



# TOWN COUNCIL

## Work Session

Town Hall

November 18, 2010

Immediately Following Special Meeting

At 6:15 p.m. at the Town Hall, Vice Mayor Bannon, having established a quorum, called to order the Work Session of Town Council. In addition to Vice Mayor Bannon, present were Councilmen Evans and Sullivan and Councilwoman Natali. Mayor Dora Sullivan and Councilmen Bennett and Veber were not in attendance. Also present were Town Manager Heather Arcos, Treasurer JoAnna Leatherwood, Consultant Bob Panek, Public Utilities Director Dave Fauber and Town Clerk Libby Hume. There were no members of the public in attendance.

Vice Mayor Bannon announced the business for the evening would be to continue the review of the proposed modifications to the Town Code, Chapter 70 – Water, Sewers and Sewage Disposal.

Bob Panek stated that Mayor Sullivan asked him to update the Council regarding an issue with the Regional Wastewater System project. Bob Panek began by stating that the Department of Environmental Quality (DEQ) had previously approved the project for submission to the State Water Control Board for up to \$11M in funding. The DEQ Public Comment period ended on Tuesday, November 16<sup>th</sup>, and only one comment was received, which was submitted by Mr. Robert Meyers who was the chairman of the PSA as well as a member of the Northampton County Planning Commission and several other committees. Mr. Meyers' comments were quite negative. Bob Panek distributed copies of Mr. Meyers' email to the DEQ and a letter from Chairman Larry Trala of the Northampton County Board of Supervisors to the DEQ in response to the email. Bob Panek added that he had also sent an email to Mr. Gills of the DEQ regarding Mr. Meyers' email informing them that the email was not sanctioned by the PSA Board and should be considered as Mr. Meyers' personal opinion. The Council members asked Bob Panek to forward a copy of his email to them. Bob Panek went on to state that he had spoken to Mr. Gills who admitted that the email was very damaging and may affect DEQ's recommendation to the State Water Control Board in December. Bob Panek concluded this discussion stating that this issue would be discussed at the December PSA meeting.

### *Proposed Modifications to Town Code Chapter 70 – Water, Sewers and Sewage Disposal*

Bob Panek stated that at the last work session, there was some concern that customers were not permitted to turn off the water to their properties themselves. Dave Fauber informed the Council that the Town did not want the citizens doing it themselves because the equipment belongs to the Town. In the past, individuals have turned the water off and on themselves and valves have been damaged. Dave Fauber showed the Council two valves that were damaged by citizens and stated that in order to fix a valve, the Town had to shut off the water to the entire street. Dave Fauber added that property owners should have main shut offs installed on their properties so they would be able to shut off the water to their house in case of emergency. It was suggested that this issue should be addressed in a future edition of the Gazette and also to inform property owners who may live out of town that for \$25 each, the Town could turn off their water if they planned to be away for any length of time and turn it back on when they planned to return.

Council reviewed the modifications to Chapter 70 and additional changes were made as follows:

Section 70-5 – Inspections: Councilwoman Natali pointed out a typographical correction in (c) in reference to “Section 70-5(a).”

Section 70-21 – Specific Definitions: Councilwoman Natali questioned the definition for “Director.” After some discussion, the language was changed to “... who is responsible for managing the Town of Cape Charles Waterworks ...”

Section 70-32 – Town Service Connection: Councilwoman Natali requested that the language be clarified regarding who would provide the meter if the customer wanted one that was larger than three-quarter-inch. After some discussion, the language was changed to “The town will furnish and maintain all water meters. A three-quarter-inch meter and curb stop are standard. The owner shall make the tap at the water main. An applicant needing a meter larger than three-quarter-inch shall pay the difference in the cost of the larger meter and any ancillary appurtenances as required.”

Section 70-43 – Turning Water On or Off Without Authority, Item (a): Councilwoman Natali stated that she was not comfortable in making it unlawful for someone to turn off their own water, especially if there was a leak in the middle of the night. After some discussion, the language was changed to “Except under emergency situations, it shall be unlawful for any person ...”

