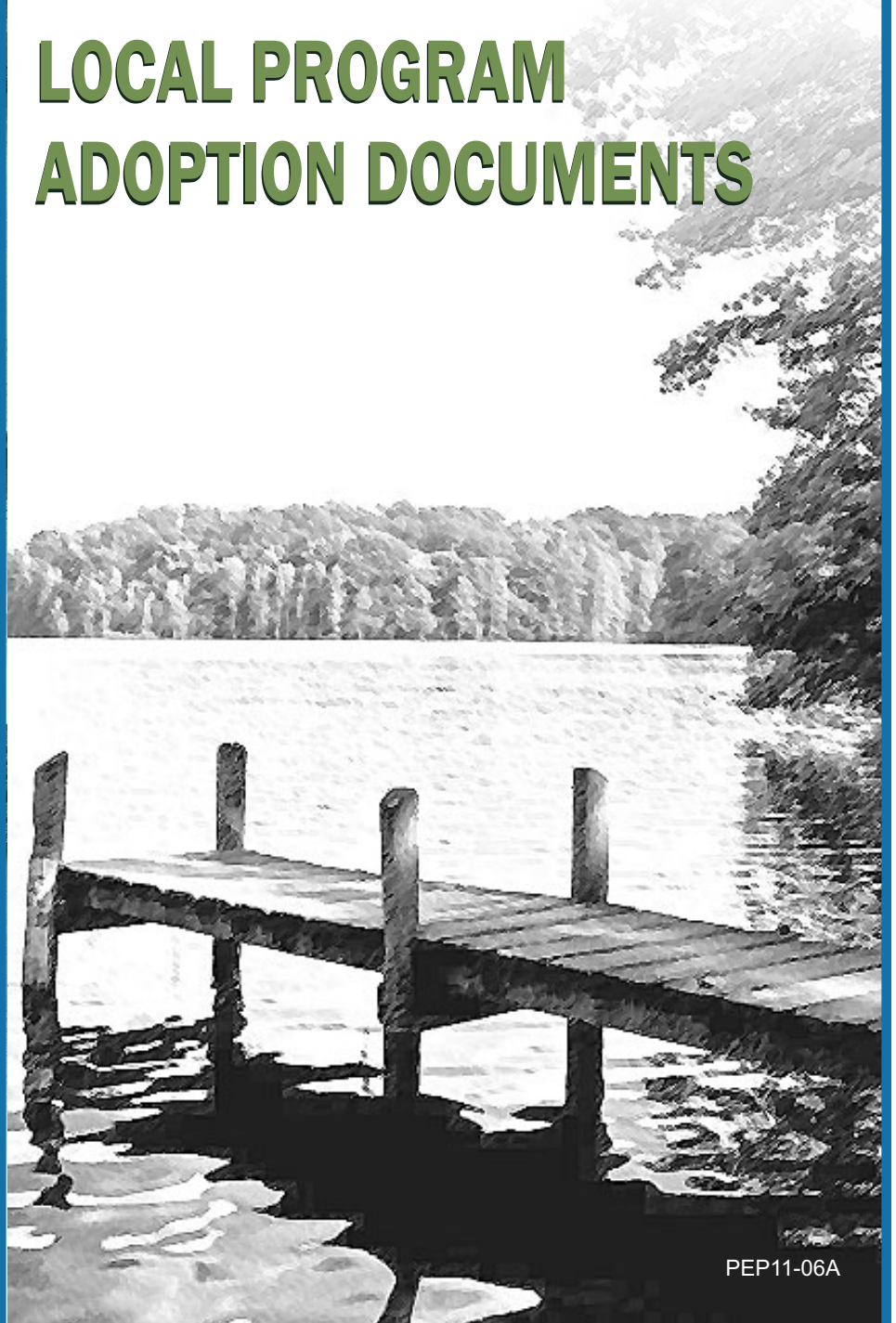


# HAMPTON ROADS REGIONAL WATER SUPPLY PLAN LOCAL PROGRAM ADOPTION DOCUMENTS



October 2011



PEP11-06A

# **HAMPTON ROADS PLANNING DISTRICT COMMISSION**

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EXECUTIVE DIRECTOR/SECRETARY

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- \* JAMES O. McREYNOLDS  
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\*EXECUTIVE COMMITTEE MEMBER

## **PROJECT STAFF**

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ASSISTANT GENERAL SERVICES MANAGER  
REPROGRAPHIC COORDINATOR



**HAMPTON ROADS  
REGIONAL WATER SUPPLY PLAN**

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**LOCAL PROGRAM ADOPTION  
DOCUMENTS**

Prepared by the staff of the  
HAMPTON ROADS PLANNING DISTRICT COMMISSION  
PEP-11-06A



**OCTOBER 2011**

## **ACKNOWLEDGEMENTS**

The Hampton Roads Planning District Commission (HRPDC) would like to thank the Directors of Utilities Committee and locality representatives for their contributions to the Hampton Roads Regional Water Supply Plan and for their cooperation in the developing the document.

### **Directors of Utilities Committee:**

Lynn Allsbrook, City of Hampton	Albert Moor II, City of Suffolk
Daniel G. Clayton III, City of Williamsburg	Russell Pace, City of Franklin
Tyrone W. Franklin, Surry County	Brian Ramaley, City of Newport News
Bryan Foster, City of Portsmouth	Martin Schlesinger, Gloucester County
Larry Foster, James City County	Michael Stallings, Town of Windsor
H. Reed Fowler II, City of Newport News	Bob Speechly, City of Poquoson
Edward G. Henifin, Hampton Roads Sanitation District	Peter M. Stephenson, Town of Smithfield
Julien Johnson, Southampton County	James K. Walski, City of Chesapeake
Thomas M. Leahy III, City of Virginia Beach	Brian K. Woodward, York County
Kristen M. Lentz, City of Norfolk	Edwin P. Wrightson, Isle of Wight County

### **Locality Representatives:**

John B. Edwards, Jr., Surry County	Ellen Roberts, City of Poquoson
Brian Freeman, Town of Smithfield	Gina Shaw, City of Norfolk
Frank Haltom, Isle of Wight County	Lynda Shaw, City of Suffolk
Richard Hartman, City of Portsmouth	Everett Skipper, City of Newport News
Steve Hatcher, Isle of Wight County	Moses Thompson, City of Portsmouth
Bill Hopkins, Town of Smithfield	James L. Van de Riet, City of Virginia Beach
John Hudgins, York County	Mike Vergakis, James City County
Vernon Land, City of Suffolk and City of Norfolk	Stephen Watson, City of Franklin
Eileen Leininger, City of Newport News	Susan Watson, City of Portsmouth
Craig Maples, City of Chesapeake	Joe Wenger, City of Williamsburg
Jason Mitchell, City of Hampton	Mark Swilley, York County
Dave Morris, City of Newport News	Craig Ziesemer, City of Suffolk
Sonja Pruitt, Town of Smithfield	

HRPDC staff would like to acknowledge consultant CH2M Hill for support in preparing the plan.



## PREFACE

The documents included herein provide the required records of local public hearings and locality resolutions approving the Hampton Roads Regional Water Supply Plan (July 2011). The plan was prepared pursuant to the State Water Control Law Section 62.1-44.15 and 62.1-44.38:1 of the Code of Virginia and the State Water Control Board implementing regulations, 9 VAC 25-780, which establishes the planning process and criteria that local governments must use in the development of local or regional water supply plans. The March 7, 2007 “Memorandum of Agreement (MOA) Guiding the Hampton Roads Regional Water Supply Planning Process” established the administrative framework for the regional plan, which was developed under the direction of the Hampton Roads Planning District Commission, Directors of Utilities Committee. The Virginia Department of Environmental Quality (DEQ) contributed funding toward the MOA development.

Twenty-seven localities are included in the Hampton Roads Regional Water Supply Plan, which organizes information by sub-regions as follows:

### Peninsula sub-region:

City of Hampton	Gloucester County
City of Newport News	James City County
City of Poquoson	York County
City of Williamsburg	

### Southside sub-region:

City of Chesapeake	City of Suffolk
City of Norfolk	City of Virginia Beach
City of Portsmouth	

### Western Tidewater sub-region:

City of Franklin	Town of Courtland
Isle of Wight County	Town of Dendron
Southampton County	Town of Ivor
Surry County	Town of Newsoms
Town of Boykins	Town of Smithfield
Town of Branchville	Town of Surry
Town of Capron	Town of Windsor
Town of Claremont	

The localities listed above advertised and conducted public hearings during the months of August, September, and October 2011 to solicit public comments and consider resolutions to adopt the regional plan. No written comments were received, and all twenty-seven councils and boards approved the plan. This document, which includes copies of all locality resolutions approving the plan and meeting minutes from local public hearings, is submitted to DEQ with the Hampton Roads Regional Water Supply Plan in compliance with 9 VAC 25-780.

Preparation of this report was included in the Hampton Roads Planning District Commission Unified Planning Work Program for Fiscal Year 2012.

## REPORT DOCUMENTATION

**TITLE:**

Hampton Roads Regional Water Supply Plan  
Local Program Adoption Documents

**REPORT DATE:**

October 2011

**AUTHORS:**

Whitney S. Katchmark  
Tiffany M. Smith

**ORGANIZATION NAME AND CONTACT INFORMATION:**

Hampton Roads Planning District Commission  
723 Woodlake Drive  
Chesapeake, Virginia 23320  
(757) 420-8300  
<http://www.hrpdcva.gov>

**ABSTRACT:**

This document was prepared pursuant to the State Water Control Law Section 62.1-44.15 and 62.1-44.38:1 of the Code of Virginia and the State Water Control Board implementing regulations, 9 VAC 25-780, which establishes the planning process and criteria for local governments to use in the development of local or regional water supply plans. The Hampton Roads Regional Water Supply Plan, which includes the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor, was approved by all participating localities between August and October 2011. This document accompanies the Hampton Roads Regional Water Supply Plan to provide a record of all locality resolutions approving the plan and meeting minutes from local public hearings.

**ACKNOWLEDGEMENTS:**

Funding for this document was provided by the Hampton Roads localities through the Regional Water Program. The Virginia Department of Environmental Quality contributed funding toward the development of the March 7, 2007 “Memorandum of Agreement (MOA) Guiding the Hampton Roads Regional Water Supply Planning Process.”

This document was prepared by the Hampton Roads Planning District Commission in cooperation with the localities. Preparation of this report was included in the Hampton Roads Planning District Commission Unified Planning Work Program for Fiscal Year 2012.



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July 21, 2011 HRPDC Meeting Agenda Note

July 21, 2011 HRPDC Meeting Minutes Excerpt

### **Local Program Adoption Documents:**

#### **Peninsula Sub-Region:**

City of Hampton .....	A-1
City of Newport News .....	B-1
City of Poquoson .....	C-1
City of Williamsburg .....	D-1
Gloucester County .....	E-1
James City County .....	F-1
York County .....	G-1

#### **Southside Sub-Region:**

City of Chesapeake .....	H-1
City of Norfolk .....	I-1
City of Portsmouth.....	J-1
City of Suffolk .....	K-1
City of Virginia Beach.....	L-1

#### **Western Tidewater Sub-Region:**

City of Franklin.....	M-1
Isle of Wight County .....	N-1
Southampton County .....	O-1
Surry County .....	P-1
Town of Boykins .....	Q-1
Town of Branchville .....	R-1
Town of Capron .....	S-1
Town of Claremont.....	T-1
Town of Courtland.....	U-1

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**Western Tidewater Sub-Region (continued):**

Town of Dendron..... V-1

Town of Ivor ..... W-1

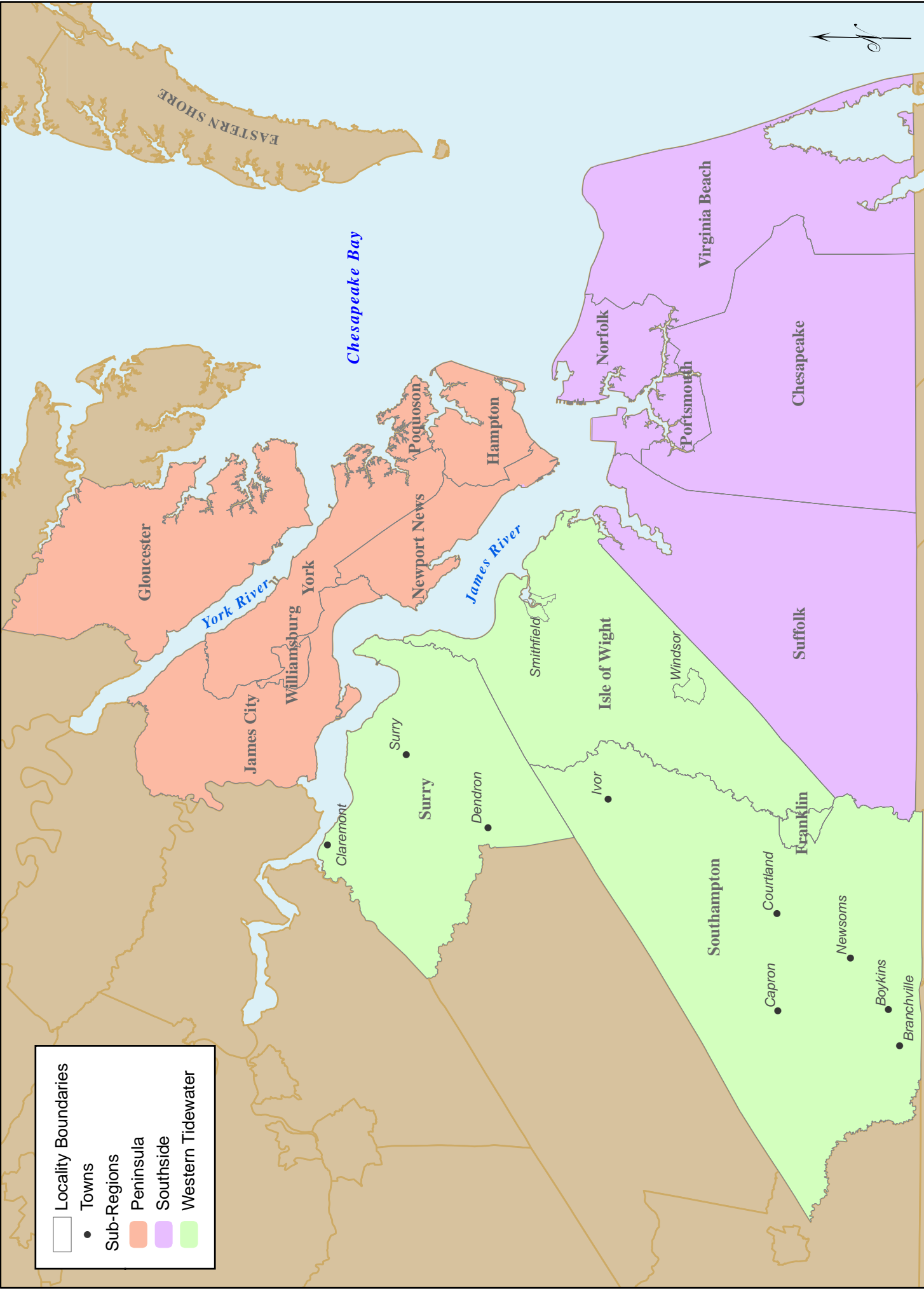
Town of Newsoms ..... X-1

Town of Smithfield..... Y-1

Town of Surry ..... Z-1

Town of Windsor..... AA-1





**Hampton Roads Region Map**

Created by HRPDC GIS Staff (Updated October 2011)

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# Hampton Roads Planning District Commission Documents

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## **AGENDA NOTE - HRPDC QUARTYERLY COMMISSION MEETING**

### **ITEM #15: REGIONAL WATER SUPPLY PLAN**

#### **SUBJECT:**

The Hampton Roads Regional Water Supply Plan has been completed to help localities comply with the DEQ Local and Regional Water Supply Planning Regulation (9 VAC 25 780).

#### **BACKGROUND:**

In November 2005, the water supply planning regulations were established. The regulations state that

“All counties, cities and towns (hereinafter "local governments") in the Commonwealth of Virginia shall submit a local water supply plan or shall participate in a regional planning unit in the submittal of a regional water supply plan to the board in accordance with this chapter.”

In 2007, the local governments to meet their requirements in the region signed a Memorandum of Agreement to develop a regional water supply plan. The HRPDC staff has worked with the localities for the last several years to develop the enclosed Hampton Roads Regional Water Supply Plan that addresses the required elements. The Directors of Utilities Committee has reviewed the enclosed draft of the plan.

The regulation requires that a plan must include the following elements: description of existing water sources; description of existing water use; description of existing water resource conditions; an assessment of projected water demand; description of water management actions; statement of need; an alternatives analysis that identifies potential alternatives to address projected deficits in water supplies; maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources; and a copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the required elements (primarily drought response ordinances).

The regulation also requires the following actions for local adoption of a regional plan:

- A resolution approving the plan from each local government that is party to the plan.
- A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received.

The Plan, including resolutions from all localities approving the plan, must be submitted to the Department of Environmental Quality by November 2, 2011. HRPDC staff requests that resolutions and record of written comments be sent to HRPDC by September 30th so the

plan and documentation of local adoptions can be submitted to DEQ by the November deadline.

Ms. Whitney Katchmark, Principal Water Resources Engineer, will brief the Commission on the Regional Water Supply Plan.

**RECOMMENDED ACTION:**

1. Accept the Plan as meeting the requirement of the HRPDC Unified Planning Work Program.
2. Distribute the Hampton Roads Regional Water Supply Plan to local governments for adoption.

Enclosure – Hampton Roads Regional Water Supply Plan - Separate



## **REGIONAL WATER SUPPLY PLAN**

Chairman Clark introduced Ms. Whitney Katchmark to talk about the Hampton Roads Regional Water Supply Plan.

Ms. Katchmark stated the State of Virginia has a new regulation that requires every locality in the state to submit either a local or regional water supply plan to the Department of Environmental Quality (DEQ) by November 2011. HRPDC has put together a regional plan.

Ms. Katchmark stated the regulation was established in November 2005, it was prompted by the drought of 2002. In August 2002, most of Virginia was under severe drought conditions and some localities were not prepared. The General Assembly wrote the new legislation to make sure localities planned for drought conditions and that localities had contingencies and ordinances in place. The regulation required the following information: 1) Description of existing water sources, uses and water resource conditions; 2) Assessment of projected water demand; 3) Description of water management actions and drought response; 4) Statement of need to compare supply versus demand; 5) Alternative analysis that identifies potential alternatives to address projected deficits in water supplies.

The HRPDC Directors of Utilities Committee prompted the regional initiatives, and in 2007 the localities signed a Memorandum of Agreement to develop a Regional Water Supply Plan. The Directors of Utilities Committee followed the process, reviewed the data, assumptions, and draft report chapters throughout the development of the plan. The need for the plan is comparing the supply versus demand. Overall the region meets the water demands for 20 to 30 years if not longer. There are a number of uncertainties and unknowns associated with both supply and demand.

Ms. Katchmark stated there were two issues she wanted to point out. First is the availability of ground water. Our ground water supplies are dictated by our permit limits and every ten years permits are reviewed and renewed, because the localities do not know if they are likely to get more water or less water in the future. There are some concerns that the ground water system is over allocated. The other issue for the supply side is climate change. There are models that predict an increase, and also some decrease in rainfall in this area and a chance that temperature trends might change. These things affect how much water would reach the reservoirs in terms of less rainfall or bigger storms. All those things can affect how much surface water the localities have. The temperature has an effect as well because it can cause evaporation to occur much faster than it currently does. Another problem is estimating demand for commercial and industrial demands. When looking out 40 years, there is no idea which company will leave Hampton Roads, which ones are going to come to Hampton Roads, and how much water they will need because they are sector dependent. The second unknown is conservation. Both the residential and commercial conservation could increase or decrease overtime. The southside and Western Tidewater appear to have enough water to meet demands until 2050; the Peninsula until 2040, when there is a small deficit of five to ten million gallons a day.

There are no recommendations - the plan does not require localities to choose an alternative, they have to discuss what the options are. However, the regulation does focus on water demand management and conservation. The state wanted localities to determine if they could meet future demands with more conservation, so HRPDC collected historic data. The first data point was water use, per capita water use in 1990, and annual data from 2000 to 2008. This per capita data includes all water use, for residential, commercial, military and all different kinds of usage. If we can separate different groups we might get a handle on whether or not people are watering their lawn less, installing low flow fixtures, or if there is a change in the makeup of our commercial and industrial base.

Ms. Katchmark stated the Chesapeake Energy Center is one of the three large power plants in the region. Energy production takes a ton of water; just to give you some idea that one power plant uses twice the amount of water as all of the public water systems in the entire region. Across the world, communities are looking at this dilemma between needing water for energy production and water for public water systems, and lots of times there is a conflict because they are using the same water sources, the same aquifer systems or same rivers. Hampton Roads does not have that conflict. The water is withdrawn from the James, York and Elizabeth Rivers and most of it is returned to those rivers. Because they are tidal the public water systems are not using the same rivers to support the public water supply. The Hampton Roads communities have been very proactive before this regulation was in place. Every locality has some type of drought response plan or ordinances in place and they also have plans on how they would implement restrictions if the water supply started to decrease.

Ms. Katchmark stated in order to comply with the new regulation each locality needs to pass a resolution adopting the Regional Water Supply Plan, have a public hearing and record any written public comments. HRPDC staff is asking each locality to send them a copy of resolutions and comments by the end of September. The document has to be submitted to the State by the November deadline. When the Plan is complete, the State Water Control Board has the authority to approve the plan. Criteria have not been established on how the Plan will be evaluated. There is an Advisory Committee that will decide if the report has made a good faith effort to provide the information and also approve the report, and indicate when the report will be renewed and updated. The Department of Environmental Quality will put all these plans together and create a State Water Supply Plan. HRPDC staff is participating on the Advisory Committee and will keep the Commission informed on decisions being made.

Chairman Clark asked for a motion.

Commissioner Goodson Moved to accept the Plan as meeting the requirement of the HRPDC Unified Planning Work Program and distribute the Hampton Roads Regional Water Supply Plan to local governments for adoption; seconded by Commissioner Wright. The Motion Carried.

## Peninsula Sub-Region | **City of Hampton**

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**City of Hampton, Virginia**  
**Resolution**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 11-0246

Enactment Number: -

**Resolution Adopting the Hampton Roads Regional Water Supply Plan for  
Submission to the Virginia Department of Environmental Quality**

**RESOLUTION**

**WHEREAS**, pursuant to Virginia Code Section 62.1-44.38:1, local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan to (i) ensure adequate and safe drinking water is available to all citizens of the Commonwealth; (ii) encourage, promote, and protect all other beneficial uses of the Commonwealth's water resources; and (iii) encourage, promote, and develop incentives for alternative water sources; and

**WHEREAS**, pursuant to Virginia State Water Control Board Regulation 9 VAC 25-780 entitled "Local and Regional Water Supply Planning," all counties, cities, and towns in the Commonwealth of Virginia are required to prepare and submit a water supply planning program to the Virginia Department of Environmental Quality ("DEQ"); and

**WHEREAS**, in 2006, local governments served by the Hampton Roads Planning District Commission ("HRPDC") – including the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the towns of Boykin's, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor – elected to develop a regional water supply plan; and

**WHEREAS**, in accordance with the Memorandum of Agreement signed in 2007, the Hampton Roads Regional Water Supply Plan (the "Plan") was developed through the oversight of the standing HRPDC Directors of Utilities Committee; and


**WHEREAS**, each locality represented under the Plan must approve the Plan prior to its submission to DEQ by November 30, 2011;

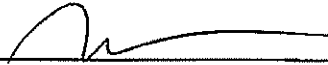
**WHEREAS**, approval of the Plan, a copy of which is attached to this Resolution, is reasonable and acceptable.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA:**

1. That the Hampton Roads Regional Water Supply Plan is hereby approved; and
2. That the City Manager or her designee is hereby authorized to execute the Hampton Roads Regional Water Supply Plan and any other related documents on behalf of the City of Hampton as set forth in this Resolution.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on August 10, 2011.

Signed by  Date AUG 10 2011  
Molly Joseph Ward, Mayor

Attested by  Date AUG 10 2011  
Katherine K. Glass, CMC  
Clerk of the Council





## City of Hampton, VA Meeting Minutes City Council

22 Lincoln Street  
Hampton, VA 23669  
www.hampton.gov

*Ross A. Kearney, II*  
*Angela Lee Leary*  
*Will Moffett*

*Christopher G. Stuart*  
*Donnie R. Tuck*  
*George E. Wallace*

*Molly Joseph Ward, Mayor*

### *Staff:*

*Mary Bunting, City Manager*  
*Cynthia Hudson, City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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Wednesday, August 10, 2011

6:01 PM

Council Chambers, 8th Floor, City Hall

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### **CALL TO ORDER/ROLL CALL**

**Molly Joseph Ward presided**

**Present:** Ross A. Kearney, II, Angela Lee Leary, Will Moffett, Donnie R. Tuck, George E. Wallace

**Absent:** Christopher G. Stuart

Mayor Ward welcomed everyone to the Public Comment Session. She stated Councilman Stuart was absent due to a family emergency and asked everyone to keep his family in their thoughts. She noted Councilman Stuart would try to attend the evening meeting.

Mayor Ward said most of the citizens signed up to speak about Harbor Square Apartments. She further stated she is the beneficiary of a trust created by her father's will (he passed away in 2005) and he put the majority of his assets into a trust which she, her siblings and his wife are beneficiaries. She has no management authority or control over the trust; she is a passive beneficiary and the Commonwealth's Attorney has ruled that due to her passive and divided interest, she (Mayor Ward) does not have a conflict, but she has chosen to remain out of all conversations and public discussion of this matter. Mayor Ward handed the gavel to Vice Mayor Wallace to preside over the Public Comment Session.

Vice Mayor Wallace stated he would call individuals to come forward to speak as listed on the speaker's sign-up sheet. He noted there are two speaking posts and stated in order to expedite the session; he would call two names at a time to alternate speaking at the two posts.

### **PUBLIC COMMENT**

Mr. Rick Bagley, 5 Oldenburg Lane, greeted the Mayor, members of Council, City Manager and City Attorney and gave the following statement: I am Chairman of the Downtown Hampton Economic Development Committee, part of the BID, and am here to

encourage you to do something positive with the Harbor Square Apartments for the execution of the Master Plan which calls for the super block to be cut in half. The core of the Master Plan is to have the right people living in proximity to the court downtown with the right income. I would encourage you to purchase the property and incorporate it into the development of the Master Plan.

Mr. Crawford Hammond, 13 Adriatic Drive, gave the following statement: I am a life-long resident of the City of Hampton, own a home here, pay taxes here and have been an owner of a business here since 1985. I am opposed to the City spending our tax dollars for more real estate just to tear it down in the future. I think it is going to be too much money by the time you all get it to the point where you are going to tear it down and then have to pay the money to tear it down. I've been fortunate enough over the past 8 years to do contract work for the potential private buyer at his other apartment communities here in Hampton, the Apartments of Merrimac and Merrimac North formerly Little England. I did all of the work on the rehab and can tell you firsthand that the owner goes the extra mile to rehab properties correctly and just as important he is dedicated to reducing crime in and around his properties. The City of Hampton should remember quite well the number of crimes committed at the site prior to the new ownership. Crime there now is mostly non-existent. The owner takes pride in making the community safe and having modern apartments and in fact won the award from the City of Hampton for the work and improvements done in the City. As a resident of Hampton, I would rather see a buyer that has his track record purchase Harbor Square with no City or tax money than have the City waste tax dollars on this property. Thank you.

Mr. Jeff Rathbone, 147 Chesterfield Road, thanked Council for the opportunity to speak and gave the following statement: I am a native of Hampton, a lifetime resident, property and home owner since 1970 in the City and that is the primary reason I would encourage the City Council to act in a financially restrained manner when it comes to Harbor Square Apartments. This is an uncertain economic time. It calls for fiscal restraint, it calls for a clear defined vision of what the City will do with any acquisitions and it also calls for the expertise and the background to check into what you are trying to do. The statements have been reported in the Daily Press: there have been some who have said the apartments will be torn down, there may be a jail there, there may be a parking lot there which are not in the Master Plan, but yet those are things that are espoused by people associated with the City. There also has been talk that we may run the apartments, so there really has been no clear vision, and when there is no clear vision, taxpayer dollars will perish.

Mr. Rathbone continued. We also are looking at if you do tear it down, not only the purchase price of the apartments, but also the renovations and dollars spent some of the City officials said the rent payments would cover the payments on the loan; however, there is information that the property is losing around \$300,000 per year. When you add all of those things up and the property is demolished, the City is looking at putting the taxpayer at risk of a \$10 million loss up front. Secondly, I am also a business owner and am the lead Heating, Piping and Air Conditioning (HPAC) contractor for the Merrimac Group. Over the last 8 years we have successfully revitalized 2,000 apartments in communities such as Hampton, but from Norfolk to Richmond. We are finishing a 1,300 unit revitalization on the Southside of Richmond that was crime infested, drug infested and gang infested two years ago. Not only have I worked on that property for 2 years, I've also stayed on that property because of the driving distance. The difference and revitalization the City is looking for can be done by private enterprise

in a manner that does not put one penny of taxpayers' money at risk, and it can be done successfully. The track record of the private developers who are trying to purchase this property so states. Thank you.

Mr. Dale Smith, 400 New Zealand Road, thanked Council for the opportunity to speak and gave the following statement: I work for the private owner that has been in negotiations with the sellers of Harbor Square Apartments. This owner is not one that comes in and band-aids a property to resell. He takes pride in fixing them fully, correctly upfront as it will permanently be part of his portfolio. Among other duties, I oversee the rehab of special projects at his apartment communities. I have overseen several local rehabs including two here in the lovely City of Hampton. Apartments of Merrimac and Merrimac North (formerly Little England) were much like Harbor Square prior to new ownership. These two properties lie in the Kecoughtan Corridor. Much like Harbor Square has become a thorn in the side of downtown, so were these to the Kecoughtan Corridor. After a full blown total rehab and working closely with the Hampton Police Department, we are proud to say our apartment communities played a big part in the revitalization of that area. These 300 units are now safer, updated apartments that any working person from blue collar to professional would love to call home. For this work, we have received the Mayor's Civic Improvement Award. We are pleased to say that this is the first time in 27 years it has been awarded to a residential project. Our plans for Harbor Square would be no different. This property would be transformed into a modern, safer working class property. Among fixing all the long overdue deferred maintenance, we would install energy efficient Heating, Ventilation and Air Conditioning (HVAC), this would require electrical upgrades as well. Also, plans are to build gabled roofs with dormer windows and architectural shingles. This would transform the property to be esthetically pleasing to fit in with the downtown landscape...this and much more without Federal, State or local tax money. Millions of private dollars will be spent and jobs would be created for local people and local contractors. This is what we do. We are currently winding down our 1,300 unit apartment rehab in Richmond. The same owner purchased this property less than two years ago and has made a tremendous positive impact on the community and surrounding area. Crime in the apartments has gone down 90%. Our local police precinct won the yearly award for the largest crime reduction in all of Richmond. This is a direct result of the work this owner has done in less than two years. With your help, we can have the same results here in Hampton in one year. I respectfully request the City Council defer any further votes to purchase Harbor Square. Perhaps a meeting with the private buyer for an understanding of his plans would help. Thank you.

Ms. Cynthia Smith did not give a current address and gave the following statement: I manage the properties that the private buyer purchases, just to tell you a little bit of what I do. When we purchase or if we purchase Harbor Square, we will transform this apartment community into a property that will complement the City's downtown area, and we will reduce crime. We would immediately start the process of converting the community into a conventional property. Along with this, we will implement strict criteria for credit and criminal background checks. This criterion improves our clientele and reduces criminal activity. Part of our criteria is that we do not lease to those with felony, narcotics or weapon related convictions. We also complete a yearly criminal background check on each resident at lease renewal. I don't know of any other conventional property that does that, but our company does. Of course, if they come back with some type of conviction within that year, we do not renew their lease. It is a normal practice for us to also have police officers living at the property in designated

areas. In October 2009, we purchased a 1,300 unit community in south Richmond. Within a six month period, we terminated over 400 leases. Most of those were due to criminal activity. At that time, our occupancy rate dropped to 68%, but the owner was willing to take the loss to ensure a safer community. Since that time with the strict criteria in place, we have increased our occupancy to 95%. Our rents have increased 23% and the crime has dropped 90%. I look forward to implementing these same practices at Harbor Square and working closely with the City of Hampton. Thank you.

Mr. Alan Meetze, 115 River Road, gave the following statement: I am with Drucker and Falk and I do have a stake in this. We represent the prospective buyer (third party buyer) on this. I know I have been quoted in the press a little bit. Mostly, it has been about the process and while the process has been a little strange and I have some concerns here, the real point I have been trying to get across and the main concern that I have is that this is simply a bad real estate deal for the City of Hampton. Keep in mind, we have about two year's track record working on this deal, analyzing the property, the numbers and really understanding this project. We've tried to reach out and communicate that to the Councilmembers and tried to extend our knowledge base to them. I do understand there is a time and place for City redevelopment, but I also understand you can't just write blank checks. This is a land deal for the City. In four years, they will tear down the apartments and they will be left with 17.7 acres of land. You can't talk values and pricing and assessments when you are tearing down the biggest part of what that assessed value is made of. So, we are talking a land deal. The land is assessed at \$3.4 million. That is \$192,000 an acre. If the City pays \$14.5 million, that is \$820,000 an acre. That's an overpayment of \$11 million. I'm also here to tell you, it is not going to be a \$14.5 million purchase (losses, deferred maintenance, the demolition in the rainbow). It's a number more like \$18.5 million. That is over \$1 million an acre. That is a \$15 million overpayment compared to that \$3.4 million assessed land value. Just to show you how far out of line these numbers are, I looked at probably the most viable, most prime development tract comparable to this anywhere on the Peninsula. That is the corner of Jefferson Avenue and Oyster Point Road in Newport News. That is 37 acres of useable land tract and that is ultra prime location. That sold last year for \$8 million, that is \$216,000 an acre. So, summarize these numbers. We are talking a land deal here. It's assessed at \$192,000 an acre. The most prime site in town sold for \$216,000 an acre. The City here is looking to invest somewhere between \$800,000 and \$1 million plus an acre for land. Those numbers are simply fantasy land. They are not defensible and there will never be a return on that type of investment. Thank you.

Mr. Tim Slagle, 2121 Wisteria Drive, gave the following statement: I am with the Apartments of Merrimac Ownership Group and I thank you for this opportunity to speak. As you may know, we have been interested in purchasing Harbor Square for some time. If we were successful in purchasing Harbor Square, we would replicate the complete rehabilitation as was accomplished at Merrimac and Little England. The later being renamed Merrimac North. As at Merrimac, several million dollars would be invested in Harbor Square which would create better living conditions for a new tenant base and more esthetically pleasing buildings. No taxpayer money would be utilized in this rehabilitation and our goal would be to complete the renovations within one year. Furthermore, one of the main objectives, as discussed previously, as part of the rehab would be a significant reduction in crime as was experienced at Merrimac and Merrimac North. In my opinion, it would be a travesty to demolish Harbor Square given the infrastructure already in place and our experience in rehabilitating real estate especially

since we live in Virginia and we are not some out of State group looking to make a quick buck. We are here for the long term. The environmental impact of demolishing and disposing of 368 rental units would also be significant. It is our view that Harbor Square in the future could provide reasonably priced workforce housing. Given our successful history with property rehab and crime reduction, I ask that City Council defer any vote and allow us the opportunity to pursue. Thank you for your time.

Mr. Richard Hewitt, 1180 Seminole Trail #105, gave the following statement: I am the owner of the Apartments of Merrimac. Because I understand the concerns the City has with the property, should I be given the opportunity to move forward with an acquisition, I'm prepared to provide the City with the first right of refusal should I ever have the opportunity to purchase the property and restore the property. If the property would become available for sale at some point in time in the future, I would provide the City with first right of refusal to purchase. Thank you. I will be available after the meeting for any kind of discussion, any questions the City Council may have. I thank you for your time.

Mr. Larry Cumming, 2236 Cunningham Drive, gave the following statement: I represent Mr. Hewitt and have had a number of conversations with him and his staff. As you know, I am often here before you representing developers and also often representing work that I have done in the City. I have lived here all my life. I am very concerned about our City and about how we function as a City transparently, economically and efficiently. All of those things are very important to me. I'm also very concerned about the transformation of downtown. It is very important to me that we are successful in doing that, so I am a little torn when I come to you and when Mr. Hewitt asked me to represent him to come and speak to you on his behalf knowing that the City had an interest in his property. I understand the idea of redevelopment. I understand the idea of rehabilitation. All of us (some of us) are old enough to have seen that in the past sometimes successfully, sometimes not. In these economic times, when you have an opportunity to have an individual who is really very talented at doing this work and very experienced at doing this work who will provide housing for the growth and revitalization of downtown Hampton, I really think it is important for the Council to pause a moment and just make sure that they are making the right decision. That is really all that I am here to ask because I think it is a toss up for you. I understand that you feel that this is an opportunity to gain control of a very large piece of land, very close to downtown, it has a significant impact on downtown, negatively currently and potentially very positively. I support all of that. I am a member of many committees that deal with all these issues. For that reason, I really did have to think about it myself, but when I think about it and the amount of money that will have to be spent by the City with the uncertain future of that site, I think about the super block in Newport News that has been leveled and has been there for well over 20 years, it worries me. I think Council should give Mr. Hewitt an opportunity to give you a thorough presentation and I would request on his behalf that you table the matter, give him some time. I know that you are negotiating from a letter of intent to a contract. I am sure that you have plenty of time to do that. I would request that you give yourselves an opportunity to speak with him and question him thoroughly as to what his plans are. Thank you.

Ms. Sherry Spring, 710 Settlers Landing Road, greeted the members of Council, City Manager and the City Attorney and gave the following statement: I am the Executive Director of the Downtown Hampton Development Partnership. We are in support of the acquisition of Harbor Square Apartments simply because it is very important for the

implementation of our Downtown Master Plan. We have several Board members and business owners here tonight that are here to show their support for this acquisition. (She asked them to stand). Thank you and thank you all for everything you do for us for downtown.

Mr. Eddie Deerfield, 1515 Garrow Circle, gave the following statement: Good evening, I am back. My name is Eddie Deerfield and I reside at 1515 Garrow Circle. Being the economy is in the bad situation it is, I would like to know where the City is going to get \$14.5 million to buy a property that has a \$12.7 million loan. Who will profit by this? Certainly not the taxpayers. We all know the answer to that question. I didn't know that polling our Councilpersons after a closed door meeting was legal, but I guess that is how things are done now being they don't vote anymore in closed session. I guess that is why our City Manager felt that it was alright to enter into "a fully executed agreement" to buy the Harbor Square Apartments. We do a poll; make sure we have the four votes we need to move forward. We will tell the citizens about the deal after we make the deal. We don't need civic engagement on this one. Also, we will tell the company that we have a binding agreement and for them to cease and desist in any efforts to interfere with or impair the contractual relationship between the City and Old Towne. Also, Mr. Meetze, I understand, was told he was not allowed to talk to anyone. Who is the City Attorney to tell anyone they cannot compete with the City? I believe that a real, real estate company can bid against anyone. Has anyone thought how much it is going to cost to bring these apartments up to livability; millions of taxpayer dollars, only to be torn down in 2015? It needs a new roof and heating and air conditioning system. Does this make good sense? I don't think so. These apartments are already losing \$300,000 per year? The taxpayers will have to make this up to pay off the loan. I can already see the taxes going up. And remember, Mr. Terry O'Neill (Community Development Department Director) has stated that they do not know what the property will be used for. I would like to know where our Codes Department was to allow these apartments to get in the condition they are in. Obviously the slumlords that ran the apartments didn't care that sewage was leaking all over, rainwater coming into the apartments, etc. When was the last time these apartments were inspected? In the end, I feel the City needs to get out of the real estate business, concentrate on more important issues like helping those small businesses with grants to make their place more attractive, or making sure our children get the proper education by putting money into the schools. I know you have made your minds up, but please, just this once listen to the citizens and vote no on this purchase. I ask these comments be put in the record in its entirety.

Ms. Linda Counts, 1822 Darville Drive, gave the following statement: Has everyone heard? Hampton City Council seems to have entered the real estate business again. It is my understanding that Council is preparing to vote on buying Hampton Harbor Apartments. In the process, they are edging out a private buyer, Alan Meetze of Drucker and Faulk Properties. The plan, as I have heard, is to demolish these apartments by the year 2015. The current apartments have section 8 housing for which many will be displaced by this action. Are there any plans to provide housing for these people? Alan Meetze stated that Drucker and Falk and the Merrimac Group wanted to buy the apartments and do renovations to make them market rate apartments instead of section 8 by fixing the roof and the heating and air conditioning system. It is also my understanding and it has come to my attention that Molly Ward has a financial interest in this property. And in a rather lame attempt to avoid concerns of a conflict of interest, she is abstaining from the vote. That hardly eases my concerns. Inasmuch as there was a private buyer in the works already, why is Mayor Ward wanting the City to buy it? It

seems highly inappropriate that a sitting Mayor should benefit from the sale of a property in which she has a financial interest, and is sold to the City she represents.

Vice Mayor Wallace informed Ms. Counts that it was not proper for her to slam the Mayor in that context. He explained the Mayor has recused herself from the situation. He asked Ms. Counts to speak to the issues and not deal with personalities and stated Council would appreciate that.

Ms. Counts continued. Regardless of whether she votes on its sale or not. She certainly would have a degree of influence among the City Councilmembers. City Council needs to stop spending taxpayers money on things like this, there was the \$200,000 spent on a statue, \$20,000 on an anniversary table, \$38 million is being spent on a new courthouse and parking garage, and in these economic times, City Council should stick to the proper functions of government and not get involved in speculative commercial ventures involving taxpayers money. Particularly, in light of the Council's track record in real estate ventures, such as the Radisson Hotel, their actions regarding the downtown condo deal with Tommy Thompson, as well as the Buckroe Beach fiasco also involving Tommy Thompson. One would hope that Council would have learned from these debacles. The job of Council is to manage taxpayer's money, which does not always mean to spend it. In my opinion, I hope Mr. Meetze gets these apartments so that private money will be spent instead of Hampton City Council getting their hands on it and using taxpayer's money. I hope he beats City Council at their own game. Thank you. I would like my speech put in the minutes in its entirety. Thank you.

Ms. Joan Charles, 101 Madrid Drive, gave the following statement: My name is Joan Charles, 101 Madrid Drive, Council, et al. Hampton was founded 400 years ago. Forty-five years ago, it started reinventing downtown. In the 60's Queensway Bridge was replaced with a four lane Settlers Landing Road and Harbor Square Apartments. In the 70's, it mimicked Charlottesville by creating Queensway Mall for a super block. In the 80's millions went into office buildings, hotels and the Air and Space Center. Then everything went into reverse. The mall became a street again, the four lanes were reduced to two, the office building began losing tenants, the hotel was sold, the Air and Space Center did not bring in the hope for spinoffs. More has been spent in 45 years than the previous 355. 2003, the City started contracting Urban Design Associates to create master plans for nearly \$1 million. Folks voted to have retail on the ground floor of the new apartment complex downtown. Didn't happen. 2004, City Manager George Wallace told the Daily Press..."The beauty of this particular project is that we own most of the land and don't have to make a major allocation to City funds to acquire the massive land." 2007, let's forget Charlottesville and go for Norfolk. Enter Urban Design Associates, send the Master Plan. We need high end condos and townhouses as in Ghent. Something along Queens Way. It didn't happen. Condos on Bridge Street. It didn't happen. Wilson Landing. 11 condos sold out of 25 planned. That took four years at a reduction in price. Old Post Office. What's going on there? It should have been made a museum. Now the taxpayers are faced with a \$14 million price tag for Harbor Square Apartments. We must not change the Master Plan. Since when? We do it all the time. When will it stop? When will the citizens have a chance to speak about it? If you like on-line polls, here is one. The Daily Press poll put the issue at 339 against and 237 for the purchase. I will not go into the conversation I am having with the PHD candidate whose paper was an entry into the German competition on citizen engagement. Hampton came in fourth world wide. It's on-line with the James River



Journal. I will pass on the information about the citizen engagement in this last multi-million dollar project, or lack thereof. It's just something to think about.

Mr. David Braunbeck, 2111 E. Pembroke Avenue, greeted the members of Council and the citizens of Hampton and gave the following statement: I am here before you tonight because I am just a little bit confused. Hampton is supposed to be an all American City, and I'm not personally attacking anyone. The transit issue that concerns the disabled. I'm a type 2 diabetic. I live in the City of Hampton and I just turned 50 August 2nd. I know there are members that are somewhat concerned about my issue, but more needs to be done to push Hampton Roads Transit to stop treating people like little children. I'm 49 years old and I don't need my diapers changed. My mother did that from infancy to 6 months old. My rights have been violated again. I still have not gotten any satisfactory response regarding my issue. Everybody puts me off. I will be seeking advice from legal counsel. I will not say at this time where I will go to get it, but it is going to be a pretty safe bet that I am going to prevail in the end. I have cerebral palsy and I know my body is not perfect. I have tried to tell HRT this and I have tried to tell certain members of Council this. As far as personally attacking anyone, I am not here to do that. All I am here to do is say listen to somebody when they sit up here or stand up here and tell you we got a disabilities issue with the Transit Authority that we are paying tax dollars on and we are paying for a light rail system that we are not even going to benefit from. I'm begging you please do something to help my cause further. All I am saying is use the transit tax dollars wisely before you invest \$990,000 in a transit system. Thank you.

Mr. David Johnson, 120 Linden Avenue, gave the following statement: Some people have a neurotic impulse to steal items they don't really need or want, and we call them kleptomaniacs. There are people here at City Hall who have a neurotic impulse to acquire real estate that we don't need or want. Let's call them property maniacs. The City of Hampton is one of the biggest land owners in town, if not the biggest. All of that property is off the tax roles. It's not earning one nickel in revenue. Do we want to go down that road again? People have already talked about this gentleman who wants to buy the apartments and renovate them at his own expense. My question is why can't we let him do it? Don't you folks believe in private enterprise? If you think government should own everything, you are out of touch with political reality. It is remarkable, the names and faces here at City Hall change over time, but the misguided and wasteful policies never change. This only proves that there is such a thing as immortality. Is it any wonder that Hampton is losing population? People are fed up with irresponsible government and they are voting with their feet and they are taking their tax dollars with them. I don't need to remind this Council that you don't work for the City Manager and the City Attorney, they are supposed to be working for you and for us. So, here is your chance to show who is the boss. Help us preserve our tax base by opposing this property mania. Please vote against this proposal. Thank you.

Mr. Frank Ottofaro, 63 Wheatland Drive, greeted the Mayor, members of Council, City Manager and City Attorney and gave the following statement: I am here tonight to address the Council about the taking of my property at 11 Pine Chapel Road for the Power Plant. I have been before this Council many times requesting an answer on why my property was taken. I am still waiting for a letter from my governor. Ms. Mayor, explain why this City Council cannot correct the injustice on the taking of my property for the Power Plant. I have every right to come before this City Council to add my complaints and comments on the wrong that has been done to me. Mayor Ward, Vice Mayor George Wallace, you both cannot straighten this wrong that has been done to me

and my family. Please pay me the rest of my money that the City stole from me. Otherwise, I am protesting buying Harbor Square Apartments as a citizen and property owner in the City of Hampton. The reason is the apartments are not up to City Code, leaking roofs, sewage leaking from the ground, health hazards. They are worth about 25 cents on the dollar in the condition at the present time. Ms. Mayor Ward, you and your group can solve the problems with the apartments by donating them to the City and you get yourself a tax write off. That wouldn't put a burden on the taxpayers of the City of Hampton. It is a shame what the City has done to me. You got seven master plans in the pipeline and nothing is done yet. You waste a lot of money. Riverpoint Park, \$1.6 million, Kecoughtan Road, \$350,000, North King Street, Coliseum Drive, Pine Chapel Road, the parking lot behind the Greyhound Bus Station, the Convention Center, the Power Plant, the Post Office, the Radisson Hotel, H2O, CC Spaulding Drive (you took me out). Ms. Mayor, you should go in the City Attorney's office and find out what former City Attorney Paul A. Burton did to me. The City of Hampton did me wrong. You paid everybody else 2 ½ times, I want 2 ½ times what Mr. Burton had my property assessed for. To all citizens and taxpayers of Hampton, I was discriminated against; my constitutional rights were violated by the City of Hampton. I did not cause this mess. Our former City Manager, former City Attorney, some Council members and others in our City lied about the way I was taken out. I do not want to put any more cost or legal expense to the citizens or to myself in this fight.

Vice Mayor Wallace informed Mr. Ottofaro that he needed to bring his comments to a close.

Mr. Ottofaro continued. I expect the City to own up to the wrong that has been done to me and my family. Pay me 2 ½ times appraisal of the property ordered by the former City Attorney Paul Burton plus legal expenses. My motto is do not treat me any better or worse, but treat me fair and equal. Discrimination is evil. Thank you.

Mr. Perry Pilgrim, 202 Mill Point Drive, said he was present as the President of the Downtown Hampton Development Partnership and gave the following statement: It is pretty obvious that I am in favor of the purchase and rather than trying to educate you to all of the facts that you have had both deferred tonight and the study you have been doing, I am going to take a slightly different tack. Brace yourselves. I have had dealings with just about all of the Council people, sometimes we have agreed, sometimes we have disagreed. Sometimes you have voted the way I wanted you to and sometimes you haven't, but not one time have I ever questioned your integrity or your commitment to the City. Regarding some of the comments tonight, I find it very discouraging that you all will attempt to weigh the options and come up with what you believe to be the best long-term solutions for the City on so many issues and I first came up here to speak in favor of this acquisition. I am actually going to speak in favor of you all. Good luck. Hard decision. I'm sure whatever you decide will be what you as a group feel in your best conscience is best for us in Hampton. Good luck with that.

Mr. Hugh Bassett, 117 Rip Rap Road, gave the following statement: I am speaking as a citizen and a taxpayer. Sometimes it is not what you do, but how you do it. I object to the way you have done this. This is another one of your back room deals, but you put it on the Council agenda and we cannot speak. You are letting us speak at the Public speaking session, but we don't get a chance to hear the staff report or react to it and I think we should have been allowed to speak after the staff gave the same information as they are going to give you. I know you have to negotiate a land sale behind closed

doors because you cannot sell land in the open because the City would probably take a loss. I am with you. Harbor Square is a crime factory. When you put that many Section 8 people together, that is the result. It happens all over the country. Another one is Lincoln Park; you need to get rid of that. I'm going to leave you with an article where cities around the country have faced the same problem, and how they handled it. They are not putting all of the low income people together like they did back in the 60's because it just did not work. If you look at the Master Plan, it doesn't even talk about Harbor Square. There is a shaded area where Harbor Square is located, but they don't mention one thing about the plans for Harbor Square. A lot of people want to get rid of Harbor Square because it is the last place black people live in downtown Hampton. When you burn the City down and, black people had businesses and houses all over. We were predominant in downtown. When you closed this place and put those residents out, that will be the last black exodus of people in downtown Hampton. Downtown Hampton will be almost all white. I can't wait to see how Councilman Tuck, Councilman Moffett and Vice Mayor Wallace...what are you going to do? Are you going to sit there and watch them kick black people out of downtown or are you going to stand up for black people, not because they are black, but because they are residents of the City. The Master Plan also contains different types of housing that you talk about putting downtown. 90% of the people in Hampton will not be able to afford this type of housing you are talking about. I am with you, but I have two concerns. What will happen to the people that live there now if you buy it and demolish it? Are you going to do what you did to the Mexican family around Christmas and kick them out in the street and the only thing you gave the Mexican families was a phone number to the welfare office and the phone number for the food stamp office and nobody knows where they went to. Secondly, what will you put on that land? Are you going to put the type of housing that people in Hampton can afford? I don't want you building a whole lot of high priced housing and the residents of Hampton can't even afford to live there. I don't see what the rush is. The man from Drucker and Falk threw some numbers around that you need to seriously look at. You can buy it if you want to, but it will drain your resources if those numbers and figures he threw around are correct. I am not going to say thank you tonight because you should have let us speak when it was on the agenda, not now.

Mr. John Krulis, 3631 Chesapeake Avenue, greeted the Vice Mayor, City Council and City Staff and gave the following statement: I know Harbor Square is the main agenda tonight and I don't have a whole lot to say about it because you know how I feel about how you make decisions. I think you are perfectly clueless about most of your decisions. The gentleman that gave the facts and the figures. If you don't listen to that, there is no hope, so I'm not going to address it. I really want to talk about the fact that among America's finest, we lost approximately 30 just recently after losing many before and we should be acknowledging that and saying something about it at every occasion. I hope the 9/11 celebration this year will have a special something to recognize the current losses we see. I've said it before and will say it many times again, Hampton's finest are the people who are the first responders. Police, Fire and Rescue are Hampton's number 1 and I want that understood because I am here to talk about Mr. William Cooper who lost his life in his home a little while back. I do not fault any officer who is fired upon because his training is to fire back, 100%. However, I had the misfortune of being before that man's house before the incident, during, and after delivering meals on wheels a few doors down and immediately thereafter. I did not know Mr. Cooper or know anything about Mr. Cooper. All I know about Mr. Cooper was what has been in the Daily Press. As an old man of 69 like Mr. Cooper, and a man who knows a little something about traumatic pain (short-term, long-term and chronic) I am very troubled

by that death. I talked to a police officer after this incident and told him if he had come to my (Mr. Krulis) house many occasions before, I have never sold a pill, drug, narcotic or anything illegal to anybody, but if you had come into my home on many occasion before and found other people's prescription drugs there, I would be in jail from now until doom's day. To have entered an old man of 69's home, to have beat down his door and to have shot him to death on the word of somebody that he was selling prescriptions to somebody is appalling. If you people are not concerned about it, I have been a lifelong member of the American Civil Liberties Union (ACLU). Be very thankful that you have President of the Coalition for Justice for Civil Rights, Mr. Rudy Langford in your midst because even though the ACLU is not going to get here for something like this, you have Mr. Langford here and that stands for a lot. If any one of you were going to be in trouble for any reason, and you are unjustly accused, somebody like Mr. Langford is going to be there.

