

**Minutes**  
**Port Royal Town Council Meeting**  
**November 18, 2014**

The meeting was called to order by Mayor Long at 7:00pm. Roll call of members present included Jim Heimbach, Phyllis Carpenter, Monica Chenault, Gladys Fortune, Bill Henderson, Della Mills, and Bill Wick, Town Manager.

The Town Clerk, Terri Harrison, was absent due to the death of a friend, and both the minutes from the November 4<sup>th</sup> Council meeting and the Treasurer's Report were rescheduled for the December 16<sup>th</sup> meeting.

There were no public comments.

**Old Business**

**Electronic Participation in Council Meetings**

Bill Wick presented a Resolution for an absent Council member to be able to dial into an active meeting that they are missing because of an emergency or personal matter and have full participation including voting (see attached). This issue was moved from New Business to Old Business to allow Monica Chenault to participate and vote during the Council meeting. The final wording of the adopted policy is attached and made part of these minutes. A motion to accept the policy was made by Jim Heimbach and seconded by Phyllis Carpenter. The Policy was passed unanimously. With the passage of this motion, Monica was contacted by phone and attended the rest of the meeting, including all voting privileges.

**Water System**

Mayor Nancy Long presented and led a discussion on the various options the Town has been considering for the water system. She reviewed the process briefly from the initial meeting with USDA Rural Development and ending with additional meetings with USDA Rural Development just two weeks earlier. During the period between these two meetings, the Town Water Committee (Bill Wick and Jim Heimbach) had met with Aqua Virginia three times and the Virginia Department of Health twice. The purpose of these meetings was to determine what resources each organization has available, what resources the Town qualifies for, the level of indebtedness each would incur, and the proposal process required by each option. In the open discussion that followed, several opinions were voiced:

Jim Heimbach stated that we have been working on this for three years and need a decision ASAP. We can't waste any more time. For the first two years, we believed that the only option was for the Town to obtain a grant that would cover most or all of the costs of replacing the existing water tower and the deteriorating water lines. We investigated grants available through the Virginia Department of Housing and Community Development, the Virginia Department of Health, and the USDA Agency for

Rural Development. Now, however, the additional funds available to the Town due to the Boundary Adjustment allow us to consider grant/loan programs in addition to pure grant programs. And, more recently, we have become aware of a second option, privatization, and discussions have been held with AquaVirginia.

Jim stated that we need to make a decision between privatizing the system or the Town continuing to operate the system. Jim proposed a two-track process with the goal of reaching a final decision by a date-certain to be determined by Council. The tracks are:

#### Track 1: Privatization

1. Complete our previous commitment to identifying an attorney or law firm which we can put on retainer to act as Town Attorney.
2. Ask the Town Attorney to advise us on our legal responsibilities should we elect to sell the water system to a private company. This includes needs for public notice, competitive processes, public hearings, etc.
3. Ask the Town Attorney to advise us regarding our contractual relationship with a private water company so that we fully understand what rights and responsibilities the Town retains under such a relationship.
4. By early in 2015, assure that we have an adequate understanding of exactly how to move ahead with the privatization option if that is selected.

#### Track 2: Retain ownership of the water system through grants and low-interest loans

1. Establish a Grants Committee under the leadership of the Port Royal Water Grants Administrator.
2. The Grants Administrator will have full authority to represent the Town in identifying potential sources of planning and/or construction grants and loans and in preparing and submitting grant/loan proposals. Council approval will be required only for expenditure of funds.
3. This track will be pursued up to the date-certain. If by that date grant funds have not been actually awarded to the Town, and if the privatization option has been determined to be feasible, the grant/loan track will be terminated. If planning-grant funding has been obtained, the decision regarding the water system will be postponed pending completion of the planning process and possibly efforts to obtain construction funds.

This motion was seconded by Gladys Fortune and approved unanimously. Jim then made another motion, to appoint Alex Long as Town Water Grant Administrator. He stated that the choice of grant/loan routes to pursue would be at the sole discretion of the Water Grant Administrator, but suggested that the \$30,000 planning grant potentially available through Rural Development might be an appropriate starting point. This motion was seconded by Della Mills and approved unanimously.

Bill Henderson and Phyllis Carpenter stated that, whatever we decide to do, the system must be self-sufficient.

Della Mills emphasized that we need system accountability, both financially and number-wise. Must have date for choosing the tank structure - either on-ground or elevated.

Monica Chenault said that she liked the dialog that was being exchanged.

Gladys Fortune stated that she was in agreement with Mr. Heimbach.

Nancy Long acknowledged the length of time since the topic of the Town's water system came under serious discussion, but argued that we need to remember that 18 months of that time was spent negotiating the Boundary Line Adjustment and that Council's decision on water will affect the Town forever and therefore should be made carefully and we must take whatever time is needed to be secure in the final decision.

After some discussion, the Town Council agreed to set the date-certain for a decision on privatization or continued Town operation at six months from the date of the Council meeting, i.e., May 18, 2015. This was offered as a formal proposal by Della Mills, seconded by Monica Chenault, and approved unanimously.

