

## WEST POINT TOWN COUNCIL

### WORK SESSION MINUTES

September 26th, 2011

#### I. Downtown Real Estate Acquisition

Mr. Edwards advised that the property located on the north corner of 7<sup>th</sup> Street and Lee Street goes to auction at King William Court House this week. Mr. Edwards asked if Town Council would be interested on submitting a bid on the property,

Mr. Shreaves advised that Town Council should not purchase any real estate with the current economic situation.

Mr. Lawson asked why the Town should consider purchasing the property.

Mr. Edwards advised that the property would be located at the entrance of the Marina.

The consensus of Town Council is to not submit a bid on the property.

#### II. Feral Cat Feeding Station

Mr. Edwards advised that there is a feral cat feeding station located in the lumber yard owned by Dean Greer on 4<sup>th</sup> Street.

The consensus of Town Council is for the feral cat feeding station to be placed on the Public Safety agenda for discussion on October 20, 2011.

## TOWN COUNCIL MINUTES

SEPTEMBER 26th, 2011

#### I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, September 26<sup>th</sup> 2011. The Honorable James H. Hudson III called the meeting to order at 6:30 p.m. Reverend Wayne Groome gave the Invocation followed by the Pledge of Allegiance.

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

Members Absent: Tina Gulley.

Also Present: Bill Porter, Interim Town Manager; Andrea Erard, Town Attorney; Karen Barrow, Town Clerk; Chief Bill Hodges, WPPD; Holly McGowan, Community Development Coordinator; Shawn Hershberger and other interested persons.

#### II. CITIZENS ADDRESS TO COUNCIL

A. Crab Carnival Master Plan Resolution *[See Attached Resolution]*

Holly McGowan advised the 29<sup>th</sup> Annual Crab Carnival will be on Friday, September 30<sup>th</sup> and Saturday, October 1<sup>st</sup> 2011. A schedule of events and a list of the street closings are in the Town Council packet. One change for this year will be that all entertainment shall be at the Town Square and not on the streets.

Mr. Lawson made a motion to adopt the attached Resolution supporting the 29<sup>th</sup> Annual Crab Carnival, seconded by Mr. Vincent. Upon roll call Mrs. Ball, Mr. Gordon, Mr. Kelley, and Mr. Lawson. Mr. Shreaves and Mr. Vincent all voted "Aye".

#### B. Public Hearing on Budget Amendment 01-11/12

Mr. Hudson read the advertisement for the Budget Amendment and asked the Town Clerk if any of the following request were received: 1) A copy of the budget amendment. 2) Comments Submitted in writing. 3) A request for assistance to attend the meeting.

The Town Clerk advised that no requests were received.

Mr. Edwards advised that the budget amendment is for unexpended grant funds from fiscal year 2010-2011 for the Riverwalk project.

Mr. Hudson opened the floor for citizens to comment on the budget amendment. There being none, Mr. Hudson closed the public hearing.

### ACTION

Mrs. Ball made a motion to approve the attached Resolution for budget amendment number 01-2011/12, seconded by Mr. Gordon. Upon roll call Mrs. Ball, Mr. Gordon, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

#### C. Public Hearing Ordinance 09-11 / Solid Waste Collection Fee

Mr. Hudson read the advertisement and asked the Town Clerk if there was a request for assistance to participate in the public hearing.

The Town Clerk advised no requests were received.

Mr. Hudson stated that one comment was received in writing from Pat and Philip Price in opposition to the proposed refuse fee.

Mr. Hudson asked Bill Porter to comment on Ordinance 09-11 and the review process.

Bill Porter, Former Interim Town Manager, advised that a committee of staff employees reviewed and prepared the proposed ordinance after several months of studying fees from other localities. The intention of the program is to establish an enterprise fund to pay for the full cost of the operation of the service. The mandatory fee is a service fee of \$10.00 per month per container for residential homes and \$13.50 per month for commercial business. The program will operate as an enterprise fund, the funds could not be used to fund other budget expenses.

Mr. Hudson stated that costs to operate the Town have increased, and the Town will not be able to fund the same level of services at the same cost without increases. If this economy does not turn around, the Town will have to cut services just as the public are cutting their costs to operate the home. There have been many Committee meetings to review the Solid Waste fee and if members of the public have any suggestions regarding town budgeting please submit your comments during the public hearing.

Mr. Hudson opened the floor for citizens to address Town Council on the Solid Waste Collection Fee.

1. Brad Flippo, 795 Thompson Avenue, West Point, VA 23181 stated that he had reviewed the issue and discovered the solid waste is currently funded by the general fund, after reviewing the situation the cost is very reasonable, the Town has not increased taxes to the general fund since 1988. In the past Mr. Flippo said he has lived in New England, refuse was contracted out at \$64.00 per month. Mr. Flippo advised he supports the refuse fee, its reasonable when the Town has not had a tax increase in 23 years.