Vice Mayor Wallace asked Mr. Krulis to terminate his comments.

Mr. James Morgan, 134 Chesterfield Road, greeted the members of Council and those in the audience and gave the following statement: I would like to speak about the apartments very quickly. I don't think Hampton is equipped to do any real estate transactions. They don't have any developers, they don't have any appraisers, they don't have anybody that is qualified to go and tell you whether that is a good buy or not. Since you are going to tear it down, just like the man from Drucker and Falk said, you are going to pay a premium price for a piece of land that is really only worth about 1/10th of what they are advertising. I am definitely against that. Now I want to talk to you about my problem, stormwater. Last year in July, it rained about four inches. My street, Chesterfield Road, between Chesterfield and Pocahontas Place flooded out so bad that it wiped out eight garages in my area and flooded them completely out. The same thing happened two weeks ago. Somebody has done something in the neighborhood of Kecoughtan Road where the Fresh Pride grocery store is so that the stormwater is now running down Chesterfield Road and down Wythe Parkway like a river. I talked to people last year about it and something was going to be done with stormwater. There are two solutions: (1) you can load a street behind my house which is Secota Drive for about three feet which will keep water from blocking up (2) you can come out there and clean out the storm drains that have never been cleaned in the 43 years I've lived there. The dirt in some of them are within two inches of the top of the grate and it is time for them to go out and do a job throughout the whole City of cleaning the storm sewers out. You don't have a program for it and most of them don't even know what to do. All of the State designed storm basins have a four foot drop to them. They are made so that the City can put a nozzle there and clean them out which keeps all of the debris from running off the streets in the yards in the catch basin. If you don't have people vacuuming it out, it is going right to the Chesapeake Bay. I pray for you to come out and look at mine again because water was coming across the street between eighteen inches and two feet high and at least 24 feet wide. It looked like something coming out of white water from the mountains of West Virginia. I thank you and look forward to hearing from you.

Mr. Bruce Hoogstraten, 37 Miles Cary Mews, greeted the Mayor, Vice Mayor, City Manager, City Attorney and members of Council and stated he lives and works in downtown Hampton and gave the following statement: I am here to speak in support of your purchase of the apartments. I think investments like this and the courthouse that you've made and will be making over the years to come are the exact reasons I have

decided to stay in Hampton and in downtown Hampton specifically. My message is simple; a few years ago, I had the opportunity to leave Hampton to relocate my home. I decided to stay and purchase a place in downtown Hampton. Also, I had the opportunity to move my office and I decided to keep it here as well. I think these types of investments that you are doing to this downtown, specifically, the redevelopment to the apartments and bringing the higher income living in downtown is exactly the kind of thing that we need to make our City safer, and to make our quality of life higher. I support you in your decision to purchase the apartments. Thanks for your time.

Ms. Lisa Hall, 101 W. Pembroke Avenue, gave the following statement: Tonight I come to speak before you to give voice to the view and opinion of the residents of Harbor Square. For the past several months, myself and my support team have witnessed firsthand the issues facing Harbor Square each and everyday. I am joined tonight by several community partners and concerned citizens and I would ask that they stand now to show their support. (Those individuals stood and were recognized). Harbor Square, despite the consistent and inaccurate reporting of the local media, is made up of primarily good people, hard working families who in some instances are less fortunate than others and they deserve to be treated fairly. The press has attempted to paint an inaccurate picture that tonight's action squeezes out a private sector business who could do better on the 18 acre site, but this claim is false. The plans of the private sector bidder do not respect the community's Master Plan, drastically change the property, would immediately evict current residents and fail to address the on-going security issues at the property. The proposal for the City to purchase the property and assign Hampton Redevelopment and Housing Authority (HRHA) to manage the units is the only option. In my opinion, that will respect and protect the current residents through 2015 allowing them time to make the necessary transition. I ask that you make an investment in good government and an investment in the men and women and children which reside in Harbor Square and an investment in our downtown community by supporting the City purchase of Harbor Square. Thank you.

Mr. Edwin Boone, 48 Snow Street, gave the following statement: Council, Ms. Hudson, Ms. Bunting. My name is Edwin Boone. I live at 48 Snow Street. In 2010, we had a Council election. I went to many forums. There were several candidates who said they would vote to defer the courthouse plans. At least one of these candidates got elected. At the first and only opportunity to vote on the courthouse plans, he went back on his campaign promise and lost my confidence and trust. That's how it goes in Hampton. Say one thing, do another. I work hard, pay my taxes. In return I expect honesty from the people who get elected. Maybe I expect too much. Or someone should resign. What does it take to have Council listen to the public? If you look at the awards the City gets, you would think we were the Citizen Engagement Capital of the World. But do you listen? Have Council meetings become a farce? Are the citizens allowed any insight into the next multi-million dollar extravaganza? Is anyone watching the global economy? Do you think that Hampton is immune to the Statewide, nationwide and worldwide spend, spend, spend way of thinking? It appears private development is dead in Hampton. Look at the Harbor Square deal. Only the City knows what to do and what to build. There seems to be the attitude that the citizens will finance anything that comes down the pike even when there is good private money available. I know the City is trying to prove that the 2010 census is in error and that there has not been a drop in population. How is that task coming along? Has anyone proven anything? I personally will not encourage my out-of city-relatives who most have college degrees to come back home where they were born and raised until things change. What needs to change?

Politics and schools. I love the City of my birth and plan to stay here as long as I can. But when the City hires outside contractors, it makes me wonder how much longer I can stay. The City has become an expert at taking money out of my pockets and giving it to special interests. I am a viable contractor as are many other City contractors. Please put us at the top of the list ahead of out-of-city contractors. I plan to work hard on the next election to put into office people of honesty and integrity who will watch out for the interest of all the citizens of Hampton not just the connected and selected few. I encourage everyone to vote. Please submit these statements into the minutes in its entirety.

Mr. Alan Diamonstein, no address given, gave the following statement: Members of Council and staff, I sat here and listened and am somewhat confused. Let me try to briefly tell you that my client Olde Towne, owner of Harbor Square Apartments, has never entered into any agreement with Mr. Alan Meetze of Drucker and Falk or the groups Mr. Meetze represents including the Merrimac Group, the Seminole Trail Annex, LLC. They might have spoken with our agents; they have never at anytime spoken with the owners. During the conversations in the newspapers, Mr. Meetze mentions the City of Hampton swooped in. Two years ago, I came to the City and we had a discussion about this project. Hampton did not swoop into anything. You look at the comments about the Letter of Intent (LOI). After we entered into a letter of intent with the City of Hampton, we received a telephone call and we told the individual that we were bound by a letter of intent that was signed by the City and signed by my clients. It is a contract. We are obligated to sell to you if you meet the conditions that your City Attorney put in the document. She made no decisions except it was subject to approval of Council, it was subject to the approval of the HRHA, it was subject to the approval of the sixty day due diligence. It was a well written document, but we are obligated, if in fact you come back to us and say that you have done your due diligence and you have gotten the approval and you have given your approval, we are obligated to sell you the property. When Mr. Mike Marshall, our agent, communicated with Mr. Hewitt that the City had sent an LOI on July 14th, then we received an LOI from Mr. Hewitt after that date. The exact same kind of document. We were sent an LOI and in his LOI, which we rejected immediately, it came in after we had entered into an agreement with you, he said..seller agrees to conduct no negotiations with any other party with respect to the sale of the property during the three week period of time. That's in their LOI, yet I'm not so sure what they are trying to accomplish. They have no agreement with our clients; none whatsoever. I would hope you would find it favorable and that you would proceed. I'm here trying to answer some of the questions that came. Thank you very much.

Vice Mayor Wallace noted that Mr. Diamonstein was the last individual signed up to speak and asked if there were any other individuals in the audience that wished to speak.

Mr. Benton Knight, 240 Mill Point Drive, greeted the members of Council, City Attorney and City Manager and gave the following statement: I have listened to some pretty interesting banter. I've been an active resident and owner of several businesses and a single piece of property in downtown Hampton for more than 20 years. I wanted to give a business perspective of this and echo some of the hard work we have done for 20 years and some of the people behind me who did take their time as business owners to come here and express our support of your acquisition of this property. I have been an active participant in what was once called Downtown Hampton Unlimited and Downtown Hampton Development Partnership (DHDP) all of which have been pro-downtown, pro-

City of Hampton. We didn't do anything but love downtown Hampton. Every single study we paid to do, whether it was our money or the City's money, has always come back with the single biggest challenge on the future of downtown as this single piece of property. From a business perspective, I think that it makes complete sense to purchase this piece of property, but no matter what use the City chooses for it (and even the residents seem to be in support of it which was my largest concern), I want to echo that we are very much in support, as a business community, of your purchase of the property. Thank you.

Mr. Rasik Patel, 81 Lincoln Street, gave the following statement: I own a grocery store in Hampton. I think this is a very bad decision the City is making about not purchasing the Harbor Square because my business will be affected by the tearing down of the apartments and that is not good for my business. I think this is a bad idea for the City to tear down the business. I have other businesses in the area and have for the last ten years. I have heard about the gentleman acquiring property and upgrades to the apartments is a better idea instead of the City tearing the apartments down. Thank you.

Mr. Carlisle Bland, 323 Center Street, greeted the members of Council and the members of staff and stated he owns the restaurant Marker 20 and is the former Interim Director of the Downtown Hampton Development Partnership and gave the following statement: I wholeheartedly agree with Council purchasing this property. This is a once in a lifetime opportunity. Harbor Square is a blight on one of the main entryways into the downtown Hampton. Its purchase and redevelopment will have a positive effect on all the surrounding properties, both private and commercial and on all of downtown. The City is blessed with plentiful affordable housing. Every economic study or Master Plan has bemoaned the fact that Hampton has too much affordable housing. Taking out the most affordable housing helps the rest of Hampton by decreasing the vacancies and spreading subsidized housing around the entire City. Every city in the country has had to deal with crime over the years due to centralization of subsidized housing. Almost every urban planner knows that if you spread subsidized housing around an entire city, it helps benefit everyone. The apartments are not physically laid out to get market rents. The design is antiquated, no balconies, no vaulted ceilings, no open kitchens, no large windows, the buildings are too close together, no wooded scenery and no storage. No amount of rehab can change the physical reality of the apartment layouts. Market rents go to the apartments that have those amenities. These apartments are destined to be subsidized housing. The apartments represent the largest amount of police calls in downtown Hampton. The physical layout makes the development hard to police and dangerous to both residents and first responders. If the City does not act, we will have to contend with this antiquated design and poorly laid out complex for generations. Opportunities for development don't always come at convenient times, but when they come, you have to stand up and take them. Thank you.

Vice Mayor Wallace stated that concluded the Public Comment session and noted the session lasted ten minutes longer than its allotted time.

Councilwoman Leary asked Ms. Hudson if it were possible for Council to take item 17 and 18 and move them to the first part of the agenda so that the people present would not have to wait an hour to deliberate on this issue.

Ms. Hudson stated it is up to the presiding officer to obtain a motion to that affect to amend the agenda to move those items to the front.



Vice Mayor Wallace stated he did not want to obtain a motion particularly since a member of Council was not present.

Councilwoman Leary asked if this should be done at the beginning of the next meeting. Ms. Hudson concurred that would be the appropriate time.

Vice Mayor Wallace thanked the citizens for their participation and showing interest in this area. He said Council has a tough decision to make regarding this situation, and they would do that at the next meeting. He noted a ten minute break would be given and the regular evening meeting would resume at 7:20 p.m.

**The meeting adjourned at 7:12 p.m.**

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Molly Joseph Ward  
Mayor

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Katherine K. Glass, CMC  
Clerk of Council

Date approved by Council \_\_\_\_\_

City of Hampton Council Meeting  
August 10 2011

Good evening Ms. Ward, Councilpersons, Ms. Bunting and Ms. Hudson:

My name is Eddie Deerfield and I reside at 1515 Garrow Circle. Being the economy is in the bad situation it is, I would like to know where the City is going to get \$14.5million dollars from to buy a property that has a \$12.7million dollar loan. Who will profit by this; certainly not the taxpayers. We all know the answer to that question.

I didn't know that polling our Councilpersons after a closed door meeting was legal, but I guess that is how things are done now being they don't vote anymore in closed session. I guess that is why our City Manager felt it was alright to enter into "a fully executed agreement" to buy the Harbor Square Apartments. We do a poll, make sure we have the four votes we need and move forward. We will tell the citizens about it after we make the deal. We don't need Civic Engagement on this one. Also, we will tell the company that we have a binding agreement and for them to "cease & desist in any efforts to interfere with or impair the contractual relationship between the City & Old Towne". Also, Mr. Meetze was told he is not allowed to talk to anyone. Who is the City Attorney to tell anyone they cannot compete with the City? I believe that a real "Real Estate Company can bid against anyone."

Has anyone thought how much it is going to cost to bring these apartments up to livability; Millions of taxpayer dollars, only to be torn down in 2015? It needs a new roof and heating and air-conditioning. Does this make good sense? I don't think so. These apartments are already losing \$300,000 per year? The taxpayers will have to make this up to pay off the loan. I can already see the taxes going up. And remember, Terry O'Neill has stated they do not know what the property will be used for.

I would like to know where our Codes Department was to allow these apartments to get in the condition they are in. Obviously the slumlords that ran the apartments didn't care that sewerage was leaking all over, rainwater coming into the apartments. etc.. When was the last time these apartments were inspected?

In the end I feel that the City needs to get out of the real estate business and concentrate on more important issues like helping those small businesses with grants to make their place more attractive, or making sure our children will get the

proper education by putting more money into the schools. I know you have your minds made up, but please, just this once listen to the citizens and vote no on this purchase.

I ask that these comments be put in their entirety in the record.

Eddie Deerfield

## Untitled

### HAMPTON CITY COUNCIL IN REAL ESTATE...SERIOUSLY?

Has everyone heard? Hampton City Council seems to have entered the Real Estate Business again. It is my understanding that council is preparing to vote on buying Hampton Harbor Apartments. In the process, they are edging out a private buyer, Alan Meetze, of Drucker & Falk Properties. The Plan, as I have heard, is to demolish these apartments by the year 2015. The current apartments have Section 8 housing for many which will be displaced by this action. Are there any plans to provide housing for these people?

Alan Meetze stated that Drucker & Falk and The Merrimac Group wanted to buy the apartments to do renovations to make them market rate apartments instead of Section 8, fix the roof and the heating and air conditioning system.

It is my understanding that Molly Ward has a financial interest in this property. And in a rather lame attempt to avoid concerns of a conflict of interest, she is abstaining from the vote. That hardly eases my concerns. Inasmuch as there was a private buyer in the works already, why is Mayor Ward wanting the city to buy it? It seems highly inappropriate that a sitting mayor should benefit from the sale of a property in which she has a financial interest, and is sold to the city she represents. Irregardless of whether she votes on it's sale or not. She certainly would have a degree of influence among the council members.

City Council needs to stop spending taxpayers money on things like this, there was the \$200,000 spent on a statue, \$20,000 on an anniversary table, \$38 million is being spent on a new courthouse and parking garage, and in these economic times, City council should stick to the proper functions of government and not get involved in speculative commercial ventures involving taxpayers money. Particularly, in light of the councils track record in real estate ventures, such as the Radisson Hotel, their actions regarding the downtown condo deal with Tommy Thompson, as well as the Buckroe Beach fiasco(also involving Tommy Thompson). One would hope that council would have learned from these debacles. The job of council is to manage taxpayers money, which does not always mean to spend it.

Council, Ms. Hudson, Ms. Bunting.

8/10/11

My name is Edwin Boone. I live at 48 Snow Street.

In 2010 we had a council election. I went to many forums. There several candidates who said they would vote to defer the courthouse plans. At least one of these candidates got elected. At the first and only opportunity to vote on the courthouse plans he went back on his campaign promise and lost my confidence and trust. That's how it goes in Hampton. Say one thing, then do another. I work hard, pay my taxes. In return I expect honesty from the people who get elected. Maybe I expect too much. Or someone should resign.

What does it take to have council listen to the public? If you look at the awards the city gets you would think we were the Citizen Engagement Capital of the World. But do you listen? Have council meetings become a farce? Are the citizens allowed any insight into the next multi-million dollar extravaganza?

Is anyone watching the global economy? Do you think that Hampton is immune to the statewide, nationwide and worldwide spend, spend, spend way of thinking?

It appears private development is dead in Hampton. Look at the Harbor Square deal. Only the City knows what to do and what to build. There seems to be the attitude that the citizens will finance anything that comes down the pike even when there is good private money available.

I know the City is trying to prove that the 2010 census is in error and that there has not been a drop in population. How is that little task coming along? Has anyone proven anything. I personally will not encourage my out-of-city relatives who most have college degrees to come back home where they were born and raised until things change. What needs to change? Politics and schools. I love the City of my birth and plan to stay here as long as I can. But when the city hires outside contractors, it makes me wonder how much longer I can stay. The City has become an expert at taking money out of my pocket and giving it to special interests. I am a viable contractor as are many other city contractors. Please put us at the top of the list ahead of out-of-city contractors.

I plan to work hard on the next election to put into office people of honesty and integrity who will watch out for the interest of all the citizens of Hampton not just the connected and selected few. I encourage everyone to vote.

please submit all these statements into the minutes into its entirety.

## Peninsula Sub-Region | **City of Newport News**

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**RESOLUTION NO. 12171-11**

A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY.

WHEREAS, pursuant to Virginia Code §62.1-44.38:1, local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, Newport News is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York; the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News, Virginia, that it hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON AUGUST 9, 2011

Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor

A true copy, teste:

City Clerk

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE**

**August 9, 2011  
7:00 P.M.**

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PRESENT: McKinley L. Price, DDS; Sharon P. Scott; Tina L. Vick; Joseph C. Whitaker; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; and Madeline McMillan-----7

ABSENT: None-----0

A. Call to Order

Mayor Price called the meeting to order. He requested that cell phones and/or pagers be silenced or turned off. He reminded that comments on matters germane to the business of City Council should deal with issues or topics that the City Council was empowered to address.

B. Invocation

The invocation was rendered by Pastor David Gunderlach, Reformation Lutheran Church.

C. Pledge of Allegiance to the Flag of the United States of America

The Pledge of Allegiance to the Flag of the United States of America was led by Councilwoman Sharon Scott.

D. Presentations

(1) Proclamation: Field of Friends

Chief James Fox, Detective Mark Wagner, Sergeant Earl McNair, and Officer Donald Greathouse, all of the Newport News Police Department, as well as Mr. Derrick Greenhill, Leadership Institute, and Pastor John A. Miller, Macedonia Baptist Church, Newport News, accepted the proclamation.

Mayor Price indicated that "Field of Friends," was a day set aside for emergency services personnel to interact with youth, that strengthened the rapport between emergency services personnel, as well as other City organizations, civic organizations, businesses, and the community, for the benefit of youth. The Newport News Police Department anticipated reaching roughly 3,000 youth in 2011.

Mayor Price congratulated and commended the emergency services personnel representing "Field of Friends," recognizing the positive impact they had on the development of youth. He encouraged citizens' support of the Field of Friends" events scheduled for August 2011.

D. Presentations Continued

(1) Proclamation: Field of Friends Continued

Detective Mark A. Wagner, on behalf of "Field of Friends," recognized and thanked the City of Newport News, the 2011 Leadership Institute of the Virginia Peninsula, ArcaMax Realty, Huntington Ingalls Industries, Old Point National Bank, Prudential Towne Realty, Sentara, Spectrum Foundation, the United States Coast Guard, Zel Technologies, Les Hommes Civic & Social Club of Hampton, the Newport News Police Foundation, and the Newport News Police Department for their contributions and support in this endeavor.

E. Public Hearings

(1) Redistricting Plan for Amendment to Voting Districts for City Council and School Board Elections

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, ELECTIONS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I, VOTING PRECINCTS, SECTION 15-21, WATKINS VOTING PRECINCT BOUNDARIES; AND SECTION 15-23, DEER PARK VOTING PRECINCT BOUNDARIES; AND ARTICLE II, ELECTION DISTRICTS, SECTION 15-52, ELECTION DISTRICT TWO; AND SECTION 15-23, ELECTION DISTRICT THREE. This ordinance adopted a redistricting plan that would move a portion of the Deer Park Precinct located in the Central District to the Watkins Precinct located in the South District. The City of Newport News used districts to elect its City Council and School Board, and was required by law to re-examine its voting districts in the year following the decennial Census. Mayor Price stated the 2010 U. S. Census indicated that the City had a population growth of 0.3% since the 2000 Census, and showed a shift in the population, which required a rebalancing of the current voting districts to ensure compliance with State and Federal law. He shared that a committee of City representatives from the City Attorney's Office, Voter Registrar's Office, Board of Elections, City Manager's Office, and the Planning and Engineering Departments, generated proposals for redrawing the district boundaries. Any plan was required to meet certain legal guidelines. The voting districts were to be continuous and compact in shape and have clearly observable boundaries. The plan must also maintain minority voting strength. The committee developed redistrict proposals which met these guidelines and presented them to City Council at its May 24, 2011 Work Session. Mayor Price advised, at the Work Session, three plans were selected to proceed for citizen input and public comments. Three public meetings were held in early June 2011 to present and discuss the redistricting plans with the community. Approximately 15 people attended. The recommended redistricting plans were available for review on the Department of Planning's website, and within the department, in various City buildings and offices, and all of the City's libraries. The public hearings were duly advertised in the local newspaper.

Mayor Price further stated, at the June 28, 2011 City Council Work Session, City Council considered the comments from the public, along with an additional proposal. Of the four proposals, City Council selected one to proceed for further consideration and comment. Under this proposal, a portion of the Deer Park Precinct, south of J. Clyde Morris Boulevard, in the Central District would move to the Watkins Precinct in the South District.

E. Public Hearings Continued

- (1) Redistricting Plan for Amendment to Voting Districts for City Council and School Board Elections Continued

Mayor Price advised that City Council would receive public comment and vote on one proposal. When adopted by City Council, the plan would be submitted for preclearance by the Department of Justice in order to have the new districts in place for the local elections in 2012 (a copy of Mayor Price's remarks, and a map showing the boundaries of the districts, are attached and made a part of these minutes). The City Manager recommended approval.

(No registered speakers)

Councilwoman Scott moved closure of the public hearing; seconded by Councilwoman Vick.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

Councilwoman Vick moved adoption of the above ordinance; seconded by Councilman Whitaker.

Vice Mayor McMillan indicated the City had gone through this process twice before – once when the plans were originally drawn, and again in the last census. She thanked staff for the work done on the plans submitted to City Council. Staff submitted a variety of plans, narrowing them down to four. A number of plans were presented that had lines that were both contiguous and met the numbered criteria. She expressed disappointment that City Council did not select one of those plans, but wanted to publicly thank City staff for their efforts.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

(No registered speakers)

- (2) Framework for the Future 2030 Comprehensive Plan Amendment, PLN-11-05, to Change the Land Use Designation for Property Located at 5857 and 5875 Jefferson Avenue

A RESOLUTION APPROVING PLN-11-05 AN AMENDMENT TO THE COMPREHENSIVE PLAN, FRAMEWORK FOR THE FUTURE 2030, FOR THE CITY OF NEWPORT NEWS. This resolution adopted an amendment to the Framework for the Future 2030 Comprehensive Plan and Land Use Map for 5857 and 5875 Jefferson Avenue. The area under consideration was 3.72 acres of developed property owned by Master Land Holdings, LLC, located at 5857 and 5875 Jefferson Avenue identified as community commercial on the land use map. The plan amendment designation recommended a land use of industrial. On July 21, 2011,

E. Public Hearings Continued

- (2) Framework for the Future 2030 Comprehensive Plan Amendment, PLN-11-05, to Change the Land Use Designation for Property Located at 5857 and 5875 Jefferson Avenue Continued

the Planning Commission voted unanimously 8:0 to recommend to City Council approval of the plan amendment. The City Manager recommended approval.

(No registered speakers)

Councilwoman Scott moved closure of the public hearing; seconded by Councilwoman Woodbury.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

Vice Mayor McMillan moved adoption of the above resolution; seconded by Councilman Whitaker.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

- (3) Change of Zoning, CZ-11-311, Master Land Holdings LLC., to Allow for the Operation of a Machine Shop on Property Located at 5875 Jefferson Avenue

AN ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 5028-97 BY AMENDING THAT CERTAIN MAP ENTITLED, "ZONING DISTRICT MAP" (CONSISTING OF REAL ESTATE TAX ASSESSMENT MAPS 001 THROUGH 322 AND KEPT ON FILE IN THE OFFICES OF THE DEPARTMENTS OF CODES COMPLIANCE AND PLANNING) DATED THE 10<sup>TH</sup> DAY OF JUNE, 1997, WHICH SAID MAP IS MADE A PART OF THE SAID ORDINANCE NO. 5028-97. This ordinance granted a change of zoning for the property located at 5875 Jefferson Avenue from C2 General Commercial to M1 Light Industrial with proffers to allow for the expansion of a master machine shop. The change of zoning was consistent with the amendment to the Framework for the Future 2030, which recommended an industrial use designation for 5875 Jefferson Avenue. The applicant's proffers ensured the property was visually improved along the Jefferson Avenue corridor. On April 20, 2011, the Planning Commission voted unanimously 8:0 to recommend approval of the change of zoning with proffers. The City Manager recommended approval.

Mr. Arthur Kamp, 739 Thimble Shoals Boulevard, Suite 105, Newport News, Attorney for the applicant, was available for questions only.

(No registered speakers)

E. Public Hearings Continued

- (3) Change of Zoning, CZ-11-311, Master Land Holdings LLC., to Allow for the Operation of a Machine Shop on Property Located at 5875 Jefferson Avenue Continued

Councilman Whitaker moved closure of the public hearing; seconded by Councilwoman Woodbury.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

Vice Mayor McMillan moved adoption of the above ordinance; seconded by Councilwoman Woodbury.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

- (4) Change of Zoning, CZ-11-312, Moore and Warren LLC., from O1 Office to C1 Retail Commercial for Property Located at 301, 303, 303A, 305 Main Street and 306 Tyler Avenue

AN ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 5028-97 BY AMENDING THAT CERTAIN MAP ENTITLED, "ZONING DISTRICT MAP" (CONSISTING OF REAL ESTATE TAX ASSESSMENT MAPS 001 THROUGH 322 AND KEPT ON FILE IN THE OFFICES OF THE DEPARTMENTS OF CODES COMPLIANCE AND PLANNING) DATED THE 10<sup>TH</sup> DAY OF JUNE, 1997, WHICH SAID MAP IS MADE A PART OF THE SAID ORDINANCE NO. 5028-97. This ordinance approved a change in zoning for property located at 301, 303, 303A, and 305 Main Street and 306 Tyler Avenue from O1 Office to C1 Retail Commercial, in accordance with the Framework for the Future 2030 Comprehensive Plan, as amended September 14, 2010. The identified properties were zoned C2 Retail Commercial when they originally developed. As part of the 1997 City-wide change of zoning, the properties were rezoned to O1 Office, consistent with the adopted Framework for the Future. The adopted Framework for the Future 2030 Comprehensive Plan, amended September 14, 2010, recommended neighborhood commercial for the properties. The proposed change of zoning was consistent with that recommendation. On July 20, 2011, the Planning Commission voted unanimously 8:0 to recommend approval of the change of zoning to C1 Retail Commercial. The City Manager recommended approval.

Mr. Brad Moore, Applicant, 301 Main Street, Newport News, was available for questions.

Mr. David Warren, Applicant, 303 Main Street, Newport News, was available for questions.

E. Public Hearings Continued

- (4) Change of Zoning, CZ-11-312, Moore and Warren LLC., from 01 Office to C1 Retail Commercial for Property Located at 301, 303, 303A, 305 Main Street and 306 Tyler Avenue Continued

Vice Mayor McMillan observed, in the excerpts from the July 20, 2011 Planning Commission Minutes, the property owners had an agreement with St. Matthews Anglican Catholic Church to use parking; however, the Department of Codes Compliance promised to work with the property owners to make sure that the requirements were complied with as new businesses leased units. She inquired how that would be done. Ms. Sheila McAllister, Director, Department of Planning, indicated the statement meant the site was limited by parking, which limited the type of retail that could go in. This was a straight rezoning to retail; however the type of retail uses that could be allowed would be limited based on parking. The parking would have to be on site, or there would have to be some type of written agreement in place before the use could be allowed.

Vice Mayor McMillan stated there were complaints from some property owners who purchased homes along that street. She inquired whether anyone had spoken with the property owners about obtaining a residential parking permit, or anything proactive before problems with parking arose. Ms. McAllister acknowledged receipt of complaints and e-mail messages by the property owner(s) when the study was done. Ms. McAllister advised that the particular property was retail prior to 1997. The housing was built when the property was still zoned retail. She advised, even though it was retail currently, the type of uses that would generate the type of parking that would be a conflict with the residential neighborhood would not be able to locate in the building.

Vice Mayor McMillan inquired whether they had that alternative. Ms. McAllister replied yes.

Councilman Whitaker moved closure of the public hearing; seconded by Councilwoman Scott.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

Councilwoman Woodbury moved adoption of the above ordinance; seconded by Councilman Whitaker.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None



E. Public Hearings Continued

- (5) Adoption of the Hampton Roads Planning District Commission (HRPDC) Regional Water Supply Plan for Submission to the Virginia Department of Environmental Quality (DEQ)

A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY. This resolution adopted the Hampton Roads Regional Water Supply Plan for submission to the Virginia Department of Environmental Quality (DEQ). The Virginia State Water Control Board's Regulation 9 VAC 25-780 required all counties, cities, and towns in Virginia to prepare and submit a water supply planning program to the DEQ. In 2006, the Directors of Utilities Committee, the Hampton Roads Planning District Commission (HRPDC) and local jurisdictions elected to develop a Regional Water Supply Plan, rather than individual water supply plans, for compliance with the mandate. The plan was developed through the oversight of the Directors of Utilities Committee. After examining existing water supplies and future water demands by sub-regions, it was determined that the Waterworks service area had an adequate supply to meet demands over the next 40 years, but the plan indicated that a deficit could develop beyond that. The plan was to be submitted to DEQ by November 2, 2011. The City Manager recommended approval.

(No registered speakers)

Councilwoman Scott moved closure of the public hearing; seconded by Councilwoman Vick.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan  
Nays: None

Vice Mayor McMillan moved adoption of the above resolution; seconded by Councilman Whitaker.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan  
Nays: None

- (6) Conveyance of City-owned Property Located at 126 34<sup>th</sup> Street, 129 33<sup>rd</sup> Street, and 3301 Washington Avenue to the Industrial Development Authority (IDA) of Newport News

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ON BEHALF OF THE CITY OF NEWPORT NEWS ANY AND ALL DOCUMENTS, INCLUDING DEEDS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF CERTAIN CITY OWNED PROPERTY TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS. This ordinance authorized the City Manager to execute any and all documents necessary to effectuate the conveyance of City-owned property located at 126-34<sup>th</sup>



E. Public Hearings Continued

- (6) Conveyance of City-owned Property Located at 126 34<sup>th</sup> Street, 129 33<sup>rd</sup> Street, and 3301 Washington Avenue to the Industrial Development Authority (IDA) of Newport News Continued

Street, 129-33<sup>rd</sup> Street, and 3301 Washington Avenue to the Industrial Development Authority (IDA) in support of the Apprentice School Project. Consistent with Council's action at the June 14, 2011 Regular Meeting, it was appropriate for the City to convey three City-owned parcels of property to the IDA. All necessary advertisement requirements had been met. The City Manager recommended approval.

Mr. John Procyson, 305 Normandy Lane, Newport News, addressed the Apprentice School project. He advised that he had observed City Council proceedings and decisions for nearly four years. He indicated, with the exception of City Center, the Apprentice School Project was the worst case of taxpayer abuse that he had ever encountered. Mr. Procyson pointed out the following: (1) The City had tentatively agreed to purchase land between 31<sup>st</sup> and 34<sup>th</sup> Streets for construction of the Apprentice School and related facilities. The privately held portion of this land was assessed at \$1.2 million; but the City had tentatively agreed to pay \$4.5 million, nearly four times its value. The City Manager was not involved in price negotiations, but agreed to pay the asking price, with the justification being prices escalate when land is purchased for new development. Mr. Procyson indicated that was not the case when the City offered to pay the owner of Lee's Auto Shop a small amount above the assessed value of his property, which the City wanted for the Stoney Run Community Center; nor the case in the City of Hampton's plan to purchase Harbor Square Apartments for a price below its assessed value; (2) A drawing was distributed showing the land between 26<sup>th</sup> and 29<sup>th</sup> Streets, two blocks from the proposed site of the Apprentice School, the area between 26<sup>th</sup> and 28<sup>th</sup> was better known as the Superblock, owned by the City of Newport News. Mr. Procyson pointed out that approximately two-thirds of the land between 28<sup>th</sup> and 29<sup>th</sup> Streets was owned and managed by the Economic Development Authority (EDA) and was bare parking lots. He felt there was no reason that this project could not be built between 26<sup>th</sup> and 29<sup>th</sup> Streets. There were thoughts that the Superblock property should be kept in reserve in case the Apprentice School project succeeded, in which case there would be plenty of developers to purchase the land between 31<sup>st</sup> and 34<sup>th</sup> Streets; (3) This project, as presented, was not about development in the Southeast Community, but about putting millions of taxpayer's dollars in the pockets of the rich. To approve this purchase and this plan verged on criminal irresponsibility. He stated City Council's job was to protect City taxpayers; (4) The Shipyard was a private company, with its profits measured in hundreds of millions of dollars. There was already an Apprentice School on Shipyard property. Mr. Procyson was not of the opinion that the Shipyard would pack and move someplace else; and (5) He urged Council not to approve this plan. He was advised that City Council could cancel the plan. He asked that the City not endorse this plan as it would be giving away the taxpayer's money. Mr. Procyson expressed concern on the direction in which City Council was going. It reminded him of the reason he joined RETRO (Real Estate Tax Reduction Organization) – the abuse and waste of taxpayer money.

Councilwoman Scott moved closure of the public hearing; seconded by Councilman Whitaker.

E. Public Hearings Continued

- (6) Conveyance of Property Located at 126 34<sup>th</sup> Street, 129 33<sup>rd</sup> Street, and 3301 Washington Avenue to the Industrial Development Authority (IDA) of Newport News Continued

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

Councilman Whitaker moved adoption of the above ordinance; seconded by Councilwoman Vick.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, McMillan

Nays: None

Abstention: Bateman (signed and filed a Declaration in accord with Section 2.2-3115H of the Virginia Code with the City Clerk prior to the City Council meeting. A copy is attached and made a part of these minutes).

F. Consent Agenda

Councilwoman Scott moved adoption of the Consent Agenda, Items 1 through 6, both inclusive, as shown below; seconded by Vice Mayor McMillan.

- (1) Minutes of the Work Session of July 12, 2011

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

- (2) Minutes of the Special Meeting of July 12, 2011

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

- (3) Minutes of the Regular Meeting of July 12, 2011

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

- (4) Resolution in Memoriam: Dr. Sarah Elizabeth Forbes

A RESOLUTION IN MEMORIAM FOR DR. SARAH E. FORBES. Dr. Forbes was a longtime resident of Newport News. She was the first female resident, and Chief

F. Consent Agenda Continued

(4) Resolution in Memoriam: Dr. Sarah Elizabeth Forbes Continued

Resident of Obstetrics and Gynecology at Norfolk General Hospital. In 1958, she opened a private Obstetrics and Gynecology practice in Newport News, becoming the first female physician to do so; retiring from her practice in May 2011. Dr. Forbes was a dedicated philanthropist and was often recognized for her contributions to the community. She was an ardent animal lover, and served as President of the Peninsula Society for the Prevention of Cruelty to Animals (SPCA) for 42 years. She touched the lives of many and her passing created a void in the community. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

(5) Resolution of Appreciation: The Honorable Aundria D. Foster

A RESOLUTION OF APPRECIATION FOR JUDGE AUNDRIA D. FOSTER. This resolution of appreciation recognized the Honorable Aundria D. Foster, Judge, for her outstanding achievements and contributions to the City and the Commonwealth of Virginia. Judge Foster was appointed to the Juvenile & Domestic Relations District Court, becoming the first female African-American judge in Newport News, before her appointment to the Circuit Court in 2004. Judge Foster participated in numerous professional and community organizations, and earned many awards. Judge Foster retired from the bench and this resolution acknowledged her outstanding service, selfless dedication and devotion to the citizens of the City of Newport News. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

(6) Special Resolution Canceling November 8, 2011 Regular Meeting of City Council

A SPECIAL RESOLUTION CANCELING THE REGULAR COUNCIL MEETING OF NOVEMBER 8, 2011. This resolution cancelled the November 8, 2011 Regular Meeting of City Council. City Code, Chapter 2, Administration; Article II., City Council; Division 1, Generally; Section 2-21, provided that changes to the schedule of City Council's regular meetings be made by special resolution. City Council was scheduled to have a regular meeting on November 8, 2011. It was determined that this meeting be cancelled. The City Manager recommended approval.

(No registered speakers)

F. Consent Agenda Continued

- (6) Special Resolution Canceling November 8, 2011 Regular Meeting of City Council Continued

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

G. Other City Council Actions

None

H. Appropriations

Councilwoman Scott moved adoption of Appropriation Items 1 through 4, both inclusive, as shown below; seconded by Councilman Bateman.

- (1) Newport News Fire Department (NNFD) – Virginia Department of Emergency Management (VDEM) Hazardous Materials Response Team Grant

A RESOLUTION APPROPRIATING FUNDS FROM STATE REVENUE-ST-REV-HAZ-MAT TEAM-12 (\$30,000.00) TO MACHINERY AND EQUIPMENT (\$30,000.00). This resolution appropriated \$30,000.00 from State Revenue to the Fire Department for FY 2012 Regional Hazardous Materials Response Team. The City received an annual award of pass-through grant funds in the amount of \$30,000 from the Virginia Department of Emergency Management for FY 2012. The funding was restricted in use to support the City's Regional Hazardous Materials Response Team through the NNFD. This State grant did not require local funding. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

- (2) Newport News Fire Department (NNFD) – Virginia Department of Fire Programs (VDFP): FY 2011 Aid to Localities (ATL) Grant, 2<sup>nd</sup> Portion

A RESOLUTION APPROPRIATING FUNDS FROM STATE REVENUE-ST FIRE PRGM GRT-11 (\$59,509.00) TO EQUIPMENT-OTHER (\$59,509.00). This resolution appropriated \$59,509.00 from FY12 State Revenue, Aid to Localities (ATL) Funding to the Newport News Fire Department (NNFD) for various programs, activities, equipment, facilities, and vehicle acquisition. The City was awarded funds from the Virginia Department of Fire Programs through ATL funding. The funding was restricted in use to firefighter training programs, improvement to training facilities, protective equipment for personnel, and the purchase of tools and equipment. No local funding was required for this

H. Appropriations Continued

- (2) Newport News Fire Department (NNFD) – Virginia Department of Fire Programs (VDFP): FY 2011 Aid to Localities (ATL) Grant, 2<sup>nd</sup> Portion Continued

State grant. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

- (3) Commonwealth's Attorney's Office – Asset Forfeiture Fund

A RESOLUTION APPROPRIATING FUNDS FROM USE OF F B – DCJS-12 (\$65,000.00) TO EQUIPMENT-OTHER (\$65,000.00). This resolution appropriated \$65,000.00 from the Commonwealth's Attorney's Office, Asset Forfeiture Fund Account for office needs. The Commonwealth's Attorney's Office had not completed renovations on the 6<sup>th</sup> floor and funds were needed for a number of things, including office signage, audio visual equipment for conference room and in-court trial presentations, as well as blinds for conference room doors. Asset forfeiture funds were funds that were transferred to the Commonwealth's Attorney's Office as a result of officers participating in State and Federal criminal cases where the defendant's assets were seized. Their asset forfeiture balance was approximately \$105,902.26. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

- (4) Newport News Fire Department (NNFD) – Virginia Department of Health (VDH), Financial Assistance for Emergency Medical Services Grant Program: Rescue Squad Assistance Fund

A RESOLUTION APPROPRIATING FUNDS FROM STATE REVENUE-S-OEMS RESCUE SQ ASSIS-12 (\$101,125.00) TO SPECIALIZED FIRE EQUIPMENT (\$101,125.00). This resolution appropriated \$101,125.00 from FY2012 State Revenue to the Newport News Fire Department (NNFD). The City was awarded funds in the amount of \$101,125 from the Virginia Department of Health, Office of Emergency Medical Services, Rescue Squad Assistance Fund. The funding was restricted in use to support the purchase of a Medic Unit and ten (10) Evacuation Stair Chairs. The State grant required matching funds of \$139,425 from the Fire Department's Operating Budget. The City Manager recommended approval.

(No registered speakers)

H. Appropriations Continued

- (4) Newport News Fire Department (NNFD) – Virginia Department of Health (VDH), Financial Assistance for Emergency Medical Services Grant Program: Rescue Squad Assistance Fund Continued

Vote on Roll Call:

Ayes: Price, Scott, Vick, Whitaker, Woodbury, Bateman, McMillan

Nays: None

I. Citizen Comments on Matters Germane to the Business of City

Ms. Sacil Armstrong, former City of Newport News employee, 146-A Kathann Drive, Hampton, commented on the Sunday, July 17, 2011, Daily Press newspaper article entitled, "Will Coal Dust Settle in Newport News?" written by Mr. Joe Lawlor. Ms. Armstrong indicated it appeared as though Mayor Price had challenged Dominion Terminal Associates, in Pier Nine, calling them "good corporate citizens," while hinting they were the main cause of asthma in downtown Newport News. Mr. Lawlor cited a 2005 health study by the Peninsula Health District, which showed that Southeast community residents visited the emergency room for asthma at more than twice the rate of residents citywide. Ms. Armstrong indicated the article was misleading. While the residents used primary care physicians to monitor and control asthma, a disproportionate number of citizens used the emergency rooms to manage medical issues. While permanent coal dust might contribute to asthma, she suggested a comparison be made to a population with similar access to health care that was not located near a coal terminal. The Allergy and Asthma Foundation of America released the 2011 Asthma Capital Report, listing the top 100 most challenging places to live with asthma in the United States, with Richmond, Virginia being #1. The only other Virginia City listed was Virginia Beach at #8. The Cities of Norfolk and Newport News, both home to coal terminals, did not make the list. High poverty and uninsured topped the list of risk factors for asthma, not coal dust. The Daily Press article stated that local coal dust levels had consistently fallen well below federal regulations. It implied that companies were not doing all within their power to protect the community. Regarding wind fences, although wind fences remained standing after storms with high winds, they required repairs costing thousands, if not millions of dollars. Ms. Armstrong inquired about payment for repair after paying between \$3 and \$8 million to construct wind fences. Mayor Price was quoted in the article, "With the development of alternative energy, coal may no longer be a viable business in the future and may become a thing of the past in terms of energy consumption." He further stated, "the City would not actively try to stop coal companies from conducting business," but the article paved the way to damage the company's reputation in the eyes of the public and set the stage to make business difficult. These good corporate citizens actively supported good causes like the Boys and Girls Club, Newport News Redevelopment & Housing's Tenants Association, and the former Weed and Seed Program. Dominion Terminals heavily supported local charities and furnished scholarships for neighborhood youth. These companies employed tens of thousands and paid millions of dollars to the City in taxes annually. Ms. Armstrong asked, if discussions were held to close the coal terminals, real facts were warranted, such as: (1) How would closing a major revenue producer benefit the residents? (2) How would the City replace the lost revenue? (3) If the coal company closed, what would be the cost of preparing the land for commercial or residential use? and (4) Who would pay to pick up the tracks, demolish the



I. Citizen Comments on Matters Germane to the Business of City Continued

buildings, and rebuild the land? Ms. Armstrong indicated it was irresponsible for the City to entertain such an article without researching the facts and without the courtesy of contacting Dominion Terminal Associates, Pier Nine, CSX, and other businesses that would be directly affected by any decision. Ms. Armstrong felt, if Mayor Price or City Council were not actively discussing closure of the coal piers, it was doubly irresponsible to put the suggestion in the public's mind.

Mr. A. C. Pulliam, Jr., 239 Falcon Drive, Newport News, commented about theft in the Hidenwood/Maxwell Lane area. He advised there had been a number of automobile break-ins, air-conditioners being taken from homes that were for sale or rent; as well as the theft of air-conditioners from businesses off of Denbigh Boulevard. Mr. Pulliam felt some of the money appropriated by the City Council to the Fire Department should be given to the Newport News Police Department. He felt vehicles should be retrofitted with cameras and situated in the neighborhoods, such as Maxwell Gardens, Riverside, Tuckahoe, the Deep Creek area, and other adjacent streets. Mr. Pulliam stated the thefts had occurred between 2 and 4 a.m. He cited incidents including a stolen Lexus that was totaled near Oriana Road, and a Buick stolen and found behind Cracker Barrel on Jefferson Avenue. Mr. Pulliam indicated more could be done by the Police Department to protect the citizens and their properties if there was a "Think Tank" that could think beyond patrolling in a painted car. Mr. Pulliam shared a prior newspaper article in the Daily Press, which shared automobile break-ins throughout the City. He felt the citizens should be made aware of the crimes so they could be more vigilant.

Mr. Pulliam expressed condolences to Councilman Bateman on the loss of Air Tran service from the Newport News-Williamsburg International Airport (NNWIA).

Councilman Bateman advised, as Chair of the Peninsula Airport Commission, he was hopeful that new airlines would come into the NNWIA in the future to replace service lost by Air Tran.

Mr. Mark Hewes, 12 Meadow Drive, Newport News, an inventor and innovator, indicated he took problem areas and sought solutions, specifically for the coal dust problem. He had figured out a filter system that could be built around the coal piles to filter out the coal dust and the sulfur dioxide created when the coal piles were watered down. Mr. Hewes had an idea to build an above-ground reservoir that was able to handle 1-2 billion gallons of water and would meet the water needs on the Peninsula. Mr. Hewes expressed a desire to make a living in the City of Newport News, despite difficulties in finding employment. He asked City Council to give consideration to his ideas, some of which could create jobs. He had attempted, unsuccessfully, to begin a manufacturing company in the early 1990's to build custom decks.

Ms. Joan Minarik, 114 Linbrook Drive, Newport News, Chair of RETRO (Real Estate Tax Reduction Organization) and member of the Efficiency Task Force, addressed the Windy Knolls Condominium development. She recalled when Windy Knolls originally came up for City Council discussion, when apartments were first proposed. At that time, citizens living along Campbell Road were against the proposition, but the developer moved forward with apartments. The same prospect of more apartments at Windy Knolls faced the City Council and

I. Citizen Comments on Matters Germane to the Business of City Continued

the neighborhood. Ms. Minarik felt this was a “no-win” situation for all involved. The builders, like all builders, had come upon hard times. The owners were promised one thing, and would get something totally different than what they signed up for. They put money into their dreams, which were not coming true. She asked: (1) how much more housing could be built in Newport News? Apartments continued to be built, yet how occupied were City Center, Port Warwick and Stoney Run, as well as the development at Bland Boulevard and Jefferson Avenue, yet to be built and Huntington Pointe? As a citizen, Ms. Minarik indicated she had a problem of trust – she worked hard and depended on the government to take care of certain things. Her faith in government was shaken. She expressed concern with the message being sent by City Council and why anyone would want to move into a City that said, “yes, you can build condominiums,” and changed the entire plan two years later. Ms. Minarik observed that it seemed too easy for the developers to do such. She stated, with Windy Knolls, the issue was not about apartments, but about promises made and promises not kept.

Mr. John J. Procyson, 305 Normandy Lane, Newport News, asked members of City Council what they were doing? And why? He questioned why City Council was giving so much money to so many developers? City Council appeared not to care too much about the plight of the homeless population, yet were willing to pay Mr. Tanner and his associates \$3 million over and above the assessed value for the Apprentice School project. Mr. Procyson hoped that the Huntington Point Project was on the cancelled list, particularly since Council promised to give \$25 million for a developer who proffered that he would build a road. Council settled for allowing the citizens to pay for the road. He inquired about the number of developments that had gone broke, i.e. AREVA, Continental AG, Symantec, and Ashton. The Department of Development had been praised, companies came and left. Mr. Procyson was of the opinion that City Council did not care.

Mr. Procyson commented on the \$14,000 that City Council “slipped” into the budget - \$2,000 per member to attend parties, purchase tickets to charitable events, and tables at various functions. He chastised City Council for participating in these activities on the taxpayer’s money, and received mileage at the rate of \$0.555 per mile, to attend various events. City Council took taxpayer’s money, which paid for the events, and claimed \$0.555 per mile, and asked for reimbursement. He was confused – instead of having the “good ole boys,” there are the “good ole boys and the good ole girls.” He stated that City Council members, excluding Councilman Bateman, were squandering millions of dollars and should be kicked out of office.

Mr. Justin Demiter, 408 Windy Way, Unit 24, Newport News, condominium owner at Windy Knolls, and resident of City Center, thanked City Council for the opportunity to be heard at the August 9, 2011 Council Work Session. He was disheartened to learn that the owners were labeled as uncaring, as this was not the case. He indicated, as a young homebuyer with young children, he did not have 30 years to pay off a debt in which he was urged into purchasing, via deception, by BECO. He was originally informed that Windy Knolls would be a mixed use community, and he was okay with that. Two years later, he was told there would be 52 condos and 200 plus apartments. Mr. Demiter indicated this was not right, nor was it fair. His contract with BECO was one of deception. He expressed pleasure that City Council members had taken the time to look at the facts and hear all sides, not the side presented by BECO, which were false tactics used to sway members of City Council and the citizens of Newport News.



I. Citizen Comments on Matters Germane to the Business of City Continued

Ms. Angela Harris, Program Director, Youth Coordinator for the Moton Community Center, 2101 Jefferson Avenue, Newport News, advocated for the youth in the community. She advised that her youngest son, Anthony, graduated with honors from the Newport News Public School System. She shared a number of honors and awards which her son had received, to include one in math with honors, the President's Award, and an honor for academic excellence, as well as the 2011 Outstanding Science Student of the Year by the Virginia Peninsula Engineers' Club. Ms. Harris, member of the American Legion, Post 25, took pride in teaching the history and legacy of her ancestors who fought in the military and paved the way.

Ms. Harris inquired about a proposed project requested by Mr. Benny McCray for the Southeast Community. She further inquired why the East End of Newport News was not a historical landmark like Hilton Village.

Ms. Harris thanked Vice Mayor McMillan for her ongoing support of the Southeast Community. She distributed an essay, which is attached and made a part of these minutes.

Ms. Mavis Matthews, a retired senior, and widow, 522 Knolls Drive, #310, Newport News, thanked City Council for the opportunity to be heard at the August 9, 2011 Council Work Session. She indicated that she purchased a condo in Windy Knolls after being told the community would be strictly a condominium community, and wanted to be safe in the gated community. She advised, since the apartments were built, there had been numerous problems. She indicated she did not pay for this. She purchased an expensive home, which had already gone down in value; and BECO requested more apartments. Ms. Matthews stated that she had no ideas there would be apartments in Windy Knolls – only a small gated community. She indicated that BECO should stick to their plans and honor their promises. The tenants of the apartments should adhere to the rules.

Mayor Price announced, at the August 9, 2011 City Council Work Session, there was representation present from the Windy Knolls community to discuss a conflict between BECO and the residents/owners of Windy Knolls condominiums. He advised that no action was planned at the time.

Mr. Ray Landrau, 708 Windy Way, Suite 304, Newport News, thanked City Council for the opportunity to be heard at the August 9, 2011 Council Work Session. He indicated that BECO had not listened to the homeowners. It was his hope that the owners had enlightened the City Council with the information shared, and that the developers would not be let off of the hook. Mr. Landrau advised that the homeowners were citizens. Many of the homeowners spoke, in addition to their attorney, Ms. Tonia Peake, of McCandlish Holton, who brought some issues to the table.

Mr. Curtis Rogers, 389 Sampson Avenue, Hampton, former promoter in New York, and resident of Virginia for 15 years, commented on the study of music and dance. As a promoter, he felt that music and dance could be of benefit to the citizens and help bring in more revenue to the City.

I. Citizen Comments on Matters Germane to the Business of City Continued

Mr. Brandon Rhodes, 6300 Grossman Place, Newport News, advocate for at-risk children, commented about the need for a Teen Center to help get youth off of the streets. If funding for a Teen Center was an issue in the City, Mr. Rhodes suggested approaching military bases.

Mr. Wail Eisa, 799 Shields Road, Newport News, taxicab operator for 11 years, commented on some of the proposed taxicab regulations brought to City Council's attention by the Newport News Association of Taxicab Owners (NNATO). Mr. Eisa indicated there should be a level playing field for all concerned parties. One issue that came about from the July 5, 2011 Taxi Advisory Committee Meeting was that of reciprocity. There were some cabs that operated in Newport News as well as other cities in the Hampton Roads (HR) area. The dispatch practice was of concern. NNATO suggested that any cab company that operated in Newport News should have a business office where dispatch services were to take place. One company operated cabs in 3-4 cities in the HR area, and all of the calls show up on one computer screen, no matter which city they were operating from. NNATO had asked that reciprocity be stricken. Mr. Eisa was alarmed when he consistently saw cabs from another city, parked, and picking up trips that rightly did not belong to that cab. He suggested that the Ground Transportation Organization and NNATO meet and come up with one comprehensive report of proposals to present to City Council.

Mr. James Rudisill, Newport News, advocate for the homeless population, thanked City Council for their governance of the City in regard to the homeless and their needs. He distributed copies of various articles about the deaths of homeless citizens (a copy is attached and made a part of these minutes). He commended Chief James Fox and members of the Newport News Police Department for their care of homeless citizens.

Mr. Rudisill commended members of City Council for their hard work and attendance at various events and meetings. He was not opposed to the mileage reimbursement received by Council members.

