

**TOWN OF WEST POINT  
TOWN COUNCIL  
MINUTES  
MARCH 26, 2007**

**I. CALL TO ORDER**

The West Point Town Council held its regular monthly meeting on Monday, March 26, 2007. The Honorable James H. Hudson III called the meeting to order at 7:30 p.m. Reverend Beth Palmer gave the Invocation followed by the Pledge of Allegiance.

Members Present: Mayor, Jim Hudson; Vice Mayor, Deborah Ball; Dick Brake; Charlie Gordon; Tina Gulley; Wayne Healy; Jack Lawson; and Gail Nichols.

Also Present: Trenton L. Funkhouser, Town Manager; Andrea Erard, Town Attorney; Karen Barrow, Town Clerk; Bill Hodges, Chief of Police; Neal Barber, Economic Development Coordinator; and other interested persons.

**II. CITIZENS ADDRESS TO COUNCIL**

**A. VDOT Bridge Update**

Mr. Jamie Browder, Project Manager for the Eltham Bridge presented Town Council with an updated time line and advised the work for the next thirty days will be as follows: 1) F Street will be open to traffic. 2) Installing the lights and pedestrian railing on the bridge. 3) Grading the Eltham approach slab for paving. 4) Energizing the electrical system for the bascule machinery and testing on the lifting. 5) Complete the remaining brickwork on the pilasters and bascule tower. 6) The two center lanes will be striped and open to traffic in May, 2007.

**B. Public Hearing – Lease of Wellness Center to the YMCA**

Mr. Hudson read the advertisement for the public hearing and opened the floor for citizens to comment on the proposed lease of the Wellness Center to the YMCA. There being none, Mr. Hudson closed the public hearing.

Mrs. Gulley made a motion to move the Lease of the Wellness Center to the YMCA as an action item from the Public Safety Committee to the public hearing segment of the agenda and moved for approval of the proposed lease of the Wellness Center to the Peninsula Metropolitan YMCA for a period of ten years and authorize the Town Manager to sign the lease on behalf of Town Council subject to approval to form by the Town Attorney. Seconded by Mr. Lawson, upon roll call, Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

**C. Public Hearing – FY 06-07 Budget Amendments**

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

**D. EDA Update**

Mr. Hudson advised that Mr. Cawley has nothing to report, however he is available for any questions Council might have.

**E. Citizens Address to Council**

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

### III. COUNCIL RESPONSE

None were noted.

### IV. AGENDA CHANGES

No changes were made to the agenda.

### V. ADOPTION OF CONSENT AGENDA

Mr. Gordon made a motion to adopt the following consent agenda, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

- 1) Minutes of February 26, 2007 Town Council Meeting and Work Session and Special Called Meeting of March 19<sup>th</sup>, 2007 .
- 2) Cash Reports
  - a) General Fund  
Cash on hand as of February 28, 2007 - \$2,536,676.01
  - b) Water Fund  
Cash on hand as of February 28, 2007 - \$237,439.48
  - c) CIP  
Cash on hand as of February 28, 2007 - \$204,540.31
- 3) Monthly Budget Report
- 4) School Fund Cash Report
  - a) Cash on hand as of February 28, 2007 - \$379,614.34
- 5) West Point Monthly Police Activity Report
- 6) Economic Development Monthly Activity Report
- 7) Community Development Monthly Permit Report
- 8) Public Works Monthly Permit Report
- 9) Building Official Monthly Report
- 10) Treasurer Monthly Report

### V. COMMITTEE REPORTS

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

Mrs. Gulley advised she has nothing to report.

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

- 1) FY 06-07 Budget Amendments Resolution [*See attached Resolution*]

Mrs. Ball made a motion to adopt the resolution for Amendments to the FY 06-07 Budget and Water Utility Budget and appropriate such funds as stated in the resolution. Seconded by Mrs. Gulley and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

C. Education Committee – Mr. Gordon reported for the Committee

- 1) School Roof Replacements

Mr. Gordon advised the School Board has submitted a request to amend the School Board Operating and Capital Improvement Budgets by \$275,000 to replace two sections of the roof at the High School and Middle School. It has been the practice of the School Board to fund any roof replacement through the State Literary Loan Fund.

Mr. Hudson asked the School Superintendent if there was a deadline on the request.

Dr. Massey advised no, that there is a waiting list that can take eighteen months to two years before a locality receives any funds. The School Board would like authorization to be placed on the waiting list.

Mr. Hudson suggested the Education Committee and Public Works review the request.