2. Joe Sanders, 315 E. Magnolia Avenue, West Point, VA 23181 stated that tax rate has not increased but the tax revenue has. Values have gone up, the revenue collected has gone up and the Town should be living within their means. The recent years have had a tremendous impact on everyone in this room; things are not the same as they were three years ago. The Town should consider the current economic situation and put some things into prospective regarding the refuse fees.

3. Mary Horton, 3490 Southern Avenue, West Point, VA 23181 stated that the more trash that is recycled the fewer pounds the Town has to pay at the landfill for household trash. If the Town encourages residents to recycle the Town might be able to reduce the cost for the refuse collection. There are some communities that offer a credit to households that recycle trash. Ms. Horton asked Town Council to consider promoting the recycling program to assist with the cost of refuse collection.

4. Edward Carter, 3390 Chelsea Road, West Point, VA 23181 stated that he understands the fee will be added to the water bill. Mr. Carter asked what will happen to the homes that are not connected to water and sewer and do not receive a water bill.

Walt Feurer advised that the homeowners that do not have town water & sewer will also receive a bill through the tax map system.

5. Margie Elliott, 1330 Riverview Drive, West Point, VA 23181 stated that the town has done a wonderful job with the refuse collection. The \$10.00 fee is a burden for town residents that live on fixed income. Senior citizens do not have an opportunity to increase their income with the current economic situation, interest rates are low on retirement funds and there has been no increase in Social Security for three years. Ms. Elliott asked Town Council to consider the residents that live on fixed incomes.

6. Linda South, 429 3rd Street, West Point, VA 23181 stated that the fee is going to be detrimental to the retired residents in West Point, there are a lot of elderly that are living on very tight incomes and are not receiving any increases in income.

7. Vincent Hodge, 3435 King William Road, West Point, VA 23181. Mr. Hodge advised that he lives outside the Town limits in King William County but has town water and sewer, would he have to pay for refuse collection?

Mr. Edwards advised that because Mr. Hodge lives in King William County he would not be billed for refuse collection.

8. Brad Flippo, 795 Thompson Avenue, West Point, VA 23181 stated he also lives on a fixed income and does not receive annual increases in income. Other increases to household bills add up and can become a burden for residents living on fixed incomes.

9. William Lee, 284 Ogden Street, West Point, VA 23181 suggested that Town Council consider picking up senior citizen's refuse twice a month and charge a \$5.00 fee.

10. Diane Lawless, 2115 Lee Street, West Point, VA 23181 suggested that homeowners be allowed to decide if they want refuse collection, the homeowner can pay the fee if they want the service. The residents that live on a fixed income that are unable to pay the fee would not have to pay the service fee and would be able to take their trash to the transfer site on VFW Road.

Bill Porter advised that the program would be mandatory in order for the program to work, if residents had the option not to participate then the program would not work. The fee is based on the current use of service.

Mr. Hudson stated that the Town received phone calls opposing the fees from Butch Wilson, Shirley Sydnor and Joan Green. Dick Robbins called with questions that Town Staff answered.

Mr. Hudson asked if anyone else would like to submit comments on Ordinance 09-11. There being none, the public hearing was closed.

### ACTION

Mr. Gordon made a motion to adopt Ordinance 09-11, Solid Waste Collection Fees as attached, seconded by Mr. Shreaves. Upon roll call Mrs. Ball, Mr. Gordon, Mr. Kelley, Mr. Lawson. Mr. Shreaves and Mr. Vincent all voted "Aye".

#### Trash Receptacle Refund Resolution [*See Attached Resolution*]

Mr. Edwards advised that the cost per receptacle is \$10.00, some residents with more than one refuse receptacle might want to return unused receptacles in order to prevent being billed for the unused receptacle. There is a resolution in the Town Council packet that offers a \$30.00 credit to residents for the return of a receptacle. Their will also be a refund to commercial businesses who return unused receptacles.

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

#### D. Citizens Address to Council

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

1 Lynda Weaver, 1023 Lee Street, West Point, Virginia, representative for the Cat Caretaker Alliance. Ms. Weaver advised that there are concerns regarding a feeding station on the Greer property on Kirby Street. The feeding station was established because the cats are already living at the wood yard, and it was thought that by feeding the cats at the location it would keep the cats at that location. Food is not left out to feed wild animals; the cats have been neutered or spayed and received rabies shots. A total of 225 cats have been spayed or neutered in Town.

Mr. Hudson advised that the Cat Caretakers Alliance will be placed on the Public Safety Committee on October 20<sup>th</sup> 2011.

2. Reverend Vincent Hodge, 3435 King William Avenue, West Point, Virginia asked Town Council to reconsider the refuse fee for churches because of the services provided to the residents in the area.

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

### **III. COUNCIL RESPONSE**

Mr. Hudson advised that Town Council has received an invitation from the Athletic Boosters by requesting assistance instead of by assisting assisting with the operation of the concession stand at the Homecoming game on Friday, October 7<sup>th</sup> 2011. Mr. Hudson stated that Town Council would be happy to assist the Athletic Boosters if the members of the School Board would assist with the King William football game.