He mentioned there was unbelievable heritage in the Newport News area and on the Peninsula. He thanked Ms. Angela Harris for sharing about her ancestors. He encouraged Council to open up public buildings to provide shelter and refuge for the homeless until the PORT Shelter opened for the winter months.

J. New Business and Councilmember Comments

City Manager Neil Morgan announced the International Soccer and Community Outreach event, sponsored by the Hispanic Advisory Committee, would be held on Saturday, August 20, 2011, 8:45 a.m. at Riverview Farm Park.

City Manager Neil Morgan reported that the period August and September 15, 2011, would be the peak of Atlantic Hurricane season. The forecast was for an unusually large number of storms. He encouraged the citizens do what they could to prepare themselves.

J. New Business and Councilmember Comments Continued

City Attorney Katz thanked the City staff for their hard and diligent work on redistricting. It was done for the first time 10 years ago as required by State Law. Those who worked on this effort included, Ms. Sheila McAllister, Director, Department of Planning, and staff of the City Attorney's Office, the Electoral Board and the Voter Registrar, as well as staff from the Department of Engineering.

Mayor Price reiterated the Field of Dreams event, scheduled for Saturday, August 13, 2011, Dunbar Irwin/Achievable Dream Preparatory School, located at 726-16<sup>th</sup> Street, 10:00 a.m. – 2:00 p.m. All were invited to attend.

Addressing the comments on the Coal Pier, Mayor Price indicated that he was not speaking on behalf of members of City Council. It was an editorial asking his personal opinion as a long-term resident of the Southeast, and the potential of what the property could be if the terminal was not there. He did not imply that the company was the cause of asthma. He invited those that had not read the article to do so (a copy of the article is attached and made a part of these minutes). Hopefully it could begin a conversation about the potential, in the distant future, about what the City in that area could be. He felt it positive to have early conversations about the area's potential, so the City did not look around and wind up like other cities that did not look beyond the one company and lost many jobs, with no plan for the future. What he spoke about was upbeat and not about jobs being lost.

Mayor Price further indicated there were citizens that came to the microphone repeatedly to talk about what had gone wrong in the City, about things Council may have miscued, and about past history, but never about what was done well. He encouraged those citizens who benefit from things done well, to attend the meetings and speak, to review the State of the City, which was taped, and included a list of successes. He encouraged responsible citizens to talk to Council representatives, provide support and encouragement. He stated the position of Council was tough. There was a stipend, but no one was living off of it. He stated it was discouraging to see the same people repeatedly browbeat City Council. Mayor Price stated that City Council did quite a few things "right" and well, and were proud of the Planning Department, Department of Development, the City Manager and what he had done, as well all of the City staff. He felt it would be beneficial to sometimes hear something positive.

Councilwoman Scott announced this was the only City Council Meeting for the month of August. Council would not meet again until September 13, 2011.

Councilwoman Scott thanked the citizens for their attendance and participation, particularly the citizens from Windy Knolls. She felt the government that worked best was one where the citizens were involved. Their participation in Council proceedings showed their involvement in their community. Councilwoman Scott indicated that her votes about projects were in accordance with the information available to her; and she was not privy to some things. She felt the information shared by homeowners in Windy Knolls would assist in beginning conversation needed to resolve the issues. She thanked the homeowners for coming and invited them to contact her should they want to discuss the matter further.

J. New Business and Councilmember Comments Continued

Councilwoman Scott reiterated the Field of Dreams event, scheduled for Friday, August 19, 2011, at the Boys and Girls Club, located at 429 Thorncliff Drive, 10:00 a.m. – 2:00 p.m. She indicated this was a very engaging event. She had attended all five years and had engaged the Newport News Deltas, the Hampton-Newport News Continental Society, who had donated school supplies each year, and the North District Town Hall Committee that had donated bicycles. All were invited to attend.

Councilwoman Scott announced the next North District Town Hall Meeting was scheduled for August 22, 2011, 7:00 p.m., at the American Legion Post 368, 368 American Legion Drive. There would be open discussion. All were invited to attend to share their concerns.

Councilwoman Vick thanked the citizens for their attendance and participation, particularly the citizens from Windy Knolls. She was appreciative of the information shared, allowing City Council to do their due diligence.

Councilwoman Vick took the opportunity to share some of the great things happening in Newport News, i.e. the unveiling ceremony of Build a Dream, held at 10:00 a.m. on Saturday, August 6, 2011, at 31<sup>st</sup> Street and Jefferson Avenue across from First Baptist Church East End. A sculpture by acclaimed artist Richard Hunt became a reality. Mr. Richard Hunt, an African American Sculptor from Chicago, Illinois, had the most sculptures in the nation. His Build a Dream was located in downtown Newport News as a kick-off to more things to come in an effort to revitalize the downtown area. She thanked the Council members, all of the citizens, and the City Manager, who attended and contributed to its success. Councilwoman Vick thanked the Newport News Police Department for their participation and teamwork to ensure a safe and successful event.

Councilwoman Vick invited the citizens to join her at the Boys and Girls Clubs Smart Smiles 5K Walk, at 8:00 a.m., on Saturday, August 20, 2011, at the Mariners' Museum Park, across from Warwick High School. This event was held in an effort to raise money for underprivileged and less fortunate children who did not have money for dental care. She encouraged donations. For more information, citizens were asked to contact the Newport News City Clerk's Office.

Councilwoman Vick invited the citizens to join her at a South District Community Meeting, being held in conjunction with the NAACP, on Thursday, August 25, 2011, 6:00 p.m., at the North Newport News Community Center, 605 North Avenue.

Councilman Whitaker reiterated the Smart Smiles 5K Walk, scheduled at 8:00 a.m., on Saturday, August 20, 2011, at the Mariners' Museum Park. He pledged his support.

Councilwoman Woodbury reiterated the success of the unveiling ceremony of Build a Dream, a sculpture by acclaimed sculptor, Mr. Richard Hunt, Saturday, August 6, 2011, at 31<sup>st</sup> Street and Jefferson Avenue across from First Baptist Church East End. She encouraged citizens to drive by and view the sculpture. She indicated it was a treat to have the sculpture as the first defining event to begin the revitalization of the downtown Newport News area.

J. New Business and Councilmember Comments Continued

Councilwoman Woodbury reiterated the Smart Smiles 5K Walk, scheduled at 8:00 a.m., on Saturday, August 20, 2011 at the Mariners' Museum Park. She pledged her support. She encouraged donations.

Councilwoman Woodbury thanked the Department of Development for the gift of business cards to members of City Council.

Councilwoman Woodbury announced her Community Meeting, held in conjunction with Mrs. Bettie Dixon of the Newport News School Board, on Monday, September 19, 2011, 7:00 p.m., in the cafeteria at Warwick High School. All were invited to attend and share their concerns and issues.

Councilwoman Woodbury thanked the citizens for their attendance and participation, particularly the citizens from Windy Knolls.

Councilwoman Woodbury announced the Tide, a seven-mile light rail transportation system in Norfolk, would open with free rides available. She encouraged all to be joyful and celebrate for the City of Norfolk. This was the first light rail system in Virginia and the first in a city of similar size to Norfolk.

Councilman Bateman thanked the citizens for their attendance and participation, particularly the citizens from Windy Knolls. He was appreciative of hearing more of the facts. He credited the City Manager for making sure voices were heard.

Councilman Bateman extended condolences to the family of Mr. Harry Woessner, former member of the Newport News Redevelopment and Housing Authority. He was a great citizen, and the City mourned his death.

Councilman Bateman advised that the Newport News-Williamsburg International Airport (NNWIA) would lose service March 9, 2012 of AirTran airlines. He encouraged citizens to fly more than ever out of the NNWIA. Citizens would be asked to register their thoughts on why Newport News needed a low fare carrier. If all went well because of increased ridership, and the NNWIA past success, there may be more routes.

Councilman Bateman thanked the Voter Registrar and those involved in the redistricting efforts. He expressed appreciation for the enormous staff time that went into the effort.

Referencing comments by Mr. Procyson, Councilman Bateman commended his colleagues, stating they were of the highest order, and he enjoyed serving with them. He indicated, because there were not many citizens at the meeting, showed there was some satisfaction in the work done by City Council. He stated that some citizens were adept into delving into the negative things, but there was another side of the story. He invited those citizens to contact him for further discussion. He advised that much of Council's travel involved places he was personally unable to attend due to his full-time job and family requirements. When he was given credit for not spending, there was another side, which was a function of being a busy

J. New Business and Councilmember Comments Continued

person. Many of the Council attended conferences and seminars to learn and brought their knowledge back to Newport News. He thanked the City Manager for bringing the Council together.

Vice Mayor McMillan thanked the citizens for their attendance and participation, particularly the citizens from Windy Knolls. She thought it wonderful for citizens to speak and share their concerns and issues.

Vice Mayor McMillan reiterated the Field of Dreams event, scheduled for Friday, August 19, 2011, at the Boys and Girls Club, located at 429 Thorncliff Drive, 10:00 a.m. – 2:00 p.m. She mentioned one gentleman who would be very involved was Mr. Harold Laurent, father of one of the City's more personable police officers, Steve Laurent. Mr. Laurent was a pillar for decades of the Denbigh Kiwanis Club, Chairman of the Crime Watch Coalition, a member of the Denbigh Community Action Team, and would celebrate his 80<sup>th</sup> birthday on August 19, 2011. She wished him an early Happy Birthday.

K. Adjourn

Mayor Price adjourned the meeting by addressing the citizens. He stated, "May what you say and do uplift the City of Newport News."

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 8:54 P.M.



Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk

## Peninsula Sub-Region | **City of Poquoson**

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3736

## RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**WHEREAS**, pursuant to Virginia Code Section 62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

**WHEREAS**, the 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 planning program to the Department of Environmental Quality (DEQ); and

**WHEREAS**, the City of Poquoson is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry and Windsor; and

**WHEREAS**, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Poquoson, Virginia:

**Section 1:** That the City of Poquoson does hereby adopt the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

**Section 2:** That this resolution shall be in effect on and after its adoption.

ATTESTE:

ADOPTED: August 22, 2011

*Judy F. Wiggins*  
Judy F. Wiggins, City Clerk

*W. Eugene Hunt, Jr.*  
W. Eugene Hunt, Jr., Mayor

The foregoing resolution was adopted by the affirmative roll call vote of a majority of the members in attendance, the ayes and nays recorded in the minutes of the meeting as shown below:

Councilman Southall	YES	Councilman Green	YES
Vice Mayor Freeman	YES	Councilman Kreiger	YES
Councilman Vernall	YES	Mayor Hunt	YES

**August 22, 2011**

**MINUTES OF THE CITY COUNCIL MEETING**

**AUGUST 22, 2011, 7:00 P.M.**

**REGULAR SESSION**

**PRESENT:** The Honorable W. Eugene Hunt, Jr., Mayor

The Honorable Carey L. Freeman, Vice Mayor

The Honorable Frank A. Kreiger

The Honorable Charles M. Southall, III

The Honorable Herbert R. Green, Jr.

The Honorable Raymond E. Vernall

J. Randall Wheeler, City Manager

Judy F. Wiggins, Assistant City Manager/City Clerk

D. Wayne Moore, City Attorney

**ABSENT:** The Honorable Traci-Dale Crawford

**MEETING CALLED TO ORDER:**

Mayor Hunt called the meeting to order at approximately 7:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Mayor Hunt rendered the invocation and led the audience in the Pledge of Allegiance.

**SPECIAL PRESENTATIONS:**

Ms. Shannon Revels and Ms. Stephanie Stay, Senior Account Managers for the Red Cross, presented Mayor Hunt with the Red Cross Mayor's Cup Award since Poquoson had the highest percentage blood donations for a small city.

Mr. Kyle A Laux, Associate Vice President of Davenport & Company, LLC, stated that due to the recent downward movement in interest rates, refinancing the City's Series 2009A General Obligation Bond could provide approximately \$250,000 in debt service savings assuming current market interest rates. One available refinancing option involves submitting an application to participate in the Virginia Resources Authority (VRA) Fall 2011 Pooled Financing Program and the second is to solicit local/regional/national banking institutions for a Private Placement. He explained that not only could Council select the more favorable of the two options, this two-prong approach is risk free since no City funds are required up front. Mr. Laux stressed that either refinancing option would not extend the final maturity of the existing debt and it should produce a savings by lowering the average interest cost on the outstanding principal. Should the City decide to proceed with the dual-track refinancing strategy, it is not committed to a final decision until both the Public Sale and Private Placement options are carefully considered and compared. In conclusion, he explained that under either scenario, the City will retain the ability to refinance for additional savings in the future and that financing for the Public Works facility improvements and any other new money needs could be included in the proposed refinancing.

Following a brief discussion, Council directed Mr. Laux to proceed with the dual-track strategy for refinancing the City's Series 2009A General Obligation Bond. Mayor Hunt, on behalf of Council, thanked Davenport & Company for its past and continued excellent financial counsel.

Mayor Hunt presented a Certificate of Appreciation to Deborah Blackstock in recognition for her years of service on the Library Advisory Board.

#### **AUDIENCE FOR VISITORS:**

There were no speakers.

#### **APPROVAL OF THE MINUTES:**

Councilman Kreiger moved, seconded by Councilman Green, to adopt the minutes of the regular session held July 25, 2011. Recorded vote on the motion:

**YES:** Councilmembers Kreiger, Green, Freeman, Southall, Vernall and Mayor Hunt.

**NO:** None.

#### **PUBLIC HEARINGS:**

##### **1. RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

Ellen Roberts, Engineer, introduced Dave Morris of Newport News Waterworks who explained that, although the Hampton Roads Planning District Commission had already approved the Regional Water Supply Plan, all of the individual localities were asked to do the same. He stated that once all of the participating localities had approved the Plan it would be submitted to the Virginia Department of Environmental Quality. A resolution approving the Plan was presented for Council's consideration and a public hearing.

Mayor Hunt opened the public hearing. Since no one came forward, the public hearing was closed.

Councilman Green moved, seconded by Councilman Vernall, to adopt the resolution. Recorded vote on the motion:

**YES:** Councilmembers Southall, Freeman, Vernall, Green, Kreiger and Mayor Hunt.

**NO:** None.

On behalf of Council, Mayor Hunt asked Mr. Morris to relay to Newport News Waterworks the City's appreciation for its ongoing delivery of a crucial resource, i.e. water.

## **2. RECEIPT OF WRITTEN BIDS FOR THE LEASE AND/OR PURCHASE OF PUBLICLY OWNED PROPERTY LOCATED AT MESSICK POINT**

Mayor Hunt stated that two bids had been submitted by the prescribed deadline. He opened the bids and the City Manager provided the following details on each:

- Michael Diggs submitted a purchase bid in the amount of \$30,000, subject to further negotiation.
- Port Messick, LLC submitted a lease bid of \$1,100 a month for two years that included an option to purchase the subject property during that time period for \$225,600.

At Council's request, the City Manager stated that a more detailed explanation of each bid would be provided at the next meeting.

Vice Mayor Freeman moved, seconded by Councilman Southall, to postpone the public hearing until the bids could be examined and considered more closely. Recorded vote on the motion:

**YES:** Councilmembers Green, Vernall, Kreiger, Southall, Freeman and Mayor Hunt.

**NO:** None.

City Attorney, D. Wayne Moore, announced that both bids would be available in the City Manager's office for public inspection during regular business hours.

## **UNFINISHED BUSINESS:**

### **1. ORDINANCE AMENDING THE SIGN ORDINANCE RE: SIZE AND HEIGHT OF SIGNS AND NUMBER OF SIGNS ALLOWED FOR CORNER LOTS IN THE COMMERCIAL DISTRICT (2<sup>nd</sup> Reading)**

At the last meeting, Council reviewed an ordinance amending the Sign Ordinance relative to the size and height of signs and the number of signs allowed on corners of commercially zoned property. The City Manager reminded Council that the ordinance received unanimous approval on first reading.

Councilman Green moved, seconded by Councilman Vernall, to adopt the ordinance. Recorded vote on the motion:

**YES:** Councilmembers Kreiger, Southall, Freeman, Vernall, Green and Mayor Hunt.

**NO:** None.

## **NEW BUSINESS:**

## 1. REPLACEMENT OF DEBRIS TRUCK

The City Manager stated that replacement of a debris truck is critical if the City is to continue its current level of service to our citizens. He pointed out that the oldest truck is a 2001 and that replacement parts were becoming difficult to obtain. Tom Jones, Public Works Director, explained that the City has an opportunity to purchase the needed debris truck for \$123,607.45 through a cooperative agreement with the City of Hampton. This agreement will expire on August 31, 2011, after which the cost will escalate due to the rising cost of steel. Mr. Jones pointed out that, with the addition of new solid waste programs, the trucks are in constant demand/use.

A resolution authorizing the City Manager to enter into an agreement, through the City of Hampton, with Norfolk Truck and Cavalier Equipment Corporation for the purchase of a debris truck was presented for consideration.

Vice Mayor Freeman moved, seconded by Councilman Southall, to adopt the resolution. Recorded vote on the motion:

**YES:** Councilmembers Kreiger, Green, Freeman, Southall, Vernall and Mayor Hunt.

**NO:** None.

## 2. COMPENSATION CONSIDERATION

The City Manager reminded Council that, at its July Retreat, City and School employee compensation issues were discussed. As a result of this and subsequent Council discussions, the following compensation options were offered:

- *Alternative one: One Time Adjustment*

This alternative includes a one-time, non-reoccurring compensation increase to City employees. The estimated FY 2012 fiscal impact would be \$146,000 and there would be no continuing fiscal impact in FY 2013. A similar amount for the School Division employees was also discussed which can be transferred in the same manner as the School increase for FY 2012

- *Alternative Two: Permanent Salary Adjustment*

This alternative includes a permanent salary adjustment for City employees. If \$1,000 per full-time and \$500 for part-time employees, the fiscal year impact for FY 2012 would be \$86,000. A like amount was discussed at the July Retreat for School employees which can be transferred as was the FY 2012 School increase.

- *Alternative Three: One Time Adjustment in FY 2012 & Permanent Adjustment in FY 2013*

This alternative includes a blend of the two previous options. The City could grant a one-time adjustment in FY 2012 and a permanent salary adjustment in FY 2013. The estimated fiscal impact would be \$146,000 in FY 12 and \$156,000 in FY 13 and future years. This would increase the amount of the compensation adjustment in FY 2012 compared with Alternative Two. A similar amount for the School Division can be transferred in the same manner as was done in FY 2012.

- *Alternative Four: Percentage Adjustment for FY 2012 & Permanent Adjustment in FY 2013*

This alternative includes a percentage adjustment to employees' salary. The full fiscal year impact in FY 2012 would be \$190,500 if a 2% adjustment is made effective September 1, 2011. The School Division's estimated impact for a full year would be \$268,000.

During the discussion, Council expressed a desire to increase City and School employee salaries; however, they also voiced concern over upcoming budgets in light of the depressed economy and unfunded Federal mandates. The City Manager reminded Council that if they appropriate the money to the Schools for this purpose, it will ultimately be the School Board's decision as to how these funds are utilized.

Councilman Green moved, seconded by Vice Mayor Freeman, to approve Alternative #4. Recorded vote on the motion:

**YES:** Councilmembers Green, Vernall and Vice Mayor Freeman.

**NO:** Councilmembers Kreiger, Southall and Mayor Hunt.

The motion failed by the lack of a majority vote.

Councilman Southall moved to approve Alternative #2. This motion failed for the lack of a second.

Councilman Southall moved, seconded by Councilman Kreiger, to approve Alternative #3. Recorded vote on the motion:

**YES:** Councilmembers Green, Vernall, Kreiger, Southall, Freeman and Mayor Hunt.

**NO:** None.

Councilman Vernall moved, seconded by Vice Mayor Freeman, to amend the evening's agenda in order to consider the City Manager's request to update the City's job descriptions and exempt/non-exempt classifications. Recorded vote on the motion:

**YES:** Councilmembers Kreiger, Southall, Freeman, Vernall, Green and Mayor Hunt.

**NO:** None.

**3. RESOLUTION AUTHORIZING THE UPDATE OF EMPLOYEE JOB DESCRIPTIONS AND EXEMPT/NON-EXEMPT CLASSIFICATION UNDER FLSA (Fair Labor Standards Act)**

The City Manager stated that the City's Pay Plan is extremely outdated. He asked Council to consider authorizing him to hire a consultant to update only the job description portion of the Plan contingent upon funding it within the existing City budget. He explained that there was no need to update the salary portion of the Plan since there were no funds with which to implement it.

A resolution authorizing the update of employee job descriptions and exempt/non-exempt classifications was presented for Council's consideration.

Councilman Kreiger moved, seconded by Councilman Vernall, to adopt the resolution. Recorded vote on the motion:

**YES:** Councilmembers Southall, Freeman, Vernall, Green, Kreiger and Mayor Hunt.

**NO:** None.

**4. ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERS FOR FY 2011**

The City Manager briefly explained the proposed FY 2011 transfers and additional revenues received for various departments. An ordinance appropriating these funds was presented for consideration.

Councilman Green moved, seconded by Councilman Southall, to adopt the ordinance. Recorded vote on the motion:

**YES:** Councilmembers Kreiger, Southall, Freeman, Vernall, Green and Mayor

Hunt.

**NO:** None.

#### **COMMENTS OF THE CITY MANAGER:**

On behalf of City employees, the City Manager expressed gratitude to Council for the additional compensation approved earlier in the meeting. He stated that an appropriation ordinance reflecting the additional compensation would be presented to Council at the next meeting.

#### **COUNCIL DIRECTIVES:**

Councilman Vernall complimented the Public Works Department employees on the Convenience Drop-off site behind City Hall and the courteous manner in which they manage the site.

Councilman Green thanked Crosby Forrest and the Poquoson Yacht Club (PYC) for their hard work in sponsoring the recent Buy Boat event at Messick Point. He also expressed appreciation to Crosby Forrest and the PYC for hosting the upcoming Poquoson Seafood Festival Work Boat Race to be held on October 8<sup>th</sup> to include a Coast Guard rescue demonstration, Smith Island Boats, food vendors and a Moon Walk. In addition, on the evening of October 7<sup>th</sup> he stated that a Blue Grass concert will be held at Messick Point by the PYC.

Councilman Kreiger commended the Barracudas for recently hosting a charity event where all the proceeds went to purchase school supplies for needy children. He also applauded the Barracudas for placing 4<sup>th</sup> at the Peninsula-wide Swim Championship; Aidan Cronin for being selected as the "Top Boy" swimmer; Isabella Vandevender for being chosen the "Top Girl" swimmer; and Athena Summa for breaking three swim records.

Councilman Southall thanked everyone who had participated in the Mayor's Cup Blood Drive. He thanked Deborah Blackstock for her faithful service on the Library Advisory Board and commended the Poquoson Museum members for doing a great job. He encouraged citizens to attend the August 24<sup>th</sup> Poquoson Kiwanis Magic Show, which is part of the Library's Summer Reading Program. He explained that he was unable to vote for Alternative #4 due to a number of unfunded Federal mandates that would cost our City and its citizens a great deal of money.

Vice Mayor Freeman encouraged citizens to vote in the August 23<sup>rd</sup> Republican Primary.

Mayor Hunt stated that the new Wendy's restaurant, currently under construction, is the result of the City's economic development efforts and that four other businesses have also recently located to the City. He stated that he had recently met with some of the local watermen to discuss how the City can assist them to be more successful. He announced that the City Manager and he had met earlier that day with Senator Tommy Norment at which time the State's support of education, not seeing rewards for high performing school systems and the Federally unfunded mandated TMDL program were discussed. In conclusion, he stated that in light of the depressed economy and a steady reduction in the City's school population, the School Board is discussing facilities and are having a study performed to determine what if anything they need to do relative to facilities.

**CLOSED SESSION:**

Councilman Green moved, seconded by Councilman Southall, to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia (1950), as amended to discuss the acquisition of real property for a public purpose; i.e. Park in Western Precinct. Recorded vote on the motion:

**YES:** Councilmembers Southall, Freeman, Vernall, Green, Kreiger and Mayor Hunt.

**NO:** None.

**RECONVENEMENT:**

Upon reconvening from Closed Session, Councilman Green moved, seconded by Vice Mayor Freeman, to adopt a resolution certifying that only the acquisition of real property for a public purpose was discussed during the Closed Session. Recorded vote on the motion:

**YES:** Councilmembers Kreiger, Green, Freeman, Southall, Vernall and Mayor Hunt.

**NO:** None.

**ADJOURNMENT:**

There being no further business, Vice Mayor Freeman moved, seconded by Councilman Kreiger, to adjourn the meeting. Recorded vote on the motion:

**YES:** Councilmembers Kreiger, Green, Freeman, Southall, Vernall and Mayor Hunt.

**NO:** None.

The meeting was adjourned at approximately 8:55 p.m.



## Peninsula Sub-Region | **City of Williamsburg**

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## **RESOLUTION #11-12**

### **THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**WHEREAS**, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

**WHEREAS**, the 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 planning program to the Department of Environmental Quality (DEQ); and

**WHEREAS**, the City of Williamsburg is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry and Windsor; and

**WHEREAS**, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Williamsburg hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Williamsburg at a meeting held on September 8, 2011.

A handwritten signature in black ink, appearing to read "Clyde A. Haulman", written over a horizontal line.

Clyde A. Haulman, Mayor

## CERTIFICATE

The undersigned City Council Clerk of the City of Williamsburg, Virginia (the "Council"), hereby certifies that a regular meeting of the Council was held on September 8, 2011, at which meeting the following duly elected members were present or absent:

**Present:** Mayor Clyde A. Haulman, Vice-Mayor Paul T. Freiling and Council members Ms. Judith N. Knudson, and Messrs. D. Scott Foster, Jr. and Douglas G. Pons.

**Absent:** None

Attached hereto is a true, correct and complete copy of the resolution "Regional Water Supply Plan" unanimously adopted by the five members of the Williamsburg City Council.

WITNESS the following signature this 8<sup>th</sup> day of September 2011.

[SEAL]

  
Donna Scott, City Council Clerk

**The Following Is An Extract of the Minutes of the Williamsburg City Council Meeting of September 8, 2011:**

Local Adoption of Regional Water Supply Plan, *Proposed Resolution #11-12*

Dan Clayton, City of Williamsburg Public Works and Utilities Director, briefed City Council on the Hampton Roads Regional Water Supply Plan noting that it was prepared by the staff of the Hampton Roads Planning District Commission (HRPDC) and is required by §462.1-44.38:1 of the Code of Virginia. In addition, the Virginia State Water Control Board requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply planning program to the Department of Environmental Quality (DEQ), and this Plan includes ten cities, six counties and eleven towns.

Mr. Clayton said the Plan has been organized by three sub-regions: the Peninsula sub-region, the Southside sub-region and the Western Tidewater sub-region. The Plan addresses several facets of water supply including what are the existing sources of supply such as the rivers, reservoirs and ground water; the existing water demand, projected water demands; and what is being done in terms of water management, including conservation efforts. Based on the existing supplies versus the projected demand, the study developed a statement of need for each sub-region. For the City's sub-region, the Peninsula sub-region, the study concluded that as a whole our region has adequate supplies through 2040, with a small deficit in the 2040-2050 period. He noted that the other two sub-regions have adequate supplies to meet demands through 2050.

Mr. Clayton said the final chapter of the Plan looks at general alternatives to both increase the water supply or decrease the water demand. There wasn't a lot of detail on the future of water service, only to say that the construction of the reservoir is unlikely and that desal of either ground water or surface water could be a possibility. Also mentioned was the possibility of interconnecting the Southside which has a little bit over abundance of water supply to the Northside, our side, but very little work has been done at this point regarding this interconnectivity.

Mayor Haulman opened the Public Hearing.

**Kelly Place**, who identified himself as a York County resident but a City of Williamsburg water customer, said his comments will be directed at the Peninsula sub-region.

Mr. Place said there are certain things about the Plan that are to be commended, especially the section on alternatives, but what disturbs him is that the data used is from 2007 or before, has been proven erroneous and might result in future mandates on localities. After the fiasco of the King William reservoir and all the tens of millions of dollars that have evaporated, he asked why the projections

and some of their methodologies been redone. Mr. Place said that the projections have not been revised since 2007, there are a myriad of incongruities, and some of HRPDC's other data is flawed. In addition, he said he is concerned that land use was not considered in the study.

Mr. Place suggested that recalculations need to be undertaken right away, and that currently the figures reflect about 28% more water being used by Newport News Water Works than is actually being used; this is almost twice what the projected deficit would be in 2050. He said that although he was not speaking against the Plan per se, he is speaking against any mandates that the localities will have to comply with that are in this Plan. He noted the provision in the Plan for revision in four, five or ten years of what is submitted to DEQ and the State Water Control Board. He suggested that this almost needs to be done right away; a lot needs to be recalculated, if nothing else.

Mayor Haulman thanked Mr. Place for his comments.

In response to Mayor Haulman's question, Public Works Director Clayton said that if Mr. Place will submit his written comments, they will be responded to and these comments as well as the responses will be included with the submittal.

There being no additional comment the Public Hearing was closed.

Mr. Freiling said that Mr. Place had mentioned the possibility of Williamsburg being mandated to do certain things based upon those projections, and he asked for Mr. Clayton's comment on the issue. Mr. Clayton said he doesn't have the same opinion; the Plan states that the water supply for the whole region will be adequate until the 2040 – 2050 time frame, and, based on this report, he does not feel anything needs to be done at this time.

Ms. Knudson moved that City Council adopt *Proposed Resolution #11-12* approving the HRPDC Regional Water Supply Plan. Mr. Foster seconded the motion which carried by roll call vote of 5-0.

Recorded Vote on the Motion:

Aye: Knudson, Pons, Haulman, Freiling, Foster

No: None

Absent: None

{Resolution #11-12}

***CERTIFICATION--CLERK of COUNCIL***

*I hereby certify that the foregoing is an extract of the Minutes of the September 8, 2011 Meeting of the Williamsburg City Council, at which a quorum was present and acting throughout.*

*Given under my hand this 21 day of September 2011.*

  
Donna Scott, Clerk of Council

## Peninsula Sub-Region | **Gloucester County**

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**AT THE MEETING OF THE GLOUCESTER COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, AUGUST 2, 2011 AT 7:00 P.M., IN THE COLONIAL COURTHOUSE, 6504 MAIN STREET, GLOUCESTER, VIRGINIA: ON A MOTION DULY MADE BY MRS. RESSLER, AND SECONDED BY MR. BORDEN, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:**

Carter M. Borden, yes;  
Robert A. Crewe, yes;  
John H. Northstein, yes;  
Michelle R. Ressler, yes;  
Christian D. Rilee, yes;  
Louise D. Theberge, yes;  
Gregory Woodard, yes;

**RESOLUTION APPROVING AND ADOPTING THE  
HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION  
TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

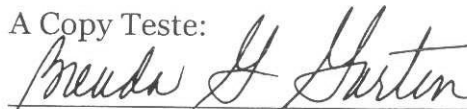
WHEREAS, the Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, the County of Gloucester is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Gloucester hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

A Copy Teste:



Brenda G. Garton, County Administrator

**Excerpt from the  
August 2, 2011 Meeting Minutes  
Gloucester County Board of Supervisors**

The following excerpt from the final meeting minutes is provided as the record of the local public hearing. The complete meeting minutes (65 pages) may be accessed via the Gloucester County website for Board of Supervisors meeting documentation: <http://www.gloucesterva.info/BoardofSupervisors/MeetingDocumentation/tabid/596/Default.aspx>.



# **GLOUCESTER COUNTY BOARD OF SUPERVISORS AGENDA**

**Tuesday, August 2, 2011**

**7:00 p.m.**

**Colonial Courthouse  
6504 Main Street**

- I. Call To Order & Roll Call
- II. Invocation and Pledge of Allegiance- Pastor Robert McTurnal – Ebenezer Baptist Church
- III. Approval of the Minutes – July 5, 2011
- IV. Adoption of the Agenda
- V. Approval of the Consent Agenda
  - A. Resolution to Accept Roland Smith Drive, Clayton Court, Wysteria Lane, and Gentry Court located in the Dunston Hall Subdivision into the Secondary Road System – Anne Ducey-Ortiz – Planning Director
  - B. Resolution Accepting Deed of Easement Over Common Areas 1 and 3 in the Robinson’s Pond Subdivision – Anne Ducey-Ortiz – Planning Director
- VI. Citizen Comment Period
- VII. Scheduled Presentations
  - A. Resolution of Appreciation to Elizabeth “Betsy” Phillips for her Service on the Library Board of Trustees – Diane Rebertus – Library Services Director
  - B. Introduction of Dr. David Chang, Director for Three Rivers Health District – M. B. Sheppard, Jr. – Health Department
  - C. Possible Funding Scenarios for Utility Borrowing – Nickie Champion – Financial Services Director
  - D. 2011 NACo Achievement Award for the Be Hip - Get Fit Health & Wellness Incentive Program – Brenda Garton – County Administrator
- VIII. Regular Agenda
  - A. Presentation and Request to Use County Seal – Anne C. Dyal, President, Museum of History Friends
  - B. Preliminary Report on Financial Condition at End of Fiscal Year 2011 – Nickie Champion – Financial Services Director
  - C. Acceptance of Repetitive Flood Claim Grant Award – Nickie Champion – Financial Services Director
  - D. Resolution Authorizing the Chair to Execute a Modification to the Existing Contract for Project Administration Services for the FEMA Grant Program – Nickie Champion – Financial Services Director
  - E. Appropriation for FY 2012 Capital Fund Budget – Nickie Champion – Financial Services Director

- F. Update on the Gloucester Point-Hayes Village Development Area Planning Project – Anne Ducey-Ortiz – Planning Director
- G. Resolution Designating an Interim Emergency Management Coordinator – Brenda Garton – County Administrator
- H. Resolution Authorizing the Clerk to Advertise a Public Hearing to Allow for the Waiver of Zoning Fees and Building Permits for Temporary Residential Trailers in Cases of Fire or Natural Disaster – Ted Wilmot – County Attorney
- I. Board Appointments
  
- IX. County Administrator Items
  
- X. County Attorney Items
  
- XI. Boards and Commissions Reports
  
- XII. Matters Presented by the Board
  
- XIII. Public Hearing (8:00 p.m.)
  - A. Consider an Ordinance to Modify Regulations Pertaining to Signs – Ted Wilmot – County Attorney
  - B. Consider an Ordinance Amending Chapter 22, Procurement – Bill Lindsey – Purchasing Manager
  - C. Consider Creating an Ordinance Chapter 20.5, Coastal Primary Sand Dune – Ron Peaks – Codes Compliance Director
  - D. Consider a Resolution Adopting the Hampton Roads Regional Water Supply Plan – Martin Schlesinger – Utilities Director
  - E. Consider an Ordinance Amending Zoning Definitions and District Regulations Creating 9-22, Small Wind Energy Facilities (CA-11-02) – Anne Ducey-Ortiz – Planning Director
  
- XIV. Closed Meeting (none scheduled)
  
- XV. Adjournment

2. The proposed development conforms with the standards prescribed in § 28.2-1408 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1401 of the Code of Virginia; and
3. The proposed activity does not violate the purposes and intent of this chapter or Chapter 14 (§ 28.2-1400 et seq.) of Title 28.2 of the Code of Virginia.

(c) If the board finds that any of the criteria listed in subsection b of this section are not met, the board shall deny the permit application but allow the applicant to resubmit the application in modified form.

**Section 20.5-11. Form of permit.**

The permit shall be in writing, signed by the chairman of the board, and notarized. A copy of the permit shall be transmitted to the Commissioner.

**Section 20.5-12. Expiration date of permit.**

No permit shall be granted without an expiration date established by the board. Upon proper application, the board may extend the permit expiration date.

**Section 20.5-13. Effect on zoning and land use ordinances; right to seek compensation.**

No permit granted by the board shall in any way effect the applicable zoning and land use ordinances of the county. No permit granted by a wetlands board shall in any way affect the right of any person to seek compensation for any injury in fact incurred by him because of the permitted activity.

**Section 20.5-14. Violations and penalties.**

Any person who knowingly, intentionally, or negligently violates any order, rule, or regulation of the commission or of the wetlands board, any provision of this chapter, or any provision of a permit granted pursuant to this chapter is guilty of a class 1 misdemeanor. Following a conviction, every day the violation continues is a separate offense.

**D. CONSIDER A RESOLUTION ADOPTING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN – MARTIN SCHLESINGER – UTILITIES DIRECTOR**

Mr. Schlesinger advised that several years ago State legislators passed an ordinance requiring all local governments to prepare and submit a local water supply plan or participate in the preparation of a regional water supply plan. In 2007, Gloucester executed a memorandum of agreement to participate in the preparation of a regional water supply plan. Staff at the Hampton Roads Planning District Commission (HRPDC), with the support of the various Utility Directors, and their staff prepared the Plan. The work was being done during fiscal years 08 to 11. The information included in the Plan is that Gloucester County, under anticipated conditions, has adequate water from the existing water supply for the projected demand through the year 2050. He explained that projections of this nature covering such a long span of time contain certain uncertainties. The HRPDC staff utilized an uncertainty of plus or minus 10 percent. Under extreme conditions, the projected water supply is subtracted by 10 percent and 10 percent is added to the projected demand, whereby the demand would barely exceed the projected supply. The Plan states that this not anticipated to happen. If adopted, the resolution will be forwarded to HRPDC, who will in turn submit the Plan to the Virginia Department of Environmental Quality (DEQ). The Plan will be used in conjunction with the other plans being turned in to the DEQ to develop a statewide water supply plan.

The public hearing was opened to public comment.

**DON MITCHELL – YORK DISTRICT**

Mr. Mitchell stated at last month's meeting that when this topic was raised, it ought to be raised with an explanation to the Board and to those people who live in Gloucester and pay taxes, who have just been negatively affected by one area jurisdiction's consent decree, what the advantages and disadvantages are to Gloucester homeowners and taxpayers. He did not hear that and he did not see it in the Board's packet. It seemed to him that the Board's responsibility is not to make the local utilities folks happy. It is not to make Hampton Roads water supply regional people happy. It is to make sure that the interests of the people who live in Gloucester County are represented. He has not heard a word tonight about the fact that the citizens have been hit with 3.5 million dollars worth of bills that citizens do not even know what for; for alleged violations the citizens are not aware of, and the County is signing off the future of the water supply to another regional area without even knowing what the advantages and disadvantages are.

**JEAN CASANAVE – WARE DISTRICT**

Ms. Casanave asked the Board members if they read the 292 pages of the Hampton Roads Regional Water Supply Plan and what it included. She agreed with Mr. Mitchell and did not think the Board should sign off on the Plan without knowing what it entailed.

There being no further comments the floor was closed to public comments.

Mrs. Ressler advised that she read the Plan, all 292 pages. She explained that the Plan was a lot like the Comprehensive Plan, the Village Plan, or any other Plan that the County has. She noted that there were no guidelines or regulations in the Plan. She indicated that all the Plan states is that Gloucester has this amount of water and it appears to be adequate. Hampton Roads was going to come up short with their water needs and will need to come up with long-term plans on what to do about that. Originally, there was concern about York County, Hampton Roads, being able to use the County's water supply.

Mr. Schlesinger agreed that was correct. He advised that in addition there was a very good discussion in the Plan on geology for not only Gloucester County but also the entire HRPDC area. The County's utilities are not connected to the Newport News Waterworks extended service area that includes York County. Gloucester County is a separate stand-alone area. He noted that as far as he can tell, the County is not giving away any control over the water supply or groundwater with the Plan.

Ms. Theberge added that the County was mandated by the State to either do a plan as a stand-alone or do it as a regional group.

Mr. Schlesinger reiterated that back in 2007 the Board decided that the County would do the Plan in conjunction with the HRPDC.

Ms. Theberge noted that the Board decided to go with the HRPDC while the rest of the Middle Peninsula went together and did a regional plan for all the other communities above the County.

Mr. Schlesinger advised that it was a whole lot cheaper to do the Plan with the HRPDC.

Mr. Crewe agreed with Mr. Schlesinger's point. If the County was in any way connected to York County, the Plan would never be passed by the Board. He noted that all the Plan is saying is that Gloucester County is okay. He did not trust DEQ. In this particular case, the question was asked and the County is okay.

Mrs. Ressler moved, seconded by Mr. Borden, to pass the resolution adopting the Hampton Roads Regional Water Supply Plan. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Borden, yes; Mr. Crewe, yes; Mr. Northstein, yes; Mrs. Ressler, yes; Mr. Rilee, yes; Ms. Theberge, yes; Mr. Woodard, yes.

**RESOLUTION APPROVING AND ADOPTING THE  
HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO  
THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, the County of Gloucester is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Gloucester hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

**E. CONSIDER AN ORDINANCE AMENDING ZONING DEFINITIONS AND  
DISTRICT REGULATIONS CREATING 9-22, SMALL WIND ENERGY  
FACILITIES (CA-11-02) – ANNE DUCEY-ORTIZ – PLANNING  
DIRECTOR**

Ms. Ducey-Ortiz thanked Tripp Little, Planner II, the Go Green Committee, and Dr. William Dodson for bringing this matter to the Board's attention. She went over the following information in a PowerPoint presentation.

**"Small Wind" – What is it?**

The intent of the ordinance is to allow people to supplement their energy needs with wind power; therefore, the wind turbine would be an accessory to the principal use of the property. The definition was borrowed from the City of Suffolk.

➤ Wind Energy Facility, Small System:

- A single system design to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for onsite consumption. A small wind energy conversion system consisting of a single wind turbine and associated control or conversion electronics, which has a rated capacity of not more than 25 kW.

Wind Turbine v. Windmill

Windmills are specifically referenced in the ordinance as being exempt from height restrictions mainly associated with agriculture.

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## Peninsula Sub-Region | **James City County**

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## RESOLUTION

### HAMPTON ROADS WATER SUPPLY PLAN

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

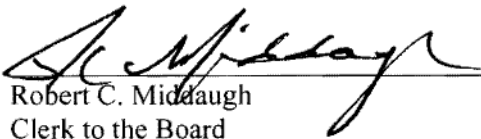
WHEREAS, the Virginia State Water Control Board Regulation 9 VAC 25-780, Local, and Regional Water Supply Planning, requires all counties, cities, and towns in the Commonwealth of Virginia to prepare and submit a water supply planning program to the Department of Environmental Quality (DEQ); and

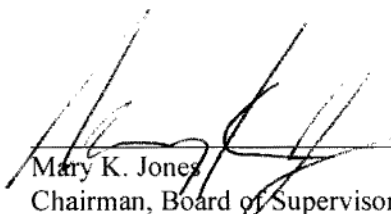
WHEREAS, James City County is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was prepared by the Hampton Roads Planning District Commission in accordance with the State Water Control Board Regulation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after conducting the required public hearing at its regular meeting on September 27, 2011, hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia DEQ.

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

  
Mary K. Jones  
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of September, 2011.

HRWtrSupPln\_res

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF SEPTEMBER 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. CALL TO ORDER**

**B. ROLL CALL**

Mary K. Jones, Chairman, Berkeley District  
Bruce C. Goodson, Vice Chair, Roberts District  
James G. Kennedy, Stonehouse District  
James O. Icenhour, Jr., Powhatan District  
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator  
Leo P. Rogers, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Holden Lipscomb, a ninth-grade student at Warhill High School, led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATION – CERT Graduation**

Ms. Kate Hale, Director of Emergency Management, and Chairman Jones recognized volunteers who have recently graduated from the James City County Community Emergency Response Team (JCC CERT) training program:

Mr. Kenneth Barnhart, III	Riverview
Mr. Mark Callazzo	Pointe at Jamestown
Ms. Gina Clayton	Ford's Colony
Ms. Linda Cole	Villages at Westminster
Mr. Jeffrey S. Lovejoy	Kingsmill
Mr. Paul S. Pao	Kingsmill
Mr. Jeff Saly	Colonial Heritage
Mr. Spencer Tuftee	Stonehouse Glen

**F. PUBLIC COMMENT**

1. Ms. Sue Sadler, 9929 Mountain Berry Court, commented on her opposition to Agenda 21 and the International Council for Local Environmental Initiatives (ICLEI).

2. Mr. Ed Oyer, 139 Indian Circle, commented about recent property sales and compared them to similar sales in 1993, he also commented on the use of consultants by the schools.

#### **G. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon asked that the County emphasize, particularly to senior citizens, the points in a recent press release warning of scams relating to tree removal.

Mr. McGlennon also asked that the Virginia Department of Transportation (VDOT) be notified of citizen concerns about the lack of any lane striping in the repaving project on Route 199. At night or when raining, drivers do not know where the pavement boundaries exist and this creates a dangerous driving situation.

#### **H. CONSENT CALENDAR**

1. Minutes-
  - a. September 13, 2011, Regular Meeting
2. Grant Award – Department of Motor Vehicles – \$41,212

### **RESOLUTION**

#### **GRANT AWARD – DEPARTMENT OF MOTOR VEHICLES – \$41,212**

WHEREAS, the James City County Police Department has been awarded a highway safety grant award from the Virginia Department of Motor Vehicles (DMV) for \$41,212; and

WHEREAS, funds are to be used towards traffic enforcement overtime and related training and equipment; and

WHEREAS, the grant requires an in-kind match.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation to the Special Projects/Grants fund:

#### **Revenue:**

DMV – FY 12 Grant	<u>\$41,212</u>
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#### **Expenditure:**

DMV – FY 12 Grant	<u>\$41,212</u>
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3. Purchasing Policy Update and Public-Private Educational and Infrastructure Act (PPEA) Procedures Update

## **RESOLUTION**

### **PURCHASING POLICY AND PUBLIC-PRIVATE EDUCATIONAL AND INFRASTRUCTURE ACT (PPEA) PROCEDURES UPDATES**

WHEREAS, the Board of Supervisors adopted the current Purchasing Policy on January 9, 2001, and the current PPEA Procedures on June 24, 2003; and

WHEREAS, recent changes to the Code of Virginia, County policies, and widely recognized purchasing best practices require updates to the Purchasing Policy and the PPEA Procedures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached updated versions of the Purchasing Policy and PPEA Procedures.

Mr. Icenhour made a motion to approve the Consent Calendar with two spelling changes in names of persons in the minutes.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

## **I. PUBLIC HEARINGS**

### **1. Qualified School Construction Bonds**

Mr. John McDonald, Manager of Financial and Management Services, presented this matter to the Board with an accompanying resolution.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Ms. Jones indicated that while she supported the project at Jamestown High School, she did not support the additional debt.

Mr. McGlennon made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour (4). NAY: Jones (1).

RESOLUTION AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED \$1,000,000

GENERAL OBLIGATION SCHOOL BOND, SERIES 2011A, OF THE COUNTY OF

JAMES CITY, VIRGINIA, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY

AND PROVIDING FOR THE FORM AND DETAILS THEREOF

- WHEREAS, the Board of Supervisors (the "Board") of the County of James City, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$1,000,000 and to issue its general obligation school bond (as more specifically defined below, the "Local School Bond") for the purpose of financing an expansion to Jamestown High School, which constitutes a capital project for public school purposes (the "Project"); and
- WHEREAS, the County held a public hearing, duly noticed, on September 27, 2011, on the issuance of the Local School Bond in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and
- WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Local School Bond and consented to the issuance of the Local School Bond; and
- WHEREAS, the Virginia Public School Authority ("VPSA") has offered to purchase the Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA in the fall of 2011 (the "VPSA Bonds"); and
- WHEREAS, VPSA intends to issue the VPSA Bonds as "qualified school construction bonds" (referred to below as "QSCBs") within the meaning of Section 54F of the Internal Revenue Code of 1986, as amended (the "Tax Code"), which section was added to the Tax Code by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5, 123 Stat. 355), enacted on February 17, 2009; and
- WHEREAS, VPSA intends to elect to treat the VPSA Bonds as "specified tax credit bonds" under Section 6431 of the Tax Code, as amended by the Hiring Incentives to Restore Employment Act (Pub. L. No. 111-147, 123 Stat. 301), enacted on March 18, 2010, which status enables an issuer of a QSCB to receive a direct payment of a refundable credit in lieu of providing a tax credit to the purchaser or holder of the QSCB; and
- WHEREAS, the refundable credit payable with respect to each interest payment date will be equal to the lesser of (i) the amount of interest payable under the QSCB on such date or (ii) the amount of interest which would have been payable under the QSCB on such date if such interest were determined at the applicable credit rate determined under Section 54A(b)(3) of the Tax Code (that is, the rate used in computing the amount of tax credit that could be claimed by the QSCB holder absent the "specified tax credit bond" refundable credit election); and
- WHEREAS, subject to the terms and conditions set forth or referred to below, VPSA will transfer to the County the allocable portion of the refundable credit actually received in cash by VPSA with respect to the VPSA Bonds; and

WHEREAS, the allocation of QSCB volume cap pursuant to which VPSA will issue the VPSA Bonds will be made by Executive Order to be issued by the Governor of the Commonwealth of Virginia (the "Executive Order"), to finance the Project along with a number of other projects selected through a competitive evaluation process administered by the Virginia Department of Education; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$1,000,000 is the amount of proceeds requested (the "Proceeds Requested") by the County from the VPSA in connection with the sale of the Local School Bond; and

WHEREAS, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking consideration of such factors as the purchase price to be received by VPSA from the sale of the VPSA Bonds, the underwriters' discount and the other issuance costs of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds; and

WHEREAS, such factors may result in the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) because the maximum authorized principal amount of the Local School Bond set forth in paragraph 1 of this Resolution cannot exceed the Proceeds Requested, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby

1. Authorization of Local School Bond and Use of Proceeds

The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bond in a principal amount not to exceed \$1,000,000 (the "Local School Bond") for the purpose of financing the Project and the County's allocable share of (A) VPSA's costs of issuing the VPSA Bonds and (B) any upfront flat fees of VPSA as determined by VPSA to be necessary to compensate VPSA for the on-going costs related to administering the local school bonds purchased with the VPSA Bonds, including the County's Local School Bond (such upfront fees may be in lieu of the Annual Administrative Fee described in paragraph 4 in this Resolution). The Board hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution and the Bond Sale Agreement.

2. Sale of the Local School Bond

The sale of the Local School Bond, within the parameters set forth in paragraph 4 of this Resolution, to VPSA is authorized. Given the VPSA Purchase Price Objective and market conditions, the County acknowledges that the limitation on the maximum principal amount on the Local School Bond set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, however, the Local School Bond may be sold for a purchase price of not lower than 90% of the Proceeds Requested. The Chairman of the Board, the County Administrator, or either of them and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into an agreement with VPSA providing for the sale of the Local School Bond to VPSA (the "Bond Sale Agreement"). The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved.



3. Details of the Local School Bond

The Local School Bond shall be dated the date of its issuance and delivery; shall be designated "General Obligation School Bond, Series 2011A;" shall bear interest from the date of delivery thereof payable semi-annually on dates specified by VPSA (each, an "Interest Payment Date" at the rates established in accordance with paragraph 4 of this Resolution; and shall mature annually in the years (each a "Principal Payment Date," and together with any Interest Payment Date, a "Payment Date") and in the amounts (the "Principal Installments") determined by the County Administrator, subject to the provisions of paragraph 4 of this Resolution.

4. Interest Rate and Principal Installments

The County Administrator is hereby authorized and directed to accept the interest rate on the Local School Bond established by VPSA, provided that each interest rate may be up to five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Bonds, to the extent required by VPSA (the "Annual Administrative Fee"), and provided further that the true interest cost of the Local School Bond does not exceed seven and a half percent (7.50%) per annum. The Payment Dates and the Principal Installments shall be specified by VPSA. The County Administrator is hereby authorized and directed to accept the final Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution and the final maturity of the Local School Bond shall be no later than the earlier of December 31, 2030, and the latest maturity date permitted under Section 54A of the Tax Code. The execution and delivery of the Local School Bond as described in paragraph 10 hereof shall conclusively evidence the approval and acceptance all of the details of the Local School Bond by the County Administrator as authorized by this Resolution.

5. Certain Acknowledgements

The County acknowledges that the interest rate on the Local School Bond will be set at the level necessary to pay the interest on the allocable portion of the VPSA Bonds plus the Annual Administrative Fee, if any, and that the County will be obligated to pay interest on the Local School Bond at the stated taxable rate thereon regardless of the elimination or reduction of the refundable credit to be received by VPSA due to (i) any amendments by Congress to Sections 54A, 54F or 6431 or any other applicable sections of the Tax Code, (ii) any failure or determination by Congress not to appropriate funds necessary to pay the refundable credit, (iii) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, or (iv) any action or omission by VPSA, the County or any other locality selling local school bonds to VPSA in connection with the VPSA Bonds that causes the VPSA Bonds to lose their status as QSCBs and/or specified tax credit bonds in whole or in part. It is also acknowledged that the County has the right to effect an extraordinary optional redemption of the Local School Bond in whole or in part upon the occurrence of any of these events as provided in the form of Local School Bond.

6. Certain Investment Earnings

The Board hereby acknowledges that VPSA will (i) issue the VPSA Bonds with multiple maturities or with a single "bullet" maturity, in either case, with a final maturity date on or shortly before the latest maturity date permitted for the VPSA Bonds under Section 54A of the Tax Code, (ii) invest the Principal Installments for the benefit of the County until they are applied to pay the principal of the VPSA Bonds and (iii) either remit the investment earnings periodically to the County or credit the investment earnings against the County's obligation to make Principal Installments, at the option of VPSA. The Board further acknowledges that VPSA may cause a portion of such earnings to be deposited into a reserve fund or account to be applied by VPSA for use to pay the costs, fees and expenses described in paragraph 15 below. Any balance in such reserve fund or account attributable to investment earnings on the County's Principal Installments as reasonably determined by VPSA will be remitted or credited to the County on the final maturity date of the VPSA Bonds.

7. Form of the Local School Bond

The Local School Bond shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

8. Payment; Paying Agent and Bond Registrar

The following provisions shall apply to the Local School Bond:

- (a) For as long as VPSA is the registered owner of the Local School Bond, all payments of principal of and interest and premium, if any, on the Local School Bond shall be made in immediately available funds to, or at the direction of, VPSA at, or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Payment Date or date fixed for payment, prepayment or redemption.
- (b) The Bond Registrar and Paying Agent for the Local School Bond shall be the banking institution selected by VPSA for such purposes.

