk



A RESOLUTION TO HONOR
Thomas B. Whitmore

WHEREAS, Thomas B. Whitmore, known to all of us as “Tom”, moved to West Point in the 1950s, buying the Browning Chevrolet dealership and operating as Whitmore Chevrolet until his death in 2012; and

WHEREAS, Tom served the Town and its citizens as Town Councilman from 1964 through 1968, holding the office of Vice Mayor, and as a member of the Town’s Industrial Development Authority for many years; and

WHEREAS Tom was a member of the West Point Kiwanis Club for 54 years, serving as President and receiving Legion of Honor status, and was also a charter member and President of the West Point Ruritan Club; and

WHEREAS, Tom was a family man, totally committed to his wife, children, grandchildren and great-grandchildren, and a man of faith, a devoted member of First Baptist Church of West Point, serving the Church in a number of capacities over many years; and

WHEREAS, Tom was loved and respected by the Town’s people as a steadfast and unfailing friend, a fair and honest businessman, and a model of citizenship and public service; and

WHEREAS, Tom died on July 30, 2012:

NOW THEREFORE LET IT BE RESOLVED that the Town Council of the Town of West Point, Virginia, on behalf of all its citizens, expresses sincere appreciation for the life of Thomas B. Whitmore and for his tireless efforts and endless dedication to and on behalf of the Town and its citizens, and for his genuine example of public service and personal integrity.

TOWN OF WEST POINT
RESOLUTION

Issuance of Tax-Supported Debt

WHEREAS, the Town has consistently sought to maintain a balance between maintaining a responsible level of reserve funds and low property tax rates; and

WHEREAS, these efforts have served the citizens well and have allowed the Town to complete a number of smaller capital projects; and

WHEREAS, the West Point Town Council continues to be committed to the avoidance of debt and low tax rates, but now faces an immediate need for a large capital expenditure to replace aging HVAC systems in all three of the Town's schools, as well as a need to upgrade the its aging public safety radio system.

NOW THEREFORE BE IT RESOLVED, that the West Point Town Council finds it necessary and proper to consider the issuance of new tax-supported debt to fund the HVAC and radio system replacement projects, as well as other future projects that are of long term durability and usefulness to the Town and School Division; and

BE IT FURTHER RESOLVED, that it is the intent of the West Point Town Council to continue to prioritize expenditures and make best efforts to fund capital projects with reserve funds when possible and issue new tax-supported debt only when necessary.

Certified to be a true copy of a resolution adopted by the Town Council of the Town of West Point at its regular monthly meeting held November 26, 2012 at which meeting a quorum was present and voted throughout.

Adopted this 26th day of November, 2012

ATTEST:

Karen M. Barrow
Town Clerk

Town of West Point Purchasing Manual

PART ONE - POLICY

Approved by the Town Council: 11/26/12

SECTION 1 ADMINISTRATION OF PROCUREMENT FUNCTIONS

1.1 Authority

The statutes governing the procurement of goods and services from nongovernmental sources are contained in the Virginia Public Procurement Act. Procurement of goods and services shall be conducted to be cost effective and beneficial to the Town and its residents, and to otherwise conform to the goals of the Virginia Public Procurement Act.

1.2 Delegation of Authority

The Town Council delegates the procurement responsibility to the Town Manager subject to the limitations and terms included in this Policy. In all cases, reference to a Town or other official in this Manual shall be deemed to include designees of the official. The Town Manager shall be responsible for the purchase of all goods and services for the Town and for disposal of surplus property. The Town Manager may designate one or more additional persons to be responsible for procurement and for disposal of surplus personal property. Any purchase not made in accordance with the applicable laws, this Policy and Regulations issued by the Town Manager and directives of the Town Manager's designee shall be deemed an unauthorized purchase for which the Town shall not be obligated. Any employee who engages in the purchase of goods or services in a manner inconsistent with the applicable laws, this Policy, Regulations issued by the Town Manager and directives of the Town Manager's designee shall be subject to disciplinary measures as defined in the Town's Personnel Policies. No obligation shall be made for any purchase in excess of the amount appropriated for that purpose as reflected in the Town budget.

1.3 Purpose and Applicability

- 1.3.1 This Policy is adopted to guide the Town in obtaining high quality goods and services at reasonable cost, in conducting all procurement procedures in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety, in providing access to the Town's public business for all qualified vendors, and in promoting efficient procurement practices among all Town departments.
- 1.3.2 Rules governing contract awards shall be made clear in advance of the competition, specifications shall reflect the procurement needs of the Town rather than being drawn to favor a particular vendor, and the Town and the vendor shall freely exchange information concerning what is sought to be procured and what is offered. In addition, surplus property is to be disposed of on a competitive basis whenever practicable.
- 1.3.3 This Policy and Regulations and Directives issued pursuant to this Policy establish means of purchasing materials, supplies, equipment and services by the Town. Unless specifically exempted in this manual, these Policies and related Regulations and Procedures are applicable to all departments and agencies of Town government funded in whole or in part by the Town.
- 1.3.4 Procurement of goods and services and disposal of surplus property shall be conducted in accordance with the Virginia Public Procurement Act, ("the Act"), except as amended by alternative regulations adopted by the Town Council. The provisions of the Act are incorporated herein by reference, except as amended by alternative regulations.

SECTION 2 AUTHORITY TO: AWARD, REJECT AND CANCEL SOLICITATIONS APPROVE DISPOSAL OF SURPLUS PROPERTY MAKE DETERMINATIONS OF NONRESPONSIBILITY SIGN CONTRACTS ESTABLISH POLICIES, REGULATIONS AND PROCEDURES GOVERNING PROCUREMENT FUNCTIONS

2.1 General Authority

The Town reserves the right to accept, reject or cancel any or all solicitations or parts thereof, to waive informalities, and to reissue solicitations. The Town also reserves the right to award the contract as it deems will best serve its interests. It further reserves the right to award the contract on a lump sum basis, individual item basis, or such combination as shall best serve the interests of the Town. This may include multiple awards if provided for in the solicitation.