### **IV. AGENDA CHANGES**

Mr. Vincent made a motion to adopt the following agenda changes: 1) Change of Date for October Meeting under Town Manager Items. 2) Placed Refuse Receptacle Refund Fee Resolution under Solid Waste Public Hearing. Seconded by Mr. Lawson, upon roll call Mrs. Ball, Mr. Gordon, 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 Mr. Kelley. Upon roll call Mrs. Ball, Mr. Gordon, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

1) Minutes of August 29, 2011 Town Council Meeting and Work Session

Town Council meeting of September 8<sup>th</sup> 2011.

2) Cash Reports

a) General Fund

Cash on hand as of August 31, 2011 - \$ 5,980,928.37

b) Water Fund

Cash on hand as of August 31, 2011 - \$ 801,682.41

c) CIP

Cash on hand as of August 31, 2011 - \$ 61,733.81

3) Monthly Budget Report

4) School Fund Cash Report

a) Cash on hand as of August 31, 2011 - \$ 387,047.48

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

Mr. Lawson advised there was nothing to report.

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

Mr. Shreaves advised the Education Committee has spent that past few months reviewing the HVAC systems at the schools.

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

1. Appointment to EDA

Mrs. Ball advised that the Town placed advertisements for two weeks in Tidewater Review for the EDA, Planning Commission, Board of Zoning Appeals & Wetlands Board and the Building Code of Appeals. The Finance Committee, Mayor and members of each Board or Commission interviewed three applicants for the EDA, two applicants for the Planning Commission. The Finance Committee has the following recommendations.

Mrs. Ball made a motion to appoint Lisa Graham to the Economic Development Authority for the unexpired term of Mike Matthews through September 30, 2012, seconded by Mr. Shreaves. Upon roll call Mrs. Ball, Mr. Gordon, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

## 2. Appointment to Planning Commission

Mrs. Ball made a motion to appoint James Pruett to the Planning Commission for the unexpired term of Stan Brewer through June 30, 2013, seconded by Mr. Shreaves. Upon roll call Mrs. Ball, Mr. Gordon, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

## 3. Appointment BZA and Wetlands Board

Mrs. Ball made a motion to reappoint Linda Smith to the Wetlands Board and for a recommendation that Judge Hoover of the King William County Circuit Court appoint Linda Smith the Board of Zoning Appeals by "Order of Appointment" for a five year term commencing October 1, 2011 through September 30 2016, seconded by Mr. Shreaves. Upon roll call Mrs. Ball, Mr. Gordon, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

Mrs. Ball also stated that appointments to the Building Code of Appeals will be brought back to Town Council at a later date.

## D. Public Safety

### 1. Halloween Resolution [*See Attached Resolution*]

Mr. Edwards advised that the Public Safety Committee reviewed the Halloween Resolution and recommends that Halloween be celebrated on Monday, October 31, 2011.

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

### 2. Take Back the Night Resolution [*See Attached Resolution*]

Mr. Edwards advised that Project Hope would like to hold "Take Back the Night" at Town Square on Thursday, October 20<sup>th</sup> 2011 from 6:00 PM till 8:00 PM.

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

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

### 1. Authorization to Advertise for a Public Hearing on the Water Supply Plan

Mr. Gordon made a motion to authorize the Town Manager to advertise for a public hearing on the Water Supply Plan for October 24, 2011, seconded by Mr. Vincent. Upon roll call Mrs. Ball, Mr. Gordon, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

## VII. TOWN MANAGER'S ITEMS

### A. Hurricane Irene Employee Resolution [*See Attached Resolution*]

Mr. Edwards advised that there is a Resolution of appreciation to Town Employees for all the work performed before, during and after Hurricane Irene.

Mr. Vincent made a motion to adopt the attached Resolution, seconded by Mr. Shreaves.

Upon roll call Mrs. Ball, Mr. Gordon, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

B. October Town Council Meeting

Mr. Vincent made a motion to change the October Town Council meeting from October 31, 2011 to Monday, October 24<sup>th</sup> 2011, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Gordon, 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 the Planning Commission meet on Wednesday, September 7th, 2011 to discuss the following:  
1) Authorized Advertisement for a public hearing for Off-premise Directional Church Signs. 2) Reviewed the process for the Comprehensive Plan.

**X. ADJOURNMENT**

There being no further business Mr. Hudson adjourned the meeting at 7:50 PM.