9. Prepayment or Redemption

The Principal Installments of the Local School Bond may be subject to optional prepayment or redemption prior to their stated maturities as determined by VPSA. The Principal Installments of the Local School Bond will be subject to extraordinary mandatory redemption (i) if certain proceeds of the Local School Bond have not been spent within three years after the date of its issuance and delivery (which three year period may be extended by the U.S. Secretary of the Treasury or his delegate), (ii) due to a loss of "qualified tax credit bond" and "qualified school construction bond" status of the VPSA Bonds corresponding to the Local School Bond under Sections 54A and 54F of the Tax Code, and (iii) if due to (a) any amendments by Congress to Sections 54A, 54F or 6431 or any other applicable sections of the Tax Code or (b) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, there is a reduction or elimination of the direct payment of the refundable credit to be received by VPSA with respect to the VPSA Bonds. The Principal Installments of the Local School Bond shall be redeemed at the redemption prices and upon the other terms set forth in the Local School Bond.

10. Execution of the Local School Bond

The Chairman and the Clerk of the Board are authorized and directed to execute and deliver the Local School Bond and to affix the seal of the County thereto.

11. Pledge of Full Faith and Credit

For the prompt payment of the principal of and interest and premium, if any, on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Local School Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and interest and premium, if any, on the Local School Bond as such principal and interest and premium, if any, shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

12. Use of Proceeds Certificate and Tax Compliance Agreement

The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of the Local School Bond and containing such covenants as may be necessary for the VPSA Bonds to qualify as and to remain as "qualified tax credit bonds," "qualified school construction bonds" and "specified tax credit bonds" under Sections 54A, 54F and 6431 of the Tax Code and the applicable regulations. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in the Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Tax Code so that the VPSA Bonds will not lose their status as "qualified tax credit bonds," "qualified school construction bonds" and "specified tax credit bonds" under Sections 54A, 54F and 6431 of the Tax Code.

13. State Non-Arbitrage Program; Proceeds Agreement

The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer and the Manager of Financial and Management Services, either of whom may act, to participate in the State Non-Arbitrage Program in connection with the Local School Bond. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Local School Bond by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository. The Proceeds Agreement is hereby approved.

14. Continuing Disclosure Agreement

The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix E to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of

1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

15. Fees, Costs and Expenses

The County agrees to pay the following fees, costs and expenses incurred by VPSA in connection with its purchase and carrying of the Local School Bond within thirty days after receipt by the County Administrator of a written bill therefor:

- (a) The County's allocable share of (i) the fees, costs and expenses of the trustee, paying agent and bond registrar under the indenture pursuant to which VPSA will issue the VPSA Bonds and (ii) any fees, costs and expenses payable to third parties in connection with such indenture or VPSA's School Tax Credit Bond Program, as determined by VPSA; and
- (b) To the extent permitted by law, the reasonable fees, costs and expenses, including reasonable attorneys' fees, if any, incurred by VPSA in connection with any false representation or certification or covenant default by the County or any County or School Board official, employee, agent or contractor under the Local School Bond, the Continuing Disclosure Agreement, the Tax Compliance Agreement, the Proceeds Agreement and/or any document, certificate or instrument associated therewith (collectively, the "County Documents"), or in connection with any extraordinary mandatory redemption of the Local School Bond as described in paragraph 9 above and the corresponding VPSA Bonds, any amendment to or discretionary action that VPSA makes or undertakes at the request of the County under any of the County Documents or any other document related to the VPSA Bonds.

16. Filing of Resolution

The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the City of Williamsburg and the County of James City.

17. Election to Proceed under Public Finance Act

In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.

18. Further Actions

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond and any such action previously taken is hereby ratified and confirmed.

19. References to Chairman and Clerk

Any references herein to the Chairman of the Board shall be deemed to include the Vice Chairman of the Board, and any references to the Clerk of the Board shall be deemed to include any Deputy Clerk.

20. Effective Date

This Resolution shall take effect immediately.

2. Ordinance to Amend and Reordain Chapter 15, Offenses – Miscellaneous, by Amending Section 15-36, Discharge of Firearms, Etc., in Certain Areas; Exceptions

Ms. Lola Rodriguez Perkins, Assistant County Attorney, presented three proposed changes to Section 15-36 of the County Code (Code) relating to the discharge of firearms. The changes clarified the definition of a recorded subdivision as related to these sections of the Code; expands exemptions allowed for properties subject to a Division of Game and Inland Fisheries (DGIF) management plan; and brings the Code into compliance with changes in State law enacted in 2011 by the General Assembly relating to pneumatic guns.

Responding to questions from Mr. Kennedy, Mr. Todd Englemeyer of DGIF explained the DGIF permit, currently allowed as an exemption, and a DGIF management plan, which is an additional exemption in the proposed amended ordinance. In 2010, 25 hunting permits were issued in James City County subdivisions, 14 have been issued so far in 2011.

Ms. Jones opened the Public Hearing and the following citizens spoke:

1. Mr. J. Stephen Roberts, 108 Wilderness Lane, asked that the Board exempt large subdivision parcels from the ordinance, presenting a 50-acre parcel owned by Mr. and Mrs. Charles Shephard on Fire Tower Road as an example.

2. Ms. Melissa Conner, 103 Land Drive, and representing Dreamcatchers, expressed her concern about any proposal to exempt large subdivided parcels. Dreamcatchers adjoins the Shepard property on Fire Tower Road.

3. Mr. Don Hazelwood, 9808 Fire Tower Road expressed his support to allow citizens to use firearms responsibly on their own property without government oversight.

4. Mr. Philip Van Cleve, 5509 West Bay Court, indicated that he was representing the Virginia Citizens Defense League and supported the least amount of governmental restrictions possible.

As no one else wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Kennedy questioned the need for a governmental process of annual permits for large acreage parcels if the permit process is being interpreted liberally and every permit application is being approved. Major Brad Rinehimer of the James City County Police Department and Mr. Englemeyer confirmed that, to their knowledge, no permit application had ever been denied.

Mr. Goodson indicated that he did not intend to support the amendment because the initiative was to solve problems for property owners like the Shephards and those property owners do not like the amendments.

Mr. Leo Rogers, County Attorney, indicated that the ordinance amendment included two necessary changes including one mandated by State law, regarding pneumatic guns, and another that improved the definition of a subdivision in the context of this firearms ordinance.

Mr. Icenhour indicated his support for an exception process that allows the Chief of Police to evaluate safety concerns of residents and adjoining property owners. He felt the addition of an additional exception to the prohibition in subdivisions, the DGIF management plan, allows large acreage property owners one more option in meeting their objectives.

Ms. Jones indicated that she also supported more options for citizens and the concern for safety.



Mr. McGlennon made a motion to approve the ordinance amendment.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Jones (3). NAY: Kennedy, Goodson (2).

3. Hampton Roads Water Supply Plan

Mr. Larry Foster, General Manager of the James City Service Authority (JCSA), presented the water supply plan as prepared by the Hampton Roads Planning District Commission (HRPDC). As a summary, the Plan indicates that based on projected population increases there is adequate water to meet the County's and the Virginia Peninsula's needs through 2040.

Mr. Goodson commented that the Plan is a State requirement, the County had previously agreed to participate in a regional planning effort managed by the HRPDC and that this Plan would be reviewed every five years.

Mr. McGlennon commented about the water conservation elements in the Plan, particularly changes in community demand. Mr. McGlennon also wished to advise the community that the Plan does not limit future discussions or decisions about water supply to only those included in the Plan.

Ms. Jones opened the Public Hearing.

1. Mr. Donald Phillips, 200 Dogwood Ct., York County, made a presentation about historical water demand that suggested that historical per-capita consumption has been reduced as a result of conservation efforts and projections of future usage may be overstated.

2. Mr. Kelly Place, 213 Waller Mill Road, representing the Virginia State Waterman's Association, expressed his concern about water use projections driving planning for water supply and indicated that past projections of use were substantially inflated, particularly those of the HRPDC and have resulted in poor decision making.

3. Mr. Ed Oyer, 139 Indian Circle, stated his concern about the County's significant dependence on groundwater and recommended use of the University of Virginia data base.

4. Mr. Jim Brown, 4 Longleaf Circle, expressed his concern about the costs of additional water supply, given the variability of the projections.

As no one else wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon asked that the meeting record indicate that the County will not substitute the regional plan for the County's decision-making when it comes to future water supply needs and moved the approval of the resolution.

Mr. Goodson concurred and indicated that this plan is reviewed every five years.

Mr. Icenhour indicated that he would support the Plan although the projections may overstate the need. He emphasized the need for reserve water supply capacity, but expressed doubts about the State planning process using the regional and local plans.

Mr. Kennedy commented that he felt pressured by deadlines when he voted several years ago to purchase water from Newport News Waterworks. He commented that wasteful lawn irrigation is still a problem and a challenge the County continues to deal with.

Ms. Jones pointed out that the plan "is more like a Hampton Roads information document as opposed to a plan," and that the Board looks at water demand trends at every JCSA board meeting.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

## **RESOLUTION**

### **HAMPTON ROADS WATER SUPPLY PLAN**

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, James City County is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was prepared by the Hampton Roads Planning District Commission in accordance with the State Water Control Board Regulation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after conducting the required public hearing at its regular meeting on September 27, 2011, hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia DEQ.

## **J. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on real property assessments declining in the next budget year and indicated that he believes that 101 Indian Circle appears to be abandoned. He also complimented staff on improvements to the sound system in the Boardroom.

2. Mr. J. Stephen Roberts, 108 Wilderness Lane, expressed his concern about the Board's vote on amendments to the gun control ordinance and unintended consequences, specifically changing the definition of a subdivision.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh indicated that the first collection of storm debris is finishing, and that an estimated 150,000 cubic yards has been collected. October 3, 2011, begins the second pass to collect debris.

Mr. Middaugh indicated that the possible change in the County logo, a change now being discussed in the community, needs clarity. The initiative is to create a brand or logo that creates one County identity that emphasizes a culture of excellence in public service. An implementation plan will be presented to the Board that will illustrate that costs will be minimized by incrementally replacing existing signs and logos over time.

**L. BOARD REQUESTS AND DIRECTIVES**

Ms. Jones moved to designate Mr. Goodson as the voting representative to the Virginia Municipal League at its annual conference.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

**M. ADJOURNMENT**

Mr. McGlennon made a motion to adjourn until 7 p.m. on October 11, 2011.

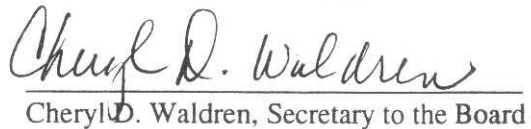
On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

At 9:27 p.m., Ms. Jones adjourned the Board until 7 p.m. on October 11, 2011.

  
Robert C. Middaugh  
Clerk to the Board

092711bos\_min

I hereby certify that the foregoing document is a true and correct copy of the original resolution.

  
Cheryl D. Waldren, Secretary to the Board



## Peninsula Sub-Region | **York County**

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BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the 20th day of September, 2011:

<u>Present</u>	<u>Vote</u>
George S. Hrichak, Chairman	Yea
Thomas G. Shepperd, Jr., Vice Chairman	Yea
Walter C. Zaremba	Yea
Sheila S. Noll	Yea
Donald E. Wiggins	Yea

On motion of Mrs. Noll, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO APPROVE THE HAMPTON ROADS REGIONAL  
WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DE-  
PARTMENT OF ENVIRONMENTAL QUALITY

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, York County is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of September, 2011, that it does hereby adopt the Hampton Roads Regional Water Supply Plan and approve the plan for submittal to the Virginia Department of Environmental Quality.

A Copy Teste:

A handwritten signature in cursive script, reading "Mary E. Simmons". The signature is written in dark ink and is positioned above the printed name and title.

Mary E. Simmons  
Deputy Clerk

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
September 20, 2011

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:01 p.m., Tuesday, September 20, 2011, in the Board Room, York Hall, by Chairman George S. Hrichak.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, George S. Hrichak, and Thomas G. Sheppard, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor Doug Echols, Bethel Baptist Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Hrichak led the Pledge of Allegiance.

### **PRESENTATIONS**

#### **INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS**

Chairman Hrichak introduced Mr. Max White, newest member to the Colonial Behavioral Health Board, and presented him with a Boards and Commissions Handbook and a York County pin.

#### **EMPLOYEE RECOGNITION PROGRAM**

Chairman Hrichak congratulated Sheree L. Fox, Office of the Commissioner of the Revenue, for her 25 years of service with the County, and presented her with her service pin and certificate.

#### **PRESENTATION OF VIRGINIA ASSOCIATION OF COUNTIES (VACO) AWARD**

Mr. Larry Land, VACo Director of Policy Development, presented the Board of Supervisors with VACo Achievement Awards for the County's program entitled "Outstanding Customer Service for Perspective Employees" and the "Automatic External Defibrillators in the Parks" program.

### **CITIZENS COMMENT PERIOD**

Mr. Walt Akers, 110 Kenneth Drive, addressed the Board regarding the Yorktown windmill that the Watermen's Museum was currently installing on the property adjacent to the replica museum. He spoke of the volunteers who had been involved with the project, and he stated the installation on the site had started last week. Mr. Akers expressed his thanks to the York County staff and administration for all the help they had provided navigating them through the regulatory process for the project and for helping to put together a design that was safe, compliant, and accessible by everyone. He then thanked the Board and Mr. McReynolds for all of their help in the past, and he noted they hope to have the windmill ready for dedication on October 19 for Yorktown Day.

Mr. David Niebuhr, representing the Watermen's Museum, stated they were very excited to have the windmill exhibit at the Watermen's Museum and felt it would create a wonderful family attraction in Yorktown. He expressed his appreciation to Mr. McReynolds and County staff

for all they had done to keep the museum moving forward in the best positive light.

Mrs. Evelyn Akers, 110 Kenneth Drive, addressed the Board to express her appreciation to County staff for helping her husband get through the tremendous amount of paperwork that was involved in getting the windmill put in place. She stated she was proud of her husband and the numerous volunteers who helped move and build the windmill. She felt this was a really nice addition to the community.

Mr. Walt Latham, York County Registrar, spoke of the success of the primary election that was held on August 23. He noted the County had its first split precinct in Tabb, and there would be four split precincts in November; so he wanted to take this opportunity to remind the voters to check their voter cards so they would know where they go to vote. Mr. Latham then thanked County staff, the Officers of Election, the Electoral Board members, and the Assistant Registrars at the libraries and Griffin-Yeates for all their help with the election.

Chairman Hrichak asked if sample ballots were going to be on the County website for the citizens to view who they would be voting for in the election.

Mr. Latham stated they were currently on the website and citizens could also go to the State Board website to find out who was on their ballot, where they go to vote, and to get directions to their polling place and the hours.

Mr. Hank Viccellio, 115 Lafayette Road, stated he wanted to take this opportunity to publicly thank Mr. Walt Akers for everything he had done for the windmill project. He felt the windmill would be an excellent addition to Yorktown and the community.

#### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett had no report at this time.

#### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds reminded the Board of the Regular Meetings in October to be held on October 4 and October 18. He then invited citizens to the Yorktown Day celebration on October 19 to celebrate the winning of independence and to enjoy the festivities of the day.

Mr. Zaremba inquired as to why hurricane debris was being burned in New Quarter Park versus selling the wood, hauling away the debris, or even chipping the debris. Several citizens had sent communications regarding this burning indicating the burning was affecting certain health ailments. He asked if the County had started burning at New Quarter Park prior to Hurricane Isabel and if this was the second burning in this area. He also inquired if the County had received all of the proper permits to burn the debris.

Mr. McReynolds stated that the land may have had burning occur when it was initially cleared. He also explained the various reasons this area was being used, such as its remote location, the amount of acreage available, and the amount of open space that was separated from the wooded area. He further explained that this was about the only site available in the upper end of the County for this type of activity. Mr. McReynolds noted that chipping was an alternative; however, it was twice as expensive as burning. Mr. McReynolds verified that the County had the proper permits to burn debris, and he estimated that the storm debris pickups and burning should end around the same time at the end of this month.

Chairman Hrichak asked Mr. McReynolds to put together a short synopsis regarding storm debris removal.

Mr. Shepperd asked for an updated report regarding the debris collection in neighborhoods.

Mr. McReynolds stated that total debris collected had already exceeded what the initial estimate was and was still being collected. He understood that certain neighborhoods were nearly complete; but citizens had brought more debris to the road, and a second pass was being

made.

Mr. Shepperd asked if a contract modification would be needed due to the excess debris.

Mr. McReynolds stated the contract was on a cubic yard basis, and the County already had in place the contract for the debris pickup.

Discussion followed on the specifics of the debris collection contract, and residents were urged to call the Waste Management Center if they felt they had been overlooked.

#### **MATTERS PRESENTED BY THE BOARD**

Mr. Wiggins stated that both he and the Board appreciated all of the work Registrar Walter Latham had done in the last election primary as well as the rest of the Registrar's Office staff. He also expressed his appreciation to Walt Akers and his public service to York County. He indicated Mr. Akers has not only served as the head of the Fife and Drums, helping them secure financing for the building they occupy, but he has also worked tirelessly on the Windmill Project. He also thanked Boy Scout Troup 123 which had worked tirelessly to help with the hands-on work, as well as the Fife and Drums, C.E. Newbaker Surveying, C.A. Barrs, Rappahannock Concrete, Hampton Road Crane and Rigging, York County Historic Museum, the Yorktown Foundation, the Watermen's Museum, Colonial National Historical Park, Congressman Rob Whitman, and Senator Mark Warner.

Mrs. Noll thanked the staff who helped the County win the VACo awards. She was very pleased with the customer service award because the Board has stressed its importance over the last four years. She encouraged the citizens to fill out a survey on the customer service received when they interact with staff members. Mrs. Noll stated she was also very proud of the external defibrillator award and spoke of the importance of having them readily available in the public buildings.

Mr. Zaremba emphasized to citizens to place storm related debris on the curb so that it could be picked up as the trucks went through their areas.

Mr. Shepperd gave an update to the Board on a Total Maximum Daily Load (TMDL) presentation he had received at the HRPDC meeting and the uncertainty this subject still posed to the County. He also commented on a grand opening ceremony for Angelic Chocolates he had attended in the Village Shops on Route 60, stating it would be a wonderful addition for York County.

Chairman Hrichak updated the Board on a retreat he had attended sponsored by Hampton Roads Partnership. He explained that the Partnership was responsible for growing businesses in the region, and it would be putting its efforts into offering a mentorship program that would allow mid-size businesses to obtain funding and learn ways to improve and grow their business. He stated this program would hopefully be in place by the end of the year.

#### **CONSENT CALENDAR**

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 5, 6, and 7, respectively.

On roll call the vote was:

Yea:	(5)	Zaremba, Noll, Wiggins, Shepperd, Hrichak
Nay:	(0)	

#### **Item No. 5. APPROVAL OF MINUTES**

The minutes of the August 16, 2011, Regular Meeting of the York County Board of Supervisors were approved.

Item No. 6. COMMENDATION OF BOARD OF BUILDING CODE APPEALS MEMBERS: Resolutions R11-110 and R11-111

Resolution R11-110

A RESOLUTION TO COMMEND THE SERVICES OF WAYNE D. HARBIN AS A MEMBER OF THE YORK COUNTY BUILDING CODE APPEALS BOARD

WHEREAS, Wayne D. Harbin served as a member of the Building Code Appeals Board from July 17, 2001 through June 30, 2011; and

WHEREAS, during this term of service Mr. Harbin unselfishly and generously devoted his time and considerable talents to improve the quality of life for the residents of York County; and

WHEREAS, dedicated volunteerism represents the highest form of service to one's community; and

WHEREAS, the York County Board of Supervisors wishes to formally express its appreciation for and publicly commend such service;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of September, 2011, that Wayne D. Harbin be, and hereby, commended for his service to the Building Code Appeals Board and to the citizens of York County.

BE IT FURTHER RESOLVED that the Board of Supervisors, on behalf of the citizens of York County, does hereby offer Mr. Harbin its sincere gratitude and continued best wishes for his future endeavors.

Resolution R11-111

A RESOLUTION TO COMMEND THE SERVICES OF JOSEPH L. SPRUILL AS A MEMBER OF THE YORK COUNTY BUILDING CODE APPEALS BOARD

WHEREAS, Joseph L. Spruill served as a member of the Building Code Appeals Board from July 17, 2001 through June 30, 2011; and

WHEREAS, during this term of service Mr. Spruill unselfishly and generously devoted his time and considerable talents to improve the quality of life for the residents of York County; and

WHEREAS, dedicated volunteerism represents the highest form of service to one's community; and

WHEREAS, the York County Board of Supervisors wishes to formally express its appreciation for and publicly commend such service;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of September, 2011, that Joseph L. Spruill be, and hereby, commended for his service to the Building Code Appeals Board and to the citizens of York County.

BE IT FURTHER RESOLVED that the Board of Supervisors, on behalf of the citizens of York County, does hereby offer Mr. Spruill its sincere gratitude and continued best wishes for his future endeavors.



Item No. 7. COMMENDATION OF RETIRING EMPLOYEE: Resolution R11-113

A RESOLUTION TO COMMEND MICHAEL B. PLAYER, YORK COUNTY DEPARTMENT OF FIRE AND LIFE SAFETY DEPUTY CHIEF OF OPERATIONS, FOR SERVICES RENDERED TO THE COUNTY OF YORK

WHEREAS, Michael B. Player began employment with the County of York on February 18, 1981, as a career firefighter/paramedic; and

WHEREAS, as a member of the York County Department of Fire and Life Safety, he progressed through the ranks of captain, battalion chief, assistant chief, and was promoted to the position of Deputy Chief/Fire and Rescue Operations on October 1, 2006; and

WHEREAS, as Deputy Chief/Fire and Rescue Operations, his skills, abilities, and overall dedication were critical to the effective oversight and leadership of the department's largest division and one that impacts lives and the property of many citizens, businesses and visitors on a daily basis; and

WHEREAS, Michael Player has had a profound impact on the programs provided by the department, including being a part of the leadership team when the department was selected as a national finalist for the NAEMT-EMT Paramedic Service of the Year in 1993; and

WHEREAS, it was through his commitment and drive that the department became one of the first paramedic level fire and rescue agencies on the Peninsula, and where he instituted a widely acclaimed fire and rescue officer leadership command school known as the Hampton Roads Fire Officer Command School, a program that also benefitted many other departments and their personnel from across the Commonwealth; and

WHEREAS, Deputy Chief Player additionally serves as the Commander for the Virginia 1 Disaster Medical Assistance Team, a program overseen by the U.S. Department of Health and Human Services, and which also benefits the region, the Commonwealth, and our nation; and

WHEREAS, he has served in numerous leadership capacities at all levels of government, including positions on the FEMA Urban Search and Rescue Task Force—VATF2, the Hampton Roads Metropolitan Medical Response System, the Virginia Fire Chiefs EMS Committee, Tidewater Regional Fire Academy Training Chiefs Committee, the York County and Hampton Roads Fire Officer Command School, and the Hampton Roads Fire Chiefs Association Operations Work Group among many others; and

WHEREAS, Deputy Chief Player has 28 years of service on the Peninsulas EMS Council Board of Directors and many of its committees; his five terms on Virginia's EMS Advisory Board and many of its committees; participation on the various advisory boards with Tidewater Community College and Thomas Nelson Community College, and serving on the Virginia Statewide Terrorism Training Consortium; and

WHEREAS, Deputy Chief Player has been an untiring proponent for advanced training and education, he being one of the first paramedics to be certified in the Commonwealth of Virginia, completing the National Fire Academy's Executive Fire Officer program, and obtaining and maintaining numerous training certifications at all levels in firefighting, fire and rescue leadership, emergency medical services, and emergency management; and

WHEREAS, Michael B. Player has been the principal author or a participating author for at least 13 professional publications and papers; and

WHEREAS, he is a popular, sought-after instructor who has extraordinary teaching skills and who has trained hundreds, if not thousands, of students in the fire and rescue profession; and

WHEREAS, Deputy Chief Player has received numerous awards and recognitions including the Commonwealth of Virginia Governors awards for Excellence in EMS, Outstanding EMS Administrator, Excellence in Virginia Fire Services, Excellence in Virginia's Fire Services

Training, and the Peninsulas EMS Council Master Award for EMS Excellence, which is named for him; and

WHEREAS, he was a national finalist for the NAEMT—Asmund S. Laerdal Award for Excellence, he was the recipient of the Virginia Disaster Meritorious Service Medal, and he received professional designations from the Commission on Professional Credentialing as a Chief Fire Officer and Chief Medical Officer designee; and

WHEREAS, the County of York is justifiably proud of Deputy Chief Michael B. Player's many accomplishments, achievements, and countless contributions to the provision of Fire and Life Safety Services, as well as to the effective and efficient operation of York County and to the well-being of its citizens, businesses, and visitors; and

WHEREAS, after 30 years of such devoted service, Michael B. Player is retiring from his position as Deputy Chief of Fire and Rescue Operations;

NOW, THEREFORE, BE IT RESOLVED, by the York County Board of Supervisors this 20th day of September, 2011, that Michael B. Player be, and he is hereby, commended for his dedication, loyalty, and commitment throughout the past 30 years and for his exemplary efforts, exceptional accomplishments, and extraordinary contributions to the County of York.

BE IT FURTHER RESOLVED that an expression of appreciation for all that he has done and for all that he has accomplished be conveyed to Deputy Chief Player on behalf of the Board of Supervisors, its staff, and the citizens, businesses, and visitors who have benefited from his many contributions.

BE IT STILL FURTHER RESOLVED that the Board of Supervisors offers its very best wishes to Deputy Chief Player and his family for a rewarding and pleasurable retirement.

## **NEW BUSINESS**

### **BOARD POLICIES**

Mr. McReynolds gave a presentation on proposed Resolution R11-112 to adopt certain amendments to Board Policy Numbers BP94-08 and BP94-11. He stated that staff annually reviews the Board Policies and Administrative Directives to determine any changes that were needed to clarify or to better reflect practice. He noted this year there were only a few changes, which he briefly reviewed.

Discussion followed regarding fees for Special Recreation Camps and the Summer Fun Program.

Mrs. Noll then moved adoption of proposed Resolution R11-112 that reads:

#### **A RESOLUTION TO ADOPT CERTAIN AMENDMENTS TO BOARD POLICY NUMBERS BP94-08, AND BP94-11**

WHEREAS, the York County Board of Supervisors adopted the Board Policies Manual on October 20, 1994; and

WHEREAS, in accordance with Board Policy Number BP94-01, the County Administrator has conducted an annual review of the adopted Policies and has submitted recommendations for amendments; and

WHEREAS, the Board has carefully considered the County Administrator's recommendations transmitted by his memorandum dated September 8, 2011, and has determined that they should be approved;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of September, 2011, that Board Policy Numbers BP94-08 and BP94-11 be, and they are hereby, amended and adopted to read as set forth in the attachments to County Ad-

administrator's memorandum to the Board of Supervisors dated September 8, 2011.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Hrichak  
Nay: (0)

Meeting Recessed. At 6:51 p.m., Chairman Hrichak declared a short recess.

Meeting Reconvened. At 7:01 p.m., the meeting was reconvened in open session by order of the Chair.

### **PUBLIC HEARINGS**

#### **APPLICATION NO. UP-795-11, NICKERSON LANDSCAPING, INC.**

Mr. Carter made a presentation on Application No. UP-795-11 requesting a special use permit to authorize a landscape contractor's business with outdoor storage on a parcel located at 907 Back Creek Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 6:0. He noted that a revised sketch was sent to the Board today; but after further discussion with Ms. Nickerson this evening, she would like to stick with the original sketch with just a couple of minor modifications which would include a break in the fence to allow access from the driveway into her storage area and a small minor break in the fence near the rear of the storage yard so that there would be a circular opportunity for moving the vehicles and equipment in and out of the storage area. He stated there would also be supplemental landscaping planted so that the sight lines would be obstructed so no one would be able to see into the storage area. Mr. Carter stated staff did not feel that either of the two modifications would create any significant deviation from what the Planning Commission recommended or what staff had originally recommended.

Mr. Shepperd asked if the proposed openings would be open or gated.

Mr. Carter stated there would need to be some type of gate to maintain the visual obstruction, or landscaping or fencing inside the opening so that as people were driving by they would not be able to see into the storage yard area.

Mr. Shepperd stated it was his understanding that the road belongs to the applicant.

Mr. Carter stated the road was on the applicant's property; however, there was a deeded access to the two parcels that lie behind it, and the concern was to protect the access to those residential properties by providing some means of screening along the edge of the driveway. He noted that revised Resolution R11-105(R) was sent to the Board this morning that dealt with some clarifications the applicant had requested in terms of the equipment usage and the coming and goings of vehicles on Sundays. He explained those changes would basically allow the applicant to come and go with the pick up trucks used in the business on a Sunday as long as they had been loaded within the hours prescribed in the proposed revision to the resolution. The second clarification dealt with the use of the bobcat for residential property maintenance, and the clarification of the conditions to ensure that was not considered a violation if it was operated outside of the hours prescribed for the business activity. He noted that staff recommended the concept plan also be modified to show the openings in the fence and to show that landscaping that would provide the alternate screening.

Mrs. Noll stated she thought there needed to be clarification regarding the openings and whether or not they would be gated or how they were going to be handled.

Discussion followed regarding the height and the type of fence that would be used for the front and back openings.

Mr. Shepperd noted that on the left side of the sketch plan it looked like there was a big field, and at the very top of the sketch there were lots or parcels of property, and he asked the size of

those parcels.

Mr. Carter stated all three were waterfront parcels that extended all the way to Back Creek, so they were at least an acre in size.

Mr. Shepperd stated he did not understand the purpose of fence, and he asked if the fence was to prevent the cars from looking in on the property.

Mr. Carter stated the idea was to protect the view of the residents who will ultimately live on the two parcels and would otherwise be viewing the landscape storage yard.

Mr. Shepperd asked why the applicant should have to build a fence on her property to keep other property owners from seeing her property.

Mr. Wiggins expressed his concern that there should be something to hide the storage area from the others' back yards to keep them from having to look at the area.

Mr. Carter stated the fence was an idea to try and mitigate some of the other property owners' concerns about what they would be looking at as they drove down their deeded access to get to their property.

Mr. Shepperd stated his concern was that the Board would end up fencing in or boxing in someone who was operating a permitted business. He stated the applicant had been operating this since the 80s without a fence.

Mr. Carter stated the issue was the applicant did not have permission and still does not have permission to operate the business on this property, as the proper approval process had not been followed; so basically the applicant was starting from scratch as to what was necessary to make it a properly accommodated use on a piece of Rural Residential property.

Mr. Zaremba asked why it has taken so long for this to come before Board.

Mr. Carter stated the transfer over to this property occurred in about 2003, and it was an oversight on everyone's part in terms of the inspection process by the County and on the part of the applicant who assumed that because there was an existing permit, and she owned the property that the permit transferred to the adjacent parcel. He explained the permit was only for the land that was authorized initially. When the most recent business license renewal process was being worked through, the oversight was discovered.

Discussion continued regarding the requirement for the applicant to fence in the front and back openings to the storage yard area.

Chairman Hrichak then called to order a public hearing on Application No. UP-795-11 that was duly advertised as required by law. Proposed Resolution R11-105 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT APPLICATION TO AUTHORIZE THE ESTABLISHMENT OF A LANDSCAPE CONTRACTOR BUSINESS AT 907 BACK CREEK ROAD

Ms. Diane Nickerson, 907-B Back Creek Road, addressed the Board stating she has a very small company that she wants to remain that way. She stated she had agreed to put up the fence along the west side of her property with an opening that would allow her to bring her trucks through and then continue on to the north side. She stated she would need time to have the fence installed and hopefully could have one section up by March. She hoped to have the other section up by November based on the economy. She stated she was struggling financially as was the whole nation. She stated she would plant shrubs on the east side. Ms. Nickerson thanked the Board members for their consideration and asked them to approve the special use permit.

Mr. Shepperd asked Ms. Nickerson if, given the option, she would she prefer to put up a fence or to do plantings.

Ms. Nickerson stated she felt her neighbors on the roadside would rather see a fence, and she could install the fence herself. She thought the shrubbery on the right side and back side would work great. She noted she had talked with Mr. Carter today about the fence because she has a pipe rack that was not attractive, and she wanted to screen it. She stated she had never had any complaints until she applied for the special use permit, and she thought she had been operating legally.

Ms. Gail Nobles, 917 Baytree Beach Road, stated she had been a friend of the applicant for over 20 years and knew her to be a person who keeps things very neat and tidy and tries to make things pleasant for the neighbors, so she felt the applicant would make it look nice for the residents who were concerned. She stated the issue of noise had not been brought up, but the applicant's trucks were not noisier than a Harley or a diesel truck engine starting up. She stated if the applicant could not have the business on the property, it would be a terrible hardship for her. She then asked the Board to approve the application.

Mr. Kevin James, 907 Back Creek Road, stated he and his family had lived at this property for about a year and a half, and they found Ms. Nickerson had been a good neighbor, and there had been no problems with employees or noise. He encouraged the Board to grant the application, stating he felt Ms. Nickerson had been a good neighbor and community member, and he felt this would continue.

There being no one else present who wished to speak concerning the subject resolution, Chairman Hrichak closed the public hearing.

Mr. Wiggins stated he did not have a problem with the business if Ms. Nickerson screened it from the other residents who currently resided there and from others who may live there at a later time.

Mr. Shepperd asked if it was the Board's understanding that two screened entrances would be allowed.

Mr. Carter stated the openings would be wide enough for a truck to get through and they would either have a gate or some sort of L appendage to the fence that would run parallel to the access easement to block the view going either in or out of the access easement.

Mr. Shepperd asked if there would still be access for emergency responders.

Mr. Carter stated there would still be an access drive along the other side of the property, so there were multiple ways in and out of this parcel of property.

Mr. Shepperd asked about the accessory apartment arrangement.

Mr. Carter stated if the use permit was approved to authorize the commercial business on this property, there was a provision in the Zoning Ordinance that allows an accessory residence for the proprietor of a business; so Ms. Nickerson could continue to occupy the apartment. If the business was not approved, then there would be an issue with the accessory apartment because there needs to be a family relationship between the occupants of the principal structure and the accessory apartment on the property, which did not exist at this time.

Discussion continued regarding Ms. Nickerson not being able to continue living in the accessory apartment if the permit was not approved.

Mrs. Noll then moved the adoption of proposed Resolution R11-105(R) that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT APPLICATION TO AUTHORIZE THE ESTABLISHMENT OF A LANDSCAPE CONTRACTOR BUSINESS AT 907 BACK CREEK ROAD

WHEREAS, Diane S. Nickerson, dba Nickerson Landscaping, Inc., has submitted Application No. UP-795-11 requesting a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 2, No. 4c), to authorize the establishment of a landscape contractor business located on a portion of a 1.1-acre parcel of land located at 907 Back



Creek Road (Route 718) and further identified as Assessor's Parcel No. 25-39C (GPIN T09b-2773-3308); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of September, 2011 that Application No. UP-795-11 be, and it is hereby, approved to authorize the establishment of a landscape contractor business located on a portion of a 1.1-acre parcel of land located at 907 Back Creek Road (Route 718) and further identified as Assessor's Parcel No. 25-39C (GPIN T09b-2773-3308), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a landscape contractor business located on a portion of a 1.1-acre parcel of land located at 907 Back Creek Road (Route 718) and further identified as Assessor's Parcel No. 25-39C (GPIN T09b-2773-3308).
2. The area subject to this Special Use Permit shall be the access easement bordering the west side of the subject property, the driveway on the east side of the property, and the rear portion of the property as delineated on the sketch plan received by the Planning Division July 20, 2011 and revised to September 20, 2011, a copy of which shall remain on file in the office of the Planning Division. This shall include use of the existing detached accessory apartment for residency by the business owner/proprietor.
3. A sketch plan generally in conformance with the referenced sketch plan and meeting requirements of Article V of the Zoning Ordinance shall be submitted to the Plan Approving Agent no more than two weeks following the approval date of this permit.
4. Operation of the business shall be in conformance with standards set forth in Section 24.1-415 (Standards for plant nurseries, greenhouses, and landscape contracting and storage establishments) of the Zoning Ordinance and as supplemented herein.
5. Operation of the business shall be in conformance with standards set forth in Chapter 23.2 (Chesapeake Bay Preservation Areas) of the County Code.
6. Use or storage of heavy equipment or vehicles of a type used primarily by the construction industries, including, but not limited to, bulldozers, backhoes, construction tractors, cranes, dredging machinery, tank trucks over 3,000 US gallon capacity, dump trucks over 10-ton payload capacity, semi-trailer trucks, excavators, graders, road construction and maintenance machinery, and power shovels shall not be permitted on the property. This shall not preclude the on-site use of a "bobcat" loader or occasional product deliveries (e.g., mulch, plants) by large trucks or semi-trailers.
7. There shall be no onsite retail or wholesale sales associated with the landscape contractor business.
8. There shall be no onsite customer contact associated with the landscape contractor business.
9. On-site work shall be limited to activity by the business owner/proprietor and not more than two employees.
10. The existing garage/accessory apartment building may be used as a combination office, storage structure, and owner/proprietor's living quarters associated with the business,

or solely as an office/storage structure associated with the business.

11. There shall be no storage of mulch, topsoil, compost, or other soil materials within fifty (50) feet of the northern and eastern property boundaries (abutting Parcel Nos. 25-39A, 25-39B, 25-183, and 25-187) within the area subject to this Special Use Permit.
12. Landscape yards along the northern and eastern boundaries of the Special Use Permit area as referenced in Condition No. 2 above (abutting parcel nos. 25-39A, 25-39B, 25-183, and 25-187) shall be planted with evergreen plantings meeting minimum numerical requirements of a Type 35 transitional buffer as set forth in Section 24.1-243(a)(2) of the Zoning Ordinance. Plants shall be of species types that maintain branching to ground level.
13. Wooden privacy fencing having a height of not less than six feet shall be installed in the general locations shown on the referenced concept plan so as to screen views of the storage areas for vehicles traversing the 25-foot access easement located parallel to the western property boundary. Fencing shall be installed such that the "finished" side of the fence shall face abutting properties. Fencing materials shall be approved by the Zoning Administrator prior to installation.
14. Daily allowable hours of operation shall be from 6:00 AM to 7:00 PM, Monday through Saturday between Memorial Day and Labor Day, and from 7:00 AM to 7:00 PM from Labor Day to Memorial Day. On-site use of equipment such as "bobcat" loaders and tractors for activities associated with the landscape contracting business shall not be permitted before 8:00 AM.

These restrictions shall not be interpreted to prohibit pre-loaded business trucks or trailers from leaving and returning to the property on a Sunday, nor to preclude the use of equipment on the site for normal and customary residential property maintenance activities.

15. Access to and from the landscape contractor business area shall be restricted to the driveway located within the 25-foot access easement located parallel to the western property line of the subject property and the existing driveway on the eastern side of the property (between 907 and 913 Back Creek Road).
16. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to approval of the sketch plan as referenced in Condition No. 3 above. A court-certified copy of the document shall be submitted to the Plan Approving Agent prior to sketch plan approval.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Hrichak  
Nay: (0)

#### CHILD DEVELOPMENT RESOURCES, INC., (CDR) LEASE AGREEMENT

Mr. McReynolds made a presentation on proposed Resolution R11-92 to authorize the execution of the continuation of a lease agreement with Child Development Resources, Inc., (CDR) for office space in the Griffin-Yeates Center building located on Government Road.

Chairman Hrichak then called to order a public hearing on proposed Resolution R11-92 that was duly advertised as required by law and is entitled:

#### A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

September 20, 2011

TO EXECUTE A LEASE AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, FOR OFFICE SPACE IN THE GRIFFIN-YEATES CENTER BUILDING LOCATED ON GOVERNMENT ROAD COMMENCING ON NOVEMBER 1, 2011, ENDING OCTOBER 31, 2012

There being no one present who wished to speak concerning the subject resolution, Chairman Hrichak closed the public hearing.

Mr then moved the adoption of proposed Resolution R11-92 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, FOR OFFICE SPACE IN THE GRIFFIN YEATES CENTER BUILDING LOCATED ON GOVERNMENT ROAD COMMENCING ON NOVEMBER 1, 2011, ENDING OCTOBER 31, 2012

WHEREAS, Child Development Resources, Inc., a nonprofit Virginia Corporation, operates the First Steps program whose purpose is to provide an early childhood educational experience and positive learning opportunities on behalf of economically disadvantaged and other qualified County citizens and which is located in the Griffin-Yeates Center on Government Road; and

WHEREAS, Child Development Resources, Inc., has been implementing a federal grant that provides Early Head Start home based services to parents of infants and toddlers and has asked to rent an office with approximately 200 square feet also located within the Griffin-Yeates Center on Government Road to serve as a base of operations for personnel involved in the implementation of that grant; and

WHEREAS, the County desires to make available approximately 200 square feet of office space between Room 6 and Room 10 within the Griffin-Yeates Center located at 1490 Government Road, which is a building owned by the County of York, by the execution of a Lease Agreement for a term of one year with Child Development Resources, Inc.; and

WHEREAS, charges for that space shall be at a rate of \$2,400 per year with the proceeds from such rental to be dedicated to the County Children's Food Services program; and

WHEREAS, a public hearing on the proposed Lease Agreement, as required under the Code of Virginia, has been properly advertised and conducted on September 20, 2011;

NOW, THEREFORE BE IT RESOLVED by the York County Board of Supervisors this, the 20th day of September, 2011, that the County Administrator be, and he is hereby, authorized to execute a Lease Agreement with Child Development Resources, Inc., for approximately two hundred (200) square feet of office space between Room 6 and Room 10 within the Griffin-Yeates Center, for a term commencing November 1, 2011, and ending October 31, 2012, and in consideration of the sum of \$2,400 per year.

BE IT FURTHER RESOLVED that proceeds from such rental shall be dedicated to the County Children's Food Service program.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Hrichak  
Nay: (0)

#### REGIONAL WATER SUPPLY PLAN – HRSD

Mr. McReynolds recognized Mr. Dave Morris, Natural Resource Manager for the Newport News Waterworks (NNWW), stating that NNWW was responsible for providing most of the County's water, and Mr. Morris would be happy to answer any question the Board might have at the



conclusion of Mr. Hudgins' presentation.

Mr. John Hudgins, Director of Environmental and Development Services, made a presentation on proposed Resolution R11-106 to approve the Hampton Roads Regional Water Supply Plan for submission to the Virginia Department of Environmental Quality.

Chairman Hrichak then called to order a public hearing on proposed Resolution R11-106 that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE THE HAMPTON ROADS REGIONAL  
WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DE-  
PARTMENT OF ENVIRONMENTAL QUALITY

Mr. Donald Phillips, 200 Dogwood Court, addressed the Board regarding the water demand on the Peninsula stating he had completed his own long range demand study in 2008. He stated although it was a big plan, it did not deal with actual water projections. He then spoke regarding the population growth, stating according to his study the demand has dropped about three million gallons; but the Planning District's plan was showing about a five million gallon shortage. He felt the planning was over simplified, and a better product needed to be produced in the future because the shortage they were showing was decades away and not critical. He suggested the Board approve the plan with reservations and send a message to the Planning District that it would like a little better quality product for their money.

There being no one else present who wished to speak concerning the subject resolution, Chairman Hrichak closed the public hearing.

Mr. Shepperd expressed his appreciation to Mr. Philips for his comments. He stated he felt the analysis was very simplified; and as a representative to the Hampton Roads Planning District Commission, he would bring this to their attention.

Mrs. Noll moved adoption of proposed Resolution R11-106 that reads:

A RESOLUTION TO APPROVE THE HAMPTON ROADS REGIONAL  
WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DE-  
PARTMENT OF ENVIRONMENTAL QUALITY

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, York County is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of September, 2011, that it does hereby adopt the Hampton Roads Regional Water Supply Plan and approve the plan for submittal to the Virginia Department of Environmental Quality.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Hrichak  
Nay: (0)

#### CABIN CREEK – NO WAKE ZONE

Mr. Carter gave a presentation on proposed Resolution R11-102 to endorse the request of a group of seven property owners that a “no wake” designation be established for Cabin Creek and to forward the application to the Virginia Department of Game and Inland Fisheries requesting the approval of a “no wake” designation for Cabin Creek. He stated staff had just recently received a petition asking the Board not to approve the “no wake” designation from six other Cabin Creek property owners making this an almost evenly divided public sentiment.

Chairman Hrichak then called to order a public hearing on proposed Resolution R11-102 that was duly advertised as required by law and is entitled:

A RESOLUTION TO ENDORSE THE REQUEST OF A GROUP OF  
PROPERTY OWNERS THAT A “NO WAKE” DESIGNATION BE ES-  
TABLISHED FOR CABIN CREEK AND TO FORWARD SAID RE-  
QUEST TO THE VIRGINIA DEPARTMENT OF GAME AND INLAND  
FISHERIES FOR CONSIDERATION AND ACTION

Mr. Tim Gelles, 612 York Point Road, stated he and his wife were the owners of three of the properties closer to the mouth of the creek. He stated the proponents of the submittal for the no wake application were primarily the residents of the mouth of the creek who saw a lot more of the boat traffic and personal watercraft traffic than seen by the owners on the backside of the creek or toward the end of the creek. Speaking on behalf of the applicants for the no wake sign, he wanted the Board to understand this request was not reflective of behavior related to property owners of the residences of the creek. He noted that as water got rougher outside of the creek in the summer months, there were a lot of personal watercraft and jet skis that migrate up into the creek and travel at very hazardous speeds causing some serious safety issues.

Mrs. Noll stated while she understood this request was because of safety issues, she also wanted to know about the environmental issues from the wake.

Mr. Gelles stated while all of their properties have erosion issues, the application was submitted as a safety issue because they have watercraft traveling in excess of 60 miles per hour up the creek which was basically a dead end creek and with the width and proximity of the properties they feel this speed was absurd.

Mr. Jason Medford, 316 York Point Road, addressed the Board in opposition to the placement of a no wake designation on Cabin Creek, stating he had not witnessed or heard of any safety issues with navigating the creek. He stated he felt there had been little to no increase in boat traffic and jet skis; and with only 16 homes on Cabin Creek, the main traffic came from the property owners. He stated the majority of Cabin Creek was about 400 to 600 feet wide which was plenty of room for boats and jet skis to navigate without hazard. He then spoke of the boater's safety course that was required in order to operate jet skis and the fact that it was already unlawful to operate a personal watercraft in excess of the slowest possible speed required to maintain steerage and headway within 50 feet of docks and piers. He stated he felt the signs were unnecessary, and they put the property owners of Cabin Creek in a situation where they were forced to proceed at an extreme slow speed to get to their own piers or be faced with a class four misdemeanor fine. Mr. Medford asked the Board to deny the application as he felt there was no need for additional restrictions in an area that was already safe and easy to navigate.

Mr. Tim Whitlatch, 600 York Point Road, appeared to speak in opposition to the no wake designation for Cabin Creek, stating in his view the traffic volume had not changed, and he did not believe there had been any safety issues with the creek in the 17 years he had lived there. He showed some diagrams to illustrate the width of the creek and to show that navigation should not be an issue.

There being no one else present who wished to speak concerning the subject resolution, Chair-

man Hrichak closed the public hearing.

Mr. Wiggins stated that until about a week ago there had been no opposition to this request for sign and it had been his understanding that most of the property owners were in favor of it. He stated the residents had come to him with the request; and as he lives on the water and sees first hand the effects of the wakes, he could certainly understand their request. He stated the residents did not ask for a no wake zone because they wanted to deprive people from using the waterway. With the Board's approval, Mr. Wiggins stated he would like to table the request and invite everyone that was concerned to a meeting at his house so all their concerns could be heard and then come back at a later time and make a decision.

Chairman Hrichak asked Mr. Wiggins if he had a date in mind to bring this back before the Board.

Discussion followed and the consensus was to table the motion for two months.

Mr. Wiggins then moved to continue the public hearing on proposed Resolution R11-102 to November 15, 2011, at 7:00 p.m.

On roll call the vote was:

Yea:	(5)	Noll, Wiggins, Shepperd, Zarembo, Hrichak
Nay:	(0)	

**CLOSED MEETING.** At 8:15 p.m. Mr. Shepperd moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea:	(5)	Wiggins, Shepperd, Zarembo, Noll, Hrichak
Nay:	(0)	

Meeting Reconvened. At 8:19 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of September, 2011, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

September 20, 2011

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Hrichak  
Nay: (0)

REAPPOINTMENT TO THE YORK COUNTY HISTORICAL MUSEUM BOARD OF DIRECTORS

Mr. Wiggins moved adoption of proposed Resolution R11-114 that reads:


A RESOLUTION TO REAPPOINT A YORK COUNTY REPRESENTA-  
TIVE TO THE BOARD OF DIRECTORS OF THE YORK COUNTY  
HISTORICAL MUSEUM

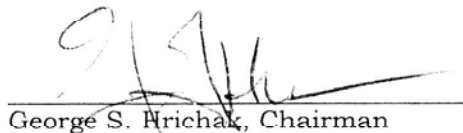
BE IT RESOLVED by the York County Board of Supervisors this 20th day of September, 2011, that Dave Meredith be, and he is hereby, reappointed to the Board of Directors of the York County Historical Museum for a four-year term, such term to begin October 1, 2011, and expire September 30, 2015.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Hrichak  
Nay: (0)

Meeting Adjourned. At 8:21 p.m. Chairman Hrichak declared the meeting adjourned sine die.

  
James O. McReynolds, Clerk  
York County Board of Supervisors

  
George S. Hrichak, Chairman  
York County Board of Supervisors

## Southside Sub-Region | **City of Chesapeake**

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*Adapted 9-27-11*

*# 17*

**A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY.**

**WHEREAS**, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

**WHEREAS**, the 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 planning program to the Department of Environmental Quality (DEQ); and

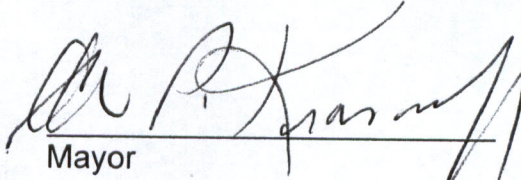
**WHEREAS**, the City of Chesapeake, in coordination with the Hampton Roads Planning District Commission, is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, and the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Capron, Claremont, Courtland, Dendron, Ivor, Smithfield, Surry, and Windsor; and

**WHEREAS**, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations.

**NOW, THEREFORE BE IT RESOLVED** that the Council of the City of Chesapeake hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

**ADOPTED** by the Council of the City of Chesapeake, Virginia this 27 day of September, 2011.

**APPROVED:**

  
Mayor

**ATTEST:**

  
Clerk of the Council

**Excerpt from the  
September 27, 2011  
Draft Meeting Minutes  
Chesapeake City Council**

The following excerpt from the draft meeting minutes is provided as the record of the local public hearing. The final meeting minutes will be forwarded to the Department of Environmental Quality upon availability.



**September 27, 2011 City Council Meeting  
Non-Planning Public Hearing Item D**

**Vice Mayor de Triquet: Thank you Members of Council, next item Madam Clerk.**

**City Clerk Moore: Non-Planning Public Hearing Item D – A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY. We have no speakers on this item.**

**Vice Mayor de Triquet: Thank you. Members of Council we did have a work session on this, I believe it was last week or the week before. A motion is in order.**

**Council Member Ward: move approval**

**Council Member West: second**

**Vice Mayor de Triquet: A motion by Council Member Ward, seconded by Council Member West. Discussion? Discussion? Please prepare to vote. Please vote. Madam Clerk record.**

**City Clerk Moore: The motion to approve the Resolution as presented is adopted by a 9-0 vote.**

**Vice Mayor de Triquet: Thank you Madam Clerk, the next item please.**

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## Southside Sub-Region | **City of Norfolk**

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Form and Correctness Approved: *RAP*By *[Signature]*  
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By *[Signature]*  
DEPT.**Resolution 1,491**

*PA-2*

A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY.

WHEREAS, pursuant to Virginia Code Section 62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, Norfolk is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations; now, therefore,

BE IT RESOLVED by the Council of the City of Norfolk:

Section 1:- That the City Council of the City of Norfolk hereby approves the attached Hampton Roads Regional Water Supply Plan for submittal to the Virginia Department of Environmental Quality.

Section 2:- That this resolution shall be in effect from and after its adoption.

Adopted by Council October 11, 2011  
Effective October 11, 2011

TRUE COPY

TESTE:

  
\_\_\_\_\_  
R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: \_\_\_\_\_  
DEPUTY CITY CLERK

## **NORFOLK, VIRGINIA**

### **ACTION OF THE COUNCIL**

**TUESDAY, OCTOBER 11, 2011 – 7:00 P.M.**

Prayer offered by Pastor Lionel V. Goodwyn, City of Refuge Kingdom Church, followed by the Pledge of Allegiance.

Acting President Burfoot moved to excuse Mr. Fraim and Mr. Protogyrou from today's meeting.

**Motion adopted.**

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, and Winn.

No: None.

Acting President Burfoot moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No: None.

### **CEREMONIAL MATTER**

Acting President Burfoot read a proclamation proclaiming the week of October 9 thru 15, 2011 as **"Fire Prevention Week"** in the City of Norfolk. Jeff Wise, Fire Chief, Roger Burris, Fire Marshall and Frank Duke, Planning Director, accepted the proclamation.

### **CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No: None.

## **PUBLIC HEARINGS**

### **PH-1**

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on September 13, 2011, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission to repeal Section 4-0.5, "Keeping of Animals,"** of the *Zoning Ordinance of the City of Norfolk, 1992* in order to remove any inconsistencies or redundancies in the *Norfolk City Code, 1979*.

Bill Frank, 1343 Bolling Avenue, Bee Keeper, spoke in support of this matter.

**The following proponents supported this matter:**

Michael Robillard, 1010 Llewellyn Mews, Mary Bishop, 1701 St. Dennis Avenue and Marc Rabinowitz, 814 Botetourt Court.