C. Public Works – Mr. Brake reported for the Committee

1) Request Permission to Advertise for a Public Hearing on Water Rates

Mrs. Nichols made a motion to authorize the Town Manager to advertise for a public hearing on option D1-A from the Draper Aden Water Rate Study. Seconded by Mrs. Ball and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted “Aye”.

2) Contract for Grass Cutting at the Cemetery

Mr. Funkhouser advised the Town received three bids for the Grass Cutting Contract at the Cemetery and the Booker Maintenance was the lowest bid and that the Public Works Committee recommends the contract be awarded to Booker Maintenance.

Mr. Healy made a motion to award the Grass Cutting Contract at the Cemetery to Booker Maintenance. Seconded by Mrs. Gulley and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted “Aye”.

3) Local and Regional Water Supply Planning Resolution [*See attached Resolution*]

Mr. Gordon made a motion to approve the Local and Regional Water Supply Planning Resolution. Seconded by Mr. Lawson and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted “Aye”.

4) Phragmites Eradication Test Project

Mr. Funkhouser advised that Public Works has reviewed the prospect of a Phragmites Eradication Test Project on Kirby Street from 2<sup>nd</sup> Street through 8<sup>th</sup> Street that would eradicate the rapid growth of the phragmites on Kirby Street.

Mr. Lawson made a motion to authorize the Town Manager to spend up to \$4,637 from the Community Development Budget for the purpose of retaining ClearWater Forestry Services to perform the services outlined in its proposal to the Town dated March 19, 2007. Seconded by Mrs. Nichols and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted “Aye”.

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

Mr. Lawson made a motion to authorize the Town Manager to advertise Ordinance 01-07 for consideration at a public hearing to be conducted at the regularly scheduled Council meeting of April 30, 2007. Seconded by Mr. Healy and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted “Aye”.

**VII. TOWN MANAGER’S ITEMS**

Mr. Hudson advised he has nothing to report.

**VIII. TOWN ATTORNEY ITEMS**

Ms. Erard advised she has nothing to report.

**IX. OLD BUSINESS**

There was nothing available for discussion under Old Business.

**X. NEW BUSINESS**

A. Planning Commission Report - Mr. Hudson

1) Referral of Sidewalks in the Subdivision Ordinance

1) Referral of Sidewalks in the Subdivision Ordinance

Mr. Lawson made a motion to refer to Planning Commission the subject of adding sidewalks to the Subdivision Ordinance as an improvement to be installed at the expense of developers of subdivisions and to submit a recommendation to Council within ninety (90) days of the Commission's meeting of April 4, 2007. Seconded by Mrs. Ball and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

2) Rezoning of Sanders Property from SD-1 to MU

Mr. Lawson made a motion for Town Council to refer to the Planning Commission the subject of rezoning the Sanders property on King William Avenue from SD-1 to MU with a request to review any other parcels that may have been omitted or otherwise not rezoned from SD-1 to MU as part of the previously approved comprehensive rezoning of parcels from SD-1 to MU along King William Avenue north of Thompson Avenue. Seconded by Mr. Gordon and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

B. Closed Session

Mr. Gordon made a motion to enter into a closed meeting pursuant to Virginia Code § 2.2-3711(A)(1) for discussion or consideration of the annual performance evaluation and contract of the Town Manager and pursuant to Virginia Code § 2.2-3711(A)(3) for the discussion or consideration of the disposition of publicly held real property because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Town Council, 1315 Main Street. Seconded by Mr. Healy, upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

RECONVENE

Mr. Lawson made a motion to reconvene into a public meeting, seconded by Mrs. Nichols and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

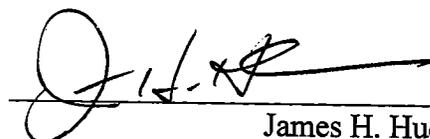
Mr. Brake moved to certify that in the closed session just concluded, nothing was discussed except the matters specifically identified in the motion to convene into closed session and lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Seconded by Mrs. Ball and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

C. Town Manager Contract

Mrs. Gulley moved that the Town Council provide a copy of this motion as notice to the Town Manager of Council's intent not to renew the Employment Agreement between the Town Council and the Town Manager dated January 2, 2004, and instead that the Council offer the Town Manager a new Employment Agreement entitled "Second Employment Agreement" which is hereby approved, and that the Mayor be authorized to execute the Employment Agreement on behalf of the Town Council. Seconded by Mrs. Nichols and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

**XI. ADJOURNMENT**

There being no further business Mr. Hudson adjourned the meeting.



James H. Hudson, III  
Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Karen M. Barrow". The signature is written in a cursive style with a large initial "K".