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James H.  
Hudson, III

Mayor

ATTEST:

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Karen M. Barrow

Town Clerk



***A RESOLUTION TO  
SUPPORT AND APPROVE  
THE 29<sup>TH</sup> ANNUAL WEST POINT CRAB CARNIVAL***

WHEREAS; each year the West Point Tri-Rivers Chamber of Commerce hosts the annual West Point Crab Carnival that takes place the 1<sup>st</sup> weekend in October; and

WHEREAS; the 29<sup>th</sup> Annual West Point Crab Carnival, which is an outdoor event centered on one of the local seafood delicacies, the blue crab, will be hosted on Friday September 30, 2011 and Saturday, October 1, 2011. The event is held each year in the historic waterfront town of West Point, Virginia. Complete with a variety of entertainment, the Carnival is known for its wholesome family atmosphere; and

WHEREAS; the West Point Crab Carnival Committee has prepared the 29<sup>th</sup> Annual Crab Carnival Master Plan, which details street closings, food, parade, vendors, and a schedule of events; and

WHEREAS; the West Point Crab Carnival Committee is seeking support and approval of the 29<sup>th</sup> West Point Crab Carnival from Town Council; and

NOW, THEREFORE BE IT RESOLVED; the Town Council of the Town of West Point supports and approves the 29<sup>th</sup> Annual West Point Crab Carnival.

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 September 26, 2011, at which meeting a quorum was present and voted throughout.

Those members voting:

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

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

Adopted this 26th day of September, 2011

ATTEST:

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Karen M. Barrow  
Town Clerk  
Adopted: September 26, 2011

ORDINANCE NO. 09-11

ORDINANCE NO. 09-11 AMENDS THE WEST POINT TOWN CODE, CHAPTER 46, "SOLID WASTE," IN ITS ENTIRETY. ORDINANCE NO. 09-11 SIGNIFICANTLY REVISES THE CHAPTER 46 RELATED TO THE TOWN'S PROCESSES FOR THE COLLECTION OF SOLID WASTE AND THE CHANGES INCLUDE, BUT ARE NOT LIMITED TO: INCLUSION OF ADDITIONAL DEFINITIONS IN SEC. 46-1, "DEFINITIONS;" SEC. 46-2, "VIOLATIONS OF CHAPTER," IS AMENDED TO INCREASE PENALTIES FOR VIOLATIONS FROM A CLASS 3 MISDEMEANOR TO A CLASS ONE MISDEMEANOR IN ACCORDANCE WITH STATE LAW; SEC. 46-9, "CONTAINERS GENERALLY," SEC. 46-10, "PLACEMENT OF CONTAINERS AND BULK REFUSE FOR COLLECTION," SEC. 46-11, "TOWN GARBAGE TRUCK NOT TO REMOVE UNPREPARED GARBAGE, ETC.," SEC. 46-12, "SUBSTANCES PERMITTED IN CONTAINERS," AND SEC. 46-13, "CERTAIN ITEMS UNACCEPTABLE" SET OUT DETAILS AND REQUIREMENTS RELATED TO SOLID WASTE CONTAINERS; SEC. 46-14 "FEES AND CHARGES" IS ADDED AND INCLUDES A TEN DOLLAR (\$ 10.00) MONTHLY FEE FOR ALL RESIDENCES TO COVER THE COST OF THE TOWN'S TRASH REMOVAL SERVICE AND A THIRTEEN DOLLAR AND FIFTY CENT (\$ 13.50) FEE FOR NON-RESIDENTIAL PROPERTIES IF THE TRASH REMOVAL SERVICE IS PROVIDED BY THE TOWN; SEC. 46-15, "WHEN BILLS TO BE PAID; OVERDUE ACCOUNTS" AND SEC 46-16, "OVERDUE BILLS; DISCONTINUANCE OF SERVICE" SET OUT THE RULES AND REGULATIONS FOR PAYMENT OF THE MONTHLY SOLID WASTE FEE. ORDINANCE NO. 09-11 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VA. CODE SECTIONS 15.2-927 AND 15.2-1125.

BE IT ORDAINED, by the West Point Town Council, that the West Point Town Code, Chapter 46, "Solid Waste" shall be amended to read in its entirety as follows:

"Chapter 46 SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 46-1 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Bags:** Disposable, plastic garbage bags that can be sealed, and which when filled do not exceed forty (40) pounds in weight.

**Bulky items:** normal household items too large to be placed in the Town furnished solid waste container, including such items as stoves, refrigerators, hot water tanks, washers, dryers, up to 6 rolls of carpet, a set of box springs and mattresses, regular size doors, lawn mowers, grills, or other normal house-hold items. The term "Bulky Items" does not include dead animals, manure or other waste materials resulting from the operation of a horse or other animal stable, hazardous waste (including, but not limited to batteries, used motor oil, etc.), tires, construction or renovation debris or other items too heavy or too bulky to be handled by a two-man crew.

**Business and commercial establishments:** premises wherein:

- (1) There is carried on any business, profession or occupation subject to chapter 30 of this Code.
- (2) There is carried on any broadcasting, publishing, manufacturing or commercial activity or process.
- (3) Renting of residential property.

**Commercial waste:** waste material from a commercial enterprise, including wholesale, retail and service establishments, such as office buildings, stores, markets, theaters, hotels and warehouses, or from enterprises providing services for a fee, such as yard services, refuse collection services, etc.