Section 70-44 – Regular and Uninterrupted Supply Not Guaranteed: Councilwoman Natali pointed out a typographical error at the end of the third line where “of” should be “or.”

Section 70-45 – Discontinuance of Service at Request of Consumer: Councilman Sullivan suggested that language stating that the consumer would continue to be billed the minimum amount even though the water service was discontinued be added to this section.

During the review of Article V – Shallow Wells, Councilwoman Natali asked whether wells to be used for geo-thermal heating systems were included in this article. Bob Panek responded that they were not. There was some discussion regarding several properties in Town that were still operating on deep wells but would have to hook up to the Town’s water system upon failure of the existing well.

Bob Panek explained that Article VII – Water Conservation was new and was required by the DEQ for renewal of the Town’s ground water withdrawal permit. Sections from the Code of Virginia were required and relevant to the Town’s waterworks were included in these sections.

Section 70-76 – Penalties for Noncompliance, Item (b): Councilwoman Natali noted a typographical correction in the last line where “or” should be “of.”

Section 70-81 – Water Shortage Emergencies: Councilwoman Natali asked if there was a procedure in place to notify consumers of water shortage emergencies. Dave Fauber stated that in the past, the Town posted a banner at the entrance to Town. There was some discussion regarding the language in this section which stated that consumers would be notified in writing that a water shortage emergency had been declared by the Town. Dave Fauber stated that this may be required by State Code and suggested checking the Code before modifying the language. After further discussion, the language was changed to “Consumers will be notified in writing and other expeditious manners that a water ...” Vice Mayor Bannon asked whether the Town had an email database of Town residents. Councilman Sullivan stated that he had 773 email addresses for subscribers to the Gazette. Any emergency notifications could be done via the Gazette.

The Council skipped review of Chapter 71 – Sewers and Sewer Use due to time constraints and moved on to review Chapter 72 – Water and Sewer Service Charges.

Section 72-4 – Testing Meters; Adjustment of Account for Error; Estimates for Meter Out of Order, Item (a): Bob Panek explained that the only change to this section was the deletion of the \$5 fee which was required to be paid to the Treasurer to test a water meter.

Section 72-5 – Adjustment for Leaks: After much discussion regarding this section and the number of adjustments permitted within a three-year period and whether a cap should be placed on the water bill, Council agreed to leave the process as is for now, since many municipalities do not make any adjustments in water bills.

Section 72-6 – When Due and Payable; Penalty for Delinquency; Discontinuance of Service for Delinquency: There was much discussion regarding moving the due date back several days to allow citizens more time to pay their bill. JoAnna Leatherwood stated that it was the same people each month that waited until the last day to pay and that even if the due date was moved back, it would still be a problem. There was also some discussion regarding the timeframe for reading the meters, inputting the water usage and getting out the billing. It was suggested that staff could begin to read the meters earlier in the month to move up the billing process. Heather Arcos stated that staff would look into this possible change.

Section 72-7 – Collection of Fees, Rents and Charges: Bob Panek informed the Council that this section was taken directly from the Code of Virginia and expressed his concern regarding changing any of the language in this section to which Council agreed.

Section 72-8 – Liability for Minimum Charges: Bob Panek stated that the existing Code indicates that the owner of any dwelling or structure available for habitation shall be liable for the minimum water and sewer charges, but that was not what was practiced in Town. There was much discussion regarding the language in this section. Councilwoman Natali suggested a change to the last sentence for clarification to show “... connection charges shall not apply when a structure is rebuilt on the vacant lot.” After further discussion, Council requested that Bob Panek revisit the language to further clarify the process adding that the language was still confusing.

**Motion made by Councilman Sullivan, seconded by Councilwoman Natali to adjourn the Town Council Work Session. The motion was approved by unanimous consent.**

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Vice Mayor Bannon

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Town Clerk