Thereupon, an Ordinance entitled, "An Ordinance to amend Section 4-0.5 of the Zoning Ordinance of the *City of Norfolk, 1992* **SO AS TO** remove from the Zoning Ordinance regulations regarding the Keeping of Animals in Residential Districts," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

### **PH-2**

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on September 27, 2011, under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the **Hampton Roads Regional Water Supply Plan** for submission to the **Virginia Department of Environmental Quality (DEQ)**.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

Thereupon, a Resolution entitled, "A Resolution approving the **Hampton Roads Regional Water Supply Plan** for submission to the Virginia Department of Environmental Quality," was introduced in writing and read by



its title.

**ACTION:** The Resolution as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

### **CONSENT AGENDA**

C-1 Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of the **City Planning Commission**, to amend the **Zoning Ordinance of the City of Norfolk, 1992**, to amend **Section 16-3 “Definition of Terms”** and **16-8.5 “Signs permitted in Historic and Cultural Conservation Districts”** in the **West and East Freemason Historic and Cultural Conservation Districts**.

**ACTION:** City Clerk authorized to advertise for a public hearing on November 22, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

C-2 Letter from the City Manager recommending a public hearing be scheduled to hear comments to approve a new five (5) year **Lease Agreement** between the **City of Norfolk** and **Crown Castle GT Company LLC (“Crown Castle”)**, at **1384 Kempsville Road**.

**ACTION:** City Clerk authorized to advertise for a public hearing on October 25, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

C-3 Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of the **City Planning Commission**, to amend the **Zoning Ordinance of the City of Norfolk, 1992**, to amend **Section 9-5 “Table of Principal Uses for Historic and Cultural Conservation Districts,”** to revise certain uses in the **West Freemason and Ghent Historic and Cultural Conservation Districts**.

**ACTION:** City Clerk authorized to advertise for a public hearing on November 22, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

C-4

Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of the **City Planning Commission**, to amend the **Zoning Ordinance of the City of Norfolk, 1992**, to amend **Section 13-6.5 “Home Occupations”** to revise allowable home occupations and other regulations.

**ACTION:** City Clerk authorized to advertise for a public hearing on November 22, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

### **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an eating and drinking establishment on property located at **1007 to 1011 East Bayview Boulevard**,” was introduced in writing and read by its title.

Jeanne and Fred Saxton, 1007 East Bayview Blvd, the applicants, were present to answer questions.

Edward L. Parkman, 1036 Bayview Blvd, was not present, but wanted to be recorded as opposing this matter due to parking concerns.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **The Williams School** to encroach into the verge between curb and sidewalk at **418 and 419 Colonial Avenue** with engraved brick pavers and approving a brick paver fundraising plan pursuant to certain conditions,” was introduced in writing and read by its title.

Meredith Lauter, 1288 Richmond Crescent, the applicant and Melanie Bird, 2204 East Admiral Drive, Virginia Beach, were present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **E. Perry Vaughan, III** to encroach into the right of way of **Henrico Street** with an 11’ by 35’ asphalt driveway at **3759 Henrico Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Sallie L. Deuel** to encroach into the right-of-way of **Granby Street** with a sign,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Section 22-14 of the Norfolk City Code, 1979, SO AS TO** add one new Subsection allowing a certain number of bona fide employees of a hotel or motel to reside on premises,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **No Child Left Behind (NCLB), Title IV, Part B, 21<sup>st</sup> Century Community Learning Centers Grant Award of \$199,870 for FY 2012 from the Commonwealth of Virginia, Department of Education**, for the **City’s After School Program at Lafayette-Winona Middle School** and appropriating and authorizing the expenditure of the funds for the program,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **No Child Left Behind (NCLB), Title IV, Part B, 21<sup>st</sup> Century Community Learning Centers Grant Award of \$199,404 for FY 2012 from the Commonwealth of Virginia, Department of Education**, for the **City’s After School Program at Lake Taylor Middle School** and appropriating and authorizing the expenditure of the funds for the program,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **Public Safety Answering Point (PSAP) Wireless E911 Education Program Grant Award of \$2,000.00 from the Virginia Information Technologies Agency (VITA)** to provide **911** specific group education/training opportunities throughout the Commonwealth,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **Public Safety Answering Point (PSAP) Wireless E911 Continuity and Consolidation Program Grant Award of \$150,000.00** from the **Virginia Information Technologies Agency (VITA)** for the replacement of technically-outdated and non-supported **Legacy Customer Premise equipment (E911 Phone System),**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the City’s lease of certain property owned by **1155 Pineridge, LLC** located at **1155 Pineridge Road** in the City of Norfolk; authorizing the City Manager to execute the **Lease Agreement**, and authorizing the expenditure of a sum of up to **\$230,272.02** from funds heretofore appropriated to cover the lease payments for the remainder of the **Fiscal Year 2011-2012,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the City’s lease of certain property owned by **1155 Pineridge, LLC** located at **1155 Pineridge Road** in the City of Norfolk; authorizing the City Manager to execute the **Lease Agreement**; and authorizing the expenditure of a sum of up to **\$23,362.47** from funds heretofore appropriated to cover the lease payments for the remainder of the **Fiscal Year 2011-2012,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Lease Agreement** between **Bel Aire Station, LLC (Formerly 1500 Properties, LLC)**, as **Landlord**, and the City of Norfolk, as tenant, for lease of the third floor of that certain building located at **1500 East Little Creek Road** for the **Norfolk Juvenile Courts Probation Services Unit**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

R-13

Letter from the City Attorney and an Ordinance entitled, “An Ordinance to schedule a City Council meeting on **Tuesday, October 18, 2011** at **2:00 p.m.** and to move the location of said meeting,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 11, 2011.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams and Winn.

No. None.

## **NEW BUSINESS**

1. Mike Imprevento, 2861 Bluebill Drive, Virginia Beach, spoke concerning an application that was submitted to hold a fundraising event on October 22, 2011 in the Historic Elmwood Cemetery. He wanted to know the status of that application and if alcoholic beverages could be served.
2. Ellis James, 2021 Kenlake Place, expressed concerns on a recent newspaper article about a developer claiming that he owns Bayview Street, stating that he was tired of the City of Norfolk paying out tax payer’s dollars and that something needs be done about it.

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## Southside Sub-Region | **City of Portsmouth**

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**A RESOLUTION APPROVING THE REGIONAL WATER SUPPLY PLAN  
DEVELOPED BY THE HAMPTON ROADS PLANNING DISTRICT  
COMMISSION.**

**WHEREAS**, the Commonwealth of Virginia experienced severe drought conditions in 2002 for which some localities were not prepared; and

**WHEREAS**, the General Assembly has adopted legislation requiring all localities to prepare a water supply plan (WSP); and

**WHEREAS**, in 2007, localities in the Hampton Roads region signed a Memorandum of Agreement to develop a regional water supply plan to be prepared by the Hampton Roads Planning District Commission (HRPDC); and

**WHEREAS**, the WSP developed by HRPDC requires certain elements including descriptions of existing water sources, assessments of projected demand, descriptions of water management actions and drought responses, and identification of potential alternatives to address any projected deficits in water supply; and

**WHEREAS**, the City of Portsmouth held a public hearing on August 23, 2011 on the draft regional water supply plan.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Portsmouth, Virginia that it hereby approves the regional water supply plan drafted by HRPDC and directs that a copy of this resolution together with any comments received at the public hearing be forwarded to HRPDC.

**ADOPTED** by the Council of the City of Portsmouth, Virginia at a meeting held on August 23, 2011.

Teste:

City Clerk

**August 23, 2011**

At a Called Meeting of the City Council on Tuesday, August 23, 2011, there were present:

Mayor Kenneth I. Wright, Vice Mayor Charles B. Whitehurst, Sr., William E. Moody, Jr., Marlene W. Randall, Stephen E. Heretick, Paige D. Cherry, \*Dr. Curtis E. Edmonds, Sr., City Manager Kenneth L. Chandler, City Attorney G. Timothy Oksman.

11 - 344 - The following call for the meeting was read:

"Please attend a Called Meeting of the City Council to be held in the 6<sup>th</sup> Floor Conference Room, 801 Crawford Street, 5:00 p.m., Tuesday, August 23, 2011 for the purpose of a Public Work Session.

In addition, you may consider a motion to go into a Closed Meeting.

By order of the Mayor."

11 - 345 - The following items were discussed in Public Work Session:

1. Hurricane Irene Update - Fire Chief Don Horton / Battalion Chief Spence Campbell / Richard Hartman, Interim Deputy City Manager
  2. Portsmouth Enterprise Zone - Mallory Kahler, Development Manager
  3. Aid to Commonwealth - Kenneth Chandler, City Manager
  4. Mosquito Control Update - Kenneth Chandler, City Manager
- Councilman Cherry reminded Management to follow up on the Portsmouth Port and Industrial Commission/School Property discussion.

11 - 346 - Motion by Ms. Randall, and seconded by Mr. Whitehurst, to go into Closed Meeting pursuant to provisions of Section 2.2-3711(A) of the Code of Virginia, to discuss appointments to committees, boards, and commissions, as per subsection 1, the possible sale of publicly owned real estate, and the possible acquisition of other real estate for a public purpose, where competition or bargaining is involved, as per subsection 3; and also the award of the public contract, where discussion in an open meeting would adversely affect the City's bargaining position, as per subsection 30.

The subject matter of the meeting includes appointments, the proposed Crawford Point development project, property in the Northside neighborhoods, and a prospective construction contract.

The purpose of the meeting is to permit confidential discussion of possible appointments, and negotiating strategy.

The motion was adopted by the following vote:

Ayes: Cherry, Edmonds, Heretick, Moody, Randall, Whitehurst, Wright

Nays: None

Motion by Mr. Heretick, and seconded by Mr. Moody, pursuant to Section 2.2-3712(D) of the Code of Virginia, certifying that to the best of the Council Members' knowledge during the immediately preceding Closed Meeting of the City Council:

1. Only public business matters lawfully exempted from open meeting requirements by the Virginia Freedom of Information Act, and
2. Only such public business matters as were identified in the motion, by which the Closed Meeting was convened, were heard, discussed or considered in the meeting by the City Council.

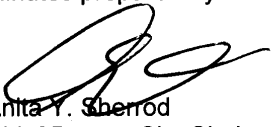
August 23, 2011

The motion was adopted by the following vote:

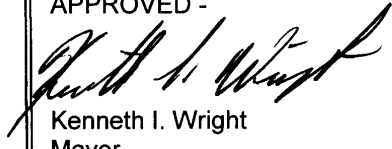
Ayes: Cherry, Edmonds, Heretick, Moody, Randall, Whitehurst, Wright  
Nays: None

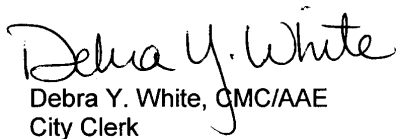
On motion, meeting adjourned.

Minutes prepared by:

  
Anita Y. Sherrod  
Chief Deputy City Clerk

APPROVED -

  
Kenneth I. Wright  
Mayor

  
Debra Y. White, CMC/AE  
City Clerk

\*Councilman Curtis E. Edmonds, Sr., arrived at 5:11 p.m.

**August 23, 2011**

At a Regular Meeting of the City Council on Tuesday, August 23, 2011, there were present:

Mayor Kenneth I. Wright, Vice Mayor Charles B. Whitehurst, Sr., William E. Moody, Jr., Marlene W. Randall, Stephen E. Heretick, Paige D. Cherry, Dr. Curtis E. Edmonds, Sr., City Manager Kenneth L. Chandler, City Attorney G. Timothy Oksman.

Reverend D. A. Peace, Sr., opened the meeting with prayer, which was followed by the Pledge of Allegiance to the Flag.

Mayor Wright called the meeting to order and welcomed all in attendance.

Motion by Mr. Whitehurst, and seconded by Mr. Moody, to approve the minutes of a Called Meeting of August 6, 2011, of a Called Meeting of August 8, 2011, of a Called Meeting of August 9, 2011, and of a Regular Meeting of August 9, 2011, and was adopted by the following vote:

Ayes: Cherry, Edmonds, Heretick, Moody, Randall, Whitehurst, Wright  
Nays: None

- Public Hearing -

11-348      Public hearing on a resolution approving the Hampton Roads Regional Water Supply Plan.

- Unfinished Business -

Consent Agenda:

11 - 327 - Comprehensive plan and use permit:

Motion by Mr. Heretick, and seconded by Mr. Edmonds, to adopt the following ordinance and resolution approved on first reading at the August 9, 2011 meeting, and was adopted by the following vote:

11-327 (a):

**“ORDINANCE TO AMEND THE CITY COMPREHENSIVE PLAN’S DOWNTOWN MASTER PLAN AND WATERFRONT STUDY, MASTER TRANSPORTATION PLAN, AND DOWNTOWN DESIGN MANUAL PERTAINING TO COURT STREET DESIGN AND CROSS SECTIONS BETWEEN HIGH STREET AND LONDON STREET.”**

11-327 (b):

**“RESOLUTION GRANTING A USE PERMIT TO DAVID L. GRIFFIN TO OPERATE AN ENTERTAINMENT ESTABLISHMENT AT 509, 511 AND 513 HIGH STREET.**

**WHEREAS**, David L. Griffin has made application pursuant to Section 40.1-2.3 B of the Code of the City of Portsmouth, Virginia (2006) for the granting of a use permit to operate an entertainment establishment at 513 High Street, Portsmouth, Virginia in order to expand his operations beyond 509 and 511 High Street as previously authorized by Resolution R-09-48 adopted on September 8, 2009; and

**WHEREAS**, the applicant and the Planning Director have done all things required to be done in connection with said application; and

**WHEREAS**, the Planning Commission has recommended the granting of the application for a use permit with conditions.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Portsmouth, Virginia:

1. That it finds that the use for which the permit is sought:

**August 23, 2011**

- (a) Complies with the applicable standards of the Zoning Ordinance;
- (b) Is consistent with the comprehensive plan;
- (c) Is compatible with the character of surrounding lands and the uses permitted in the subject property's zoning district;
- (d) Is configured to minimize adverse effects, including the visual impacts of the proposed use on adjacent lands;
- (e) Avoids significant deterioration of water and air resources, and other natural resources;
- (f) Maintains safe and adequate egress and ingress onto the site and safe road conditions around the site;
- (g) Allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in their zoning district(s);
- (h) Complies with all other city, state, and federal laws and regulations.

2. That David L. Griffin is hereby granted a use permit pursuant to Section 40.1-2.3B of the Code of the City of Portsmouth, Virginia (2006) to operate an entertainment establishment at 509, 511, and 513 High Street, Portsmouth, Virginia and being more particularly described as:

**UP-11-04**

**509, 511, and 513 High Street**

Beginning at a point 79'± from the southwest corner of High and Dinwiddie Streets; thence, in a westerly direction 70'± to a point; thence, in a southerly direction 115'± to a point; thence, in an easterly direction 70'± to a point; thence, in a northerly direction 115'± to a point of the beginning.

3. That the use permit is approved subject to the following conditions which shall be observed by the applicants and any successor in interest:

- (a) The occupant load of the facility shall not exceed 236 persons, including staff and patrons, at any time as required by the Building Official in the combined space of 509, 511 and 513 High Street.
- (b) The hours of operation shall be no earlier than 8:00 a.m. to no later than 2:00 a.m.
- (c) The hours of entertainment shall be no earlier than 11:00 a.m. to no later than 2:00 a.m.
- (d) Sufficient interior and exterior security shall be provided by individuals who are certified by the Virginia Department of Criminal Justice Services.
- (e) The site layout plan shall generally be in accordance with the floor plan dated November 2, 2010. Minor changes may be approved by the Director of Planning.
- (f) Rear doors shall be used for emergency exits only and shall not be propped open during hours of operation.
- (g) The applicant shall obtain approval from the Downtown Design Committee for any exterior alterations, including signage.
- (h) Noise from the establishment shall comply with City Code Section 24-255.

**August 23, 2011**

- (i) The applicant shall be required to install a backflow preventer, if determined necessary by the Department of Public Utilities.
- (j) The applicant must obtain and keep current any required operating licenses and shall operate in accordance with federal, state and local regulations.
- (k) All taxes and fees in connection with the proposed use shall be paid when due.
- (l) The owners and/or operators of the establishment shall not violate any laws of the Commonwealth or ordinances of the City related to peace and good order, not suffer repeated or chronic violations by any of its patrons or customers. If the Chief of Police, in his discretion, determines that there are significant violations of this type to comprise a significant law enforcement problem, he shall so notify the applicant in writing and shall provide a copy of such notice to the Director of Planning. If, within six months of the date of such letter, the Director of Planning determines that the offenses against peace and good order are continuing, then he may initiate proceedings for the revocation of this permit. Provided, however, that if at any time problems exist of such a severity that the Chief of Police determines that there is a significant risk to public safety or peace and good order of such proportions as to create a risk of blight, revocation proceedings may be initiated by the Director of Planning regardless of the six month requirement.

4. **REVOCATION OF PERMIT:** Violation of any of the above conditions may serve as grounds for revocation of the use permit by the City Council."

Ayes: Cherry, Edmonds, Heretick, Moody, Randall, Whitehurst, Wright  
Nays: None

- City Manager's Report -

**11 - 349 - Adoption of an ordinance accepting a grant in the amount of \$323,872 from the Virginia Department of Criminal Justice Services and appropriating said amount in the FY 2011-12 Grants Fund for use by the Commonwealth's Attorney's Office for the Victim Witness Program. *Vision Principle: Thriving Neighborhoods and a Sense of Community.***

**Background:**

- The City of Portsmouth has received a grant from DCJS for continuation funding of the Victim Witness Grant, administered by the Commonwealth's Attorney's Office.
- This grant program has grown over the last 20 years to comprise six full-time appointees who served over 1600 victims last year.
- This program provides for comprehensive information and direct services to crime victims and witnesses.

**Discussion:**

- The Victim Witness Grant will provide for six full-time appointees dedicated 100% to the Grant's objectives.
- It is estimated that this program will serve in excess of 1850 victims annually.

**Financial Impact:**

- There is no cash match required of the City.

**Staff Recommends:**

- Adoption of proposed ordinance. *Vision Principle: Thriving Neighborhoods and a Sense of Community.*

**Next Steps Following Council Action:**

- The continuation of our Victim Witness Program focusing on serving victims of crime in our City.

Motion by Mr. Heretick, and seconded by Mr. Edmonds, to adopt the following ordinance, and was adopted by the following vote:



August 23, 2011

**“ORDINANCE ACCEPTING A GRANT IN THE AMOUNT OF \$323,872 FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES AND APPROPRIATING SAID AMOUNT IN THE FY 2011-12 GRANTS FUND FOR USE BY THE COMMONWEALTH’S ATTORNEY’S OFFICE FOR THE VICTIM WITNESS PROGRAM.”**

Ayes: Cherry, Edmonds, Heretick, Moody, Randall, Whitehurst, Wright  
Nays: None

**11 - 350 - Adoption of an ordinance appropriating \$2,129,500 in the FY 2011-12 Public Utilities Fund Operating Budget for the purchase of emergency drought raw water from the City of Norfolk pursuant to the Emergency Raw Water Sales Contract dated October 4, 2002. *Vision Principles: A Robust and Prospering Economy and Thriving Neighborhoods and a Sense of Community.***

**Background:**

- In 2002, faced with the then worst drought of record, Portsmouth, Norfolk, Suffolk, the Western Tidewater Water Authority, and the Virginia Departments of Health and Transportation cooperated to construct a water conveyance system linking Norfolk’s Lake Prince Reservoir to Portsmouth’s Lake Cohoon and Lake Meade Reservoirs. This conveyance system was constructed to allow the transfer of up to 10 million gallons per day of Norfolk’s surplus raw water into Portsmouth’s reservoir system in case of a drought.
- This drought water line has been used twice, once during FY 2008 and again in September 2010.
- Currently faced with another impending drought condition, Portsmouth plans to activate the water conveyance system as conditions dictate and purchase surplus emergency raw water from the City of Norfolk, and only as necessary. As conditions improve, we will cease purchasing additional raw water.

**Discussion:**

- This supplemental appropriation will provide the funding required to purchase raw water from the City of Norfolk.
- This funding comes from unappropriated Public Utilities Unrestricted Net Assets, not from the General Fund.

**Financial Impact:**

- This appropriation will fund Portsmouth’s purchase of emergency raw water from the City of Norfolk for up to 26 weeks at a level of 10 million gallons per day and a rate of \$1.17 per 1,000 gallons in accordance with the terms of the October 4, 2002 contract for a total cost not to exceed \$2,129,500.

**Recommended Action:**

- Adoption of proposed ordinance. *Vision Principles: A Robust and Prospering Economy and Thriving Neighborhoods and a Sense of Community.*

**Next Steps following City Council Action:**

- As water supply conditions dictate, Portsmouth’s Director of Public Utilities will advise the City of Norfolk of Portsmouth’s desire to purchase surplus, raw water on an emergency basis under the terms and conditions of the October 4, 2002 contract.

Motion by Ms. Randall, and seconded by Mr. Whitehurst, to adopt the following ordinance, and was adopted by the following vote:

**“ORDINANCE APPROPRIATING \$2,129,500 IN THE FY 2011-12 PUBLIC UTILITIES FUND OPERATING BUDGET FOR THE PURCHASE OF EMERGENCY DROUGHT RAW WATER FROM THE CITY OF NORFOLK PURSUANT TO THE EMERGENCY RAW WATER SALES CONTRACT DATED OCTOBER 4, 2002.”**

Ayes: Cherry, Edmonds, Heretick, Moody, Randall, Whitehurst, Wright  
Nays: None

August 23, 2011

**11 - 351 - Adoption of (a) a resolution requesting grant assistance from the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund and (b) an ordinance to appropriate \$24,348 in the FY 2011-12 Grants Fund from grant funds received from the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund. *Vision Principle: A Robust and Prospering Economy.***

**Background:**

- The City through its Department of Public Utilities owns and operates three earthen dams. These dams are located in the City of Suffolk and form Lakes Cohoon, Kilby and Speights Run. These are three of the four lakes that provide drinking water to the City.
- Dam Safety regulations have changed that require certain improvements be made to these three earthen dams to help prevent possible erosion or dam failure.
- The Virginia Department of Conservation and Recreation (DCR) and the Virginia Resources Authority (VRA) administer the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund. Grants are available through this fund to pay for engineering and design costs of improvements needed to meet current dam safety regulations.
- The City has been awarded a grant from this program in the amount of \$24,348.00. The Grant Manual requires that a City Council resolution requesting assistance be submitted before any grant monies can be released.

**Discussion:**

- The total engineering and design costs for all three dams are estimated to be \$140,000.00. This grant will help defray a portion of this expense. Public Utilities will pay for the balance of design and engineering services required to construct the necessary improvements. This is an approved project in the FY2012 Capital Improvements Program (CIP).

**Financial Impact:**

- Adoption of this resolution and ordinance will save the Public Utility Fund \$24,348.00. The remaining engineering and design costs to be paid meet the matching funds requirement of the grant program. These matching funds are already appropriated in the FY2012 CIP. No additional funds are required.

**Recommended Action:**

- Adoption of proposed resolution. *Vision Principle: A Robust and Prospering Economy.*
- Adoption of proposed ordinance. *Vision Principle: A Robust and Prospering Economy.*

**Next Steps following City Council Action:**

- Resolution will be forwarded to DCR and VRA to meet grant requirements.
- Staff will make appropriate entries in the financial system to appropriate these funds.
- Reimbursement request will be made to VRA to receive funds once engineering and design is completed.

Motion by Mr. Whitehurst, and seconded by Mr. Edmonds, to adopt the following resolution, and was adopted by the following vote:

**11-351 (A):**

**“RESOLUTION REQUESTING GRANT ASSISTANCE FROM THE VIRGINIA DAM SAFETY, FLOOD PREVENTION AND PROTECTION ASSISTANCE FUND.**

**WHEREAS**, the City of Portsmouth through its Department of Public Utilities owns and operates three earthen dams in the City of Suffolk that provide drinking water to the City; and

**August 23, 2011**

**WHEREAS**, dam safety regulations have changed that require certain improvements be made to these three earthen dams to help prevent possible erosion or dam failure; and

**WHEREAS**, the Virginia Department of Conservation and Recreation and the Virginia Resources Authority administer the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund which provides grants to defray engineering and design costs for improvements needed to meet current dam safety regulations; and

**WHEREAS**, the City has been allocated a grant from this Fund in the amount of \$24,348 to defray the estimated engineering and design costs of \$140,000 for all three dams; and

**WHEREAS**, the Grant Manual requires that City Council adopt a resolution requesting assistance before any grant monies can be awarded and released; and

**WHEREAS**, the balance of the costs have been appropriated in the FY 2011-12 Public Utilities Capital Improvements Fund.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Portsmouth, Virginia that it hereby requests assistance for as required in the Grant Manual for the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund and authorizes the City Manager and/or the Director of Public Utilities submit a grant application for monies available from said Fund and to take such additional actions as may be required to secure said funds."

Ayes: Cherry, Edmonds, Heretick, Moody, Randall, Whitehurst, Wright

Nays: None

Motion by Mr. Whitehurst, and seconded by Ms. Randall, to adopt the following ordinance, and was adopted by the following vote:

**11-351 (B):**

**"ORDINANCE TO APPROPRIATE \$24,348 IN THE FY 2011-12 GRANTS FUND FROM GRANT FUNDS RECEIVED FROM THE VIRGINIA DAM SAFETY, FLOOD PREVENTION AND PROTECTION ASSISTANCE FUND."**

Ayes: Cherry, Edmonds, Heretick, Moody, Randall, Whitehurst, Wright

Nays: None

**11 - 352 - Adoption of a resolution approving the Regional Water Supply Plan developed by the Hampton Roads Planning District Commission. *Vision Principles: Bold New Directions and a Robust and Prospering Economy.***

**Background:**

- Virginia experienced severe drought conditions in 2002 and some localities were not prepared. In response, the General Assembly adopted legislation requiring all localities to prepare a water supply plan (WSP). Localities in the Hampton Roads region signed a Memorandum of Agreement in 2007 to develop a regional water supply plan to be prepared by the Hampton Roads Planning District Commission.
- The WSP requires certain elements including descriptions of existing water sources, assessments of projected demand, descriptions of water management actions and drought responses, and identification of potential alternatives to address any projected deficits in water supply.
- Even though this is a regional plan, each locality in the region must conduct its own public hearing and adopt a resolution approving the plan.

**August 23, 2011**

**Discussion:**

- The regional plan shows that Portsmouth has adequate supply to meet projected demands through at least 2050. We have plans in place to deal with drought conditions should they arise and the ability to supplement our supply in drought conditions through a contract with the City of Norfolk.
- The localities in the Hampton Roads region have developed a coordinated approach to water supply planning and resource management that will benefit the region in future years.

**Financial Impact:**

- There is no financial impact with approval of this water supply plan. No additional funds are required.

**Recommended Action:**

- Conduct a public hearing. Forward any comments received to HRPDC.
- Adoption of proposed resolution. *Vision Principles: Bold New Directions and a Robust and Prospering Economy.*

**Next Steps following City Council Action:**

- Staff will forward the approved resolution to HRPDC for submittal with the regional plan to the Commonwealth.

Motion by Mr. Moody, and seconded by Mr. Heretick, to adopt the following resolution, and was adopted by the following vote:

**“RESOLUTION APPROVING THE REGIONAL WATER SUPPLY PLAN DEVELOPED BY THE HAMPTON ROADS PLANNING DISTRICT COMMISSION.**

**WHEREAS**, the Commonwealth of Virginia experienced severe drought conditions in 2002 for which some localities were not prepared; and

**WHEREAS**, the General Assembly has adopted legislation requiring all localities to prepare a water supply plan (WSP); and

**WHEREAS**, in 2007, localities in the Hampton Roads region signed a Memorandum of Agreement to develop a regional water supply plan to be prepared by the Hampton Roads Planning District Commission (HRPDC); and

**WHEREAS**, the WSP developed by HRPDC requires certain elements including descriptions of existing water sources, assessments of projected demand, descriptions of water management actions and drought responses, and identification of potential alternatives to address any projected deficits in water supply; and

**WHEREAS**, the City of Portsmouth held a public hearing on August 23, 2011 on the draft regional water supply plan.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Portsmouth, Virginia that it hereby approves the regional water supply plan drafted by HRPDC and directs that a copy of this resolution together with any comments received at the public hearing be forwarded to HRPDC.”

Ayes: Cherry, Edmonds, Heretick, Moody, Randall, Whitehurst, Wright

Nays: None

**11 - 353 - Adoption of a resolution to approve the FY 2011-12 Performance Contract for the Department of Behavioral Healthcare Services. *Vision Principle: Thriving Neighborhoods and a Sense of Community.***

**Background:**

- The Code of Virginia requires that local government approve the FY2012 Performance Contract no later than September 15, 2011.

**August 23, 2011**

**Discussion:**

- The Department of Behavioral Health and Developmental Services (DBHDS), issues a performance contract to each Community Services Board (CSB) on an annual basis. The Performance Contract specifies the services to be rendered for the next fiscal year relative to budgeted funding committed to each CSB for the funding period.
- Department of Behavioral Healthcare Services (DBHS) budget is approved annually by City Council during the City's operating budget process. The Performance Contract displays this budget in the format required by the State.

**Financial Impact:**

- The City must approve the Performance Contract in order to receive allocations of State and Federal funds, or amounts subsequently revised by, or negotiated with the DBHDS Office of Community Contracting.

**Recommended Action:**

- Adoption of a resolution to approve the FY2012 Performance Contract for the Department of Behavioral Healthcare Services. *Vision Principle: Thriving Neighborhoods and a Sense of Community.*

**Next Steps Following Council Action:**

- If the FY2012 Performance Contract is approved, the Director of DBHS will ensure DBHDS is notified that the Performance Contract was approved by City Council as verified by the City Council Agenda minutes and Transmittal Notice.

Motion by Mr. Moody, and seconded by Mr. Edmonds, to adopt the following resolution, and was adopted by the following vote:

**“RESOLUTION TO APPROVE THE FY 2011-12 PERFORMANCE CONTRACT FOR THE DEPARTMENT OF BEHAVIORAL HEALTHCARE SERVICES.**

**WHEREAS**, the Virginia Department of Behavioral Health and Developmental Services, formerly titled the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, annually issues a performance contract to each local community services board (CSB) specifying the services to be rendered by the CSB for the next fiscal year relative to funding budgeted; and

**WHEREAS**, the City of Portsmouth must approve the Portsmouth Department of Behavioral Healthcare Services' FY 2012 Performance Contract by September 15, 2011.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Portsmouth, Virginia that it hereby approves the Portsmouth Department of Behavioral Healthcare Services' FY 2012 Performance Contract.”

Ayes: Cherry, Edmonds, Heretick, Moody, Randall, Whitehurst, Wright  
Nays: None

**11 - 354 - Adoption of a resolution authorizing the City Manager to execute an Amended Agreement with the Elizabeth River Project and the Virginia Port Authority for Paradise Creek Nature Park. *Vision Principles: Bold New Directions; World Class Maritime Center; Thriving Neighborhoods and a Sense of Community; Lifelong Learning Community.***

**Background:**

- In 2006, the City executed an agreement with the Elizabeth River Project (ERP) and the Virginia Port Authority to develop Paradise Creek Park, a 40-acre nature park off Victory Boulevard in the southeast portion of the City. In the Agreement, the Virginia Port Authority (VPA) committed to construct the tidal marsh lands, ERP committed to construct the park and its amenities, and the City committed to accepting ownership and operation & maintenance upon completion.

**August 23, 2011**

- Since 2006, circumstances have changed giving rise to a proposed Amended Agreement. Notably, economic conditions have made it difficult for ERP to raise funds for construction of all elements up front, and the Department of Conservation & Recreation trail grant which ERP subsequently obtained requires that trails be open to public upon completion in December 2012.

**Discussion:**

The proposed Amended Agreement:

- breaks the construction of the elements into three phases (Agreement Exhibit C),
- commits the City to begin maintaining the trails when ERP completes their construction in December 2012, and
- commits ERP to continue to own and provide liability insurance for the Park with the City as a named insured until ERP completes construction of Phase II on or before December 15, 2015.

**Financial Impact:**

- The estimated FY13 operating impact for park maintenance staff, supplies & materials, and initial mowing equipment is \$112,129. These funds are currently not included in the FY13 budget.

**Staff Recommends:**

- Adoption of resolution. *Vision Principles: Bold New Directions; World Class Maritime Center; Thriving Neighborhoods and a Sense of Community; Lifelong Learning Community.*

**Next Steps Following Council Action:**

- City Manager executes the Amended Agreement.
- VPA and ERP continue with design and construction of Phase I and II.

Motion by Mr. Heretick, and seconded by Ms. Randall, to adopt the following resolution, and was adopted by the following vote:

**“RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED AGREEMENT WITH THE ELIZABETH RIVER PROJECT AND THE VIRGINIA PORT AUTHORITY FOR PARADISE CREEK NATURE PARK.**

**WHEREAS**, in 2006, the City executed an agreement with the Elizabeth River Project (ERP) and the Virginia Port Authority (VPA) to develop Paradise Creek Park, a 40-acre nature park off Victory Boulevard in the southeast portion of the City; and

**WHEREAS**, in the Agreement, the VPA committed to construct the tidal marsh lands, ERP committed to construct the park and its amenities, and the City committed to accepting ownership and operation and maintenance upon completion; and

**WHEREAS**, since 2006, ERP obtained a grant for the trails portion of the Park from the Department of Conservation and Recreation which requires that the trails be open to public upon completion in December 2012; and

**WHEREAS**, economic conditions have made it difficult for ERP to raise funds for construction of all elements prior to the City's acceptance of ownership, thereby giving rise to the need for an Amended Agreement; and

**WHEREAS**, the proposed Amended Agreement (a) breaks the construction of the elements into three phases, (b) commits the City to begin maintaining the trails when ERP completes their construction in December 2012, and (c) commits ERP to continue to own and provide liability insurance for the Park with the City as a named insured until ERP completes construction of Phase II on or before December 15, 2015.

**August 23, 2011**

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Portsmouth, Virginia that it hereby approves the changes to the 2006 Agreement among the Elizabeth River Project and the Virginia Port Authority as set out above and authorizes the City Manager or his designee to execute an Amended Agreement setting out such changes to the 2006 Agreement."

Ayes: Cherry, Edmonds, Heretick, Moody, Randall, Whitehurst, Wright  
Nays: None

- New Business -

11 - 355 - Boards and Commissions

Mr. Moody offered the following nominations:

**Board of Building Code Appeals**

Michael Pittman to be reappointed for a four year term ending August 31, 2015.

Herman Terry to be reappointed for a four year term ending August 31, 2015.

**Housing Board of Adjustments & Appeals**

Anthony Anderson to be appointed to fill a four year term ending June 30, 2014, replacing Lizzie Caldwell.

**Museum & Fine Arts Commission**

Betty House to be reappointed for a three year term ending October 31, 2014.

Annie Panno to be reappointed for a three year term ending October 31, 2014.

Leslie Parker to be reappointed for a three year term ending October 31, 2014.

**Portsmouth Redevelopment & Housing Authority**

Charles Morgan to be appointed to fill a four year term ending August 31, 2015, replacing Ernest Hardee.

Joe Fleming to be appointed to fill a four year term ending August 31, 2015, replacing Junius Williams.

Pamela Kloeppel to be reappointed for a four year term ending August 31, 2015.

**Social Services Advisory Commission**

Jacob Small to be appointed to fill an unexpired term ending June 30, 2012, replacing Jack Stallings.

**South Hampton Roads Disabilities Services Board**

Angela Hayes to fill a three year term ending December 31, 2014, replacing David Gonzales.

**Supplemental Retirement Board**

David Harrington to be appointed to fill a four year term ending September 30, 2015, replacing Troy Tilley.

Motion by Mr. Moody, and seconded by Mr. Heretick, to close nominations, and the above nominations were adopted by the following vote:

August 23, 2011

Ayes: Cherry, Edmonds, Heretick, Moody, Randall, Whitehurst, Wright

Nays: None

11 - 356 - Items Submitted by Council Members

- Mayor Wright recognized Councilman Heretick.
- Mr. Heretick took a moment to inform citizens of Portsmouth's hosting of the United States Secretary of Housing and Urban Development Shaun Donovan during a ribbon cutting ceremony at the Seaboard Development which concluded the 2<sup>nd</sup> Phase of the Hope VI Grant acquired by the Portsmouth Redevelopment and Housing Authority.
- Mayor Wright informed citizens of the new teacher orientation that he attended.
- Ms. Randall thanked the Mayor for giving remarks at a recent conference.
- Mayor Wright, as a member of the Hampton Roads Military and Federal Facilities Alliance, was notified of the change of command at the Portsmouth Naval Medical Center.
- Mr. Moody recognized Councilman Whitehurst for his outspoken opposition to the relocation of the Cancer Treatment Center from Portsmouth to Suffolk.

11 - 357 - Report on Pending Items

- Bernadette Hogge, Ombudsman, gave an update on items of concern presented by citizens at the August 9, 2011 City Council Meeting.

11 - 358 - Non-Agenda Speakers

1. Larry Gump, 4205 Cedar Lane, voiced his concerns with the drainage problems in Ebony Heights, the lack of street lighting in Shea Terrace and with the Sheriff.
2. Samuel Payton, 900 County Street, voiced his opposition to the turning off of electricity at the end of High Street.
3. Lieutenant Lee Cherry, 1108 Melvin Drive, reminded City Council and citizens of the airing of the Scared Straight Program on A&E, September 1, 2011.

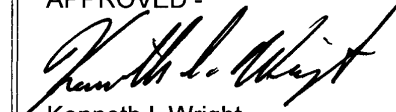
On motion, meeting adjourned at 8:00 p.m.

Minutes prepared by:

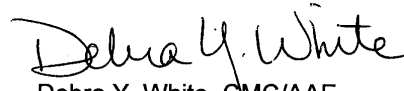


Anita Y. Sherrod  
Chief Deputy City Clerk

APPROVED -



Kenneth I. Wright  
Mayor



Debra Y. White, CMC/AEE  
City Clerk



## Southside Sub-Region | **City of Suffolk**

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**RESOLUTION NUMBER 11-R-045****A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, the City of Suffolk is part of the Hampton Roads Regional Water Supply Plan, a copy of which is available for review in the Office of the City Clerk for the City of Suffolk and which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

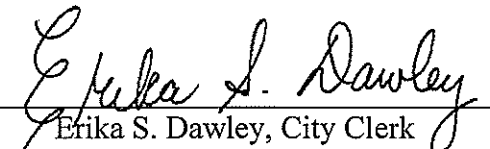
WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Suffolk, Virginia, that the Hampton Roads Regional Water Supply Plan be, and is hereby approved for submittal to the Virginia Department of Environmental Quality.

This resolution shall be in effect upon its adoption.

READ AND ADOPTED: SEPTEMBER 7, 2011

TESTE:

  
Erika S. Dawley, City Clerk

Regular Meeting of the Suffolk City Council was held in the City Council Chamber on Wednesday, September 7, 2011, at 7:00 p.m.

**PRESENT**

Council Members -

Linda T. Johnson, Mayor, presiding

Charles F. Brown, Vice Mayor

Robert C. Barclay IV

Leroy Bennett

Michael D. Duman

Jeffrey L. Gardy

Curtis R. Milteer, Sr.

Charles D. Parr, Sr.

Selena Cuffee-Glenn, City Manager

C. Edward Roettger, City Attorney

Erika S. Dawley, City Clerk

**ABSENT**

None

**CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE**

Mayor Johnson called the meeting to order, Council Member Milteer provided the Invocation and Pledge of Allegiance to the Flag.

**FREEDOM OF INFORMATION ACT CERTIFICATION**

City Clerk Dawley presented a resolution certifying the Closed Meeting of September 7, 2011, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

Council Member Milteer, on a motion seconded by Council Member Gardy, moved that the resolution be adopted, as presented, by the following vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

**A RESOLUTION OF CERTIFICATION OF THE CLOSED MEETING OF SEPTEMBER 7, 2011, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED**

**APPROVAL OF THE MINUTES**

Council Member Gardy, on a motion seconded by Council Member Duman, moved to approve the minutes from the August 17, 2011, Work Session and Regular Meeting, as presented, by the following vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

**SPECIAL PRESENTATION****Special Presentation – Taste of Suffolk/9-11 Commemoration**

Utilizing a PowerPoint presentation, Parks and Recreation Director Lakita Frazier and Economic Development Director Kevin Hughes offered a report on the background information as printed in the official agenda.

**Special Presentation – Hurricane Response Effort**

Utilizing a PowerPoint presentation, Deputy City Manager Patrick Roberts gave an overview of the background information as printed in the official agenda.

Referring to the presentation, Council Member Milteer opined about assistance for residents without insurance, specifically a house that was damaged on Spruce Street and Charlotte Avenue. Deputy City Manager Roberts replied that the City is sharing information with residents about State and federal assistance to aid with damages as a result of the recent hurricane.

**REMOVAL OF THE ITEMS FROM THE CONSENT AGENDA AND ADOPTION OF THE AGENDA**

Mayor Johnson asked if any members of City Council wished to remove any items from the Consent Agenda for separate action. Hearing no requests for removal of any items, Mayor Johnson advised that a motion was in order at this time to adopt the agenda in its entirety.

Council Member Barclay, on a motion seconded by Council Member Duman, moved to adopt the remaining agenda, as presented, by the following vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

**AGENDA SPEAKERS**

Sam Glascock, 253 Kings Highway, Vice President, Obici Healthcare Foundation, opined about Item #18 - An ordinance to amend Division 4, "Exemptions", Article X, "Real Property", of Chapter 82, "Taxation", of the Code of the City of Suffolk, Virginia, 1998.

**CONSENT AGENDA**

Consent Agenda Item #7 - AN ORDINANCE TO ACCEPT AND APPROPRIATE REVENUE SHARING FUNDS FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2012 REVENUE SHARING PROGRAM

Consent Agenda Item #8 - AN ORDINANCE TO ACCEPT AND APPROPRIATE PROCEEDS RESULTING FROM THE SALE OF CERTAIN LANDS ASSOCIATED WITH THE SUFFOLK FORECLOSURE MITIGATION AND NEIGHBORHOOD STABILIZATION PROGRAM

Consent Agenda Item #9 - AN ORDINANCE TO ACCEPT AND APPROPRIATE THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN SUPPORT OF THE SUFFOLK POLICE DEPARTMENT AND OFFICE OF THE COMMONWEALTH ATTORNEY

Consent Agenda Item #10 - AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE CITY WIDE TRAFFIC MANAGEMENT SYSTEM PLAN

Consent Agenda Item #11 - AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE HAMPTON ROADS URBAN AREA SECURITY INITIATIVE

Consent Agenda Item #12 - AN ORDINANCE TO AUTHORIZE THE TRANSFER AND APPROPRIATION OF REMAINING CAPITAL PROJECT BALANCES AND BOND PROCEEDS TO VARIOUS NEEDED CAPITAL PROJECTS

Consent Agenda Item #13 - A RESOLUTION DECLARING AND RESCINDING A LOCAL EMERGENCY

Vice Mayor Brown called for a report on the following items: Consent Agenda Item #7 – an ordinance to accept and appropriate revenue sharing funds from the Virginia Department of Transportation Fiscal Year 2012 Revenue Sharing Program; Consent Agenda Item #8 – an ordinance to accept and appropriate proceeds resulting from the sale of certain lands associated with the Suffolk foreclosure mitigation and neighborhood stabilization program; Consent Agenda Item #9 – an ordinance to accept and appropriate the Edward Byrne Memorial Justice Assistance grant from the United States Department of Justice in support of the Suffolk Police Department and Office of the Commonwealth Attorney; Consent Agenda Item #10 - an ordinance to accept and appropriate funds from the Virginia department of transportation for the city wide traffic management system plan; and Consent Agenda Item #11 - an ordinance to accept and appropriate funds from the United States Department of Homeland Security for the Hampton Roads Urban Area Security Initiative.

Referring to the above referenced Consent Agenda Items, City Manager Cuffee-Glenn provided summaries of the background information as printed in the official agenda.

Council Member Gardy, on a motion seconded by Council Member Barclay, moved to approve Consent Agenda, as presented, by the following vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

## **PUBLIC HEARINGS**

**Public Hearing** - Consideration of an appeal of the Historic Landmarks Commission's decision to deny a request to replace a standing seam metal roof with architectural grade shingles on a structure located at 205 Grace Street

Utilizing a PowerPoint presentation, Planning and Community Development Director D. Scott Mills supplied a review of the background information on the above referenced item.

Joseph DiJulio, 3620 Seahorse Way, Virginia Beach, Virginia, representing Edjoe 6 LLC, spoke in support of the appeal.

Hearing no other speakers, the public hearing was closed.

Council Member Parr, on a motion seconded by Council Member Gardy, moved to approve a request to replace a standing seam metal roof with architectural grade shingles on a structure located at 205 Grace Street, by the following vote:

AYES:	Council Members Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	7
NAYS:	Council Member Barclay	1

**Public Hearing** - A resolution approving the Hampton Roads Regional Water Supply Plan for submission to the Virginia Department of Environmental Quality

Utilizing a PowerPoint presentation, Public Utilities Director Albert Moor gave a report of the background information as printed in the official agenda.

Karen Cook, 4595 Quaker Drive, representing self, expressed concerns about any potential adverse impact on private wells as a result of the proposed plan.

Hearing no additional speakers, the public hearing was closed.

Referring to the presentation, Council Member Gardy requested information about any potential adverse impact on private wells as a result of the proposed plan. Public Utilities Director Moor replied that the proposed plan will not have any adverse impact on the private wells.

Council Member Parr, on a motion seconded by Council Member Duman, moved to approve the resolution, as presented, by the following vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

**A RESOLUTION APPROVING THE HAMPTON ROADS WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**ORDINANCES**

**Ordinance** - An ordinance to amend the Code of the City of Suffolk to establish Section 58-33 Concerning the Rental of City Facilities

Utilizing a PowerPoint presentation, Parks and Recreation Director Frazier summarized the background information as printed in the official agenda.

Council Member Milteer, on a motion seconded by Council Member Bennett, moved to approve the ordinance, as presented, by the following vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SUFFOLK TO ESTABLISH SECTION 58-33 CONCERNING THE RENTAL OF CITY FACILITIES**

**Ordinance** - An ordinance to amend the Code of the City of Suffolk regarding the rental of the Nansemond-Suffolk Armory and the Planters Club Property

Utilizing a PowerPoint presentation, Parks and Recreation Director Frazier offered the background information as printed official agenda.

Council Member Gardy, on a motion seconded by Vice Mayor Brown, moved to approve the ordinance, as presented, by the following vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SUFFOLK REGARDING THE RENTAL OF THE NANSEMOND-SUFFOLK ARMORY AND THE PLANTERS CLUB PROPERTY**



**Ordinance** - An ordinance to amend Division 4, “Exemptions”, Article X, “Real Property”, of Chapter 82, “Taxation”, of the Code of the City of Suffolk, Virginia, 1998

Utilizing a PowerPoint presentation, City Assessor Jean Jackson submitted an update on the above referenced item as amended.

Referring to the presentation, Council Member Milteer sought information about church owned parsonages as it relates to personal property and real estate tax exemption status. City Assessor Jackson explained that if a church owns a parsonage, then that would also qualify for the exemptions for religious organizations.

Referring to the presentation, Council Member Duman asked which City department would offer assistance to organizations applying for personal property and real estate tax exemption status. City Assessor Jackson stated that the Office of the City Assessor would receive the applications and have 45 business days to review for completeness. She further stated that after this time, the applications would be forwarded to the Office of the City Manager who would then have 60 days after receipt for action.

Referring to the presentation, Mayor Johnson called for clarification about the City department that would offer assistance to organizations applying for personal property and real estate tax exemption status. City Assessor Jackson said that the Office of the City Assessor would offer assistance with applications as needed.

Referring to the presentation, Council Member Barclay inquired about any relationship between the proposed ordinance and any specific application for personal property and real estate tax exempt status. City Assessor Jackson advised that the proposed ordinance only brings the City Code into conformity with the State Code and does not address any specific request for the exemptions.

Referring to the presentation, Council Member Bennett queried about the timeline for reapplication for personal property and real estate tax exempt status. City Assessor Jackson replied that any charitable and religious organization that wished to seek the exemptions would need to reapply every three years.

Referring to the presentation, Council Member Duman opined about the proposed ordinance, specifically the minimum number of years that a charitable or religious organization would be required to provide services to the City to be eligible for personal property and real estate tax exempt status. City Assessor Jackson said that any charitable or religious organization that wished to seek the exemptions would need to provide services in the City for three years and if City Council wished to make an exemption to that timeframe, that would be a councilmatic decision.

Referring to the presentation, Mayor Johnson called for clarification about any amendments to the proposed ordinance. City Manager Cuffee-Glenn explained that the City Council meeting agenda packages contained a draft version of the proposed ordinance and tonight an amended final version of the proposed ordinance has been distributed for City Council’s consideration.

Council Member Gardy, on a motion seconded by Council Member Barclay, moved to approve the ordinance, as amended, by the following vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

**AN ORDINANCE TO AMEND DIVISION 4, "EXEMPTIONS", ARTICLE X, "REAL PROPERTY", OF CHAPTER 82, "TAXATION", OF THE CODE OF THE CITY OF SUFFOLK, VIRGINIA, 1998**

**RESOLUTIONS**

There were no items under this portion of the agenda.

**STAFF REPORTS**

There were no items under this portion of the agenda.

**MOTIONS**

**Motion** - A motion to schedule a public hearing to be held on October 5, 2011 to receive public comment on the issuance of General Obligation QSCB School Bond funds for the New Southern Elementary School

Budget Officer Anne Seward presented a summation of the background information as printed in the official agenda.

Referring to the presentation, Council Member Milteer opined about the need to identify other funds to fully finance the proposed school, outside of the proceeds from the aforementioned bonds. Budget Officer Seward advised that other monies will need to be indentified in future Capital Improvement Plans in order to fully fund the new school.

Referring to the presentation, Council Member Milteer called for clarification about the interest rate of the bonds. Budget Officer Seward stated that the proposed bonds would be interest free.

Referring to the presentation, Council Member Parr opined about the feasibility of receiving additional bond funding. Budget Officer Seward explained that should other localities decline to use their allocation of this funding, the City would seek additional monies for the proposed school.

Council Member Gardy, on a motion seconded by Council Member Parr, moved to schedule a public hearing to be held on October 5, 2011, to receive public comment on the issuance of General Obligation QSCB School Bonds funds for the new southern elementary school, by the following vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

**Motion** - A motion to schedule a Work Session for September 21, 2011, at 4:00 p.m., unless canceled or called earlier by the Mayor

Council Member Gardy, on motion seconded by Council Member Duman, moved to schedule a Work Session on September 21, 2011, at 4:00 p.m., unless canceled or called earlier by the Mayor, by the following vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

### **NON-AGENDA SPEAKERS**

Arthur Elliott, 809 West Washington Street, was not present when called.

Lue Ward, 6137 College Drive, President, Suffolk-Nansemond Chapter of the NAACP, spoke in support of the Draft Borough Redistricting Map and Plan he submitted on behalf of the Suffolk-Nansemond Chapter of the NAACP.

Clinton Jenkins, 2029 Hickory Wood Drive, Vice President, Suffolk-Nansemond Chapter of the NAACP, spoke in support of his organization's Draft Borough Redistricting Man and Plan

### **NEW BUSINESS**

Vice Mayor Brown, on a motion seconded by Council Member Parr, moved to City Manager Cuffee-Glenn to explore the feasibility of a Habitat for Humanity Blitz in the area of the White Marsh Plaza Shopping Center, by the following vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

Mayor Johnson asked City Clerk Dawley if there were any New Business items for consideration. City Clerk Dawley presented the following nominations for Council's consideration: Virginia Municipal League Annual Business Meeting - Council Member Leroy Bennett (voting member) and Council Member Robert Barclay (alternate voting member).

Council Member Parr, on a motion seconded by Vice Mayor Brown, moved to appoint the above referenced individuals to the respective positions, by the following roll call vote:

AYES:	Council Members Barclay, Barlow, Bennett, Brown, Gardy, Parr, Milteer and Johnson	8
NAYS:	None	0

Council Member Gardy, on a motion seconded by Council Member Parr, to approve a resolution amending Resolution 11-R-043 concerning the appointment of Jean F. Jackson as City Assessor, by the following roll call vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

## **ANNOUNCEMENTS AND COMMENTS**

Council Member Duman commended City Administration for its preparation and response to Hurricane Irene.

Council Member Duman reported at he attended the following events: the Nansemond Indian Pow Wow; the recent redistricting community meetings in Chuckatuck and Holy Neck and the National Night Out Community Awards Ceremony.

Council Member Barclay commended City Administration for its preparation and response to Hurricane Irene.

Council Member Barclay reported on the recent Land Use and Housing Standing Committee meeting.

Council Member Gardy commended City Administration for its preparation and response to Hurricane Irene.

Council Member Bennett commended City Administration for its preparation and response to Hurricane Irene.

Council Member Parr asked if he wished to have City Administration review the draft borough redistricting map and plan submitted by the Suffolk-Nansemond Chapter of the NAACP would that require a motion. City Manager Cuffee-Glenn replied in the affirmative.

Council Member Parr, on a motion seconded by Council Member Duman, moved to direct City Attorney Roettger and City Manager Cuffee-Glenn to review the Borough Redistricting Map and Plan submitted by the Suffolk-Nansemond Chapter of the NAACP and provide a report at the September 21, 2011, City Council meeting, by the following vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

Council Member Parr, on a motion seconded by Council Member Duman, moved to direct City Attorney Roettger and City Manager Cuffee-Glenn to review the questions posed in the distributed letter about the City's Draft Borough Redistricting Map and Plan, by the following vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

Council Member Parr announced the upcoming events: the Taste of Suffolk, the Suffolk Cares 60 Seafood Fest and Mutt Strut.

Council Member Milteer advised that the borough redistricting public hearing is scheduled for the October 5, 2011, City Council meeting.