**Construction and demolition waste:** waste, including building materials and rubble, resulting from the construction, remodeling, repair and demolition of houses, commercial buildings, pavements and other structures.

**Construction site:** any area in which construction of any type is conducted, including roads, buildings and all other places actively being constructed or renovated by public or private owners or the agent, employees or contractors thereof.

**Dwelling:** any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

*Garbage:* putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

*Garbage or trash collectors:* all persons engaged in the business of picking up garbage and trash of any description, by truck or other vehicle, for delivery to a sanitary landfill or other place for disposal as permitted by law.

*Hazardous wastes:* as so characterized or designated by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law; dead animals, batteries or tires, waste oil, poisons, acids or caustics, explosives, hot ashes, pool chemicals, human excreta or manure from animals, any other unacceptable waste defined above or waste that cannot be disposed of at a permitted landfill without special handling.

*Highway:* all public streets, avenues, boulevards, roads, alleys, walkways, lanes, viaducts, bridges and approaches thereto, and all other public ways in the Town. The term "highway" shall also mean the entire width thereof between abutting property lines.

*Household:* a dwelling and its occupants.

*Industrial waste:* includes building material waste resulting from erecting, removing, repairing, remodeling or razing buildings and ashes from boilers or incinerators and other trash or matter originating in a business or manufacturing establishment intended not for use or sale.

*Institution:* any public or private establishment which educates, instructs, treats for health

purposes or otherwise provides service to the community.

*Private Property:* property owned by a person that is not used or held out for use by the public.

*Public Property:* any area that is used or held out for by the public, whether owned or operated by public or private interests.

*Recyclable Material:* any material, such as glass bottles and jars, aluminum cans, steel cans, newspapers, mixed paper, plastic bottles and jugs, placed in containers for collection for recycling by a recycling program authorized by the Town.

*Regular Service:* Solid waste collection services for households.

*Roadside:* that portion of the right-of-way adjacent to a paved or traveled public roadway, or adjacent to a private lane or long driveway.

*Operator:* the person operating any business or commercial establishment as distinguished from the owner of the premises involved.

*Refuse:* includes any putrescible and no putrescible solid wastes (except body waste), including garbage, rubbish, trash, ashes and other similar wastes.

*Single-family dwelling:* A room or group of rooms within a building and constituting a separate and independent housekeeping unit occupied or intended for occupancy by one family and containing kitchen, sleeping and sanitary facilities. A dwelling unit shall not include a mobile home, recreational vehicle or room or group of rooms within a hotel, motel, tourist home or lodging house.

*Solid Waste:* waste as defined in 9 VAC 20-80-140 of the Solid Waste Management Regulations, Department of Environmental Quality, Commonwealth of Virginia.

*Solid Waste Container:* Town furnished, wheeled solid waste reusable container with a lid designated to each household.

*Solid Waste Materials:* Solid waste and bulky items.

*Trees and tree stumps:* branches, limbs and parts of trees, bushes or shrubbery larger than four inches in diameter.

*Trash:* all organic waste material, including rubbish, cans, bottles, paper, cardboard, mattresses, furniture, appliances, and other discarded inorganic matter.

*Vehicle*: every device capable of being moved upon a public highway and in, upon or by which any person or property may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

*Watercraft*: any boat, ship, vessel, barge or other floating craft.

*Yard waste*: grass clippings, leaves, plant materials, roots, branches, and similar biodegradable materials.

Sec. 46-2. Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 1 misdemeanor.

Sec. 46-3. Duties of owners or occupants of premises.

Every owner or occupant of any building, premises or vacant property in the Town shall keep the same in a clean and orderly condition and shall not permit the deposit or accumulation of refuse, trash, weeds and the like thereon.

Sec. 46-4. Littering and unlawful disposal of solid waste.

(a) No person shall throw, drop or deposit, or cause to be thrown, dropped or deposited on any premises, public property or vacant property owned or not owned or occupied by him, any solid waste, including, but not limited to, refuse, ashes, rubbish, building debris, dead animals, putrescible matter and anything injurious to health.

(b) A violation of this section shall constitute a Class 1 misdemeanor.

Sec. 46-5. Removal of trash, cutting of grass and weeds.

(a) The owner of real property within the Town shall, within each consecutive 7-day period, remove all trash, garbage, refuse, litter and other substances which might endanger the health or safety of residents of the Town from his property. If any such owner shall fail to remove such substances within any 7-day period, he shall be guilty of a Class 1 misdemeanor, and each day that such substances are permitted to remain on the premises for more than 7 days shall constitute a separate offense.

(b) Whenever an owner of real property in the Town fails to comply with the provisions of subsection (a) of this section, the Town manager or designee may, after reasonable notice given by him to the owner, have the trash, garbage, refuse, litter and other like substances which might endanger the health or safety of residents of the Town removed by the Town's agents or employees, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the Town in the same manner and at the same time as taxes and levies are collected. Every charge with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Code of Virginia, §§ 58.1-3940 et seq. and 58.1-3965 et seq.