After Jim Heimbach reminded Council that we agreed some months ago to retain a Town Attorney, Nancy Long reported that Bill Wick is currently working on this and will report to Council at the December meeting. Bill reported that he has been unable to obtain a response from one contact, and Jim suggested rejecting anyone who does not respond to inquiries and selecting another candidate. Bill promised to continue the search, starting with contacting a candidate attorney living in Portobago Bay.

Nancy Long noted that Council also needs to resolve the water meter issue. Della Mills volunteered to investigate the issue and have a recommendation at the December 16<sup>th</sup> Council meeting.

### **JLUS Report**

Nancy Long reported that the project is closing down and most reports have been submitted and approved. There are still some issues remaining by both Bowling Green and Port Royal, but hopefully these will be resolved in the next month.

### **Garden Day & Booth Celebration**

Nancy Long informed Council that the annual Garden Day Tour will be held on April 21, 2015, from 10:00 am until 5:00pm. There are five houses on the tour: Prospect Hill, Moss Neck, Rose Hill, Riverview (the Heimbachs' home) and Townfield (the Longs' home). Nancy has met with the committee handling all arrangements and Bill Wick and Nancy have met with Horne's and River Haven to discuss logistical arrangements and possible ways they can maximize people for lunch during that day. These meetings will be held often to iron out any logistical problems that occur prior to the event. Monica reported that she has spoken with a representative from Anthi's and they would like to participate.

The Booth Celebration will be held from April 24 through the 26<sup>th</sup>. It will attract a lot of people and basically focus on Port Royal on Friday and Saturday, Bowling Green on

Saturday evening and Sunday; the Tourist Center will be open all during the event. Fort A. P. Hill has agreed to make the location of the Garrett Farm accessible during the event. Again, the focus will be on Port Royal that week and we will be considering and planning on how to dress up the Town for the thousands of tourists who will be visiting that week. Any suggests are welcome.

### **King Street**

Jim Heimbach reported on the problems the Town has been having securing money from the National Park Service, delaying the pier about three months. He further said that he believes the problem has been addressed and thinks we will have a check by the first week in December. Bill Wick said that it looks like there is some erosion on the soft launch. In a brief conversation with Frankie Davis, our contractor, he said that he can fix the problem without too much trouble.

### **Town Christmas Celebration**

Council discussed the upcoming Christmas events and responsibilities for each. The Christmas lights will be lit on the pine tree on the Town Green on Friday, December 12, with festive games and other fun activities in the fire house. A soup dinner with hot chocolate and cookies sponsored by the community churches will be served and rumor has it that Santa himself will show up as well. The Town, working closely with Caroline's Promise, will be hosting the event. All Council members will be participating and working to make the event as successful as it can be.

### **Future Council Meeting Dates**

It was decided that Council wouldn't meet on the first Tuesday of December, which would be December 2, but would meet on the third Tuesday, December 16, our regular meeting date.

### **Town Manager's Comments**

In November, a complaint was lodged about a zoning problem and it was reported to Kevin Wightman. Kevin met with the Town Manager and asked for help correcting the problem. The zoning problem was described to Council. Once Council understood the issues, they agreed it needed correcting and voted to send the problem to the Planning Commission for their action. The Town Manager, who attends these meetings, was to deliver the mandate from the Council at the next meeting of the Planning Commission on November 26.

### **Street Lights**

Gladys Fortune said that some residents wanted a few of the lights turned back on if possible. Bill Henderson agreed and added that US 301 between the Post Office and the US17 intersection is very dark and needs lighting. These are really different issues and need a different approach.

For lighting in the Town:

1. The area where the light is located presents a security or safety problem if the street light is left turned off;

2. The Council will not turn a light back on that is not located on town property, and is, instead, located on privately owned property;
3. To request a light to be considered for activation, the person requesting it must contact Bill Wick, phone 742-1218, and furnish the four digit code on a metal strip on the light pole. This number will consist of both letters and numbers: and
4. The Council will decide whether or not to return any light to service, but only after the request has been received by Town Manager and he has checked the location and presented his review to Council.

For lighting on US 301, Council suggested this course of action:

1. All agreed that, since that area is now part of the Town due to passage of the Boundary Line Adjustment, it is clearly the responsibility of the Town to insure adequate lighting;
2. Bill Henderson volunteered to suggest the location of the 3 or 4 poles that would house the lights:
3. If any of the new lights would be close to or would interfere with any living arrangements of any occupied house, the Town Manager would visit the occupants and ask if they minded the installation of a light close to their property. If they did, the light would not be installed there.
4. Once all the locations were selected and there were no objections raised, the Town Manager would contact the Rappahannock Electric Cooperative and contract for the installation of the new lights.

Due to the length of the meeting, Council agreed to postpone Della Mills' presentation of Chapter 4 of the proposed Town Code until the December 16 meeting.

Motion was made to adjourn by Gladys Fortune, seconded by Jim Heimbach. Meeting adjourned at 8:45pm.