Karen M. Barrow  
Town Clerk



TOWN OF WEST POINT

RESOLUTION

Budget Amendment – FY 06-07

WHEREAS the Town Council of the Town of West Point advertised for a public hearing regarding proposed amendments to the Town's FY 06-07 budget and the Water Utility FY 06-07 budget on March 14, 2007 in the Tidewater Review; and

WHEREAS the Town Council of the Town of West Point conducted a public hearing on March 26, 2007 regarding proposed amendments of \$154,740 to the Town's budget and \$49,000 to the Water Utility budget; and

WHEREAS the proposed amendments to the FY 06-07 Town Budget provide funds for a housing study, compensatory time payments, school facilities studies, recreation services agreement and Riverwalk construction; and

WHEREAS the proposed amendments to the FY 06-07 Water Utility Budget provide funds for a Water Rate Study, Water Study Northwest Area (Industrial Park Area) and water system improvements installed concurrent with Eltham Bridge construction; and

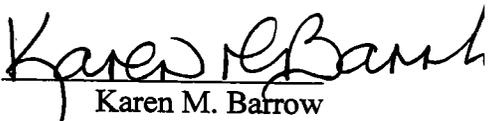
WHEREAS, the proposed amendments add \$4,800 to Community Development, \$74,700 to Non-Departmental, \$25,200 to Parks & Recreation and \$50,000 to Capital Improvements Program (Riverwalk); and

WHEREAS, the proposed amendments add \$20,000 to Water Distribution Maintenance and Operation and add \$29,000 to Water Betterments.

NOW THEREFORE BE IT RESOLVED THAT the West Point Town Council amends the FY 06-07 Town budget to add \$4,800 to Community Development, \$74,700 to Non-Departmental, \$25,200 to Parks & Recreation and \$50,000 to Capital Improvements Program (Riverwalk); a total of \$154,740 and such funds are hereby appropriated. The Total Town Budget is now \$13,113,921.

BE IT FURTHER RESOLVED THAT the West Point Town Council amends the FY 06-07 Water Utility budget to add \$20,000 to Water Distribution Maintenance and Operation and add \$29,000 to Water Betterments; a total of \$49,000 and such funds are hereby appropriated. The Total Water Utility Budget is now \$519,100.

Certified to be a true copy of a resolution adopted by the Town Council of the Town of West Point at its regular monthly meeting held March 26<sup>th</sup>, 2007 at which meeting a quorum was present and voted throughout

  
Karen M. Barrow  
Town Clerk

VOTE:

Mrs. Ball "Aye"  
Mr. Brake "Aye"  
Mr. Gordon "Aye"  
Mrs. Gulley "Aye"  
Mr. Healy "Aye"  
Mr. Lawson "Aye"  
Mrs. Nichols "Aye"

## RESOLUTION

### Regional Water Supply Planning and Application for a FY08 Water Supply Planning Grant

Whereas the Virginia General Assembly has mandated the development of local and regional water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process; and

Whereas, based upon these regulations, Town of West Point is required to complete a water supply plan that fulfills the regulations by deadlines based on population, specifically:

November 2, 2010 for local governments with populations 15,000 or less

Whereas, local governments may elect to join one or more other local governments to develop a regional water supply plan for which a deadline of November 2, 2011 has been established.

Whereas, the following elements must be included in all local or regional water supply programs:

- A description of existing water sources in accordance with 9 VAC 25-780-70;
- A description of existing water use in accordance with the requirements of 9 VAC 25-780-80;
- A description of existing water resource conditions in accordance with the requirements of 9 VAC 25-780-90;
- An assessment of projected water demand in accordance with the requirements of 9 VAC 25-780-100;
- A description of water management actions in accordance with the requirements of 9 VAC 25-780-110 and 9 VAC 780-120;
- A statement of need in accordance with the requirements of 9 VAC 25-780-130;
- An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies in accordance with the requirements of 9 VAC 25-780-130;
- A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources;
- A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter;
- A resolution approving the plan from each local government that is party to the plan; and
- A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received, and

Whereas, it is reasonable and prudent for the following local governments to coordinate and collaborate in the development of a regional water supply plan: the counties of Essex, King & Queen, King William, Mathews, Middlesex; and the towns of Saluda, Tappahannock, Urbanna, and West Point; and

Whereas the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans; and

Whereas, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all jurisdictions participating; and

Whereas, for purposes of this DEQ water supply grant fund program, Town of West Point will participate within a water supply region consisting of the following localities; the counties Essex,

King & Queen, King William, Mathews, Middlesex, and the towns of: Saluda, Tappahannock, Urbanna and West Point; and

Whereas, the Middle Peninsula Planning District Commission (MPPDC) has previously managed the development of successful regional plans and is a logical entity to organize and manage a regional water supply planning process; and

Whereas, the MPPDC has previously written, received, and managed DEQ grants and is the logical entity to apply for, on behalf of the communities participating in the regional water supply plan; and

Whereas, the MPPDC desires to manage and develop a regional water supply plan for the region, and participating localities in the region agree with this approach, and

Whereas, the region, through the MPPDC wishes to apply for and secure DEQ grant funds to help offset the cost of the plan development.