Council Member Milteer commended City Administration for its preparation and response to Hurricane Irene.

Vice Mayor Brown commended City Administration for its preparation and response to Hurricane Irene.

Vice Mayor Brown thanked the Suffolk-Nansemond Chapter of the NAACP for their proposed redistricting map and plan.

Mayor Johnson commended City Administration for its preparation and response to Hurricane Irene.

Mayor Johnson announced the following upcoming events: Mutt Strut; the Taste of Suffolk; Annual Peanut Fest; and the City Council retreat.

Mayor Johnson thanked the Suffolk-Nansemond Chapter of the NAACP for their proposed redistricting map and plan.

## **ADJOURNMENT**

Council Member Gardy, on a motion seconded by Council Member Bennett, moved to adjourn, by the following roll call vote:

AYES:	Council Members Barclay, Bennett, Duman, Gardy, Milteer, Parr, Brown, and Johnson	8
NAYS:	None	0

There being no further business to come before City Council, the regular meeting was adjourned at 8:50 p.m.

Teste: \_\_\_\_\_  
Erika S. Dawley, City Clerk

Approved: \_\_\_\_\_  
Linda T. Johnson, Mayor

APPROVED: SEPTEMBER 21, 2011

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## Southside Sub-Region | **City of Virginia Beach**

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1 A RESOLUTION APPROVING THE HAMPTON ROADS  
2 REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO  
3 THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL  
4 QUALITY  
5  
6

7 BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA  
8 BEACH:  
9

10 WHEREAS, pursuant to Virginia Code §62.1-44.38:1, local governments are  
11 required to undertake a comprehensive water supply planning process for the  
12 development and establishment of a water supply plan; and  
13

14 WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780 (Local  
15 and Regional Water Supply Planning) requires all counties, cities and towns in the  
16 Commonwealth of Virginia to prepare and submit a water supply planning program to  
17 the Virginia Department of Environmental Quality; and  
18

19 WHEREAS, the City of Virginia Beach is part of the Hampton Roads Regional  
20 Water Supply Plan, which also includes the Counties of Gloucester, Isle of Wight,  
21 James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin,  
22 Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, and Williamsburg,  
23 and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor,  
24 Newsoms, Smithfield, Surry, and Windsor; and  
25

26 WHEREAS, the Hampton Roads Regional Water Supply Plan (the "Plan") was  
27 developed in accordance with the State Water Control Board Regulations; and  
28

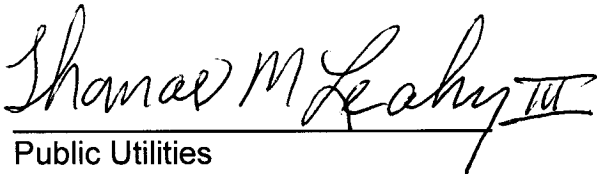
29 WHEREAS, the City Council has held a public hearing concerning the Plan,  
30 pursuant to the applicable regulations;  
31

32 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
33 OF VIRGINIA BEACH:  
34

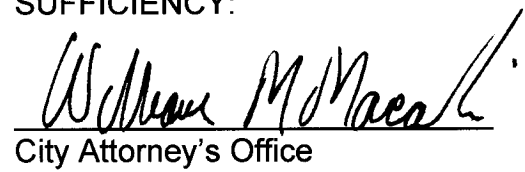
35 That the City of Virginia Beach hereby adopts the Hampton Roads Regional  
36 Water Supply Plan and approves the plan for submittal to the Virginia Department of  
37 Environmental Quality.  
38

39 Adopted by the City Council of the City of Virginia Beach, Virginia, this 11th  
40 day of October, 2011.

APPROVED TO CONTENT:

  
Public Utilities

APPROVED AS TO LEGAL  
SUFFICIENCY:

  
City Attorney's Office

CA12042

R-1

September 21, 2011

**Excerpt from the  
October 11, 2011 Meeting Minutes  
Virginia Beach City Council**

The following excerpt from the final meeting minutes is provided as the record of the local public hearing. The complete meeting minutes (130 pages) may be accessed via the City of Virginia Beach web-based City Council Agenda and Document Archive:

<http://edocs.vbgov.com/weblink/Browse.aspx>.

# CITY OF VIRGINIA BEACH

## "COMMUNITY FOR A LIFETIME"

### CITY COUNCIL

MAYOR WILLIAM D. SESSOMS, JR., At-Large  
VICE MAYOR LOUIS R. JONES, Bayside - District 4  
GLENN R. DAVIS, Rose Hall - District 3  
WILLIAM R. DeSTEPH, At-Large  
HARRY E. DIEZEL, Kempsville - District 2  
ROBERT M. DYER, Centerville - District 1  
BARBARA M. HENLEY, Princess Anne - District 7  
PRESCOTT SHERROD, At-Large  
JOHN E. UHRIN, Beach - District 6  
ROSEMARY WILSON, At-Large  
JAMES L. WOOD, Lynnhaven - District 5

### CITY COUNCIL APPOINTEES

CITY MANAGER - JAMES K. SPORE  
CITY ATTORNEY - MARK D. STILES  
CITY ASSESSOR - JERALD D. BANAGAN  
CITY AUDITOR - LYNDON S. REMIAS  
CITY CLERK - RUTH HODGES FRASER, MMC



CITY HALL BUILDING  
2401 COURTHOUSE DRIVE  
VIRGINIA BEACH, VIRGINIA 23456-9005  
PHONE: (757) 385-4303  
FAX (757) 385-5669  
E-MAIL: [Ctycncl@vbgov.com](mailto:Ctycncl@vbgov.com)

## CITY COUNCIL AGENDA

11 October 2011

- |             |  |                            |                |
|-------------|--|----------------------------|----------------|
| <b>I.</b>   | <b>CITY COUNCIL'S BRIEFING</b>   | <b>- Conference Room -</b> | <b>4:30 PM</b> |
|             | 1. DEVELOPMENT AUTHORITY (VBDA) – Annual Report<br>John W. Richardson, Chair |                            |                |
| <b>II.</b>  | <b>CITY COUNCIL LIAISON REPORTS</b>  |                            |                |
| <b>III.</b> | <b>CITY COUNCIL COMMENTS</b>   |                            |                |
| <b>IV.</b>  | <b>CITY COUNCIL AGENDA REVIEW</b>  |                            |                |
| <b>V.</b>   | <b>INFORMAL SESSION</b>  | <b>- Conference Room -</b> | <b>5:00 PM</b> |
|             | A. CALL TO ORDER – Mayor William D. Sessoms, Jr.                             |                            |                |
|             | B. ROLL CALL OF CITY COUNCIL   |                            |                |
|             | C. RECESS TO CLOSED SESSION  |                            |                |

**VI. FORMAL SESSION**

**- City Council Chamber -**

**6:00 PM**

**A. CALL TO ORDER** – Mayor William D. Sessoms, Jr.

**B. INVOCATION:** Reverend Tommy Taylor  
Pastor, Retired

**C. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

**D. ELECTRONIC ROLL CALL OF CITY COUNCIL**

**E. CERTIFICATION OF CLOSED SESSION**

**F. MINUTES**

1. INFORMAL and FORMAL SESSIONS

September 27, 2011

**G. FORMAL SESSION AGENDA**

**H. BID OPENING**

1. LEASE OF CITY-OWNED PROPERTY – Little League facility  
4153 Dam Neck Road

**I. PUBLIC HEARINGS**

1. 2012 LEGISLATIVE AGENDA

2. HAMPTON ROADS REGIONAL WATER SUPPLY PLAN

3. EXCESS CITY PROPERTY  
2245, 2249 and 2253 London Street

4. LEASE OF CITY-OWNED PROPERTY – Little League facility  
4153 Dam Neck Road

**J. CONSENT AGENDA**

## K. ORDINANCES/RESOLUTIONS

1. Ordinance to **DECLARE** 2245, 2249 and 2253 London Street as **EXCESS** and **AUTHORIZE** conveyance to **Cashvan Homes, LLC**
2. Ordinance to **AUTHORIZE** Bid Proposals for a long term lease of property at Murden's Corner re wireless communications
3. Ordinance to **AUTHORIZE** the City Manager to **EXECUTE** a long term lease of property at 4153 Dam Neck Road for Little League Baseball
4. Ordinance to **AUTHORIZE** acquisition of property on **General Booth Boulevard** from Bay Shore Development, LLC re **open space** and the City Manager to **EXECUTE** all applicable documents
5. Ordinance to **AUTHORIZE** the City Manager to **EXECUTE** appropriate documents to accept the dedication of a conservation easement at **Taylor Farm**, 2599 Dam Neck Road
6. Ordinance to **AUTHORIZE** a temporary encroachment for **NICHOLAS R. and JESSICA M. COOK** to maintain an existing in-ground swimming pool and concrete deck at 5400 Menteith Court
7. Resolution to **AUTHORIZE** the **Hampton Roads Regional Water Supply Plan** submission to the Virginia Department of Environmental Quality
8. Ordinances to **ACCEPT** and **APPROPRIATE** grants:
  - a. \$25,000 from the Department of Emergency Management to Police re a **shallow water boat**
  - b. \$1,133,078 from the Federal Emergency Management Agency (FEMA) for continuation of the **Virginia Task Force 2, Urban Search and Rescue Team**

## L. PLANNING

1. Application of **JOSEPHINE B. ADAMSON** for conversion of a Nonconforming Use from a **duplex to a single family** dwelling at 201 81<sup>st</sup> Street (DISTRICT 5 – LYNNHAVEN)

RECOMMENDATION

APPROVAL

2. Application of **APRIL HABIT** and **VICTOR M. and BARBARA A. WEST** for enlargement of a Nonconforming Use to allow the **sale of food and beverages, outside picnic tables, and changed hours of operation** at 4100 Charity Neck Road (DISTRICT 7 – PRINCESS ANNE)

RECOMMENDATION

APPROVAL

3. Application of **C & C DEVELOPMENT COMPANY, INC. and R. GILES CLEMENT** for a Variance to §4.4(b) of the Subdivision Ordinance that all newly created lots meet the requirements of the City Zoning Ordinance (**CZO**) at 415 49<sup>th</sup> Street (DISTRICT 5 – LYNNHAVEN)

RECOMMENDATION

APPROVAL

4. Application of **OCEAN TRACE CONDOMINIUM ASSOCIATION, INC.** for Modification of the Proffers of a Conditional Rezoning (approved by City Council January 25, 2011) to allow **conversion of a building** to Affordable Housing at Old Virginia Beach and Birdneck Roads. (DISTRICT 6 - BEACH)

RECOMMENDATION

APPROVAL

5. Application of **SUPER HOLLAND ASSOCIATES; LLP/HIF, LLC; HIC, LLC, and MACH ONE LLC** for Modification of Condition #1 (approved by City Council April 11, 1995) to reduce the required **parking** spaces, to **develop outparcels** and lengthen existing turn lane at 3901 and 3877 Holland Road (DISTRICT 3 – ROSE HALL)

RECOMMENDATION

APPROVAL

6. Application of **FIVE COLUMBUS CENTER, LLC**, for a Conditional Use Permit re a private college or university at 4505 Columbus Street (DISTRICT 5 – LYNNHAVEN)

RECOMMENDATION

APPROVAL

7. Application of **FRESH WORLD VA-B, INC./KROGER LIMITED PARTNERSHIP** for a Conditional Use Permit re indoor recreation at 2029 Lynnhaven Parkway (DISTRICT 1 – CENTERVILLE)

RECOMMENDATION

APPROVAL

8. Ordinance for the **CITY OF VIRGINIA BEACH** to **AMEND** §107 of the City Zoning Ordinance (CZ0) re “notice” to Condominiums and Cooperatives

#### **M. APPOINTMENTS**

ENERGY ADVISORY COMMITTEE  
HEALTH SERVICES ADVISORY BOARD  
LOCAL FINANCE BOARD  
MILITARY ECONOMIC DEVELOPMENT ADVISORY COMMITTEE  
PARKS AND RECREATION COMMISSION  
PROCESS IMPROVEMENT STEERING COMMITTEE

#### **N. UNFINISHED BUSINESS**

#### **O. NEW BUSINESS**

##### **1. ABSTRACT OF VOTES**

Democratic Primary for House of Delegates (August 23, 2011)

#### **P. ADJOURNMENT**

\*\*\*\*\*

## **PUBLIC COMMENT Non-Agenda Items**

**Each Speaker will be allowed 3 minutes  
and each subject is limited to 3 Speakers**

\*\*\*\*\*

### ***CITY COUNCIL SESSIONS***

***NOVEMBER 8<sup>th</sup>***

***MOVED TO:***

***NOVEMBER 1<sup>st</sup>***

***to provide citizens to exercise their right***

***to vote on November 8, 2011,***

***General Election***

### **CITY COUNCIL SESSION SCHEDULE**

<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Meeting</u></b>
<b>October 11, 2011</b>	<b>TBA</b>	<b><i>Briefings, Informal Session, Formal Session</i></b>
<b>October 18, 2011</b>	<b>4:00 – 6:00 PM</b>	<b><i>Workshop</i></b>
<b>October 25, 2011</b>	<b>TBA</b>	<b><i>Briefings, Informal Session, Formal Session</i></b>
<b>November 1, 2011</b>	<b>TBA</b>	<b><i>Briefings, Informal Session, Formal Session</i></b>
<b>November 8, 2011</b>		<b><i>Election Day - No Briefings, No Workshop, No Sessions</i></b>
<b>November 15, 2011</b>	<b>4:00 – 6:00 PM</b>	<b><i>City Council Workshop</i></b>
<b>November 22, 2011</b>	<b>TBA</b>	<b><i>Briefings, Informal Session, Formal Session</i></b>
<b>December 6, 2011</b>	<b>TBA</b>	<b><i>Briefings, Informal Session, Formal Session</i></b>
<b>December 13, 2011</b>	<b>TBA</b>	<b><i>Briefings, Informal Session, Formal Session</i></b>
<b>January 3, 2012</b>	<b>TBA</b>	<b><i>Back to the usual schedule</i></b>

If you are **physically disabled** or **visually impaired**  
and need assistance at this meeting,  
please call the **CITY CLERK'S OFFICE** at **385-4303**





**MINUTES**

**VIRGINIA BEACH CITY COUNCIL**  
**Virginia Beach, Virginia**

*October 11, 2011*

*Mayor William D. Sessoms, Jr., called to order the **DEVELOPMENT AUTHORITY's (VBDA) ANNUAL REPORT** in the City Council Conference Room, Tuesday, October 11, 2011, at 4:30 P.M.*

*Council Members Present:*

*Glenn R. Davis, William R. "Bill" DeSteph, Harry E. Diezel, Barbara M. Henley, Vice Mayor Louis R. Jones, Mayor William D. Sessoms, Jr., Prescott Sherrod, John E. Uhrin, Rosemary Wilson and James L. Wood*

*Council Members Absent:*

*Robert M. Dyer*

*[Entered late as was returning from a business meeting out of the City]*

*October 11, 2011*

*Item V.I.2.*

***PUBLIC HEARING***

***ITEM # 61298***

***Mayor Sessoms DECLARED a PUBLIC HEARING:***

***HAMPTON ROADS REGIONAL WATER SUPPLY PLAN***

***There being no speakers, Mayor Sessoms DECLARED THE PUBLIC HEARING CLOSED.***

**Item V.K.7.**

**ORDINANCES/RESOLUTIONS**

**ITEM # 61308**

*Upon motion by Vice Mayor Jones, seconded by Councilman Wood, City Council **ADOPTED, BY CONSENT:***

*Resolution to **AUTHORIZE** the **Hampton Roads Regional Water Supply Plan** submission to the Virginia Department of Environmental Quality*

*Voting: 11-0 (By Consent)*

*Council Members Voting Aye:*

*Glenn R. Davis, William R. "Bill" DeSteph, Harry E. Diezel, Robert M. Dyer, Barbara M. Henley, Vice Mayor Louis R. Jones, Mayor William D. Sessoms, Jr., Prescott Sherrod, John E. Uhrin, Rosemary Wilson and James L. Wood*

*Council Members Voting Nay:*

*None*

*Council Members Absent:*

*None*

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## Western Tidewater Sub-Region | **City of Franklin**

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**A RESOLUTION APPROVING  
THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO  
THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

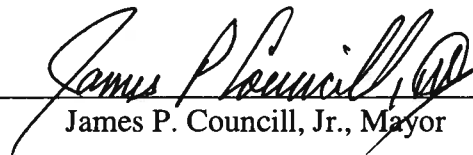
WHEREAS, pursuant to Virginia Code Section 62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the Virginia State Water Control Board Regulation 9 VAC 25 – 789, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply planning program to the Department of Environmental Quality (DEQ); and

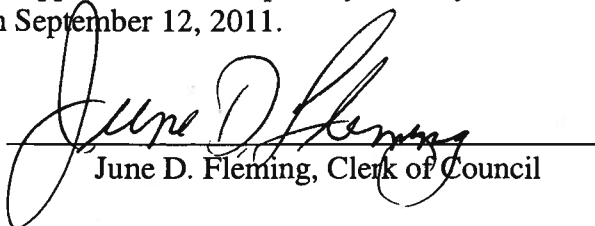
WHEREAS, the City of Franklin, Virginia is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Franklin, Virginia hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

  
James P. Councill, Jr., Mayor

Passed, Approved and Adopted by the City Council of the City of Franklin, Virginia at a meeting held on September 12, 2011.

  
June D. Fleming, Clerk of Council

The Franklin City Council held a work session on Monday, September 12, 2011 at 5:30 p.m. in Council Chambers, 207 W. Second Avenue.

Council members in attendance: James P. Council, III, Mayor, Raystine Johnson, Vice Mayor, Barry Cheatham, Benny Burgess, Greg McLemore, Mary Hilliard and Don Blythe.

Staff in attendance: June Fleming, City Manager.

### **Closed Session**

On motion made by Ms. Johnson and seconded by Mr. Cheatham, City Council would meet in closed session for discussion and consideration of prospective candidates for employment as City Manager as permitted by Virginia Code Section 2.2-3711(A)(1). The vote on this motion was as follows: AYE: Barry Cheatham, Benny Burgess, Greg McLemore, Raystine Johnson, Mary Hilliard, Don Blythe and James P. Council, III.

### **Regular Meeting**

The Franklin City Council held a regular meeting on Monday, September 12, 2011 at 7:00 p.m. in Council Chambers, 207 W. Second Avenue.

Council members in attendance: James P. Council, III, Mayor, Raystine Johnson, Vice Mayor, Barry Cheatham, Benny Burgess, Greg McLemore, Mary Hilliard and Don Blythe.

Staff in attendance: June Fleming, City Manager, H. Taylor Williams, IV, City Attorney, Russ Pace, Director of Public Works, Phil Hardison, Police Chief, Mark Carr, Deputy Chief of Emergency Services, Mark Bly, Director of Power and Light and Erin Turner, Executive Assistant.

### **Certification**

On motion made by Ms. Johnson and seconded by Mr. Cheatham, it was unanimously RESOLVED that City Council hereby certifies that to the best of the knowledge of each member only public business matters identified in the motion which the closed meeting was convened were discussed, heard or considered. The vote on this motion was as follows: AYE: Barry Cheatham, Benny Burgess, Greg McLemore, Raystine Johnson, Mary Hilliard, Don Blythe and James P. Council, III.

### **Invocation**

Reverend Ann McNeil offered the invocation.

### **Pledge of Allegiance**



The Pledge of Allegiance was recited by those in attendance.

### **Recognition of First Responders**

City Council acknowledged the Police Department and Fire Department for their service to the community in recognition of the 10<sup>th</sup> anniversary of the terrorist attack that occurred on 9/11/01.

### **Amend Agenda**

On motion made by Ms. Johnson and seconded by Mr. Blythe, the City Council agenda for Monday, September 12, 2011 would be amended to recognize Highground Services for receiving the Tayloe Murphy Resilience award from UVA, to include an oral update from the City Manager regarding the debris removal and to remove the closed session. The vote on this motion was as follows: AYE: Barry Cheatham, Benny Burgess, Greg McLemore, Raystine Johnson, Mary Hilliard, Don Blythe, James P. Council, III.

### **Recognition of Highground Services**

City Council recognized Highground Services for receiving the prestigious Tayloe Murphy Resilience award from UVA. Mr. Strozier said a few words about the business and the services they perform.

### **Approval of Minutes**

June Fleming, City Manager, addressed Council about staff needing direction on how to prepare the meeting minutes. At the consensus of Council, it was agreed that the City Manager and City Attorney would include that information on their proposal on policies and procedures for Council meetings.

Councilman McLemore made a motion to include several amendments to the August 28, 2011 Council meeting. With no second, the motion failed.

On motion made by Mr. Burgess and seconded by Mr. Cheatham, Council requested staff to review the DVD of August 22, 2011 to clarify Mr. Thomas Council's statements during Citizens' Time. The vote on the motion was as follows: AYE: Barry Cheatham, Benny Burgess, Raystine Johnson, Mary Hilliard, Don Blythe and James P. Council, III. NAY: Greg McLemore.

On motion made by Mr. Cheatham and seconded by Mr. Burgess, the meeting minutes of August 28, 2011 were approved by Council. The vote on the motion was as follows: AYE: Barry Cheatham, Benny Burgess, Raystine Johnson, Don Blythe and James P. Council, III. ABSTAIN: Greg McLemore and Mary Hilliard.

On motion made by Mr. Cheatham and seconded by Mr. Blythe, the meeting minutes of August 30, 2011 were approved by Council. The vote on the motion was as follows:

AYE: Barry Cheatham, Benny Burgess, Mary Hilliard, Don Blythe and James P. Councill, III. ABSTAIN: Raystine Johnson. NAY: Greg McLemore.

### **Citizens' Time**

Joe Joyner. Isle of Wight County. Mr. Joyner addressed Council about the electric utility rates and does not believe Franklin has the lowest rates.

Debra Faulk. Mr. Faulk spoke to Council about the Back to School Kickoff Day that was held at Armory Park and sponsored by numerous community service organizations. The event was a great success.

Dr. Linwood Johnson. Mr. Johnson expressed thanks to City departments for their efforts during the storm as well as the families of those workers.

Mayor Councill read a letter from Holt Livesay that thanked the City employees for working hard and as a team during Hurricane Irene.

Councilman Cheatham was pleased with the citizens and how quickly they began clean-up efforts.

### **Public Hearing – Regional Water Supply Plan**

Whitney Katchmark of HRPDC briefly reminded Council of the requirement to establish a water supply plan.

The public hearing was opened for comment.

With no one wanting to speak, the public hearing was closed.

### **A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

WHEREAS, pursuant to Virginia Code Section 62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the Virginia State Water Control Board Regulation 9 VAC 25 – 789, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, the City of Franklin, Virginia is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and

the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Franklin, Virginia hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

On motion made by Mr. McLemore and seconded by Ms. Johnson, Council approved the above resolution approving the water supply plan. The vote on this motion was as follows: AYE: Barry Cheatham, Benny Burgess, Greg McLemore, Raystine Johnson, Mary Hilliard, Don Blythe, James P. Council, III.

### **Public Hearing – Polling Places**

Jen Maynard, Voter Registrar, explained to Council the need for changing the polling places for Wards 2 and 6. Ward 2 residents would now be voting at the Ruth Camp Campbell Memorial Library and Ward 6 residents would now be voting at the St. Jude's Catholic Church. The changes are being required the Virginia State Board of Elections after an audit was conducted by the Centers for Independent Living.

The public hearing was opened for comments.

With no one wanting to speak, the public hearing was closed.

### **An Ordinance Changing the Polling Place of Precinct 2 and Precinct 6**

THE COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA DOES ORDAIN AS FOLLOWS:

That Subsection (b) Location of Polling Places of Section 7.5-18, Polling Places of Chapter 7.5 Elections of the Franklin City Code is hereby amended to read as follows:

Sec. 7.5-18. Polling places.

(b) Location of polling places. The location of polling places in the six precincts of the city shall be as follows:

Precinct 1 – The meeting room of the J. L. Camp, Jr. YMCA at 300 Crescent Drive.

Precinct 2 – The conference room at Ruth Camp Campbell Memorial Library at 280 North College Drive.

Precinct 3 – Charles R. Younts American Legion Building at 935 Armory Drive.

Precinct 4 – The Franklin Sportsman Association, Inc. building at 1431 South Street.

Precinct 5 – The Martin Luther King, Jr. Community Center at 683 Oak Street.

Precinct 6 – St. Jude's Catholic Church at 1014 Clay Street.

CAP (Central Absentee Precinct) – The Emergency Services Building at 100 S. Main Street.

This amendment shall become effective on January 1, 2012.

This ordinance shall be effective after preclearance by the Department of Justice.

Certified copy of ordinance adopted by the Franklin City Council at its regular meeting held on September 12, 2011.

On motion made by Mr. McLemore and seconded by Mr. Blythe, the Ordinance Changing the Polling Places of Wards 2 and 6 was approved by Council. The vote on this motion was as follows: AYE: Barry Cheatham, Benny Burgess, Greg McLemore, Raystine Johnson, Mary Hilliard, Don Blythe and James P. Council, III.

### **Informational Reports**

#### **Debris Removal Update**

June Fleming, City Manager, advised Council of good news on debris removal received on Saturday, September 10, 2011. Franklin has been approved for reimbursement of storm related expenses by FEMA. The debris pick-up is still on-going. The original estimate was 3,000 CY, but to date the total is 8,000 CY. Staff was working with FEMA on reimbursement for costs expended by the City relating to storm damage. Franklin Power and Light had all electric utilities restored by Tuesday. Two crews from Danville totaling ten individuals came to assist our electric department. Mosquito spraying would take place this week in response to the species and quantity of mosquitoes caught in the Franklin traps by the Virginia Department of Health.

#### **Freedom of Speech**

Councilman McLemore discussed the Freedom of Speech memo with City Attorney, Taylor Williams.

#### **Council Reports**

Councilman Burgess advised that the Incubator project would be completed by October 31<sup>st</sup>.

On motion made by Mr. Burgess and seconded by Mr. McLemore, the Cable TV Committee was reactivated. The vote on this motion was as follows: AYE: Barry Cheatham, Benny Burgess, Greg McLemore, Raystine Johnson, Mary Hilliard, Don Blythe and James P. Council, III.

Councilman Burgess spoke about the grant applied for by Franklin Redevelopment and Housing Authority related to the Hayden Project. Mr. Burgess stated that the grant covers training and education, not housing matters.

Councilman McLemore made a motion to add Thomas Council's letter to Council dated September 7, 2011 at the next City Council meeting. With no second, the motion failed.

Vice Mayor Johnson stated that the Franklin Redevelopment and Housing Authority is looking for an Executive Director.

Mayor Council advised that he attended the recent meeting of the Downtown Franklin Association and there were concerns about campaign signs. The City Attorney advised Council that political signs could be put up in the City within 90 days of any election and that state statute prohibited political signs from being placed in any right of way.

Councilman McLemore left the meeting.

Mayor Council also stated that the DFA is working with Power & Light to repair the Christmas wreaths.

### **Adjournment**

There being no further business, on motion duly made, seconded and unanimously adopted the meeting was adjourned at 9:15 P.M. The vote on this motion was as follows: AYE: Barry Cheatham, Benny Burgess, Raystine Johnson, Mary Hilliard, Don Blythe and James P. Council, III. ABSENT: Greg McLemore.

  
\_\_\_\_\_  
Mayor

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## Western Tidewater Sub-Region | **Isle of Wight County**

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A RESOLUTION APPROVING THE HAMPTON ROADS  
REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE  
VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and,

WHEREAS, the 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 planning program to the Department of Environmental Quality (DEQ); and,


WHEREAS, Isle of Wight County is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach and Williamsburg and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry and Windsor; and,

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations.

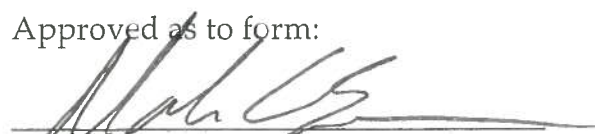
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Isle of Wight County hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

Adopted this 6<sup>th</sup> day of October, 2011.

  
Carey Mills Storm, Clerk

  
Thomas J. Wright, III, Chairman

Approved as to form:

  
Mark C. Popovich, County Attorney

**October 6, 2011**  
**Meeting of the Board of Supervisors**  
**Isle of Wight County**

The Board of Supervisors of Isle of Wight County held a public hearing during the October 6, 2011 meeting. The draft meeting minutes were not available by the time of publication. The minutes will be forwarded to the Department of Environmental Quality upon availability.

## Western Tidewater Sub-Region | **Southampton County**

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A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY  
PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL  
QUALITY

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

Whereas, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, Southampton County is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Southampton County hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of Southampton County at a meeting held on August 22, 2011.

A handwritten signature in black ink, appearing to read 'Michael W. Johnson', written over a horizontal line.

Michael W. Johnson, Clerk  
Board of Supervisors

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center, 26022 Administration Center Drive, Courtland, Virginia on August 22, 2011 at 6:00 PM

SUPERVISORS PRESENT

Dallas O. Jones, Chairman (Drewryville)  
Walter L. Young, Jr., Vice-Chairman (Franklin)  
Walter D. Brown, III (Newsoms)  
Carl J. Faison (Boykins-Branchville)  
Anita T. Felts (Jerusalem)  
Ronald M. West (Berlin-Ivor)  
Moses Wyche (Capron)

SUPERVISORS ABSENT

None

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)  
Jon Mendenhall, Assistant County Administrator  
Lynette C. Lowe, Finance Director  
Beth Lewis, Director of Community Development  
Sandi Plyler, Information Technology Manager  
Julien W. Johnson, Jr. Public Utilities Director  
Richard E. Railey, Jr., County Attorney  
Susan H. Wright, Administrative Secretary

Chairman Jones called the meeting to order. After the *Pledge of Allegiance*, Supervisor Faison gave the invocation.

Chairman Jones sought approval of the minutes for the Regular Session of July 25, 2011.

The minutes were approved as presented, as there were no additions or corrections.

Regarding highway matters, Mr. Michael Johnson, County Administrator, announced that he would be pleased to share with VDOT any new concerns the Board may have.

Supervisor Brown advised that there were potholes that needed attention on Smiths Ferry Road just before the bridge.

Vice-Chairman Young advised that weeds at the Turner Tract were high and unsightly. Also the bridge on Route 635 was closed today due to deterioration. He noted that it was owned by Norfolk Southern.

Regarding reports, various reports were received and provided in the agenda. They were Sheriff's Office (Communication Center Activities, EMS and Fire Department Activities, Traffic Tickets, Civil Papers), Animal Control, Litter Control, and Building Permits. Also New Housing Starts, Cooperative Extension, Solid Waste Quantities, and Personnel.

In regards to Cooperative Extension, Vice-Chairman Young advised that both of our Agricultural Extension Agents were here this morning.

Mr. Neil Clark, Acting Agricultural Extension Agent, introduced new Agricultural Extension Agent, Mr. Chris Drake.

Mr. Drake advised that he was happy to be here and looked forward to working with Southampton County and the Board.

The Board welcomed Mr. Drake and indicated that they also looked forward to working with him.

Mr. Clark noted that interviews for the 4-H agent (to be shared between Southampton and Isle of Wight Counties) were held last Monday.

In regards to Solid Waste Quantities, Supervisor Brown recognized the \$3.2 million in savings resulting from attended sites.

In regards to Personnel, Mr. Johnson advised that Richard T. Harvey, Jr. of the Sheriff's Office resigned effective 08/01/11.

Mr. Johnson informed that bills in the amount of \$2,204,928.57 were received.

**Vice-Chairman Young moved, seconded by Supervisor Brown, that the bills in the amount of \$2,204,928.57 be paid with check numbers 122028 through 122404. All were in favor.**

Moving to the citizen request to address the Board, Chairman Jones recognized Mr. William "Bill" Worsham.

Mr. Worsham commended the Board and Mr. David Britt, Treasurer, for their efforts in the collection of delinquent taxes. He advised that he wanted to discuss three items, the first being disposition of the Turner Tract. A lot of money had been spent in site improvements at the Turner Tract. If there was no possibility of utilizing the Turner Tract for business/industry, he suggested that they cut their losses, get rid of it, and use the money from the sale of the property and pay down the County debt. Second, he was concerned about local funding for public education. He attended the School Board budget meetings and asked them to hold off on their budget request to the Board of Supervisors until after the General Assembly's veto session. The School Board went ahead with their request anyway, and the Board of Supervisors approved the request as presented. Since then, he received a letter from Delegate Barlow indicating that the state had restored \$93 million to schools statewide. So the School Board had received funds back from the State. He asked the Board of Supervisors to request from the School Board the additional funding received from the State. He thought it would be a good faith gesture by the Board of Supervisors to show the taxpayers they were doing something to bring down the \$69 million in debt. Lastly, Mr. Worsham suggested that the meeting times for the Board of Supervisors be changed to all evening meetings, as opposed to the current alternating of day and evening meetings, to give more working taxpayers the opportunity to attend. He asked for a response from the Board.

Supervisor West thanked Mr. Worsham for taking the time to share his concerns with the Board.

Vice-Chairman Young advised that he was not in favor of changing the Board meeting times. He noted that older people that did not drive at night had expressed their appreciation for day meetings every other month.

Supervisor Brown stated that the County's credit rating was very good despite the \$69 million in debt. He indicated that he would be in favor of all evening Board meetings.

Supervisor Faison thanked Mr. Worsham for his comments. He stated that the Turner Tract was very important. He was in favor of keeping the Board meeting schedule as it was.

Chairman Jones stated that the Turner Tract was important to attract business/industry. They would also begin receiving money from stream credits from the Turner Tract wetland mitigation bank starting in the next year or two. He advised that he had been on the Board longer than anyone else and the current meeting schedule was working very well.

Moving forward, Mr. Johnson announced that included in the agenda was a status report on the 1831 Insurrection Trail Project for which we were functioning as fiscal agent on behalf of the Southampton County Historical Society.

The project would have two primary components:

1. An **educational component** which would include development of exhibits, interactive maps, signs, video vignettes, audio recordings, brochures, etc. that would facilitate the telling of the story; and
2. A **transportation component** which would include permitting, design and physical development of the stops along the trail (the pull-offs).

Mr. Johnson advised that Mr. Jon Mendenhall, Assistant County Administrator, had been working

with the Historical Society and its consultant to map out the process for the project, develop the scope and plan the implementation. Work had begun on development of the Request for Qualifications (RFQ), which would be used to solicit competitive proposals for professional assistance in developing plans, specifications and estimates for both components. He noted that they hoped to receive proposals in October, following approval of the RFQ by VDOT.

Mrs. Beth Lewis, Director of Community Development, clarified for Supervisor West that the grant received was in the amount of \$420,000, and it required a \$120,000 match from the Historical Society.

Mr. Mendenhall noted that additional grants may be sought if the Historical Society decided to have a phase 2, etc.

Proceeding to the public hearings, Mr. Michael Johnson, County Administrator, announced that the first public hearing was to consider the following:

An ordinance formally establishing the purpose, boundaries and state/local economic development incentives for the Southampton County Enterprise Zone(s).

Mrs. Amanda Jarratt, Manager of Marketing for Franklin-Southampton Economic Development, presented a PowerPoint presentation explaining in detail the purpose, boundaries, local incentives offered to businesses and industries by the Commonwealth of Virginia and by Southampton County, and the application process for businesses seeking to receive enterprise zone incentives.

Mrs. Jarratt clarified for Supervisor West that they were in the process of developing 2 additional Enterprise Zones, and would likely include the former International Paper Mill property in a Zone.

Supervisor Brown stated that he was happy with the Enterprise Zones.

Mrs. Jarratt clarified for the Board that businesses must pay fees and taxes upfront in order to be eligible for rebates.

The ordinance to be considered is as follows:

Southampton County  
Enterprise Zone Ordinance

Short Title

This ordinance shall be known and may be cited as the "Southampton County Enterprise Zone Ordinance".

Statement of Purpose

The Enterprise Zone Grant Act, Section 59.1-538, et seq. of the Code of Virginia, as amended, authorizes the establishment of Enterprise Zones. It is the purpose of the Enterprise Zone Grant Act, and of this ordinance, to stimulate business and industrial growth within the area so designated as the Southampton County Enterprise Zones by means of incentives offered to businesses and industries by the Commonwealth in Virginia Code Section 59.1-538, et seq., and separate incentives to businesses and industries offered by Southampton County as set forth in this ordinance.

Boundaries

Three separate areas of the County have been designated as enterprise zones. The boundaries of each separate enterprise zone are as set forth on the map entitled "Southampton County Enterprise Zones" which is on file in the County's Community Development Department, in the County Administrator's office and in the Franklin Southampton Economic Development Office. The boundaries of these three zones may be amended from time to time. The three zones have been declared enterprise zones by the Governor of the Commonwealth of Virginia for a period of ten years, ending December 31, 2019, pursuant to the Enterprise Zone Grant Act. The ten year period is subject to extension by the State for two successive five year periods.

Definitions

As used in this ordinance, the following definitions shall apply:



*Enterprise Zone* means the area as defined herein and declared by the Governor of the Commonwealth of Virginia to be eligible for the benefits under The Enterprise Zone Grant Act (Section 59.1-538 et seq.) and eligible for the benefits described herein as incentives offered by the County, subject to change from time to time.

*County* means Southampton County, Virginia.

*Business firm* means any business entity, incorporated or unincorporated, which is authorized to do business in the Commonwealth of Virginia and which is subject to state individual income tax, state franchise or license tax on gross receipts, or state bank franchise tax on net taxable capital.

The term "business firm" includes partnerships and small business corporations electing to be taxed under Subchapter S of the Federal Internal Revenue Code, and which are not subject to state income tax as partnerships or corporations, but the taxable income of which is passed through to and taxed as income of individual partners and shareholders.

The term "business firm" does not include organizations which are exempt from state and/or federal income tax on all income except unrelated business taxable income as defined in the Federal Internal Revenue Code, Section 512; nor does it include homeowners associations as defined in the Federal Internal Revenue Code, Section 528.

*Existing business* means a business firm that was actively engaged in the conduct of trade or business in an area prior to such an area being designated as an enterprise zone or that was engaged in the conduct of trade or business in the Commonwealth and relocates to begin operation of a trade or business within the enterprise zone.

*Mixed use* means a building incorporating residential uses in which a minimum of 30% of the useable floor space will be devoted to commercial, office, or industrial use. Buildings where less than 30% of the useable floor space is devoted to commercial, office or industrial use shall be considered primarily residential in nature and not eligible to receive Enterprise Zone incentives. This definition applies solely for the purpose of qualifying for Enterprise Zone incentives.

*New business* means a business not previously conducted in the Commonwealth that begins operation in an enterprise zone after the zone was designated. A new business is also one created by the establishment of a new facility and new permanent full time employment by an existing firm in an enterprise zone and does not result in a net loss of permanent full time employment outside the zone.

#### State Grant Incentives

For informational purposes, the State offers two separate and distinct grant incentives. One incentive is a job creation grant that is outlined in Virginia Code Section 59.1-547. The other incentive is a real property investment grant that is outlined in Virginia Code Section 59.1-548. Reference is made to these code sections to obtain more information. The State can amend these grant incentives without notice. Application for State grant incentives must be made within the same calendar year as the Certificate of Occupancy is issued or the final inspection is conducted. For more information an interested party can inquire at the Franklin Southampton Economic Development, Inc., office.

#### Local Grant Incentives

The County has created various incentives pursuant to Virginia Code Section 59.1-543 that apply to many aspects of beginning a new business or improving or expanding an existing business in the County. The incentives, subject to amendment without notice, are as follows:

##### (A) Discounted Purchase Price of County Owned Industrial Land

The County is the owner of the undeveloped land located in the Southampton Commerce and Logistics Center ("Turner Tract") and the Southampton Business Park. These Industrial Parks are located in two of the three designated enterprise zones. The County will offer a discount on the purchase price of land up to a maximum of 10 acres of land by a new business or existing business provided the business makes an investment in building improvements and machinery and tools equaling \$500,000 or more as follows with example market pricing:

Investment Range	Price/Acre
\$500,000 to \$1,000,000	\$25,000/acre
\$1,000,001 to \$5,000,000	\$15,000/acre
\$5,000,001 to \$10,000,000	\$ 5,000/acre
\$10,000,001 or more	\$0/acre

## (B) Building Rehabilitation Incentive

The County will offer an exemption from the increase in real estate taxes for ten (10) years for renovations in excess of \$5,000 to existing buildings over 15 years of age with no prior improvements. The County will offer a rebate equal to the initial increase in the real estate tax related to the increase in value of renovation improvements over the value of existing improvements before the renovation. The increased real estate taxes will be assessed and paid by the business when complete and the County will rebate an amount equal to the tax within 60 days after December 5<sup>th</sup> of each year provided no other taxes are owed to the County.

## (C) Machinery and Tool Tax Rebate

This incentive applies to all three enterprise zones in the County. If a new business or an existing business makes an investment in building improvements and machinery and tools equaling a minimum of \$150,000 and provides hourly employment wages at an average of 150% of the federal minimum wage, then the County will rebate 50% of the machinery and tools taxes paid to the County for a period of five (5) years. The rebate will be paid annually within 60 days after December 5<sup>th</sup> of each year provided no other taxes are owed to the County.

## (D) Reduced Electric Utility Tax Rebate

This incentive applies to all three enterprise zones in the County. If a new business or an existing business makes an investment in building improvements and machinery and tools equaling a minimum of \$150,000 and creates new employment for at least five (5) people. The County will provide a rebate of the utility tax in decreasing amounts for five years on the following schedule:

Year	Rebate Amount
1	100%
2	80%
3	60%
4	40%
5	20%

In order to receive this rebate the new or existing business shall provide Southampton County with a copy of the electric utility bills no later than 30 days prior to December 5<sup>th</sup> of each year. In the event of an expansion by an existing business, only the increase of the electric utility tax directly related to the expansion will be rebated. The rebate will be paid within 60 days December 5<sup>th</sup> of every year provided no other taxes are owed to the County.

## (E) Rebate of Administrative Land Development Fees

This incentive applies to all three enterprise zones in the County. If a new business or existing business makes an investment in building improvements and machinery and tools equaling a minimum of \$500,000 and creates new employment for at least five (5) people, then the County will rebate certain administrative land development fees normally due to the County. The rebates will be paid within 60 days of December 5<sup>th</sup> of each year provided no taxes are owed to the County and after the certificate of occupancy or final inspection, whichever comes later, has been issued by the Director of Community Development. Fees eligible for rebate are as follows: Erosion & Sediment Control Plan Review, Stormwater Management Plan Review, Rezoning, Conditional Use Permits, Variances, Sign Permits, and all permit fees associated with the administration and enforcement of the Virginia Uniform Statewide Building Code.

## (F) Fast Track Permitting Process

This incentive applies to all three enterprise zones in the County. If a new business or an existing business makes an investment in building improvements and land and machinery and tools equaling a minimum of \$500,000 and creates new employment for at least five (5) people, then the County staff will meet with the design professional to perform a fast track review of the designated project's site plan and provide written comments in not more than seven working days. This incentive is valuable to those businesses seeking to design build and begin operations as soon as possible.

## (G) Temporary Office Space

This incentive applies to all three enterprise zones in the County. If a new business or an existing business intends to make an investment in building improvements and land and machinery and tools equaling a minimum of \$500,000 and intends to create new employment for at least five (5) people, then the County will attempt to provide free of charge for up to three months temporary office space for an administrative staff for up to five (5) persons while a facility is under construction or renovation. After three months a fee will be charged and a signed lease will be required. If free temporary office space is not available, then the

County will assist in searching for available short term space for lease.

(I) Workforce Hiring and Screening Services

This incentive applies to all three enterprise zones in the County. The Paul D. Camp Community College Regional Workforce Development Center is located in the City of Franklin. Contained within the Workforce Development Center is the One Stop Job Center. The One Stop Job Center will provide complimentary assistance with job posting, applicant screening and testing and assistance in hiring personnel.

(J) Job Profile Assessment

This incentive applies to all three enterprise zones in the County. If a new business or an existing business makes an investment in building improvements and land and machinery and tools equaling a minimum of \$500,000 and creates new employment for at least ten (10) people, then the Paul D. Camp Community College Regional Workforce Development Center will work with qualified companies to take advantage of a reduced rate in conducting a job skills assessment and job skills level need.

(K) Welcome Wagon

This incentive applies to all three enterprise zones in the County. If a new business or an existing business makes an investment in building improvements and machinery and tools equaling a minimum of \$500,000 and creates new employment for at least five (5) people, then Franklin Southampton Economic Development, Inc., will offer complimentary and/or discounted services from local organizations and businesses at the time business operations begin.

Application Process

Any business seeking to receive local enterprise zone incentives shall make application to the enterprise zone administrator on forms provided by the administrator within sixty (60) days of the certificate of occupancy or final inspection. The enterprise zone administrator shall require the business to provide documentation establishing that it has met the requirements for the receipt of local enterprise zone incentives. Failure to provide requested documentation shall result in a denial of the application for local incentives.

The eligible business firm must maintain all investment requirements during the incentive period including the number of jobs created and required wage rates. If, at any time and for whatever reason, the business firm eliminates or reduces the required investment the incentive will be suspended.

Chairman Jones opened the public hearing.

Mr. Ash Cutchin addressed the Board and asked three questions: 1) what was the cost to extend natural gas to Boykins-Branchville? 2) what were the measurable benefits, and 3) what were the measurable costs to the County budget?

Mr. Johnson advised that natural gas was not available in Boykins-Branchville. Hercules was paying for the extension of natural gas from the Southampton Business Park.

Mrs. Virginia Cutchin spoke. She asked if businesses or industries already constructing in these Enterprise Zones would be eligible for benefits. Mr. Johnson replied no.

Chairman Jones closed the public hearing.

**Supervisor Brown moved, seconded by Supervisor Felts, to adopt the Enterprise Zone ordinance. All were in favor.**

Mr. Johnson announced that the second and final public hearing was to consider the following:

The proposed Hampton Roads Regional Water Supply Plan.

Mr. Jon Mendenhall, Assistant County Administrator, advised that each locality in Virginia was required to submit a local or regional water supply plan to the Virginia Department of Environmental Quality (DEQ) by November 2, 2011. Southampton County was part of the Hampton Roads Regional Supply Plan. Our existing conditions/water usages were analyzed and it

was documented that Southampton County had 4 publicly owned community water systems serving 2,330 people. Residential demand was 0.12 mgd and CIL demand was 0.06 mgd. Future conditions were analyzed and it was determined that the Western Tidewater Region had adequate capacity to meet demands over the next 40 years. However, fluoride should be monitored, and well interference should be guarded against, among other things. Water demand could be better managed by end-user water conservation and implementation of water reuse programs, among other things. He noted that some localities were not as fortunate, as their supply and demand of water would get closer together in the near future.

The resolution to be considered is as follows:

A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR  
SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, Southampton County is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Southampton County hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of Southampton County at a meeting held on August 22, 2011.

A COPY TESTE

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Michael W. Johnson, Clerk

Chairman Jones opened the public hearing.

Mr. Ash Cutchin spoke. He asked if this Regional Plan would affect our agriculture. Mr. Mendenhall clarified that withdrawal of groundwater would affect our neighbors, including agriculture. He noted that it was addressed in the Plan.

Chairman Jones closed the public hearing.

Supervisor Brown stated that he was happy this came before the Board, as water was a serious issue.

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to adopt the resolution. All were in favor.**

Moving forward, Mr. Johnson announced that in accordance with § 58.1-3921 of the Code of Virginia, Mr. David Britt, Treasurer, had finalized the lists for delinquent real estate and personal property taxes.

Chairman Jones recognized Mr. David Britt.

Mr. Britt presented the lists of delinquent taxes, which covered the last 20 years for real property and the last 5 years for personal property (the maximum time allowed by statute to enforce property liens). Delinquent real property taxes totaled \$693,923.36 and delinquent personal property taxes totaled \$520,332.66. He noted that since implementing the booting program, 256 vehicles had been booted and/or seized. He advised that he was seeking authorization from the Board to post the delinquent tax list on the Southampton County website for 60 days.

Mr. Britt clarified that he was not seeking authorization to run it in the local newspaper due to the high cost of publication.

Vice-Chairman Young asked if the delinquent tax list was posted on the County website last year. Mr. Britt replied yes. Vice-Chairman Young asked why it was removed from the website. Mr. Britt replied that the Board authorized publication on the County website for only 60 days.

**Vice-Chairman Young moved, seconded by Supervisor West, to authorize the posting of the delinquent tax list on the Southampton County website for a period of 6 months, provided the list is updated regularly. All were in favor.**

Moving to Board of Zoning Appeals (BZA) matters, Mr. Johnson announced that included in the agenda was an ordinance amendment related to the appointment and rules and regulations of the BZA. Most of the revisions were simply housekeeping measures so that the language in our local ordinance better tracked the language contained in the *Code of Virginia*. One was a bit more substantive – it began on line 7 of the ordinance and provided for up to 3 alternate members to the BZA who would serve when a regular member was absent, or when a regular member had a conflict of interest and must abstain from voting. Given the irregular nature of BZA meetings, and the recent lack of a quorum, he thought this might be something the Board may wish to consider.

Supervisor Faison asked Mr. Richard E. Railey, Jr., County Attorney, given the confusion at the last BZA meeting regarding a BZA member that had not been sworn in, should language be added to the ordinance requiring all BZA members to be sworn in. Attorney Railey replied that there was some ambiguity as to whether or BZA members were required to be sworn in, but to err on the side of caution, they could make it a requirement and add such language to the ordinance.

Chairman Jones allowed a member of the audience, Mrs. Jenny Bunn, to ask a question.

Mrs. Bunn asked Attorney Railey if the BZA members would be sworn in every year. Attorney Railey clarified that they would be sworn in every term, not every year.

Supervisor West moved, seconded by Vice-Chairman Young, to advertise the proposed ordinance for public comment at their September 26 regular session.

Accordingly, a First Reading was held on the following ordinance amendment:

AN ORDINANCE TO AMEND AND REORDAIN SECTION(S)  
18-481 AND 18-483 OF THE SOUTHAMPTON COUNTY CODE  
AS IT RELATES TO THE APPOINTMENT AND RULES AND REGULATIONS  
OF THE BOARD OF ZONING APPEALS

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BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended to read as follows:

**Sec. 18-481. Appointment; composition; compensation, term of office and removal of members; conflicts of interest; officers.**

(a) A board of zoning appeals consisting of seven (7) members who are residents of the county shall be appointed by the circuit court of the county. The board shall serve without pay other than for traveling expenses, and members shall be removable for cause upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. *At the request of the board of supervisors, the circuit court may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.*

(b) The term of office shall be for five (5) years. ~~except that the first term of the sixth and seventh members appointed shall be for a term of five (5) years and four (4) years respectively. One (1) of the seven (7) members may be an active member of the planning commission. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the planning commission.~~

(c) Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.

(d) The board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman.

#### **Sec. 18-483. Adoption of rules and regulations; meetings.**

(a) The board of zoning appeals ~~shall adopt such rules and regulations as it may consider necessary may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth.~~

(b) ~~The meetings of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine~~ *The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required.*

(c) The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(d) ~~The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record~~ *The board shall keep a full public record of its proceedings and shall submit a report of its activities to the board of supervisors at least once each year.*

(e) All meetings of the board shall be open to the public.

(f) ~~A quorum shall be at least four (4) members. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board.~~

(g) ~~A favorable vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass. Except for appeals described in paragraph (h) herein below, actions of the board shall be valid if authorized by a majority vote of those present and voting.~~

(h) *The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance.*

For state law authority, please see <sup>1</sup> 15.2-2308 et seq. of the 1950 Code of Virginia, as amended.

A copy teste: \_\_\_\_\_, Clerk  
Southampton County Board of Supervisors



Adopted : September 26, 2011

Mr. Johnson announced that Mrs. Marie Sykes' term on the BZA would expire on September 30, 2011. She had served on the BZA since 1981 and was eligible for reappointment.

Other members and the expiration of their respective terms are as follows:

Elma Brown	September 30, 2012
Peter Copeland	September 30, 2012
Glenn Updike	September 30, 2012
David Holland	September 30, 2013
Jeb Bradshaw	September 30, 2015
Doug Chesson	September 30, 2015

Supervisor Wyche indicated that he would contact Mrs. Sykes and inquire of her interest in continuing to serve.

Moving to miscellaneous issues, Mr. Johnson announced that included in the agenda was a letter of introduction from Edwin J. Jones, Ph.D., the latest Director for Virginia Cooperative Extension (VCE). Dr. Jones joined VCE on April 1, 2011 after spending more than 23 years with North Carolina Cooperative Extension in Raleigh. Dr. Jones noted that last year's proposed restructuring plan was no longer being considered and VCE was actively seeking to fill 25 agent positions (including a 4-H agent for Southampton and Isle of Wight Counties).

Mr. Johnson advised that included in the agenda was a copy of the minutes from the July 13 and August 9 (Civil War) Sesquicentennial Committee Meetings.

Supervisor Brown, who is Chairman of the (Civil War) Sesquicentennial Committee, stated that he was very excited. Mr. Jay Felts had submitted the names of all Southampton County residents who fought in the Civil War.

Supervisor West stated that this event was very important and they needed to get the word out, as to not have poor attendance.

Supervisor Brown advised that a committee member would be contacting all of the schools in Southampton County, Surry County, City of Franklin, etc. The event would be well attended.

Mr. Johnson informed that various notices, incoming and outgoing correspondence, and articles of interest were also included in the agenda.

**Mr. Johnson announced that it was necessary for the Board to conduct a closed meeting in accordance with the provisions set out in the Code of Virginia, 1950, as amended, for the following purposes:**

**Section 2.2-3711 (A) (5) Discussion concerning prospective industries where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community; and**

**Section 2.2-3711 (A) (3) Discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.**

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to conduct a closed meeting for the purposes previously read.**

Jon Mendenhall (Assistant County Administrator), Richard Railey (County Attorney), and John Smolak (President of Franklin-Southampton Economic Development, Inc.) were also present in the closed meeting along with Mr. Johnson and the Board.