(c) The owner of real property in the Town shall cut the grass, weeds and other foreign growth on such property, or any part thereof, so as to maintain a height of less than 12 inches for growth, with the exception of areas which may be controlled by law under the provisions of the Chesapeake Bay Preservation Act (Code of Virginia, § 10.1-2100 et seq.). If any such owner fails to cut the grass, weeds and other foreign growth as required in this subsection, he shall be guilty of a misdemeanor.

(d) The owner of real property in the Town shall not permit any grass, plant, bushes, weeds or any other vegetation 12 inches high or over, other than trees, shrubbery, agricultural plants, garden vegetables, flowers or ornamental plants, to exist on any sidewalk, public right-of-way, grass strip adjacent to such property or unimproved street or alley (to the centerline of such unimproved street or alley).

(e) Whenever an owner of real property within the Town fails to comply with the provisions of subsection (c) of this section, the Town manager or designee may, after reasonable notice given by him to the owner of such real property have such grass, weeds and other foreign growth cut by the Town's agents or employees, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the Town in the same manner and at the same time as taxes and levies are collected.

Sec. 46-6. Control of trash and debris at construction sites.

(a) Construction sites shall be maintained in such a manner as to prevent trash and construction related debris from accumulating thereon unrestrained or being allowed to blow or be transported onto other property. A suitable trash receptacle shall be maintained on the site at all times during construction.

(b) Dirt, sand, gravel and similar construction materials shall be stored on construction sites in such a manner so as not to be deposited or tracked on public streets or rights-of-way.

(c) Any violation of this section may be abated in the manner prescribed by section 46-5.

## ARTICLE II. COLLECTION BY TOWN

### DIVISION 1. GENERALLY

#### Sec. 46-7. Purpose

The service of collecting and disposing of solid waste is intended as an integral part of the Town's protection of its residents' health and welfare. The purpose of this article is to protect life, property, and the general environment by establishing standards and procedures for the administration and enforcement of such standards as they relate to the control, collection, transportation and disposal of solid waste. The fees established by this article are intended to be reasonable and equitable fees to cover the Town's cost of continuing to provide a comprehensive system for collecting, transporting, processing, disposing of, and recycling solid waste.

#### Sec. 46-8. Abatement of violations of article.

If an owner or occupant fails, refuses or neglects to comply with any provision of this article, after receiving reasonable notice of the violation, the Town manager or designee shall cause the nuisance or the condition which is in violation of this article to be abated and shall transmit to the Town treasurer a statement of all costs incurred thereby. Included in such costs shall be a \$75.00 fee to cover the administrative expense incurred. All such costs shall be added to the taxes assessed against the real estate on which the nuisance or condition in violation existed or the real estate abutting the alley, sidewalk or street on which the nuisance or condition in violation existed, for the ensuing tax year and shall be collected with such taxes by any manner prescribed by law for the collection of Town taxes. All costs incurred thereby shall be docketed as a lien against such real property, in the nuisance abatement lien docket book maintained in the office of the Town treasurer, which lien shall exist in the office of the Town treasurer until removed by payment of such costs in full.

#### Sec. 46-9 Containers.

(a) Each residential property located within the Town shall be provided 1 (one) solid waste container. Additional containers may be obtained for an additional monthly fee. New commercial customers are limited to two (2) solid waste containers. Commercial properties may request garbage or trash service; such requests will be assessed by the Director of Public Utilities in accordance with the regulations for collection of commercial solid waste approved by the Town Council.

(b) It shall be unlawful for any garbage or trash to be set out within the Town for collection unless the same is placed in a can provided by the Town to the owner of each property within the Town.

(c) Trash and garbage placed in the standard Town containers shall be picked up weekly on the day scheduled for a given area within the Town, as established by the Town manager or designee.

(d) It shall be the responsibility of the owner or occupant of the premises supplied with a can to maintain it in a clean and sanitary condition, and in accordance with any maintenance instructions provided with it. When loose material becomes lodged inside of containers, it shall be the responsibility of the owner or occupant to dislodge the materials for the purpose of collection.

(e) Containers shall not be filled to overflowing, and when filled shall not exceed over 200 pounds in weight. No additional bags, bundles of garbage, yard waste, or other solid waste material may be placed outside the container for collection.

(f) No owner, tenant or lessee of any public or private premises shall permit to accumulate upon his premises any garbage or refuse.

(g) It shall be unlawful to permit the accumulation or residue of liquids, solids or a combination of such material on the bottoms or sides of cans by not properly packaging materials placed in the container. If trash spillage occurs prior to collection by the Town, the occupant shall be responsible for cleanup.

(h) Replacement of can due to damaged or missing by owner or occupant shall be charged to the owner at the rate of the current replacement cost.