NOW, THEREFORE BE IT RESOLVED that Town of West Point agrees to participate with the counties of: Essex, King & Queen, King William, Mathews, Middlesex, and towns of: Saluda, Tappahannock and Urbanna in the development of a regional water supply plan and authorizes the MPPDC to manage and develop said regional water supply plan that will comply with mandated regulations; and

BE IT FURTHER RESOLVED that the MPPDC is authorized to develop an application for water supply planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan; and

BE IT FURTHER RESOLVED that the MPPDC is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan, and

BE IT FURTHER RESOLVED that Town of West Point intends to provide up to \$ 2,000.00 in matching funds (cash and/or in-kind) for the project for work performed within the organization to meet the requirements of the regional water supply planning effort, and

BE IT FURTHER RESOLVED that Town of West Point will participate financially for the costs of the regional water supply plan that is not covered by the DEQ grant in an amount not to exceed \$ 5,000.00, and

BE IT FINALLY RESOLVED that the State Water Control Board and the Department of Environmental Quality should consider this resolution from each of the participating localities their Letters of Intent to participate in a regional water supply plan with a completion due date of November 2, 2011, in accordance with 9 VAC 25-780-50.B.4.

Upon the Motion of Mr. Gordon and second by Mr. Lawson, this RESOLUTION is hereby approved on this the 26<sup>th</sup> day of March, 2007.

  
Karen M. Barrow  
Town Clerk

VOTE:

Mrs. Ball "Aye"  
Mr. Brake "Aye"  
Mr. Gordon "Aye"  
Mrs. Gulley "Aye"  
Mr. Healy "Aye"  
Mr. Lawson "Aye"  
Mrs. Nichols "Aye"

**WEST POINT TOWN COUNCIL  
BUDGET WORK SESSION  
MARCH 28, 2007**

The West Point Town Council conducted a Budget Work Session on Wednesday, March 28, 2007. The Honorable James H. Hudson, III called the Work Session to order at 5:30 p.m.

Members Present: James H. Hudson, Mayor; Deborah T. Ball, Vice Mayor; Dick Brake, Charles Gordon, Wayne Healy, Jack Lawson and Gail Nichols.

Members Absent: Tina Gulley.

Also Present: Trent L. Funkhouser, Town Manager; Karen Barrow, Town Clerk; T. C. Moore, Town Treasurer; Bill Hodges, Chief of Police; Neal Barber, Economic Development Coordinator; Walt Feurer, Director of Public Works; Kim Sirman, Director of Emergency Communications.

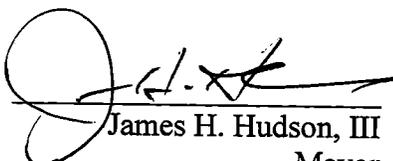
Trent Funkhouser presented Town Council with a revised draft budget that included a seconded round of cuts from the Town and School budgets as requested from Mrs. Ball and the Finance Committee.

Town Council reviewed the cuts and advised they are concerned with the use of funds from the General Fund to balance the FY 07-08 budget and requested the proposed amount to be transferred from the General Fund be reduced.

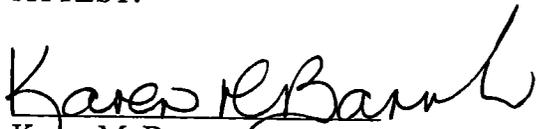
Mr. Funkhouser suggested some additional cuts from the Town and School budgets that would reduce the use of funds from the General Fund and advised to balance the budget, Town Council would need to increase real estate taxes by ten cents.

The consensus of Town Council is that the State Education Board shows West Point to be one of the highest budgeted school systems in the State of Virginia and are reluctant to go any further with the School budget until Town Council receives a line item budget from the School Board.

Mr. Funkhouser advised he would have a final draft budget available for review at the Finance Committee meeting in April and that he will contact the School Board and ask for copy of their line item budget.

  
James H. Hudson, III  
Mayor

ATTEST:

  
Karen M. Barrow  
Town Clerk