2.2 Authority for Award and for Execution of Contracts, Change Orders

The levels of authority for the award of contracts, rejection and cancellation of solicitations, and other procurement functions including the purchase of goods and services, construction, sole source purchases, emergency purchases, issuance of change orders, and debarment of vendors are listed below. No contracts may be awarded or purchases authorized at any level unless adequate funds have been appropriated by the Council. Once funds have been

appropriated by Council, no additional approval by Council is necessary. Authority for any procurement functions not specified in this Section shall be determined by the Town Manager. Subject to Paragraph 2.5 of this Section, the Town Manager and/or the Town Manager's designee shall have authority to sign all contracts which have been properly awarded.

2.2.1 Department Head Authorization Level

Department Heads may authorize all purchases up to \$ 1,000.

All purchases in excess of \$ 300 require a Purchase Order.

2.2.2 Town Manager Authorization Level

The Town Manager may authorize purchases over \$ 1,000 and up to \$ 10,000.

2.2.3 The Finance Committee Authorization Level

The Finance Committee may authorize purchases over \$ 10,000 and up to \$ 25,000.

2.2.4 The Town Council Authorization Level

The Town Council must authorize all purchases over \$ 25,000.

2.5 Award of Term Contracts

For purposes of this Policy, the procedure for award of term contracts shall be determined by the estimated value of the contract for the initial term of the contract. The Town Manager and/or the Town Manager's designee shall establish the length of these contracts and the number of renewal terms.

SECTION 3 SMALL PURCHASE PROCEDURES

Competitive sealed bids or competitive negotiation shall not be required for single or term contracts for goods and services if the aggregate or the sum of all phases is not expected to exceed \$50,000. Small purchase procedures shall be included in regulations approved by the Town Manager. Procurement procedures shall provide for competition whenever practicable.

SECTION 4 SECURITY, INSURANCE, AND INDEMNIFICATION

4.1 Bonds

A Bid Bond, Performance Bond, and Labor and Material Payment Bond are required for construction contracts expected to exceed \$ 50,000 and may, at the discretion of the Town Manager, be required for contracts of lesser value, and for non construction contracts. Security may be in the form of cash escrow, letter of credit or bond from a surety company authorized to do business in Virginia and acceptable to the Town. The Town Manager shall set the amount of the Bond, and may prescribe additional requirements related to security.

4.2 Insurance

The Town Manager will determine the appropriate types and levels of insurance coverage to be included in solicitations.

4.3 Indemnification

An indemnification provision shall be included in all formal written solicitations unless the Town Manager waives this requirement in writing.

SECTION 5 CONTRACTUAL CLAIMS AND INVOICES

Contractual claims, whether for money or other relief, shall be submitted in writing no later than 60 days after final payment; however, written notice of the Contractor's intention to file such claim shall have been given at the time of the occurrence or beginning of the work upon which the claim is based. Any notice or claim shall be delivered to the Town Manager and shall include a description of the factual basis for the claim and a statement of the amounts claimed or other relief requested. The Town Manager shall render a decision on the claim and shall notify the Contractor within 30 days of receipt of the claim. The Contractor may appeal the decision of the Town Manager to the Town Council by providing written notice to the Town Manager, within 15 days of the date of the decision. The Town Council shall render a decision on the claim within 60 days of the date of receipt of the appeal notice and such decision shall be final unless the Contractor appeals the decision in accordance with the Virginia Public Procurement Act. Invoices for all services or goods provided by the Contractor shall be delivered to the Town no later than 30 days following the conclusion of the work or delivery of the goods, unless other terms are prescribed by contract.

SECTION 6 PARTICIPATION OF SMALL, MINORITY AND WOMEN OWNED BUSINESSES

6.1 The Town of West Point shall adhere to the following to facilitate small, minority-owned and women-owned business participation:

6.1.1 Competitive sealed bids and requests for proposals, or notices of the issuance thereof, shall be sent to all bidders or offerors listed in eVA for the applicable categories for the goods/services sought. eVA includes certified minority vendors provided by the State Department of Minority Business Enterprise.

6.1.2 The Town of West Point shall cooperate with the State Department of Minority Business Enterprise, United States Small Business Administration and other public or private agencies with respect to the participation of small businesses and those owned by minorities and women.

SECTION 7 ETHICS

7.1 ETHICS

7.1.1 All Town employees engaged in procurement activities are subject to and should be generally familiar with the provisions of the Virginia Conflict of Interests Act and with the provisions of the Virginia Public Procurement Act relative to ethics in public contracting. Copies of the statutes shall be available at Town Hall. Questions should be directed to the Town Attorney.

7.1.2 In accordance with the Virginia Public Procurement Act, solicitation or acceptance of gifts from bidders, offerors, contractors or subcontractors is prohibited. No official or employee shall have a personal interest in a transaction or contract if such interest is prohibited by the Virginia Conflict of Interests Act. The Town Manager shall endeavor to provide appropriate information regarding these prohibitions to employees and affected volunteers.

SECTION 8 NONDISCRIMINATION

The Town does not discriminate in the solicitation or award of contracts because of race, religion, color, gender, age, disability, status as a service disabled veteran, or national origin of the bidder or offeror. It is the responsibility of Town employees, particularly those employees involved in procurement, to ensure that all vendors are permitted equal opportunity and access to participate in Town procurement opportunities, and that no vendor be denied equal opportunity or access because of race, religion, color, gender, or national origin.