(i) Residents may file for solid waste collection fee exemption only after approval by the Town Manager or his designee and shall meet one of the following criteria:

1) Length of driveway shall be greater than or equal to two hundred (200) feet;

2) Provide in writing a solid waste removal plan detailing method of removing solid waste from property. The plan shall reference where the solid waste will be removed too and how many times per week the solid waste will be removed from the said property.

#### Sec. 46-10 Placement of containers and bulk refuse for collection by Town.

(a) All containers provided by the Town for collection of trash or garbage shall be placed on a public street, as near to the curb or street as possible, or except where public alleys are provided, between 1st and 23rd Streets in which instance, containers may be placed at such alley prior to 7 a.m. the day of collection. Containers shall not be placed at the roadside for collection more than twelve (12) hours before the regularly-scheduled collection time, and shall be removed from the roadside no later than 7 p.m. of the day of collection. Bulk refuse may be placed at the location common for container placements in a manner not to interfere with regular garbage or trash collection.

(b) Dates and time of collection. The regularly-scheduled collection times shall be once per week, except in the case of inclement weather or other emergencies, on such dates and times as shall be established and announced by the Town manager or designee. Collection schedules may be adjusted for holidays.

(c) Bags and Bundles of Solid Waste. No bags, bundles of solid waste or yard waste may be placed outside of a container for collection, nor may any private containers be set out for collection by the Town.

(g) Bulk refuse shall be picked up at such times, and in accordance with such procedures, as may be established by the Town manager or designee. Such items shall not be placed for collection as part of the regular collection process for garbage, trash, refuse or recyclables.

#### Sec. 46-11 Town garbage truck not to remove unprepared garbage, etc.; duty of owner or tenant.

(1) The Town garbage truck shall not haul away any garbage, rubbish, trash, etc., that is not prepared and placed in suitable containers as provided by in this article.

(2) Any matter set out for collection which does not comply with the provisions of this article will not be collected by the Town garbage truck, but must be removed by the owner or tenant of the premises involved.

#### Sec. 46-12. Substances permitted in containers.

No substance other than garbage or trash shall be placed in the container provided by the Town.

#### Sec. 46-13. Certain items unacceptable.

It shall be unlawful to deposit in cans for collection or items collected by the Town and it shall be the responsibility of the person generating such items to transport and dispose of these such items:

(1) Industrial wastes;

(2) Debris from construction, remodeling, razing and repair operations on residential and commercial buildings and other structures;

(3) Hazardous wastes as so characterized or designated by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law;

- (4) Dead animals;
- (5) Batteries or tires;
- (6) Waste oil;
- (7) Poisons, acids or caustics;
- (8) Explosives;
- (9) Hot ashes;
- (10) Pool chemicals;
- (11) Human excreta or manure from animals.
- (12) Any other unacceptable waste defined above or waste that cannot be disposed of at a permitted landfill without special handling.

Sec. 46-14. Fees and charges.

- (a) Single-family residences. For each single-family residential unit in the Town, the monthly charge shall be \$10.00 per can assigned to the total account. The \$ 10 fee shall be assessed as of the first day of each month and shall not be prorated.
- (b) Other premises. For any commercial account receiving Town refuse collection service, the monthly charge shall be \$13.50 per can assigned to the account.

Sec. 46-15. When bills to be paid; overdue accounts.

The fees and charges established in this article shall be due upon receipt of the statement rendered by the Town and shall be considered delinquent thirty (30) days following the billing date. A late charge of ten percent (10%) of the amount due shall be added to all service charges when they are first considered delinquent. If any bill shall not be paid within thirty (30) days of the billing date, the account may be forwarded to the treasurer for collection.

Sec. 46-16. Overdue bills; discontinuance of service.

- (a) All charges for refuse service shall be due within 30 days of billing. The Town manager or designee shall notify the owner or tenant in writing that the bill is delinquent, that the owner or tenant may contest the bill by contacting the Town manager or designee, and that all utility services shall be discontinued if the delinquent bill is not paid within 15 days of the notice.

DIVISION 2. COLLECTION OF RECYCLABLES\*

Sec. 46-20. Generally.

The following may be collected by the Town as recyclables:

- (1) Glass: Beverage bottles and food containers are acceptable upon the removal of caps and lids but labels can remain. Thorough rinsing is preferred. Glassware, plate glass, mirrors, crystal, light bulbs, and the like shall not be collected as recyclables.
- (2) Aluminum: Beverage cans, food packaging and other articles made strictly from aluminum. Careful attention must be given to cans commonly used for food which are of other metals.
- (3) Plastics: PET (polyethylene terephthalate) containers primarily used for beverages and food, which have an identifiable number "1" marking. Natural (translucent) HDPE containers primarily used for marketing milk, spring water, juices, and the like, which have an identifiable number "2" marking. Colored HDPE containers used for laundry products, dishwasher detergents, skin lotions, and the like, which in most cases are of an opaque (not shiny) finish and also have an identifiable number "2" marking.

(4) Newspapers: All components of newspaper print, such as sales inserts, are recyclable. Other types of printed products, such as magazines, telephone books and the like shall not be included.