**Upon returning to open session, Vice-Chairman Young moved, seconded by Supervisor Wyche, to adopt the following resolution:**

## RESOLUTION OF CLOSED MEETING

WHEREAS, the Southampton County Board of Supervisors had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Southampton County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public matters as were identified in the motion convening the closed meeting were heard, discussed and considered by the Southampton County Board of Supervisors.

Supervisors Voting Aye: Dallas O. Jones  
Walter L. Young, Jr.  
Walter D. Brown, III  
Carl J. Faison  
Anita T. Felts  
Ronald M. West  
Moses Wyche

The motion passed unanimously.

Mr. Johnson announced that there was one late arriving financial matter.

At their places was the following appropriations resolution:

### APPROPRIATION -- AUGUST FOR JUNE, 2011

#### NO NEW LOCAL FUNDS

#### SCHOOL BOARD

Categorical changes as requested by the  
School Board-- final year-end correction--  
appropriation originally entered as an increase,  
but should have been entered as a decrease



August 22, 2011

At a meeting of the Board of Supervisors of Southampton County,  
Virginia on Monday, August 22,  
2011

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Southampton County,  
Virginia that the following appropriations be and hereby are made  
from the Fund to the Fund for the period of July 1, 2010 through  
June 30, 2011 for the function and purpose indicated:

From the General Fund to the School  
Operating Fund to be expended only  
on order of the Southampton County  
School Board:

Rental Textbooks, Program 260		
4-205-61100-6040-002-1-260	Textbooks	(5,852.00)
Reading Intervention, Program 450		
4-205-61100-1140-002-1-450	Techn. Sal. - Reg	(12,952.00)
TOTAL APPROPRIATION		(18,804.00)

REVENUE APPROPRIATION AUGUST FOR JUNE, 2011  
(REVENUE RECEIVED FOR ABOVE EXPENDITURES)

3-205-25020-0140	Rental Textbooks - 260	(5,852.00)
3-205-25020-0775	Reading Intervention - 450	(12,952.00)
TOTAL REVENUE APPROPRIATION		(18,804.00)

A copy teste: \_\_\_\_\_, Clerk  
Michael W. Johnson

Southampton County Board of Supervisors  
August 22, 2011

**Supervisor Faison moved, seconded by Vice-Chairman Young, to adopt the appropriations resolution. All were in favor.**

There being no further business, the meeting was adjourned at 8:35 PM.

\_\_\_\_\_  
Dallas O. Jones, Chairman

\_\_\_\_\_  
Michael W. Johnson, Clerk

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## Western Tidewater Sub-Region | **Surry County**

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**BOARD OF SUPERVISORS  
SURRY COUNTY, VIRGINIA**

**2011-17**

AT A REGULAR MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD IN THE GENERAL DISTRICT COURTROOM OF THE GOVERNMENT CENTER ON SEPTEMBER 1, 2011 AT 7:00 P.M.

The Honorable John M. Seward, Chairman	Aye
The Honorable Ernest L. Blount, Vice-Chairman	Aye
The Honorable M. Sherlock Holmes	Aye
The Honorable Judy S. Lyttle	Aye
The Honorable David A. Harrison	Aye

**A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN  
FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**WHEREAS**, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

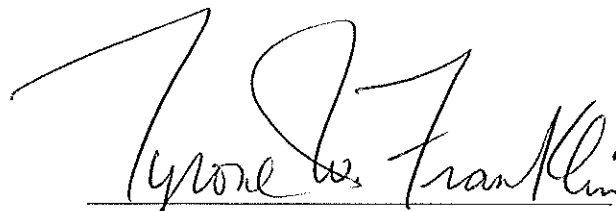
**WHEREAS**, the Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply planning program to the Department of Environmental Quality (DEQ); and

**WHEREAS**, the County of Surry is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

**WHEREAS**, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

**NOW, THEREFORE BE IT RESOLVED** that the Board of Supervisors of the County of Surry hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

**PASSED, APPROVED AND ADOPTED** by the County of Surry Board of Supervisors at a meeting held on September 1, 2011.



Tyrone W. Franklin, Clerk to the Board

VIRGINIA: A REGULAR MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD IN THE GENERAL DISTRICT COURTROOM OF THE COUNTY GOVERNMENT CENTER ON SEPTEMBER 1, 2011 AT 7:00 P.M.

PRESENT: SUPERVISOR JOHN M. SEWARD, CHAIRMAN  
SUPERVISOR ERNEST L. BLOUNT, VICE-CHAIRMAN  
SUPERVISOR M. SHERLOCK HOLMES  
SUPERVISOR JUDY S. LYTTLE  
SUPERVISOR DAVID A. HARRISON

ALSO

PRESENT: MR. TYRONE W. FRANKLIN, COUNTY ADMINISTRATOR  
MR. WILLIAM HEFTY, COUNTY ATTORNEY  
MS. TERRI HALE, INTERIM DIRECTOR OF FINANCE  
MS. RHONDA R. MACK, DIRECTOR OF PLANNING  
MRS. DEBORAH NEE, COMMISSIONER OF REVENUE  
MRS. VALERIE PIERCE, DIRECTOR, SURRY SOCIAL SERVICES  
MR. STACEY T. WILLIAMS, BUILDING OFFICIAL  
MRS. MARY SHAW, TREASURER  
MRS. BILLIE JEAN ELMER, UNIT DIRECTOR, VIRGINIA COOPERATIVE EXTENSION  
MR. ERVIN JONES, DEPUTY EMERGENCY SERVICES COORDINATOR AND  
DIRECTOR OF PARKS AND RECREATION

#### **CALL TO ORDER/MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE**

The meeting was called to order by Chairman Seward who then asked for a moment of silence. Following the moment of silence, he asked the citizens to stand and say the pledge of allegiance.

Chairman Seward expressed the Board's gratitude to County staff and volunteers who have worked so hard to assist with clean up and the distribution of water and ice to residents following Hurricane Irene.

#### **CONSENT ITEMS**

1. Approval of August 4, 2011 Minutes, Board of Supervisors
2. Approval of September 2011 Accounts Payable:

	Accounts Payable	Additional	Total
General Fund	\$104,042.08		\$104,042.08
Debt Service	\$0.00		\$0.00
Capital	\$14,319.00		\$14,319.00
Water & Sewer	\$4,737.51		\$4,737.51
Indoor Plumbing	\$0.00		\$0.00
<b>Totals</b>	<b>\$123,098.59</b>		<b>\$123,098.59</b>

Supervisor Lyttle made a motion that the Board approve all Consent Items as enumerated; Supervisor Harrison seconded the motion. Supervisors Seward, Blount, Holmes, Lyttle and Harrison voted affirmatively to approve the Consent Items as enumerated.

## **PROGRESS REPORTS**

### **1. VDOT**

No representative of VDOT was available to present a report to the Board. Mr. Tyrone Franklin informed all present that VDOT had requested that residents leave storm debris on the edge of roadways. VDOT has a contractor that will begin picking up debris on September 7<sup>th</sup>. If residents live on private roads, Mr. Franklin suggested that they bring debris to the nearest state-maintained roadway for pick-up.

### **2. Treasurer**

A. INVESTMENT LETTER: Chairman Seward read the investment letter submitted by Mary H. Shaw, Treasurer. He stated that as of August 4, 2011 the county had \$8,797,493.46 in the LGIP Fund. Since that report, accrued interest for July 2011 in the amount of \$851.78 had increased that balance to \$8,798,345.24. Chairman Seward stated that since the last Treasurer's report, \$1,500,000.00 was transferred from the LGIP account to the General Fund account leaving a balance of \$7,298,345.24 in the LGIP account. As of September 1, 2011 the county had \$7,798,345.24 in total investments, including one CD valued at \$500,000.00.

At this time, Chairman Seward paused to introduce Supervisor David A. Harrison, appointed to fill the unexpired term of his father, former Chairman Reginald O. Harrison. Chairman Seward stated that the remaining members of the Board were proud to have Supervisor Harrison serving with them.

### **3. County Administrator**

A. Mr. Tyrone Franklin introduced Mrs. Renee Chapline, Executive Director of Virginia's Gateway Region. Mrs. Chapline was accompanied by Mr. Peter Clements, President of the Board. Mr. Clements read and presented a resolution in honor of former Chairman Reginald Harrison to his son, Supervisor David Harrison.

Mrs. Chapline provided the Board with a brief update of agency activities. She stated that Virginia's Gateway Region had assisted Surry County in creating a regional retail analysis designed to attract commercial businesses and retailers to the County. The private, non-profit organization assists the counties of Chesterfield, Dinwiddie, Prince George, Surry and Sussex and the cities of Colonial Heights, Hopewell, and Petersburg by globally marketing their collective assets and bringing companies directly to the region through these efforts. As a result, over 3,000 jobs have been created in the region. Mrs. Chapline thanked the Board and Mr. Franklin for partnering with Virginia's Gateway Region.



At this point in the program, Mr. Franklin made a presentation to Supervisor Harrison. He presented an additional keepsake item: former Chairman Reginald Harrison's nameplate.

B. Ms. Rhonda Mack addressed the Board with additional requests regarding the County's Broadband Project. Ms. Mack reported that as a result of actions taken by the Board at their August 4, 2011 meeting, staff have recognized that partnering with Mid-Atlantic Broadband Cooperative (MBC) as the County's contractual representative for both the purchase of fiber and related materials as well as fiber deployment will, in turn, result in cost savings and a timely implementation of the project. She requested that the Board consider the authorization, by resolution, of publication of the draft public notice of emergency and sole source procurement and further authorize a contractual relationship with MBC as related.

Mr. William Hefty reported that the proposed documents had been reviewed and were all in order. Supervisor Holmes made a motion that the Board approve the proposed emergency and sole source procurement action, draft resolution, and Project Coordination Agreement Addendum. The motion was seconded by Supervisor Harrison and passed unanimously.

C. Ms. Mack provided a brief update with regard to the Indoor Plumbing and Rehabilitation Program stating that the Elberon Heights Project had been funded by a grant from the Virginia Department of Health and Community Development. The project had been closed out in mid February. However, outstanding invoices have been paid recently giving rise to the question asked at the last Board meeting regarding the purpose of the project and where money was going. At a recent conference, Ms. Mack reported that staff were made aware that the state has decided to suspend the Indoor Plumbing Rehab Program due to the uncertainty of federal funding.

At this time, Mr. Tyrone Franklin suggested that the Board begin the scheduled Public Hearing for this evening due to the late hour.

## **PUBLIC HEARING**

Chairman Seward welcomed officials from the towns including Mayors and Town Council Members. Mayor William Gwaltney called the Town of Surry Council to order. Vice-Mayor Robert Winfree called the Town of Claremont Council to order. Mayor Yvonne Pierce called the meeting of the Town of Dendron Council to order.

Chairman Seward called the meeting to order. Mr. Tyrone Franklin, County Administrator, reported that the joint public hearing was being conducted to receive public comments regarding the proposed Hampton Roads Regional Water Supply Plan and supporting Resolution 2011-17.

Mr. John Carlock, Deputy Executive Director of the Hampton Roads Planning District Commission, addressed the Board with background information

regarding the need for a regional water supply plan and an overview of the proposed plan. ***(A copy of Mr. Carlock's presentation is included as an integral part of these minutes.)***

Mr. Carlock reported that as a result of the severe drought experienced in 2002, the state had passed legislation in November 2005 requiring Virginia localities to submit a local or regional water supply plan to the DEQ by November 2, 2011. Plans must address the following required elements:

- Description of existing water sources, uses, and water resource conditions
- Assessment of projected water demand
- Description of water management actions and drought response
- Statement of need (compare supply versus demand)
- Alternatives analysis that identifies potential alternatives to address projected deficits in water supplies

Mr. Carlock further explained that the DEQ requires that all localities participating in a regional plan host a public hearing to solicit citizen comments prior to adoption of the plan by resolution. He stated that once submitted to the state, the plan will be reviewed and approved. It is not known how local and regional plans will be incorporated into a state-wide plan.

Chairman Seward opened the floor for public comments.

Mr. Mike Eggleston (Dendron District) addressed the Board and stated that there were areas of concern that he felt were not addressed in the regional plan; specifically, the current contamination of local bodies of water and the potential contamination as a result of mountain top coal extraction.

Mrs. Helen Eggleston (Dendron District) voiced concerns with regard to possible rate increases mentioned in the drought response management plan.

There being no further comments from the public, Chairman Seward asked for comments from staff and fellow Board members. Mr. Franklin inquired as to whether localities would limit future development by being restricted to current water usage by approval of the plan. Mr. Carlock responded by stating that this was not a regulatory document and that future permitting would not be restricted by the current plan. He did, however, suggest that further research into groundwater usage was warranted along with additional plans to determine usage priorities.

Mr. Robert Winfree (Town of Claremont) agreed that localities needed to start planning now. Mr. William Hefty, County Attorney, suggested that the Board consider its supporting resolution first, followed by the towns.

Supervisor Blount made a motion that the Board adopt Resolution 2011-17 in support of the Hampton Roads Regional Water Supply Plan for

submission to the Virginia Department of Environmental Quality. Supervisor Harrison seconded the motion; Supervisors Seward, Holmes, Lyttle, Blount and Harrison voted affirmatively.

Mr. Robert Berryman (Town of Surry) made a motion that the Town Council approve a similar resolution in support of the Hampton Roads Regional Water Supply Plan. The motion was seconded by Mr. Bennie Savedge and was unanimously approved. Following this action, Mr. William Roach made a motion that the Town Council adjourn. Mr. Robert Berryman seconded the motion which again met with unanimous approval.

Mr. Robert Winfree (Town of Claremont) made a motion that consideration of a resolution be tabled until the next scheduled meeting of the Town Council; Mrs. Bridget Jones seconded the motion. The motion was passed by unanimous vote. Mrs. Jones made a second motion to adjourn this meeting of the Claremont Town Council. This motion was seconded by Mrs. Terrie Foster and passed by unanimous approval.

Mrs. Lorita Pierce (Town of Dendron) made a motion to table consideration of a resolution be tabled until the September 12, 2011 meeting of the Town Council. The motion was seconded by Mr. Simon Savedge and received unanimous approval. Mrs. Lorita Pierce then made a motion that this meeting of the Town Council stand adjourned. Mr. Savedge seconded this motion which was passed by unanimous approval.

Mr. Franklin requested that the towns consider future meetings with the Surry County Board of Supervisors with the hope of establishing a consolidated water and sewer authority. Representatives of all three Towns were in agreement.

## **PROGRESS NOTES (cont'd)**

D. Mr. Franklin asked that the issue regarding the acquisition of 21.9 acres be held until Closed Session.

E. Ms. Terri Hale, Interim Director of Finance, appeared before the Board to present information relative to funding for VDOT Highway Revenue Sharing. She reported that VDOT has approved allocations for the FY11-12 Highway Revenue Sharing Program for the improvement of Lebanon Road (Rt. 626) from Southwark Road (Rt. 618) 0.6 miles east towards Dark Swamp. The FY 11-12 Capital Budget includes \$50,000 earmarked for this project ; staff are requesting that the additional \$75,000 in local match funds be appropriated for the project. Funding is proposed to be transferred from the category of Technology Improvements as the potential purchase of new municipal software and/or hardware may be delayed for approximately 6 to 8 months.

Supervisor Lyttle made a motion that the Board authorize the budget amendment as proposed. Supervisor Holmes seconded the motion; the motion was unanimously passed by the Board.

F. Mr. Franklin presented correspondence from Mrs. Valerie Pierce, Director of Social Services requesting appointments for the Social Services Board for the Surry and Carsley Districts. Chairman Seward nominated Mrs. Ann Sutherland as the Surry District representative. Supervisor Blount made a motion that the Board appoint Mrs. Sutherland (Surry District) to the Social Services Board for a term beginning September 2, 2011 and ending September 1, 2015. The motion was seconded by Supervisor Lyttle; and received unanimous approval.

Supervisor Holmes made a motion that the Board appoint Mrs. Linda Ellis (Carsley District) to the Social Services Board to serve the remainder of Mr. C. Pernell Fields, Sr.'s unexpired term ending June 30, 2014. Supervisor Harrison seconded the motion; Supervisors Seward, Lyttle, Blount, Holmes and Harrison voted affirmatively.

G. Mr. Franklin introduced correspondence from Mr. Michael Holle (Surry District) indicating that he would be unable to serve the remainder of his term on the Board of Zoning Appeals. Supervisor Seward advised that he would be prepared with a nomination at the Board's meeting on October 6, 2011.

H. Mr. Franklin provided the Board with correspondence from Mrs. Renee Chapline, Executive Director of Virginia's Gateway Region, requesting that the Board indicate appointees for the 2012 calendar year. Chairman Seward indicated that as all Board seats are up for re-election this year, appointees will be selected in January 2012 when the new Board convenes.

Supervisor Lyttle made the motion that the Board appoint Supervisor David Harrison to fill the unexpired term of his father, former Chairman Harrison, on the Gateway Region's Board of Directors which will end on December 31, 2011. Supervisor Holmes seconded the motion; the motion was passed with unanimous approval.

## **UNFINISHED BUSINESS**

Supervisor Blount asked whether staff had any recommendation regarding the possibility of the rescue squad charging for calls as had been previously discussed. Mr. Franklin replied that staff had no recommendation at this time.

Mr. Tyrone Franklin reported that the Industrial Development Authority would hold a scheduled meeting in October to provide an overview for new members to the IDA.

## NEW BUSINESS

Mr. Tyrone Franklin requested that Mr. Ervin Jones, Deputy Director of Emergency Services provide the Board with an update regarding emergency response efforts following Hurricane Irene. Mr. Jones reported that the entire community worked well together. He expressed appreciation to staff, numerous community volunteers as well as County fire and rescue personnel. He specifically mentioned Mrs. Billie Jean Elmer, Mr. Tyrone Franklin, Mrs. Valerie Pierce, Mr. Stacey Williams, Sheriff Clayton and his staff, Mrs. Sonia Beatty and Town Officials. Mr. Jones stated that response preparation began before the storm hit and that response efforts had progressed as planned. He reported that the Emergency Operations Center (EOC) had been continuously staffed since Friday, August 26<sup>th</sup> at 4:00 pm. State Police Search and Rescue Team and the National Guard assisted with debris removal. A shelter was opened at 8:00 am on Saturday, August 27<sup>th</sup> which served 65 residents of the County. Approximately 35 pallets of water and 24 pallets of ice were distributed to affected residents of the County. The Red Cross had served over 2,000 meals. Mr. Jones also reported that 10 homes had been damaged and one home condemned, but no serious injuries had been reported.

Chairman Seward thanked Mr. Jones for all his efforts and commended everyone involved in the emergency response effort for a job well done.

Mr. Franklin mentioned another issue which he said would be discussed at length at a later date, but introduced Mr. Stacey Williams, Building Official, to address. Mr. Williams reported that staff had some concern regarding the operation of unlicensed contractors within the County. He stated that if a homeowner secured a building or mechanical permit they could either perform the work themselves or have an unlicensed individual/contractor perform the work. Either way, the homeowner would be responsible for the work performed. The concern expressed by licensed contractors in the County is that in the current economic climate, more homeowners will elect to take a chance on using unlicensed contractors or do the work themselves resulting in the licensed contractors having fewer and fewer opportunities to find work. Mr. Williams expressed concerns about the Board's consideration of a mandate to homeowners requiring the use of a licensed contractor. Further discussion ensued with Supervisor Blount suggesting that a work session might be in order to consider the issue in-depth. Chairman Seward requested that further information be presented at a later date.

Chairman Seward presented a letter to the Board from the Surry Volunteer Rescue Board of Directors requesting that as the Board considers replacing Mr. John B. Edwards, Jr., former Assistant County Administrator, that Emergency Services be the sole responsibility of that replacement.

Chairman Seward presented a second letter from Boy Scout Troop #2 announcing that Mr. David Skinner had completed the requirements for Eagle Scout and requesting that a letter recognizing his accomplishments be sent prior to his recognition ceremony planned for September 25, 2011 at Moore's Swamp Baptist Church at 3:00 pm. Supervisor Holmes made a motion that an appropriate action be

taken to produce a letter recognizing Mr. Skinner's achievements. The motion was seconded by Supervisor Lyttle and unanimously approved.

## **CITIZEN COMMENTS**

Mrs. Helen Eggleston (Dendron District) appeared before the Board to speak against the County's proposed purchase of property for a County garage. She suggested that the County consider building the facility in the existing Industrial Park and stated that she hoped the Board would not consider raising taxes to fund the project.

Mr. Mike Eggleston (Dendron District) addressed the Board concerning a weather incident several months ago affecting the Surry Nuclear Power Plant. He also discussed the proposed County garage and suggested that it be located in the industrial park.

Mr. Claude Reeson (Carsley District) addressed the Board with concerns about the restoration of electric power following Hurricane Irene and the response times of Prince George Electric as compared to those of Dominion Virginia Power.

## **CLOSED SESSION**

There being no further comments from the public, Supervisor Blount made a motion that the Board move to Closed Session to discuss a personnel matter involving salary or other compensation of a specific employee, Virginia Code § 2.2-3711(A)(1) and the acquisition and/or disposition of real property for public purposes where discussion in an open meeting would adversely affect our bargaining position, Virginia Code § 2.2-3711(A)(3). Supervisor Lyttle seconded the motion. Supervisors Seward, Holmes, Lyttle, Harrison and Blount voted in favor of the motion.

Supervisor Blount moved that the Board return to open session and certify by roll call that the closed session was concluded and that nothing had been discussed except the matter or matters permitted to be discussed under the provisions of the Virginia Freedom of Information Act. Supervisor Blount seconded the motion; all members present voted affirmatively.

## **ADJOURNMENT**

There being no further business to conduct, Supervisor Lyttle made a motion to adjourn. Supervisor Blount seconded the motion; Supervisors Seward, Holmes, Harrison, Lyttle and Blount voted in favor of the motion.

# Hampton Roads Regional Water Supply Plan

John M. Carlock, AICP  
Deputy Executive Director  
Hampton Roads Planning District Commission



## Presentation Outline

**Key issue:** Each locality in Virginia must submit a local or regional water supply plan to DEQ by November 2, 2011.

### ***Presentation will discuss the following:***

- When and why the regulation was established.
- Required elements of the water supply plan.
- HRPDC's role and Memorandum of Agreement among Hampton Roads localities.
- Content of Hampton Roads regional plan.
- Local approval process.

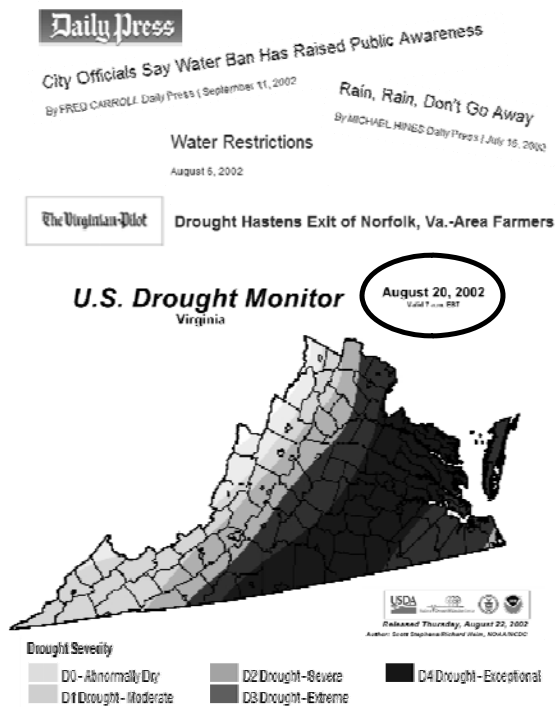


## When and why the regulation was established?

### Local and Regional Water Supply Planning Regulation (9 VAC 25-780) November 2005

In 2002, Virginia experienced severe drought conditions. Some localities were not prepared.

Realization that Virginia is likely to face some water use conflicts and all beneficial uses were not represented in the planning and permit processes.



3

## Required Elements of Water Supply Plan

- Description of existing water sources, uses, and water resource conditions
- Assessment of projected water demand
- Description of water management actions and drought response
- Statement of need (compare supply versus demand)
- Alternatives analysis that identifies potential alternatives to address projected deficits in water supplies

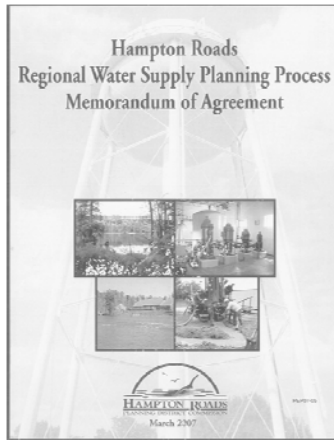


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# HRPDC's Role and Memorandum of Agreement

**Localities in the Hampton Roads region signed a Memorandum of Agreement in 2007 agreeing to develop a regional water supply plan.**



- City of Chesapeake
- City of Franklin
- City of Hampton
- City of Newport News
- City of Norfolk
- City of Poquoson
- City of Portsmouth
- City of Suffolk
- City of Virginia Beach
- City of Williamsburg
- Gloucester County
- Isle of Wight County
- James City County
- Southampton County
- Surry County
- York County
- Town of Boykins
- Town of Branchville
- Town of Capron
- Town of Courtland
- Town of Ivor
- Town of Newsoms
- Town of Smithfield
- Town of Windsor

**HRPDC's Directors of Utilities Committee reviewed the data, assumptions, and draft report chapters throughout the development of the plan.**



5

## Hampton Roads Plan: Systems & Sources

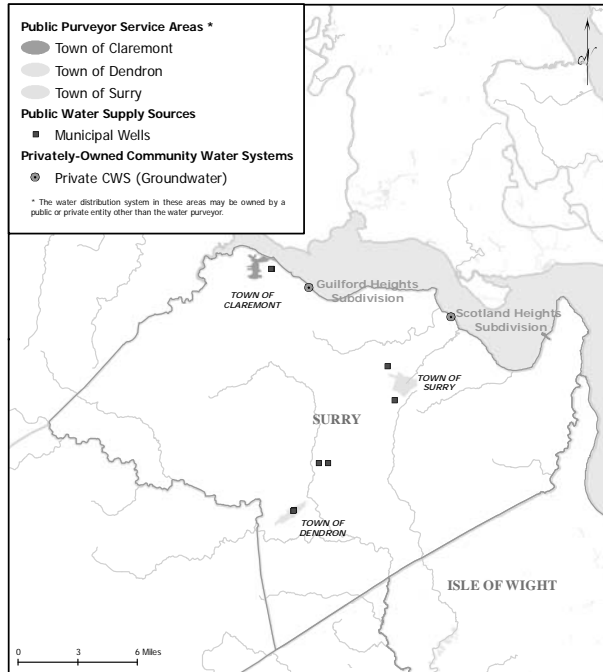


### Maps of Community Water Systems & Self-Supplied Users over 10,000 gallons/day



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# Surry County & Towns: Systems & Self-Supplied Users



## Public Water Systems:

- Town of Claremont
- Town of Dendron
- Town of Surry

## Private Water Systems:

- Guilford Heights
- Scotland Heights

## Self-Supplied Users:

- Homes and businesses with private wells
- Agricultural users
- Dominion Power Nuclear Plant
- Surry County (schools)

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# Hampton Roads Plan: Supply vs. Demand

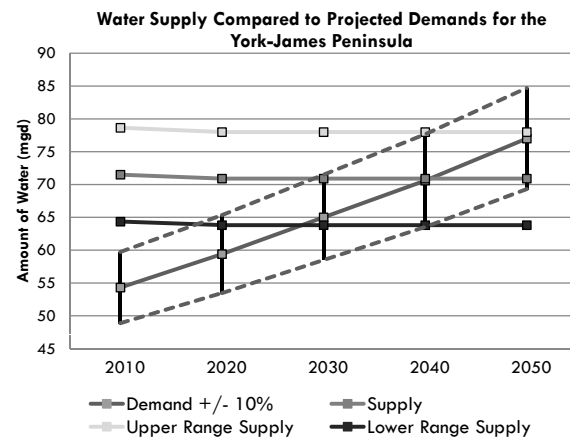
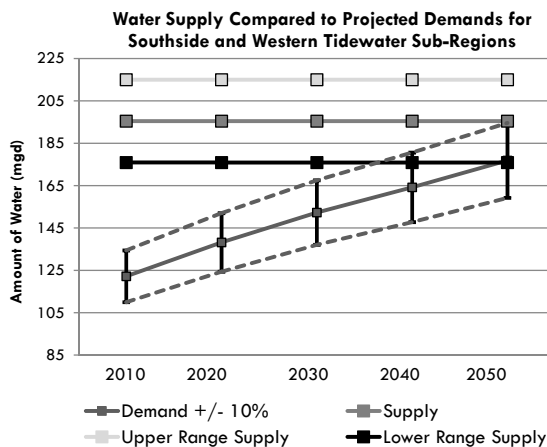
**Statement of Need:** Adequate water is available to meet 2040 demands for community water systems.

## Supply uncertainties:

- Availability of groundwater
- Climate change

## Demand uncertainties:

- Increases or decreases in commercial & industrial demands.
- Increases or decreases in conservation rates.

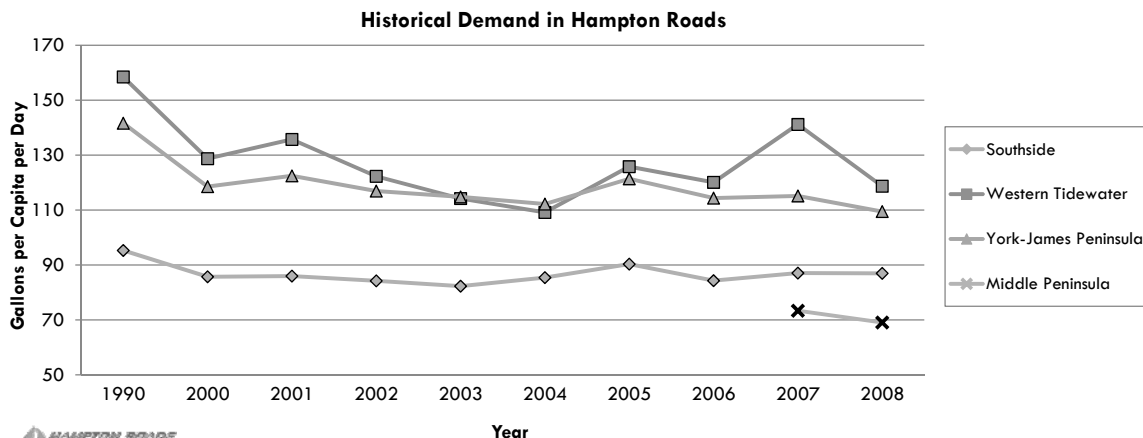


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# Hampton Roads Plan: Alternatives

## Alternatives described:

- Surface Water Storage
- Groundwater Withdrawal
- Aquifer Storage & Recovery
- Desalination
- Conservation
- Southside–York–James Peninsula Interconnect
- Water Reuse
- System Optimization



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# Hampton Roads Plan: Self-Supplied Users

## Types of self-supplied users:

- Commercial and industrial users with wells or river intakes.
- Agricultural users with wells or ponds.
- Homes with private wells.

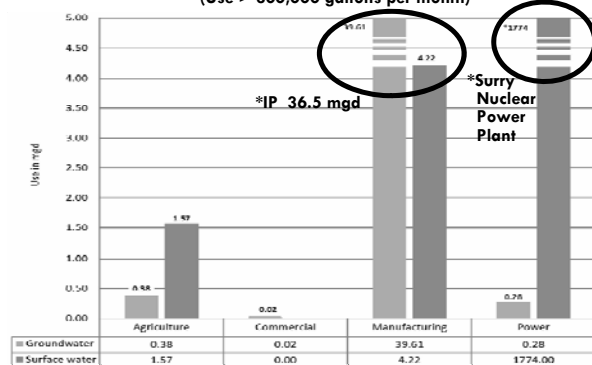
## Major commercial/industrial uses:

- Energy production - cooling water is returned to rivers (non-consumptive).
- Golf courses - irrigation.
- Agriculture - irrigation.

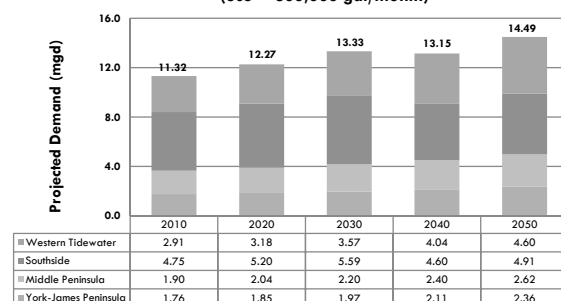
- ❖ Self-supplied demand assumed to be constant for next 40 years.
- ❖ Most self-supplied users rely on wells.
- ❖ Groundwater availability requires further study.



**2007 Western Tidewater Large Self-Supplied Water Use (mgd)**  
(Use > 300,000 gallons per month)



**Projected Water Demands for Small Self-Supplied Users**  
(use < 300,000 gal/month)



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# Hampton Roads Plan: Drought Response Management

Drought Stage	Local Government Action
<b>Stage I: Drought Watch</b> moderate but limited supplies of water are available	Increased public awareness and request voluntary water conservation.
<b>Stage II: Drought Warning</b> very limited supplies of water are available	More stringent mandatory water conservation and restricts or limits certain actions.
<b>Stage III: Drought Emergency</b> critically limited supplies of water are available	Combination of mandatory water use restrictions, rate increases and water allotments, as defined by the locality.
<b>Stage IV: Extreme Drought Emergency</b> only crucial supplies of water are available	Further tightening of water restrictions and additional rate increases to quickly and significantly reduce water demand.

**Most common restricted water uses are:**

1. Watering of shrubbery, trees, lawns, grass, plants, or other vegetation.
2. Washing of automobiles, trucks, or trailers excepting in facilities operating with an approved water recycling system.
3. Washing of streets, driveways, parking lots, service station aprons, office buildings or other outdoor surfaces.
4. Operation of any ornamental fountain or other structure making similar use of water.
5. Filling or refilling of swimming or wading pools after the effective date of the order.
6. The use of water from fire hydrants for any purpose other than fire suppression or essential public purposes.
7. The serving of drinking water in restaurants, cafeterias or other food establishments unless requested by the individual.



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## Local Drought Management Policies

### Towns of Claremont and Surry have Water Conservation and Management Plans:

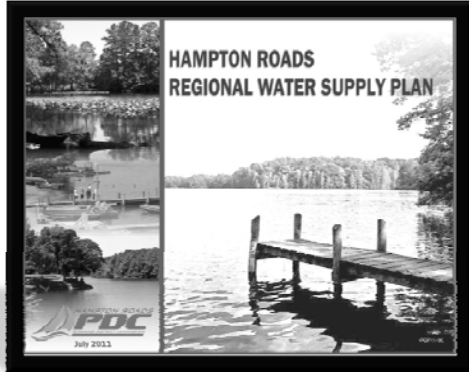
Drought Stage	Town Action
<b>I. Drought Watch</b>	Voluntary use restrictions (non-essential water uses).
<b>II. Drought Warning</b>	Mandatory use restrictions; penalties enforced.
<b>III. Drought Emergency</b>	Water rationing; surcharges for exceeded allotments.

Groundwater withdrawal permits and drought response plans are not required for the Town of Dendron and Surry County.



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## Requirements for Local Approval Process



- ✓ **Locality resolution approving the plan** from each town, city, and county party to the plan.
- ✓ **Record of the local public hearing** including minutes, copies of all written comments, and locality responses to comments.

**Send the resolution and record of local public hearing to HRPDC by September 30, 2011.**

HRPDC will package all locality documents and submit the regional plan to DEQ by November 2, 2011 deadline.



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## Western Tidewater Sub-Region | **Town of Boykins**

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# *Town of Boykins*

*Richard S. Edwards, Jr., Mayor  
Pat Draper, Town Clerk/Treasurer  
George Brozzo – Town Sergeant  
Jerry Hannah – Public Work Supervisor*



*P.O. Box 363  
18206 Virginia Ave.  
Boykins, Virginia 23827  
Phone: (757) 654-6361*

*boykins@townofboykinsva.com*

## *Resolution*

At a regularly scheduled meeting of the Town of Boykins Council held at the Boykins Town office, located at 18206 Virginia Ave., Boykins, Virginia on Tuesday, August 9, 2011 at 7:00 pm adopted a resolution approving the Hampton Roads Regional Water Supply Plan for Submission to the Virginia Department of Environmental Quality.

**WHEREAS**, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

**WHEREAS**, the 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 planning program to the Department of Environmental Quality (DEQ); and

**WHEREAS**, the Town of Boykins, is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

**WHEREAS**, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

**NOW, THEREFORE BE IT RESOLVED** that the Town Council of the Town of Boykins hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

*Resolved by the Town Council this 9<sup>th</sup> day, August, 2011*

---

Richard S. Edwards Jr.  
Richard S. Edwards Jr., Mayor

Attest:

Patricia A. Draper (Seal)  
Patricia A. Draper, Town Clerk

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## TOWN OF BOYKINS - RECORD OF TOWN COUNCIL MEETING

---

August 9, 2011

Present: Mayor R. S. Edwards, Jr.  
Linda Beatty  
Freddy Felts  
Sam Drewry  
Carolyn Modlin  
Gary Baugham

George Brozzo, Town Sgt.  
Jerry Hannah, Public Works Supervisor  
Pat Draper, Town Clerk/Treasurer

Absent:

Mayor Edwards called the meeting to order at 7:00 pm, located at 18206 Virginia Ave. Carolyn opened the meeting with a prayer and Mayor Edwards led in the Pledge of Allegiance to the American Flag. Mayor Edwards asked if there were any corrections to the minutes which had been distributed to Council. **Freddy moved to approve the minutes as distributed, seconded by Gary and passed by vote of council.** The minutes will be filed for audit as corrected.

Town Citizens &  
Town Business  
Owners to Speak

There were no citizens or business owners to speak.

Treasurers Report

Pat read the financial report for July. The financial report will be filed for audit.(copy attached)

Police Report

Sergeant Brozzo gave the police report for the month of July. (copy attached)

Public Works Report

Jerry reported on Public works for the month of July. (copy attached)

### CITIZENS TO SPEAK PER AGENDA

Beth Lewis

Beth presented to council copies of the All Hazards Mitigation Plan and stated that FEMA had not adopted it yet and that the resolution from the town could not be adopted at this time. She discussed some of the changes that had been made and said it needed to be adopted by October 6, 2011. Beth is also looking into finding funding for a generator to take care of the water pumping station in Boykins if the power goes out again.

Boykins Youth  
Leaders Club

Holly Tatum, the coordinator for the Boykins Youth Leaders group approached council with plans of what the youth group planned to do over the next few months. She stated that they had a good response with the car wash and would like to have a basketball tournament in October and asked for the approval of the town council. Ms. Tatum and council agreed to October 1<sup>st</sup> to hold the tournament. Mr. Jordan asked council to join them at their next meeting on August 31<sup>st</sup> at Sarah Lee's Shop at 7pm.

## **PUBLIC HEARING**

Mayor Edwards called the public hearing to order concerning the Hampton Roads Regional Water Supply Plan for submission. Tiffany Smith with Hampton Roads Planning Commission was present to explain the plan and to answer any questions anyone may have. Mayor Edwards asked if anyone had any questions, there being none, he closed the public hearing.

## **CITIZENS TO SPEAK PER AGENDA (con't)**

David Stiglitz

Mr. Stiglitz approached council with his concern of Mayor Edwards taking pictures of the property next to the railroad tracks where some trash and holes in the ground were. Mr. Stiglitz expressed his concern that the town might have spent money unnecessarily and could have avoided that had the Mayor approached him directly to find out what his plans were.

Tommy Wyatt

Mr. Wyatt addressed council about his fence. He feels he is being singled out for this infraction as he mentioned several other pieces of property in town that seem to have the same problem but they have not been cited. It is his intention to fill out complaint forms for these properties and present to council at the September meeting. Mayor Edwards responded to Mr. Wyatt explaining that he was in violation of the zoning ordinance for salvage yards according to the zoning administrator. Ms. Beatty remarked that Mr. Wyatt had been allowed by council at an earlier meeting to put slats in the fence to screen inoperable vehicles on his lot, but that having more than 4 vehicles constitutes a salvage yard which is an entirely different issue.

## **REPORTS**

Speed Limit

The speed limit has already been changed by VDOT.

Street Flags

We have now received enough donations to purchase the poles for the flags in the amount of \$517.00

Property Donation

Edgar Jones and his brother have donated their property on Railroad Ave. to the town and the tenants should be moved out by August 15<sup>th</sup>.

Property Tax Leins

Property Tax Leins have been put on Lorenza Hatchett and Sylvia Whitehead for the cost of cutting grass and cleaning up of their property.

Business License e-mail.

All council members had a copy of Jeff Gore's e-mail to review pertaining to issuing of Business License. Carolyn feels that the town ordinance needs to be changed to reflect Mr. Gore's findings.

Courtland, Boykins &  
Newsoms Check Point

Sheriff Francis has advised against the town's having check points with different jurisdictions and said that any time the town wanted to have a check point to notify him and he would send deputies to assist our police officer.

Mayor Edwards has put a flyer for PETA's scheduled visits to Boykins on the bulletin board due to people asking about their services.

David Parsons from VML will be doing an article on Boykins and it will be published in the August issue of the VML magazine.

The detainees have been to clean out the ditches and they will be coming back one more time to finish up.

Mayor Edwards and Beth Lewis met with two of the engineering firms selected by Boykins Main Street Initiative to handle the Main Street renovation.

## UNFINISHED BUSINESS

Labor Day Festivities

Linda addressed council with the possibility of combining Labor Day and the Pumpkin feast activities into one. Eric Coard presented council with a poster for the festivities. Freddy offered to pick up some fireworks when he went to Myrtle Beach for Danny to shoot off to become certified. After much discussion **Linda made a motion to combine the two events to be held on October 22<sup>nd</sup> and to authorize Freddy to pick up some sample fireworks so that Danny can get his certification in order to have fireworks at the event, seconded by Gary and passed by vote of council.**

Holding a corn hole tournament was discussed and Mr. Barnes has offered to build the boards at no cost if the town would purchase the materials. Jerry commented that the materials would cost around \$80 and that would build two sets. Mike offered to store them if he could use them for his business. **Carolyn moved to spend \$80 to have the two sets made and to split the cost with Mike McManus, seconded by Linda and passed by vote of council.**

## NEW BUSINESS

Real Estate Taxes

**Carolyn moved to have Virginia Auction Company to handle the collection of our delinquent real estate taxes along with the personal property taxes; seconded by Sam and passed by vote of council.**

- Hampton Roads Water Regional Water Supply Resolution      **Gary made a motion to adopt the Hampton Roads Water Regional Supply Plan, seconded by Sam and passed by vote of council.**
- VRS LODA resolution      **Since the Town is participating with VML with the Line of Duty Act, VRS is requiring a resolution to be adopted not to participate. Linda moved to adopt the resolution concerning the Irrevocable election not to participate in Line of Duty Act Fund with VRS; seconded by Carolyn and passed by vote of council.**
- Park Reimbursement      **Linda made a motion to reimburse the General Fund from the Park CD in the amount of \$3,000, seconded by Carolyn and passed vote of council.**
- Resignation      **Jerry Hannah has resigned his position as Public works supervisor and will be starting with Southampton County on September 1, 2011. Mayor Edwards commented on what a good job Jerry had done and that he would be missed. Sam moved to accept Jerry's resignation; seconded by Freddie and passed by vote of council.**

Pat addressed the council with the report from Matt Reid with VML and had given each member a copy of his e-mail. She also said that Jamie would like to address the council before they go into executive session.

## **EXECUTIVE SESSION**

**Councilwoman Beatty moved that the Boykins Town Council convene in closed session to discuss the following as permitted by VA Code 2.2-3711 (A)(1), a personnel matter involving: a specific employee , seconded by Carolyn and motion carried.**

Closed Session was held.

**Carolyn moved that the Council certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion, seconded by Linda and was affirmed by each member: Sam-yes; Freddy-yes; Carolyn-yes, Linda-yes, Gary-yes**

**Linda moved to hire Jamie for a 90 day probationary period as foreman for the town at a pay rate of \$10 per hour and to be reassessed after the 90 day period, seconded by Freddy and passed by vote of council.**

**Linda made a motion to look into getting the health insurance plan back to include Jamie as soon as possible, seconded by Gary and passed by vote of council.**

**Sam made a motion to offer Larry Grant a full time position at minimum wage rate on a ninety day probationary period; seconded by Freddy and passed by vote of council.**

Pay Bills

Sam asked if anyone had heard what the post office was going to do about the mailing situation with Eric Coard's bulk mailings. Nothing has been heard at this point.

Adjournment

**Carolyn made a motion to pay bills; seconded by Freddy and passed by vote of council.**

**Sam moved that the meeting be adjourned; seconded by Freddy and passed by vote of Council.**

Date:

9/13/2011

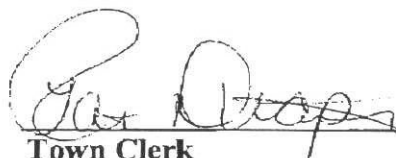
Mayor



Date:

9/13/2011

Town Clerk



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## Western Tidewater Sub-Region | **Town of Branchville**

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**TOWN OF BRANCHVILLE**  
**15310 Broad Street**  
**P. O. BOX 129**  
**BRANCHVILLE, VA. 23828**

**H. Preston Futrell, Mayor**  
**Kayre Harrup, Clerk/Treasurer**  
**Timothy Drewry, Attorney**

**Phone: 757-654-9420**  
**Fax #: 757-654-9181**

**October 5, 2011**

**A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER  
SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF  
ENVIRONMENTAL QUALITY**

WHEREAS, pursuant to Virginia Code 62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, the Town of Branchville is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations.

NOW, THEREFORE BE IT RESOLVED that the Council of the Town of Branchville hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

PASSED, APPROVED AND ADOPTED by the Council of the Town of Branchville at the meeting held on August 15, 2011

**TOWN OF BRANCHVILLE  
P.O. BOX 129  
BRANCHVILLE, VA 23828  
RECORD OF TOWN COUNCIL MEETING**

**August 15, 2011**

**CALL TO ORDER:** Mayor Preston Futrell called the meeting to order.

<b>PRESENT:</b> Mayor Preston Futrell	Frank Phelps	<b>ABSENT:</b>
Kelly Ray	Susan Phelps	Roger Hinson
Bonnie Casper		Nancy Barrett
Kayre Harrup, Clerk/Treasurer		

**GUEST SPEAKERS:** Public Hearing for the Hampton Roads Regional Water Supply Plan. Mayor Preston Futrell called the meeting to order at 7:26 pm. No Citizens from the Town attended. Kelly Ray made a motion to adopt the Hampton Roads Regional Water Supply Plan. Bonnie Casper seconded the motion. It passed by vote of the Council.

**READING OF MINUTES:** Kelly Ray made a motion to accept the minutes of the July 11, 2011 meeting. Frank Phelps seconded the motion. It passed by vote of Council

<b>FINANCIAL REPORT:</b> Bank Bal. June/30/2011	\$ 19,306.64
Deposits/Credits for July/2011	10,717.89
Checks/Debits/Ser Charge	9,399.89
Bank Bal. July/29/2011	20,624.64
Outstanding Checks	935.74
Checking Bal.	\$ 19,688.90

Audit by Susan Phelps. Kelly Ray made a motion to accept the report. Frank Phelps seconded the motion. It passed by vote of Council.

**UNFINISHED BUSINESS:**

1. **Zoning--- (Town Ordinances & By-Laws)** Kelly Ray will set up a meeting with the Planning Commission. Meeting not yet held.
2. **Neighborhood Watch-** reports of Frank Turner, Regina Brown, and Harold Dawson turning their Pit Bull dogs out at night to roam the neighborhood. The white Pit Bull who is believed to belong to Harold comes on the Barrett's porch and growls at them. Dogs are getting into the trash set out for collection.
3. **Railroad Problems-** Kelly Ray (NO REPORT)

4. **Historical Restoration**—(Dr. Grizzard Sign) Nancy Barrett (NO REPORT)
5. **Cleaning Out Ditches**—Mayor Futrell—Inmates did clean out some ditches.
6. **Taxes**—Collected \$ 678.64 in June. Collected \$1,739.08 in July.
7. **Flower Bed**— Nancy Barrett—(NO REPORT)
8. **Greenwood**--Mayor Futrell-- (NO REPORT)
9. **Conditional Use Permit** -Mayor Futrell-Survey not scheduled. (NO REPORT)  
Mayor Futrell will call Mr. Vann to talk about survey.
10. **Litter Control Board**-Bonnie Casper—(NO REPORT). Need to circulate the petition.
11. Picture frames for Past Mayors—Not yet purchased.

#### **NEW BUSINESS:**

The Council will adopt the Mitigation Action Plan next month.

Mayor Futrell talked to VMI about Insurance for the Town. Insurance on the building is not needed. Liability Insurance is needed. He will call to get a quote.

Mayor Futrell is checking into investing some of the Emergency Funds in something that will make money for the Town on a regular basis and for a long time. He will talk to other Town Mayors.

New categories added to the 2011-2012 budget were approved.

#### **ADJOURNMENT:**

Frank Phelps made a motion to adjourn. Kelly Ray seconded the motion. It passed by vote of the Council.

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## Western Tidewater Sub-Region | **Town of Capron**

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**RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER  
SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF  
ENVIRONMENTAL QUALITY**

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, Capron, Virginia is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

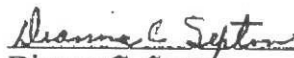
WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Capron, Virginia hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

PASSED, APPROVED AND ADOPTED by the Town Council of Capron, Virginia at a meeting held this 1<sup>st</sup> day of August, 2011.

  
W. Nick Kitchen, IV  
Mayor

ATTEST:

  
Dianna C. Sexton  
Town Clerk

The Capron Town Council met at the Town Office September 7, 2011, at 7:00 pm, with Mayor Kitchen presiding. Members present were: Deborah Starke, Reginald Vaughan, Erma Joyner, Vernie Francis III, and Bill Jarratt. Visitors were: Debbie and Billy Sutton, Kenny and Colby Kirkland.

The minutes were read and amended by Mayor Kitchen. Reggie made motion to approve the minutes as amended and vote was unanimous.

Old business- Mayor Kitchen talked to Buddy Ricks about the trash barrels at his store being over filled.

Mayor Kitchen will talk with Hart Council, Mike Johnson, and Matt Crowder to see what is going to be done about the tree branches still laying beside the road for pickup. Mayor Kitchen asked the Council if we have to hire someone to do the job, what is the limit we will pay? Mayor Kitchen suggested a \$1,000 limit. Debbie made motion and Reggie seconded to put a limit of \$1,000 on paying someone to do it.

Trent Fox saw Mayor Kitchen and pointed out that he had not called about the property exchange at well #2. Mayor Kitchen apologized and told him the Council had declined his offer.

Mayor Kitchen will call Roy Black of Virginia Auctions and Collections and ask him to the October 3, 2011 Town Council meeting.

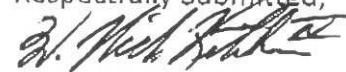
Demetrious Hobbs has been setting up his food truck at Buddy Rick's without a Capron Business license or collecting food tax. Mayor Kitchen is all for making him comply with our ordinance just as the other businesses have to do. Mayor Kitchen will write him a letter explaining the ordinance and food tax once again. If he doesn't comply then we will pursue further action.

Kaye Pope approached Mayor Kitchen and suggested he apply for a grant to have a town sergeant. She offered to fill out the grant application for him. The Council decided to table the suggestion for the time being.

In order to approve any changes to the ordinance we need to know what old ones we want to include and which ones to delete or revise. We hope to have the hearing on the new ordinance on November 1, 2011. Billy Sutton ask how people will know about the ordinance changes. He suggested we have a web site.

Debbie made motion to adjourn, Reggie seconded, all in favor.

Respectfully Submitted,



DCS - Clerk

The Capron Town Council met August 1, 2011 at 7:00 p.m. with Mayor Kitchen presiding. Members present were: Erma Joyner, Bill Jarratt, Reginald Vaughan, and Deborah Starke.

Minutes of the July meeting were read by Debbie Starke, and with one change being made Reggie made motion and Bill seconded to approve the minutes as amended. The motion was voted on and approved.

Discussion was heard on the trash pickup. Reggie stated that the public barrels were over filled. He also stated that new barrels are needed at J. T. Barham, Capron Volunteer Fire Department and the cemetery. Mayor Kitchen said he would look into acquiring new barrels.

The Railroad Avenue project is now 100% complete. We expect the final bill from Charlie Joyner at any time.

Mayor Kitchen advised Council that Trent Fox has not been in contact with him concerning the property swap at well II during the last month.

Mayor Kitchen reported that Mr. Nick Kitchen III offered to mow the grass on Garfield Alley. The new owners of the former Masonic Lodge have closed their driveway going to the old church/ house on Garfield Alley. Mrs. Ethel Francis, owner of the property rode with Mayor Kitchen down Garfield Alley and was pleased with the condition of the Alley. Mrs. Francis donated \$250.00 to the Town of Capron. The Town will be sure to send her a thank you note.

Town Council meeting recessed for two public hearings, A & B

August 1, 2011 Public Hearing A- The Regional Water Supply Plan

The Public Hearing was called to order by Mayor Kitchen at 7:36 p.m. Debby and Billy Sutton and Charles Settle were in attendance for the meeting. A question and answer period followed the reading of the Regional Water Supply Plan. The meeting adjourned at 8:06 p.m.

August 1, 2011 Public Hearing B-All Hazard Mitigation Plan.

The Public Hearing was called to order by Mayor Kitchen at 8:07 p.m. Following the reading of The All Hazard Mitigation Plan, discussion was heard. Meeting adjourned at 8:15.

Town Council meeting resumed at 8:16. A motion was made by Council Member Bill Jarratt to accept The Regional Water Supply Plan as presented. Reginald Vaughan seconded the motion and the vote was unanimous.

Reginald Vaughan made motion to adopt the All Hazard Mitigation Plan. Bill Jarratt seconded the motion, vote was unanimous.