(5) Cardboard: Consists of corrugated boxes both plain brown or white free from other foreign materials such as plastic, staples, foam inserts and the like. Other types of cardboard commonly used for commercial products, such as soap and cereal boxes, posters and the like, are unacceptable.

(6) Yard waste: Tree branches, tree limbs, bushes, shrubbery, cuttings, leaves, lawn clippings and the like.

Sec. 46-21. Placement and preparation for collection.

All recyclables to be collected by the Town under this article shall be placed as near to the curb or street as possible, except where public alleys are provided, in which instance recyclables may be placed at such alley at the location commonly used for regular trash and garbage removal. Glass, aluminum and plastics are to be separated from each other and placed in disposal bags or privately owned containers. Newspaper print shall be bundled and tied or placed in disposal bags in a manner similar to bundling. Cardboard shall be prepared in order to be placed flat and stacked free from contaminants. Yard waste suitable for cutting and stacking shall be in lengths no greater than four feet and no larger than four inches in diameter. Leaves, clippings and other yard waste unsuitable for stacking shall be placed in disposal bags of a quality and with features to prevent spillage during removal by the Town.

Sec. 46-22. Collection schedule.

Glass, aluminum, plastics, newspapers and cardboard shall be picked up each Wednesday, unless rescheduling or additional scheduling is necessary in the event of legal holidays or unforeseen delays encountered beyond the Town's control. Yard waste pick-up shall be scheduled upon request by residents. All recyclables, with the exception of yard waste, shall be placed for collection not later than 8:30 a.m. on the day of collection. Reusable containers, after removing recyclables, shall not be permitted to remain at public streets after 7:00 p.m.”

Those members voting:

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

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

Adopted this 26th day of September, 2011

ATTEST:

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Karen M. Barrow  
Town Clerk

TOWN OF WEST POINT

RESOLUTION

TRASH CONTAINER REFUND

WHEREAS the Town of West Point has approved Ordinance 09-11 which establishes a fee for trash collection; and

WHEREAS previously the Town of West Point provided trash collection at no charge; and

WHEREAS given the cost now associated with trash collection per trash receptacle, some citizens may wish to return some of their trash receptacles.

NOW THEREFORE BE IT RESOLVED by the West Point Town Council that, for a period of ninety (90) days from the date of this Resolution, the Town of West Point will issue a credit in the amount of \$30.00 per receptacle to the account of any citizen or business who wishes to return one or more trash receptacles to the Town, provided that the trash receptacles shall be in an acceptable and usable condition; and

BE IT FINALLY RESOLVED by the West Point Town Council that any business that previously established a commercial trash account with the Town and would now like to close the account and return one or more trash receptacles in an acceptable and usable condition, may do so for a period of ninety (90) days from the date of this Resolution for a cash refund in the amount of \$30.00 per receptacle.

Those members voting:

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

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James H. Hudson, III

Mayor, Town of West Point

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 September 26th, 2011 at which meeting a quorum was present and voted throughout.

Adopted this 26th day of September, 2011

ATTEST:

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Karen M. Barrow

Town Clerk



## TOWN OF WEST POINT

### HALLOWEEN RESOLUTION

RESOLVED, that all trick-or-treaters on Halloween night, Monday, October 31, 2011 in the Town of West Point may canvass no later than 8:00 P.M. and masks may not be worn by any persons canvassing who is older than 13 years of age.

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 September 26th, 2011 at which meeting a quorum was present and voted throughout.

Those members voting:

James H. Hudson N/A

Deborah Ball Aye

Tina Gulley Absent

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 26th day of September, 2011

ATTEST:

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Karen M. Barrow

Town Clerk

TOWN OF WEST POINT  
RESOLUTION OF APPRECIATION TO TOWN EMPLOYEES  
FOR HURRICIANE IRENE

WHEREAS, West Point Town Employees began to prepare for Hurricane Irene on Monday, August 22nd 2011; and

WHEREAS, West Point Town Employees were organized and equipped when dealing with personnel coverage, preparing the Emergency Operations Center and shelter, patrolling the Town, offering assistance to residents, answering incoming questions and concerns, devoting extra hours, cleaning up the Town, and many other tasks that were needed as a result of Hurricane Irene; and

WHEREAS, West Point Town Employees swiftly began the cleanup process from Hurricane Irene on Sunday, August 28th 2011 and quickly made great strides in returning the Town to normality.

NOW THEREFORE BE IT RESOLVED, that the West Point Town Council commends and recognizes all of the West Point Town Employees for their actions before, during, and after Hurricane Irene.

BE IT FURTHER RESOLVED, that the West Point Town Council offers sincere thanks to West Point Town Employees for their dedication and devotion to the Town of West Point, for actions above and beyond the call of duty and for extraordinary acts of bravery, kindness, and compassion.

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 September 26th, 2011, at which meeting a quorum was present and voted throughout.

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

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John B. Edwards, Jr  
Town Manager