Discussion was heard concerning Virginia Auction and Collections procedures. It was decided we would invite Mr. Roy Black to our September 7, 2011 meeting.

Reggie expressed his concerns about the multiple Dominion Power outages we have been experiencing. He urged everyone to complain to Dominion Power.

The next meeting will be held on September 7, 2011. It will be advertised as a public hearing in order to introduce the new ordinance book for the Town of Capron.

The Council was introduced to the 2011-12 budget. The budget is being posted at the Town Office and available for any citizen wanting a copy. A motion was made by Bill Jarratt to accept the budget as presented. Reggie seconded the motion. The motion was voted on and passed.

Bill Jarratt made motion to adjourn with a second by Debbie. Motion was voted on and passed.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Bill Jarratt", written over a horizontal line.A handwritten signature in dark ink, appearing to read "Dianna C. Sexton", written over a horizontal line.

Dianna Crain/Sexton, Clerk

## Western Tidewater Sub-Region | **Town of Claremont**

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**A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and


Whereas, the 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 planning program to the Department of Environmental Quality (DEQ); and


WHEREAS, the Town of Claremont is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Claremont hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

PASSED, APPROVED AND ADOPTED by the Claremont Town Council at a Special Meeting held on September 14, 2011.

  
Mayor of Claremont-George L. Edwards

  
Attested by-Heather S. Hunnicutt

**September 1, 2011  
Joint Public Hearing**

**Surry County  
Town of Claremont  
Town of Dendron  
Town of Surry**

Surry County Board of Supervisors and the Town Councils of the Towns of Claremont, Dendron, and Surry held a joint public hearing on September 1, 2011 in the Surry County Government Center. The Surry County Board of Supervisors meeting minutes provides a record of the public hearing.



## Western Tidewater Sub-Region | **Town of Courtland**

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A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER  
SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF  
ENVIRONMENTAL QUALITY

WHEREAS, pursuant to Virginia Code § 62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, the Town of Courtland is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Courtland Virginia hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Courtland Virginia at a meeting held on August 9, 2011.

 , Mayor

ATTEST:  , Clerk

*Motion to accept Minutes was made by Mrs. Maxine Nowlin seconded by Jerry Morgan  
Passed Unanimously 9-13-11*

### Minutes

The public hearing of the Courtland Town Council was held August 9, 2011 at the Town of Courtland Town Office.

Council members present were: Mr. Stan Piersa, Mr. George Kitchen, Mrs. Lou Anne Davis, Mr. Jerry Morgan, and Mrs. Maxine Nowlin.

Mayor Danny R. Williams called the meeting to order at 7:30 P.M.

The public hearing was for public comments on the Hampton Roads Regional Water Supply Plan. There were no citizens present for comment. Mr. Williams asked for any questions or comments from Council. There were none.

At 7:39 P.M., Mr. Williams suspended the public hearing and opened the regular council meeting after waiting for any late arrivals.

Mr. Piersa made a motion to adopt the resolution on the Hampton Roads Regional Water Supply Plan and Mr. Morgan seconded. Motion carried unanimously.

Mr. Williams introduced Mr. Rich Flannery with the Hampton Roads Planning District Commission, who had a brief presentation on the All-Hazards Mitigation Plan. Mr. Flannery introduced Leigh Morgan-Chapman, a consultant working with the HRPDC to update the Hazard Mitigation Plan. FEMA requires the plan to be updated every five years. They assess the risks for issues and how to minimize or manage a wide variety of natural hazards. The plan will allow for future funding for natural disasters. The writers have also set up the proposed plan so if there is disaster declaration funds that are not used, the town can apply for these funds for preventive maintenance. Ms. Chapman said there were five actions to work on in the last plan and four in this one. She listed and gave a description of each. Once FEMA reviews and approves the plan, then the Council will be asked to pass a resolution adopting the plan. There was a brief discussion on mosquito mapping for insect born disease control. Mr. Flannery asked if there were any questions. There were no questions. Mr. Flannery and Ms. Chapman left the meeting.

### Minutes

Mr. Piersa made the motion to accept the minutes and Mr. Morgan seconded. Motion carried unanimously.

### Financial Report

Mrs. Nowlin made the motion to accept the financial report and Mrs. Davis seconded. Motion carried unanimously. The delinquent tax amounts over one year are from tax liens.

### Bills to be Paid

Mr. Morgan made the motion to accept the bills and Mrs. Davis seconded. Motion carried

unanimously.

Items from Council

Mr. Kitchen-

He has complaints from his wife, neighbor and daughter about fireworks in the neighborhood. Mr. Piersa said he thinks the sheriff's department took care of it.

Mrs. Davis-

Thank you to the maintenance guys for taking out the dead trees. When will they be replaced? They will probably be able to plant more sometime this fall.

Mrs. Nowlin-

She has contacted most of the residents on Laurel Street and they are excited about the possibility of fixing the road. Would it be rock or paved? It would begin with rock then surface treatment. She said they had some mixed feelings about the possibility of more traffic and maybe more trouble. One of the residents had her house broken into sometime ago. They do want to know when the public hearing will be. It probably will be October or November and the meeting will decide whether to close the road or not. We don't want to rush into anything.

Mrs. Nowlin also wanted to thank Sgt. Story for his help and Mr. Dwayne Joyner for all his help with the kids at the center.

Cemetery update-

We should have an appraisal and survey by the September meeting. Mr. Kitchen was asked to put all the land proposal options and numbers in writing for Council.

Meeting adjourned at 8:16 P.M.

Respectfully Submitted,

  
Debra Lambert

Town Recorder

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## Western Tidewater Sub-Region | **Town of Dendron**

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A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER  
SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF  
ENVIRONMENTAL QUALITY

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

Whereas, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, the Town of Dendron is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Dendron hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

PASSED, APPROVED AND ADOPTED by the Dendron Town Council at a meeting held on September 12, 2011.

  
Mayor Of Dendron - Yvonne Pierce

  
Attested by: Heather Hunnicutt  
Clerk of Council/Treasurer

**September 1, 2011  
Joint Public Hearing**

**Surry County  
Town of Claremont  
Town of Dendron  
Town of Surry**

Surry County Board of Supervisors and the Town Councils of the Towns of Claremont, Dendron, and Surry held a joint public hearing on September 1, 2011 in the Surry County Government Center. The Surry County Board of Supervisors meeting minutes provides a record of the public hearing.

## Western Tidewater Sub-Region | **Town of Ivor**

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# Town of Ivor

Incorporated 1908

## A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

WHEREAS, pursuant to Virginia Code &62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, (Town of Ivor) is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the (Ivor Town Council) of the (Town of Ivor) hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

PASSED, APPROVED AND ADOPTED by the (Ivor Town Council) of the (Town of Ivor) at a meeting held on (September 12, 2011).



Keith Joyner, Mayor



Lorene Cook, Clerk

September 12, 2011

# Town of Ivor

Incorporated 1908

September 12, 2011

## PUBLIC HEARING FOR

### Resolution and Adoption of Regional Water Supply Plan

Mayor Joyner called the Public Hearing Meeting to order at 7:30 p.m. The purpose of this meeting was to adopt a resolution regarding the Regional Water Supply Plan. The Mayor explained to the approximately 23 guest in attendance that the Hampton Roads area has a regional supply plan that gets updated every so often. The Hampton Roads area is divided up into regions and we, along with the City of Franklin, the counties of Isle of Wight, Southampton and Surry, Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Newsoms, Smithfield, Surry and Windsor comprise the Western Tidewater sub-region district. The plan includes the following elements: description of existing water sources: description of existing water use: assessment of projected water demand: statement of need: alternatives analysis to address projected deficits in water supplies: and descriptions of water management and drought response actions.

All in attendance were seeking information about the plan and after explanation of the plan by Mayor Joyner no one spoke in favor or against the plan.

After discussion by council a motion by Richard Hickman and a second by Sandra Vick, the resolution was adopted by unanimous vote of council.

## Western Tidewater Sub-Region | **Town of Newsoms**

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**A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

WHEREAS, PURSUANT TO Virginia Code 62.1-44.38.1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of water supply plan; and

Whereas, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, Newsoms, Virginia is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wright, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; and the Town of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the Newsoms Town Council of the Town of Newsoms, hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

PASSED, APPROVED AND ADOPTED by the Newsoms Town Council of the Town of Newsoms at a meeting held on August 01, 2011

*Town of Newsoms  
Public Hearing  
August 01, 2011  
6:00 to 7:00*

*\* PUBLIC  
HEARING*

*The Meeting was opened to comments on the water system.  
The county owns the water, but Hampton Roads states we  
must have a resolution in place for the Town. At the said  
meeting there was no one made any comments for or against?  
So the Town has adopted a Resolution.*

*Newsoms Town Council / Mayor Harvey Porter*

*Town of Newsom  
P.O. Box 55  
29056 Everett Street  
Newsoms, Virginia 23874*

*Minutes for August 01, 2011*

*The meeting was called to order by Mayor Porter and  
Councilman Kenny Cooke gave prayer. There was a  
complete board present with the exception of Bryan Flythe.*

*Minutes were accepted after correction made "Mitigation  
Plan."*

*Financial Report was adopted as presented with out the  
questions about the cruiser gas.*

The All-Hazards Mitigation panel of 2 people visited with us and gave a presentation on the Mitigation propose plan for the 2011-2012 for further results listen to tape. From this we have to come up with a resolution plan. The plan is updated every five- (5) years.

Unfinished Business:

Resolution Plan for Hampton Roads: Mayor Porter read.

Motion was made to adopt resolution / Second  
All voted in favor, so carried

Motion to adopt the Southampton County Mitigation  
Resolution / Second  
All voted so carried

Police Package: Councilman Cooke wanted to go into Closed Session.

Joseph Steward was approached by Fire Chief Larry Fowler Chief Fowler wants a Public Hearing on the siren to see if the Town and residents wants this put back up.

Motion for Public Hearing on Siren / Second  
All voted in favor, so carried

*Date for Public hearing is @ 7:00 P.M. @ The town office.*

*Councilman Steward states he will not be the go between for the Council and Fire Department anymore it is a conflict of interest.*

*New Business:*

*Ms. Dunn request time off or pay for the hours 10:00 A.M. until 6:00 P.M for August 01, 2011. Vice-Mayor Chris Evans suggested paying Ms. Dunn*

*Motion to pay for hours / Second  
All voted in favor so carried*

*Joseph Steward: people need to start watching what is going on around them.*

*Chris Evans: ask about whom cut the grass*

*Judy Rose: trash collector is leaving trash in her cans and them when bugs get into it the next week will not pick it up.*

*Ms. Rose also stated needed someone to help clean the office Linda Hill would do it for \$100 first time then \$50 once a month. There was discussion on this matter and council decided they had rather volunteer their service due to the money aspect of this matter. The motion was made and all opposed it.*

*Kenny Cooke requested Closed Session*

*Reports were read*

*Police Report was given per Chief of Police Davis  
200 citations were given for the month of July.*

*Residents:*

*Vanless Worrell: when posting public notices could they be placed other places other than Drakes "everyone does not go to Drakes" (answered that public notices are posted at Post Office, Town Office, and at Drakes.) Also ask if complaints were not to be submitted in writing.*

*Mr. Keeter: complained about tires behind grandson's house. What could the town do about them? Mr. Keeter was told to have grandson make a formal complaint in writing.*

*Motion to go into Closed Session*

*Second all in favor so carried*

*Public as to leave room would be called back in as soon as session ended.*

*Motion to come out of closed session / second*

*All in favor so carried*

*Nothing was discussed but personal matters.*

*Motion to hire Sgt. Davis full time / second*

*4 for 1 abstained so carried*

*Motion to adjourn / second all in favor so carried.*

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## Western Tidewater Sub-Region | **Town of Smithfield**

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A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER  
SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF  
ENVIRONMENTAL QUALITY

WHEREAS, pursuant to Virginia Code Section 62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and,

WHEREAS, the Virginia State Water Control Board Regulation 9VAC 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 planning program to the Department of Environmental Quality (DEQ); and,

WHEREAS, the Town of Smithfield is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton Surry and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg and the Town of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry and Windsor; and,

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with State Water Control Board regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the Town of Smithfield hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

Adopted this 2<sup>nd</sup> day of August 2011.

Town Council OF THE  
TOWN OF SMITHFIELD

By   
David M. Hare, Mayor

ATTEST:

  
Clerk

The Smithfield Town Council held its regular meeting on Tuesday, August 2<sup>nd</sup>, 2011. The meeting was called to order at 7:30 p.m. Members present were Mr. David M. Hare, Mayor; Mr. T. Carter Williams, Vice Mayor, Mr. John L. Graham, Dr. Milton Cook, Mrs. Denise N. Tynes, Ms. Connie Chapman and Mr. Andrew Gregory. Staff members present were Mr. Peter M. Stephenson, Town Manager; Mr. William H. Riddick III, Town Attorney; Mr. William T. Hopkins III, Director of Planning, Engineering, and Public Works; Mr. Alonzo Howell, Police Captain; and Ms. Ellen Minga, Town Treasurer; and Ms. Judy Winslow, Director of Tourism. Other staff members present Mr. Gary Gandee, Public Works; Mr. Jack Reed, Public Works; and Mr. John Fraley, Public Works. There were two (2) citizens present. The media was represented by Ms. Kelly Barlow of The Smithfield Times.

Mayor Hare – I would like to call the August 2<sup>nd</sup>, 2011 meeting of the Smithfield Town Council to order. If you would, please rise with me for the pledge of allegiance.

*All present stood and recited the Pledge of Allegiance to the flag.*

Mayor Hare – Good evening. Welcome to everyone this evening. We will get started with the Manager's Report.

Town Manager – Thank you Your Honor. Welcome everyone. The July Activity Report was included in the electronic packet. As always I am happy to answer any questions. July was another busy month for us as we entered the new fiscal year. Today was a very busy day as well we just finished up “National Night Out” over at Woods Edge in Jersey Park. We just finished a successful DHCD State audit of Phase I of Pinewood Heights so Ms. Minga thank you for a great job there. One thing to note on the agenda item C-7 the initiate of rezoning includes 911 and 913 South Church Street so both of the addresses for public use. We have some employees here tonight who we would like recognize for the second month in a row Mr. John Fraley and Mr. Gary Gandee from our public works department. Thanks guys for being here. Our newest employee who started yesterday Mr. Jack Reed. He is our new Water Treatment Plant Operator.

Mr. Reed – I appreciate the opportunity.

Mayor Hare – We are glad to have you.

Town Manager – Yes indeed. Welcome. Is there anything else from staff? Thank you.

Mayor Hare – Would you like to continue with the Upcoming Activities and Meetings?

Town Manager – Absolutely. We have a full agenda of meetings this month. In fact this Council meeting will be continued to next Tuesday night at 7:00 p.m. prior to the Planning Commission Meeting because we have to have a required public hearing on the proposed VML/VACo Financing of the General Obligation Bond. That will be at 7:00 p.m. this meeting will be continued for that one agenda item. At the moment that is the only item anticipated. The Planning Commission is at 7:30 p.m. next Tuesday, August 9<sup>th</sup>. You have a special briefing along with County and Windsor elected officials on Emergency Management with the state secretary on August 15<sup>th</sup> at the County. We have Board of Zoning Appeals and Board of Historic Architectural Review on August 16<sup>th</sup>. Then our Committee Meetings do note there are five Mondays and Tuesday in this month and of course Council meets on the 4<sup>th</sup>. So the Committee meetings are on the 22<sup>nd</sup> and 23<sup>rd</sup> of August. We did include Supervisor Casteen's report as a supplemental posting item today.

Mayor Hare – Thank you, Mr. Stephenson. We will move onto the Public Comment section. This is the opportunity for the public to speak on any topic that maybe on their minds other than that which might involve an advertised public hearing. We do have one public hearing tonight which is on the Hampton Roads Regional Water Supply Plan. Other than that particular subject which will be an opportunity separately to speak on that. You are free to step up to the podium. Next is a Briefing by Al Casteen, Isle of Wight County Board of Supervisor, Smithfield District.

Supervisor Casteen – Good evening, Mr. Mayor and members of the Council. It is a pleasure to be here with you again this evening. The county attorneys have pretty much concluded that lobbied changes in the laws have made it very difficult to do much about Charter Communications recent changes in programming wherein at least five channels were dropped from regular programming and relocated such that a substantial price increase is necessary to retain the original programming. I still have not heard back from Charter after volunteering to be the recipient of their "help". There is a community meeting at the Smithfield Center tonight to discuss the pros and cons of the proposed coal plant in Surry but the ODEC folks sent a letter stating that the project is still in the preliminary stages and they are currently evaluating and developing their

plans for the facility to comply with the proposed new federal regulations and will not submit the first required permit applications to state and federal agencies until next year at the earliest. They feel providing incomplete or speculative information on such an important project would be confusing and counterproductive. In quotes they say. "Especially as the air, water and waste rules are in flux, extended, or modified or litigated". "Every permit will be thoroughly vetted, debated and researched in a very public process. EPA/DEQ cannot issue an air permit that does not meet the air quality standards that are set to protect human health and the environment, nor cause significant air quality degradation in the surrounding area". The county's board meetings are now being broadcast live on the internet via a contract with Granicus Corporation. Citizens are able to review prior board meetings on the internet and use the agenda to skip directly to a desired topic in the meeting and watch it. The Director of the Virginia Department of Emergency Management requested a meeting with the Towns of Smithfield and Windsor, the Board, the Sheriff's Department and the Town's two Police Departments on August 15<sup>th</sup> at the new Young-Laine Courthouse to outline the procedures to be followed by elected officials in the event of an emergency. The meeting begins at 6:00 p.m. The Board authorized the County Attorney's office to enter into negotiations with the Town of Smithfield to accomplish the voluntary boundary line adjustment. Ron Harvey was reappointed to represent Smithfield on the Board of Assessors. Paul Burton retired June 30<sup>th</sup> and Mark Popovich has been authorized to sign all documents and contracts in his capacity as assistant county attorney.

Mayor Hare – Thank you, Supervisor Casteen. Now I will open up the podium for anyone that would care to step up and speak about whatever is on their minds. Are there any sign ups?

Captain Howell – Ms. Betty Clark.

Ms. Clark – Good evening. Betty Clark. 120 North Church Street. There has been some talk about completely closing South Church Street from Cedar Street through Main Street to the corner of Luter Drive. If this comes before you I would seriously ask that you not consider completely closing it. Not only will businesses at the east end of Main Street would be affected the Christmas shop, Smithfield Inn, and possibly the Bank of Southside of Virginia. You would effectively shut out all business on Mansion on Main and Mansion House Art and Antique. For both of these properties personal

property tax, real-estate tax, car tax, transient tax, and sale taxes are paid. I also purchase business licenses from the town to do business at both of these locations. If I am unable to do business will the town pro-rate all the taxes that are charged. If this kind of work can be done off peak hours or at night at major tunnels and interstate why not work twenty-four seven Monday, Tuesday, and Wednesday since the work will be done in a business district. But leave the street entirely open on Thursday and Friday when we have peak tourist traffic. Please remember that the town revenue is also affected when merchants in the town cannot have sales. I would like to jump to one other subject also. I understand that there has been talk of individuals drilling wells on their property. If the town wants people to go forward with beautification of property on Main Street and the historic areas by planting trees and other green plants water is needed to keep these alive. We should not be penalized with high water bills for watering plants. We should all be very much for people having their own wells. Thank you very much.

Mayor Hare – Thank you. Are there any other sign ups?

Captain Howell – No Sir.

Mayor Hare – Even if you did not sign up you are more than welcome to step up to the podium. Next is Council Comments. We have one item that I will read into the record a Proclamation for “National Night Out” to held August 2<sup>nd</sup>, 2011. WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug, and violence prevention program on Tuesday, August 2<sup>nd</sup>, 2011 called “National Night Out”; and WHEREAS, the “28<sup>th</sup> Annual National Night Out” provides a unique opportunity for Smithfield, Virginia to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and WHEREAS, Community Help in Progress (C.H.I.P.) plays a vital role in assisting the Smithfield Police Department through joint crime, drug and violence prevention efforts in Smithfield and is supporting “National Night Out 2011” locally; and WHEREAS, it is essential that all citizens of Smithfield, Virginia be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in Smithfield; and WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the “National Night Out” program; NOW, THEREFORE WE, THE SMITHFIELD TOWN COUNCIL

MEMBERS, do hereby call upon the citizens of Smithfield to join C.H.I.P. and the National Association of Town Watch in supporting the "28<sup>th</sup> Annual National Night Out" as "National Night Out" in Smithfield, Virginia. Signed by, David M. Hare. Do we have any other comments from other members of the Council at this time?

Councilwoman Tynes – As Chairman of the C.H.I.P. program which is Community Help In Progress I would like to thank you for coming out this afternoon as well as other Council members. Councilman Graham and Mr. Peter Stephenson, Town Manager they were present. Thank you for coming out today. I appreciate that. I think people that live in the community it is important that we represent ourselves because we are their public officials. They see us in a positive role and hopefully they would want to do positive things instead of seeing police officers in the neighborhood. Thank you.

Mayor Hare – We appreciate your understanding while we work through these technical difficulties. If you have trouble hearing us just let us know. Next is the Consent Agenda Section. There are eight items listed on the consent agenda for consideration. Do I hear a motion to approve the consent agenda?

Councilman Gregory – Mr. Mayor, I will make a motion that the consent agenda be approved as presented.

Consent Agenda Items:

- C1. Ordinance to amend Town Code for use of Public Water System Mandatory
- C2. Motion to Authorize the Town Manager to Accept the Proposal from REW Corporation for Budgeted Consent Order Mandates
- C3. Invoices Over \$10,000 Requiring Council's Consideration
  - a. English Construction Company \$434,992.42
  - b. Excel Paving Corporation \$ 99,875.76
  - c. Blair Brothers Inc. \$115,275.00
  - d. J. R. Wills & Sons \$ 66,687.21
  - e. Sydnor Hydro Inc. \$ 46,459.00
  - f. Draper Aden Associates \$ 29,560.20
  - g. AVES \$ 22,600.00
  - h. REW Corporation \$ 48,571.67
- C4. Motion to Adopt Appropriation Resolution for Funds for Fiscal Year 2011/2012 Effective July 1<sup>st</sup>, 2011
- C5. Motion to Adopt Appropriation Resolution to Carry Forward and Restrict Funds Appropriated in Fiscal Year 2010/2011
- C6. Ordinance to Amend the Town Code Transient Occupancy Tax Provisions
- C7. Motion to Authorize the Town Manager to Initiate Rezoning of Town

Property located at 913 South Church Street

C8. Motion to Authorize Sole Source State Contract Purchase of Generator, Inc. for New Police Department located at 913 South Church Street

Councilman Graham – Second.

Mayor Hare - A motion has been made and properly seconded. Are there any questions? Roll call vote.

On call for the vote, seven members were present. Mayor Hare voted aye, Council Dr. Cook voted aye, Councilman Graham voted aye, Councilwoman Chapman voted aye, Councilman Gregory voted aye, Councilwoman Tynes voted aye, and Vice Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Hare – The motion passed. Next is the Action Section. As I stated earlier we do have an advertised public hearing. Public Hearing: Hampton Roads Regional Water Supply Plan. We will start that off with a presentation from Mr. Bill Hopkins, Director of Planning, Engineering, and Public Works.

Director of Planning, Engineering, and Public Works – Thank you, Mayor Hare and Council members. The Hampton Roads Regional Water Supply Plan involves all of Hampton Roads. The Hampton Roads Regional Water Supply Plan is prepared to pursuant to State Water Control section 62.1-44.15 to 62.1-44.38 of the Code of Virginia. The State Water Control Board is implementing regulations which establish the planning process and criteria that local governments must use in the development of local and regional water supply plan. I can tell you a lot of this was put together basically due to the drought that we had in 2002 and that is how long it has taken to put this together. The plan includes the following elements: distribution of existing of water sources, distribution of existing water use, assessment of projected demand statement of need, alternative and analysis to address projected deficient of water supplies, description of water management, and drought response actions. I guess I should shorten it even further. Can they hear what we saying too?

Town Manager – No. They are giving instruction on how to do something differently.

Director of Planning, Engineering, and Public Works – The Hampton Roads Regional Water Supply Plan is organized in three sub-regions: Peninsula sub-region

which is the City of Hampton, Newport News, Poquoson, Williamsburg, and Counties of Gloucester, James City, and York. Southside sub-regions are: Norfolk, Portsmouth, Virginia Beach, Chesapeake, and Suffolk. The western tidewater which includes the Town of Smithfield, City of Franklin, County of Isle of Wight, Southampton, Surry, Town of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor. In 2007 local governments to meet their requirements in this region signed a Memorandum of Agreement to develop this regional water supply plan and that is what we have before us. There are small little portions that involve the Town of Smithfield. I will be glad to answer any questions.

Mayor Hare – Thank you. I will call the public hearing open. Do we have anyone signed up to speak on this particular item?

Captain Howell – No, Sir.

Mayor Hare – Okay is there anyone present that would care to comment on this particular item. Seeing none, I will call this public hearing closed. We will refer this to Water and Sewer Committee Chair, Councilman Gregory.

Councilman Gregory – Thank you, Mr. Mayor. I will make a brief comment and maybe not to specifically address Ms. Clark's question this evening but this all kind of ties together. Myself, Mr. Hopkins, and several others have met with the Department of Quality. The Town of Smithfield has been waiting on a withdraw permit for water here in the town for five or six years now and we still do not have it. All this is coming about from the aquifer that we pull our water from is under a lot of distress and its part of this plan that we are going to approve tonight or approve to be a part of tonight. It kind of ties all of us in with that. Not just the drought of 2002 but obviously we had some dry times last year as well that cause some very high water bills here in town and elsewhere. This is a necessary evil. I do honestly believe. This is just me personally speaking that maybe ten, fifteen, or twenty years from now we may not be allowed to sink a private well with the future of surface water and municipal water. It is unfortunate but it is something we cannot control. I would recommend that we readopt the resolution of support for the Hampton Roads Regional Water Supply Plan as presented.

Councilman Graham – Second.

Mayor Hare – A motion has been made and properly seconded. Are there any further comments or questions? Roll call vote.



On call for the vote, seven members were present. Vice Mayor Williams voted aye, Councilwoman Tynes voted aye, Councilman Gregory voted aye, Councilwoman Chapman voted aye, Councilman Dr. Cook voted aye, Councilman Graham voted aye, and Mayor Hare voted aye. There were no votes against the motion. The motion passed.

Mayor Hare – The motion passed. Next is a Motion to Accept Nominating Committee's Recommendation for the Unexpired Term of Board of Historic and Architectural Review Member Mr. Joseph J. Howell (Term Expires 1/31/2013). Nominating Committee Chair, Councilman Dr. Cook.

Councilman Dr. Cook – Thank you, Mr. Mayor. The committee consists of myself, Councilman Gregory, and Vice Mayor Williams. Councilman Gregory will present our candidate to Council.

Councilman Gregory – Mr. Mayor, I would like to introduce Ms. Laurie Coyne. She has been a resident of Smithfield since 2000. She has a wonderful resume. She has a Business Administration Degree from Averett University. She has a business in town "Classic Creations". Also she worked on the school house museum project a couple of years ago. She is in the audience today.

Councilman Dr. Cook – I would like to make a motion to appoint Ms. Laurie Coyne to the Board of Historic and Architectural Review.

Councilman Gregory – Second.

Mayor Hare – This for a term that will actual expire on January 31, 2013. A motion has been made and properly seconded. Are there any further comments or questions? Roll call vote.

On call for the vote, seven members were present. Councilwoman Tynes voted aye, Councilman Dr. Cook voted aye, Councilman Gregory voted aye, Councilman Graham voted aye, Councilwoman Chapman voted aye, Vice Mayor Williams voted aye, and Mayor Hare voted aye. There were no votes against the motion. The motion passed.

Mayor Hare – The motion passed. Thank you for a willingness to serve the town. I hope you get a lot out of it. We appreciate it. Next is a Motion to Approve the Town Council Minutes for the Meeting of June 27<sup>th</sup> and July 5<sup>th</sup>, 2011.

Town Attorney – Mr. Mayor, I have made some minor corrections and revisions and would recommend that the minutes for both of those meetings be approved as revised and corrected.

Councilman Gregory – So moved.

Councilwoman Tynes – Second.

Mayor Hare – A motion has been made and properly seconded. Roll call vote.

On call for the vote, seven members were present. Councilman Graham voted aye, Councilwoman Tynes voted aye, Councilman Gregory voted aye, Mayor Hare voted aye, Vice Mayor Williams voted aye, Councilman Dr. Cook voted aye, and Councilwoman Chapman voted aye. There were no votes against the motion. The motion passed.

Mayor Hare – The motion passed. Next is Old Business. There is nothing listed on the agenda but is there any item under old business that needs to be brought before Council.

Councilman Graham – Yes, Sir. Maybe we can discuss at our next Committee meetings considering moving the elections from May to November. We have people in town like Waterford Oaks that is divided down the middle. They are going to all different polling places to vote. In the May elections they are suppose to come back here. I think that is going to further diminish the participation. In preparation of maybe considering this at Committee level next month. I went to the Election Board and found the communities that currently have made the change already in Virginia. I will email that list to everyone if you would like to make some calls to find out the experience of those communities that have made the change. The people that are really interest in the town government will come out in May and vote. I think that is true. I also believe that everybody on Town Council would feel fully confident to desire local elections as well as county elections in a November vote. I am asking that we put this on the next Committee agenda to discuss.

Mayor Hare – Okay.

Councilman Gregory – Would it be possible to ask Mr. Bell to come to the Committee meeting Mr. Stephenson?

Town Manager – Yes.

Councilman Gregory – I think he was very helpful as far as information. Now that redistricting is in place there is a little bit more clarity there.

Councilwoman Tynes – Originally when we addressed the issue I was against the November elections. I have thought about some issues and talk to some people where we were today for instance. I think it would be best for some of the communities in the Town of Smithfield if we moved the elections to November. Because right now some people are very confused as far as to where to vote and what district they are in.

Mayor Hare – Is there anything under old business?

Town Manager – Not from staff.

Mayor Hare – New Business. Next is a Motion to Accept Deed for 63 Carver Avenue of the Pinewood Heights Relocation Project.

Town Attorney – Mr. Mayor and members of Council this has been on hold for awhile because there were some issues pertaining to the acquisition of replacement property all that has been resolved. We are ready to move forward. We need a motion to accept the deed to 63 Carver. It will probably close tomorrow.

Councilman Gregory – So moved.

Councilwoman Chapman – Second.

Mayor Hare – A motion has been made and seconded. Are there any questions or comments? Roll call vote.

On call for the vote, seven members were present. Mayor Hare voted aye, Councilman Dr. Cook voted aye, Councilman Graham voted aye, Councilwoman Chapman voted aye, Councilman Gregory voted aye, Councilwoman Tynes voted aye, and Vice Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Hare – The motion passed. A Resolution Authorizing the Issuance, Sale, and Award of a General Obligation Bond Regarding Property Acquired from Isle of Wight County for the Police Department and Town Manager's Office.

Town Attorney – As you know the town entered into a contract with the County to purchase the property that was owned by Sentara at one time to be used for the new police station and the Town Manager's office. The purchase price is \$638,907.50. The requirement of this purchase is that we piggy back on the County's bond. Council authorized employment of Bond Counsel. The Bond Counsel prepared the bond. The

bond documents are before you. This is a finally resolution authorizing the execution of the bond. The principal balance of the bond is \$638,907.50. The interest rate is 6% and matures in December 2019. All the terms mirror the terms of our contract agreement with Isle of Wight County so the bond documents are exactly as we discussed. Council has already passed one resolution authorizing initiating this process this is the final resolution to authorize the execution of the bond documents. As you already know we own the property. We have paid the down payment as required by the contract. This will finalize the financing portion of the transaction.

Councilman Graham – I will make a motion we approve the bond document as presented.

Councilwoman Tynes – Second.

Mayor Hare – A motion has been made and properly seconded. Are there any comments or questions?

Councilman Gregory – Is there a prepayment penalty?

Town Attorney – We cannot prepay until January 2019. That is part of the deal that we piggy back on the existing bond.

Councilman Gregory – Did I read that wrong in the agreement? I thought I saw prepayment of anytime before maturity is okay. Number three on page two.

Town Attorney – It is not supposed to say that. It must be an error.

Mayor Hare – We did discuss that with the County. There is not pre-payable. We need to amend that.

Councilman Graham – I will amend the motion that we clean up clause three to reflect that we do not have the options to prepay.

Councilwoman Tynes – Second.

Mayor Hare – A motion has been made and properly seconded. Are there any further comments or questions? Good catch Councilman Gregory. Roll call vote.

On call for the vote, seven members were present. Councilwoman Chapman voted aye, Councilman Graham voted aye, Councilwoman Tynes voted aye, Councilman Gregory voted aye, Mayor Hare voted aye, Councilman Dr. Cook voted aye, and Vice Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Hare – The motion passed. Are there any other items to bring under new business this evening? Next is a Closed Session. Do we have any items for a closed session?

Town Attorney – A matter concerning the acquisition of real property for public purposes.

Councilman Dr. Cook – A motion to go into closed session.

Councilwoman Tynes – Second.

Mayor Hare – A motion has been made and properly seconded. Roll call vote. On call for the vote, seven members were present. Councilwoman Chapman voted aye, Councilman Graham voted aye, Councilwoman Tynes voted aye, Councilman Gregory voted aye, Mayor Hare voted aye, Councilman Dr. Cook voted aye, and Vice Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Hare – The motion passed. We will now go into closed session.

*Town council went into closed session at 8:02 p.m.*

*Town council went back into regular session at 8:08 p.m.*

Town Attorney – We need a motion to go back into open session.

Councilwoman Tynes – So moved.

Councilwoman Chapman – Second.

Mayor Hare - A motion has been made and properly seconded. Roll call vote. On call for the vote, seven members were present. Councilwoman Chapman voted aye, Councilman Graham voted aye, Councilwoman Tynes voted aye, Councilman Gregory voted aye, Mayor Hare voted aye, Councilman Dr. Cook voted aye, and Vice Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Hare – The motion passed.

Town Attorney – Mr. Mayor, we need a motion that during the closed session there was only a discussion to the acquisition of real property for public purposes pursuant to Section 2.2-3711.A.4 of the Code of Virginia.

Councilwoman Tynes – So moved.

Councilman Graham – Second.

Mayor Hare – A motion has been made and properly seconded. Roll call vote. On call for the vote, seven members were present. Councilwoman Chapman voted aye, Councilman Graham voted aye, Councilwoman Tynes voted aye, Councilman Gregory

Smithfield Town Council  
August 2<sup>nd</sup>, 2011

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voted aye, Mayor Hare voted aye, Councilman Dr. Cook voted aye, and Vice Mayor

Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Hare – The motion passed. We are back in open session. Are there any items for discussion tonight? We will continue this meeting until August 9<sup>th</sup>, 2011 at 7:00 p.m.

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David M. Hare  
Mayor

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Peter M. Stephenson, AICP, ICMA-CM  
Town Manager

## Western Tidewater Sub-Region | **Town of Surry**

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A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER  
SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF  
ENVIRONMENTAL QUALITY

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

Whereas, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, the Town of Surry is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Surry hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

PASSED, APPROVED AND ADOPTED by the Surry Town Council at a meeting held on September 1, 2011.

*Will M. Gwaltney Jr., Mayor*      *Will M. Gwaltney Jr., Mayor*  
*Molly L. Rickmond, Clerk*      *Molly L. Rickmond, Clerk*  
*Sept. 1, 2011*

The Town Council of the Town of Surry held a joint public hearing with the Towns of Dendron and Claremont and Surry County Board of Supervisors in the courtroom at the Surry County Government Center. All Council members were present. The purpose of the public hearing was a requirement of the Department of Environmental Quality for all counties, cities, and towns in Virginia to prepare a water supply planning program for future water usage and drought management. Surry County is part of the Hampton Roads Regional Water Supply Plan. Mr. John Carlock, deputy director for the Hampton Roads Planning District Commission, explained the proposed plan to the Board and Council members present.

After a period of public comments, the public hearing was closed.

Mayor Gwaltney called the town council to order. Council Berryman made a motion with Councilman Savedge seconding to adopt the following resolution:

A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

Whereas, the 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 planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, the Town of Surry is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the town council of the Town of Surry hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

Unanimous vote carried the motion.

Councilman Roach made a motion with Councilman Berryman seconding to adjourn. Unanimous vote carried.

Submitted by,

Molly L. Rickmond  
Clerk

Will M. Gwaltney, Jr.  
Mayor

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## Western Tidewater Sub-Region | **Town of Windsor**

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**Resolution**

A Resolution Approving The Hampton Roads  
Regional Water Supply Plan For Submission To  
The Virginia Department Of Environmental Quality

**BE IT RESOLVED** by the Council of the Town of Windsor Virginia as follows:

**WHEREAS**, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

**WHEREAS**, the 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 planning program to the Department of Environmental Quality (DEQ); and

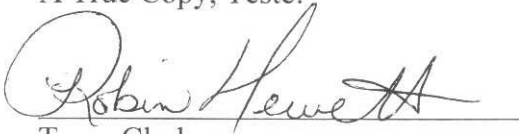
**WHEREAS**, the Town of Windsor is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

**WHEREAS**, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

**NOW, THEREFORE BE IT RESOLVED** that the Town Council of the Town of Windsor hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

**PASSED, APPROVED AND ADOPTED** by the Town Council of the Town of Windsor at a meeting held on August 9, 2011.

A True Copy, Teste:

  
Town Clerk

**Minutes  
Windsor Town Council Meeting  
Town Hall  
August 9, 2011**

The Windsor Town Council met in regular session on August 9, 2011 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Carita J. Richardson was present, and she called the meeting to order. She welcomed those who were present. She asked for anyone with cell phones to please turn them off. She asked the Clerk to call the roll. Robin Hewett, Town Clerk, recorded the minutes. Michael Stallings, Town Manager, Chief Reynolds, Dennis Carney, Planning and Zoning Administrator, and Joshua Pretlow, Jr., Town Attorney were present.

Council members present:

N. Macon Edwards, III
Patty Flemming
J. Clinton Bryant
Durwood V. Scott
Greg Willis
Wesley F. Garriss

Mayor Richardson asked Councilman Bryant to give the invocation and Pledge of Allegiance, and Councilman Bryant did.

**Public Hearing**

***Water Supply Plan***

Mayor Richardson said there are four public hearings. She said the first public hearing is to receive the comments and requests of interested citizens and organizations concerning the adoption of a Water Supply Plan for the Town of Windsor, Virginia in accord with State Regulations. She asked Mr. Stallings to brief everyone on this matter.

Mr. Stallings said Council, at the July meeting, set a public hearing on the regional water supply plan. He said adoption of a water supply plan is required by State Code. He said the Town has partnered with the Hampton Roads Planning District Commission (HRPDC) in a regional effort to meet this state code requirement. He said HRPDC adopted the plan at its July meeting. Mr. Stallings said Council was given a copy of the pages of the plan that pertained to the Town as well as a copy placed in Town Hall for anyone to review.

Mr. Stallings said after the public hearing, he would recommend that Council adopt the regional water supply plan by the resolution included.



Mayor Richardson opened the public hearing and asked for any persons wishing to speak in favor of the plan to come forward at this time. There were none. She asked for any persons wishing to speak in opposition of the plan to come forward, and hearing none she closed the public hearing. She said it is now open for discussion among Council. Mayor Richardson asked the Clerk to read the title of the resolution. Ms. Hewett read the title as follows: "a resolution approving the Hampton Roads Regional Water Supply Plan for submission to the Virginia Department of Environmental Quality. After a brief discussion among Council, Vice Mayor Garriss made a motion to adopt the resolution entitled *A Resolution Approving The Hampton Roads Regional Water Supply Plan For Submission To The Virginia Department of Environmental Quality*. Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

### ***Grass Cutting Ordinance Amendment***

Mayor Richardson said the next public hearing is to receive the comments and requests of interested citizens and organizations concerning the adoption of a fee schedule for enforcement of the Town's weed ordinance and collection of charges there with as a tax lien. She asked Mr. Stallings to brief on the ordinance amendment.

Mr. Stallings said the current grass cutting ordinance states that the grass can be cut by a contractor of the Town and the property owner billed for such charges if they do not comply with the violation. He said when the owner is billed for the grass cutting it is very hard to re-coop the funds. He said the ordinance amendment will allow for the charge to be put on the owner's tax bill and also charge an administrative fee of \$30 to help cover the cost of the violation process. He said the administrative fee would also be added to the Town's fee schedule.

Mayor Richardson opened the public hearing and asked for any persons wishing to speak in favor of the ordinance amendment to come forward at this time. There were none. She asked for any persons in opposition of the ordinance amendment to come forward and hearing none, she closed the public hearing. She said it is now open for Council's discussion.

After a brief discussion among Council, Councilman Willis made a motion to adopt the ordinance amendment top *Section 148-3 Growth of weeds and grass; removal by Town* and to add the \$30 administrative fee to the Town's fee schedule. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

## ***Firearms Ordinance***

Mayor Richardson said the third public hearing is to receive the comments and requests of interested citizens and organizations concerning an ordinance to limit the discharge of firearms in non-agricultural portions of the Town of Windsor, Virginia. She asked Mr. Stallings to brief everyone on the ordinance.

Mr. Stallings said at the July Council meeting, Council set a public hearing for tonight to consider amending the Town's current firearms ordinance. He said a copy of the existing ordinance with the additional language has been included in the packets for Council's consideration. He said the addition to the ordinance addresses shooting within the town limits. He said the stipulations are as follows: no person shall discharge a rifle of any kind within the town limits; no person shall discharge any firearms on any property within the town limits, except for those properties zoned agricultural (A-1) or low density residential (R-4); no person shall discharge any firearm within 100 yards of any structure; and this section shall not apply to law enforcement officers in performance of their lawful duties, or those individuals acting under a permit issued by any Federal, State, or Local government. Mr. Stallings said after receiving the public hearing, he would recommend that Council consider the adoption of this ordinance amendment.

Mayor Richardson opened the public hearing. She asked for any persons wishing to speak in favor of the ordinance amendment to come forward at this time. There were none. She asked for any persons in opposition of the ordinance amendment to come forward.

Kenneth Marshall, 49 N. Court Street, said he is in opposition of the ordinance amendment. He said this is already regulated by the State. He said he has problems with skunks on his property and shoots them with his 410 shotgun. He said he also shoots rabid animals that may come on the property. He said it is not hurting anyone to do this and he is not in favor of the ordinance amendment.

Jack Arrington said from a hunting clubs standpoint, he feels that an ordinance amendment would keep them from hunting on the Marshall property, which they have permission to hunt. He said the hunt club members do not want to get blamed for someone else's reckless shooting.

Mayor Richardson closed the public hearing. She said it is now open for discussion among Council. Council discussed the problem with shooting skunks and rabid animals and also whether or not bb guns should be included in the ordinance amendment.

After discussing the amendment, Councilman Willis made a motion to table the ordinance amendment until the September Council meeting in order to work on the amendment further. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Council directed the Town Manager and Chief to work on having something in the ordinance addressing rabid animals and also regulations regarding bb guns. They both agreed to work on the ordinance amendment and have something for Council at the September meeting.

### ***Charter Changes Regarding Election Time and Wording in Charter***

Mayor Richardson said the fourth and final public hearing, pursuant to Virginia Code Section 15.2-202, is on the matter of requesting the 2012 Session of the Virginia Assembly to enact amendments to the Town Charter for the Town of Windsor. She said the proposed amendments are to the existing Town Charter that the General Assembly adopted in 1902 and last amended in 2010. She said the changes are as follows: Article 3-3.4 – The time for elections and taking office – to move Council and Mayoral elections from May to November; and Article 4-4.2(6) – to change “officer” to “officials” relating to Town Manager’s duty of supervision. She said Council will be voting on each change separately. She asked Mr. Stallings to brief on the Charter changes

Mr. Stallings said he has placed before Council an updated page regarding the election time change which will extend the term six months instead of cutting the term six months. He said he has spoken with other localities that have made the change from May to November and received no negative comments. He said most saw a cost savings and better voter turnout.

Mr. Stallings said the word change that is proposed is due to the wrong word being put in the Charter when the last amendment was done in 2010.

Mayor Richardson opened the public hearing. She asked for any persons wishing to speak in favor of the Charter changes to come forward at this time.

Bentley Richardson, 24229 S. Johnson Avenue, said he feels it would be in the best interest of the Town to move the election time. He said there should be a better turnout in November rather than May. He said he is in favor of the Charter changes.

Mayor Richardson asked for any persons in opposition of the Charter changes to come forward at this time and hearing none she closed the public hearing. She said it is now open for discussion among Council. There was no Council discussion regarding the wording changes in the Charter.

Councilwoman Flemming made a motion to request the word change in the Charter in Article 4-4.2(6) to change “officer” to “officials” relating to the Town Manager’s duty of supervision. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Council discussed the election time change in regards as to whether or not there would be a cost savings for the Town and whether the voter turnout would be any better in November than May. After a brief discussion among Council, Councilwoman Flemming made a motion to request the election time change from May to November being in year 2014 in the Charter in Article 3-3.4 – The time for elections and taking office. Councilman Willis seconded, and Council passed the motion four to two as recorded on the attached chart as motion #5.

### **Delegations, Public Comments and Citizens' Concerns**

Denise Barrett, 12239 Hazelwood Drive, said she is present to request a review of the zoning ordinance to allow backyard chickens in the Town of Windsor. She said she has five chickens and no roosters. She said the chickens provide her family with eggs and are considered backyard pets. She had letters from her surrounding neighbors in support of her being able to keep the chickens.

Mayor Richardson said this item would be discussed further under item 7 – Council's discussion of citizens' concerns.

### **Consent Agenda**

Mayor Richardson said the consent agenda includes the minutes of the July 12, 2011 Council meeting and the Treasurer's Reports. She asked if there were any questions or comments regarding the consent agenda. Councilman Edwards said the word "them" at the top of page 3 of the minutes needs to be changed to "her".

Councilman Edwards made a motion to approve the consent agenda with the mentioned change to the minutes. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

### **Police Chief's Report**

Chief Reynolds said the police report is included in the Council packets for Council's review. He said in regards to the citizen complaints regarding four individuals in town trespassing, defecating in public areas, loitering and pan-handling, they are in the process of requesting the courts to declare some of these individuals interdicted. He said by doing this, it will make it illegal for them to possess and/or purchase alcohol. Chief Reynolds said they have reached a breaking point with these individuals and more permanent measures need to be taken to eliminate the problems. He said they have documented over 100 incidents within the last few years with these same individuals and it is time for a more permanent resolution to the problem. He briefed Council on various events that had taken place during the month. He also briefed on training that he and other officers have attended during the month, which totaled 121 hours for the

month. Chief Reynolds said the traffic camera presentation is ready to present to Council in a work session. He said if Council has any questions he would be glad to address them at this time.

### **Council's Discussion of Citizens' Concerns**

Mayor Richardson asked Mr. Carney to review the current zoning ordinance regarding chickens in the Town with Council. Mr. Carney said the current ordinance does not permit chickens in any zoning district only A-1 as a conditional use permit. He said he has had three complaints concerning chickens within the last three months in the Town limits. He said this is not a violation that he went out looking for.

After a brief discussion among Council, it was the consensus of Council to refer this matter to Planning Commission to review the ordinance and make any necessary changes to the ordinance for Council's consideration at a later time. Mr. Carney said he would present Planning Commission with this matter to research further.

Council said there was a citizen concern about the sensor at the stoplight at Route 460 and N. Court Street not tripping properly. Mr. Stallings said he has sent this information to VDOT for their review.

Councilman Edwards said resident Addie Eley had a concern about a high water bill she received due to a leak. He said she wanted to know why town staff did not let her know about the high reading prior to receiving the bill. Mr. Stallings said it's not the Town's responsibility to take on notifying residents of water leaks or high water bills. He explained the process to Council and said staff could possibly develop a door hanger that could warn them of possible problems. Council agreed that having a door hanger to make a resident aware of possible water leaks might be helpful. Mr. Stallings said he would work with staff to develop something for use.

### **Town Manager's Report**

#### ***Appropriation of VML Safety Grant Funds***

Mr. Stallings said we were recently made aware of, and applied for, a safety grant from the Virginia Municipal League (VML) through their insurance programs. He said the grant amount is \$2,000, which is a no match grant, and will require no financial commitment from the Town. He said the grant will purchase new flashlights for the police department and purchase an Automated External Defibrillator (AED) to be housed in the Town office. He said this will increase safety for town staff, as well as any citizens that may come to the Town Hall for assistance. Mr. Stallings said there will also be CPR and AED training classes for all town employees to insure that everyone has the proper training on



this device. He said he would recommend that Council adopt the enclosed resolution to appropriate the funds.

Mayor Richardson asked the Clerk to read the title of the resolution. Ms. Hewett read the title as follows: "a resolution appropriating the sum of \$2,000 from a Virginia Municipal League Safety Grant to the General Fund Operating Budget for fiscal year 2011-2012."

Councilman Scott made a motion to adopt the resolution entitled: *A Resolution Appropriating The Sum Of \$2,000 From A Virginia Municipal League Safety Grant To The General Fund Operating Budget For Fiscal year 2011-2012*. Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.

### ***Action List***

Mr. Stallings said the action list for July/August is in the Council packet for Council's information. He reviewed several items on the action list with Council to let them know progress to date.

### ***Calendar of Events***

Mr. Stallings said the Calendar of Events is included in the Council packet for Council's information. He reminded Council of the Emergency Preparedness Meeting scheduled for August 15, 2011 at 6:00 p.m. in the Isle of Wight Courthouse.

### ***Appropriation of DCJS Grant Funds***

Mr. Stallings said as Council may recall, at the June 14<sup>th</sup> meeting, it re-appropriated \$2,498.45 in DCJS grant funds that were remaining from a previous fiscal year grant. He said as will all appropriations this appropriation lapsed at midnight on June 30<sup>th</sup>. He said we were unable to expend all of the funds prior to June 30<sup>th</sup>. He said as such the enclosed resolution appropriates the funds that are still remaining in the amount of \$2,186.45. Mr. Stallings said he would recommend that Council adopt the enclosed resolution that will appropriate \$2,186.45 from the Unappropriated General Fund Balance to complete this project.

Mayor Richardson asked the Clerk to read the title of the resolution. Ms. Hewett read the title as follows: "a resolution appropriating the sum of \$2,186.45 from the unappropriated fund balance of the general fund to the general fund operating budget for fiscal year 2011-2012".

Councilwoman Flemming made a motion to adopt the resolution entitled: *A Resolution Appropriating The Sum Of \$2,186.45 From The Unappropriated Fund*

*Balance Of The General Fund To The General Fund Operating Budget For Fiscal year 2011-2012.* Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

### **Town Attorney's Report**

Mr. Pretlow said the Economic Development Authority is waiting on the fund from the sale of property to Mr. Belcher. He said this should be forth coming. He said Council may want to consider having a provision in the Town Manager's contract that states he is subject to and bound to all Town policies when the contract is renewed.

### **Mayor's Report**

Mayor Richardson said there should be more information coming to Council regarding the new welcome signs. She said she feels Council may need to have a work session to discuss the welcome signs and various police department issues. Mayor Richardson suggested having the work session on August 30<sup>th</sup> at 4:00 p.m. It was the consensus of Council to go with the suggested date and time. She briefed Council on the meetings she attended during the month.

### **Economic Development Authority**

Councilman Scott said the Authority met on August 8<sup>th</sup>. He reported on the projects the Authority was working on. He said Judy Winslow came and spoke with them regarding incentives they could offer new businesses in Windsor and also discussed bonds.

### **Other Reports**

None

### **Planning Commission**

Mr. Carney said at Planning Commission's last meeting it unanimously recommended that Town Council approve the proposed amendment to the Land Development Ordinance, Section 160-30(G)(1) to utilize "usable property" in determining the maximum numbers of units in the R-2 Multifamily/Townhouse Districts. He said the amendment would read as follows: "The gross residential density shall not exceed five dwelling units per acre of usable property on the subject property(ies) nor 10 units per acre of usable property with a conditional use permit. Usable property shall not include property that is designated as a Resource Protection Area (RPA) under the Chesapeake Bay Preservation Act (Section 10.2-2100 seq. of the Code of Virginia and Section 57.4 of the Code of the Town of Windsor)". He said he would recommend that Council consider setting a public hearing for its September meeting.

Councilwoman Flemming made a motion to set a public hearing for September 22, 2011 Council meeting to consider an amendment to the Land Development Ordinance, Section 160-30(G)(1) to utilize "usable property" in determining the maximum numbers of units in the R-2 district. Vice Mayor Garris seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

Mr. Carney said the July planning and zoning report is included in the agenda packets for Council's review. He said there were 8 zoning permits issued and 11 violation notices sent for inoperative vehicles, tall grass, and other issues. He also discussed Planning Commission's activity at its last meeting.

### **Old or Unfinished Business**

Councilman Edwards asked why there are funds still in the Rural Development Construction Account. Mr. Stallings said the funds are still in the account because several engineering invoices have not been paid. He said we are holding some of the funds until the problems with the well have been resolved at which time the invoices will be paid and any remaining funds moved to the water fund.

### **New Business**

Mr. Stallings said there is items in the current Town Code that need to be changed and brought up-to-date. He said he will be going through the Code to bring any necessary changes to Council for their consideration. He said he just wanted to make Council aware of this.

Mr. Stallings said the Emergency Communication Center Board met on August 8<sup>th</sup> and at this meeting members appointed Chief Reynolds the new Chairman. He said the Board is working on revising the MOU and will have something for Council soon.

### **Closed Session**

Councilwoman Flemming made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-1 for the purpose of discussing personnel matters regarding town personnel. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10.

Councilman Bryant made a motion to go back into regular session. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #11.




Vice Mayor Garris made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D that Council discussed only public business matters lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilman Willis seconded, and Council passed the motion five to one as recorded on the attached chart as motion #12.

Councilman Edwards made a motion to adjourn. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #13.

The meeting adjourned at 10:43 p.m.

  
Carita J. Richardson, Mayor

  
Robin Hewett, CMC  
Town Clerk

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