

**TOWN OF WEST POINT
TOWN COUNCIL
MINUTES
October 29, 2007**

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, October 29, 2007. The Honorable James H. Hudson III called the meeting to order at 7:30 p.m. The Reverend Marvin Kirby gave the Invocation followed by the Pledge of Allegiance.

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

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

II. CITIZENS ADDRESS TO COUNCIL

A. YMCA

Sean Cogan, Manager of the West Point area YMCA presented Town Council with a power point presentation of the YMCA programs for the first year and advised the Recreation Services Agreement is scheduled for renewal, Mr. Cogan advised the current YMCA membership is now at 503. The presentation contained attendance figures for the 2007 YMCA program in comparison with the 2006 West Point Parks & Recreation program.

B. HRSD

Jim Pyne, presented Town Council with a package containing information on future projects for HRSD and the Nutrient Reduction Goals for the Chesapeake Bay. Mr. Pyne advised that a lot of equipment owned by HRSD is old and needs to be replaced and the plant is in need of upgrades, those costs will affect rates in this area. Mr. Pyne also presented a map showing study areas for future plant expansion.

The consensus of Council is for the Town Manager to schedule a work session with Jim Payne so Council can receive detailed information for future plans and cost.

C. Economic Development Authority Update

Mr. Cawley advised that Town Council and the EDA conducted a joint work session on October 24, 2007 to discuss Economic Development and future projects. Mr. Cawley also stated the work session was very constructive and that the EDA plan to conduct work sessions quarterly with Town Council beginning in January.

D. Public Hearing – Request to Vacate an Alley

Mr. Hudson read the advertisement and opened the floor for citizens to comment on the request by Mike and Barber Matthews for Town Council to vacate one North/South alley east of Lee Street. There being no public comments, Mr. Hudson closed the public hearing.

E. Public Hearing – Kirby Street Gateway Improvement Enhancement Grant

Mr. Hudson read the advertisement and opened the floor for citizens to comment on the proposed Kirby Street Gateway Improvement Grant. There being no public comments, Mr. Hudson closed the public hearing.

F. Public Hearing – Riverwalk Enhancement Grant

Mr. Hudson read the advertisement and opened the floor for citizens to comment on the Riverwalk Enhancement Grant. There being no public comments, Mr. Hudson closed the public hearing.

G. 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 citizen address.

III. COUNCIL RESPONSE

None were noted.

IV. AGENDA CHANGES

No changes were made to the agenda.

V. ADOPTION OF CONSENT AGENDA

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

- 1) Minutes of September 24, 2007 Town Council Meeting, Work Session and Joint Work Session with the EDA on October 24, 2007.
- 2) Cash Reports
 - a) General Fund
Cash on hand as of September 30, 2007 - \$5,462,763.23
 - b) Water Fund
Cash on hand as of September 30, 2007 - \$314,022.94
 - c) CIP
Cash on hand as of September 30, 2007 - \$212,406.42
- 3) Monthly Budget Report
- 4) School Fund Cash Report
 - a) Cash on hand as of September 30, 2007 - \$457,173.30
- 5) West Point Monthly Police Activity Report
- 6) Building Official Monthly Report
- 7) Public Works Monthly Permit Report
- 8) Treasurer Monthly Report
- 9) Community Development Monthly Permit Report

V. COMMITTEE REPORTS

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

1. 7th Street Parking Resolution [*See Attached Resolution*]

Mrs. Gulley read the 7th Street Parking Resolution and made a motion for Town Council to adopt the resolution. Seconded by Mr. Gordon, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted “Aye”.

2. Carlos Moran

Chief Hodges introduced Carlos Moran to Town Council, a new officer that is also bi-lingual in Spanish.

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

Mrs. Ball advised she has no report.

C. Education Committee – Mrs. Nichols reported for the Committee

1. School Appropriation of funds - Resolution for Security Cameras [*See Attached Resolution*]

Mrs. Nichols advised the School Board has received a donation of funds in the amount of \$20,000 from the Elis Olson Memorial Foundation to purchase security camera's at the Elementary School. Mrs. Nichols made a motion to appropriate the funds for the purchase of cameras at the Elementary School. Seconded by Mr. Gordon, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

2. School Resolution for Appropriation of Funds for Bathroom Renovations at the Elementary School [*See Attached Resolution*]

Mrs. Nichols advised the Town has received a request from the School Board for appropriation of funds from FY 2006-07 to renovate the four student bathrooms at the Elementary School. Mrs. Nichols made a motion to approve the appropriation of \$49,341 to the School Board for the renovations of the bathrooms at the Elementary School. Seconded by Mrs. Gulley.

Mr. Gordon advised he would like to see the School Board follow a procedure when submitting a request for appropriation of funds that includes three estimates prior to Town Council approval.

Upon roll call, Mrs. Ball, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye" and Mr. Gordon voted "Nay".

D. Public Works – Mr. Gordon reported for the Committee

Mr. Gordon advised Mr. Healy will provide the report to Town Council.

1. Award of Contract - Industrial Park Extension Phase I – Project No.1571-001-07

Mr. Healy made a motion for Town Council to award a contract for the Industrial Parkway Extension Phase I to Henry S. Branscome, LLC., and for the Town Manager or Mayor to execute and deliver the contract on behalf of the Town. Seconded by Mr. Shreaves, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

2. Award of Contract - Industrial Park Waterline Extension – Project No.1571-002-07

Mr. Healy made a motion for Town Council to award a contract for the Industrial Park Waterline Extension to Jones SiteWork, Inc. and for the Town Manager or Mayor to execute and deliver the contract on behalf of the Town. Seconded by Mr. Shreaves, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

Mr. Hudson advised that Town Council has approved the contract only and not any Change Orders. If there are any Change Orders, they need to be approved by the Public Works Committee and or all of Town Council.

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

1. A Resolution to Accept Donated Property on 5th Street [*See Attached Resolution*]

Mr. Lawson advised the Town has received a donation of property from Richard and Louise Brake for public purposes and made a motion for Town Council to adopt the resolution accepting the dedication of 0.51 acres located at 5th Street and the Mattaponi River, authorize the Mayor to sign all documents necessary to facilitate this conveyance of property and extends its sincere thanks to the Brake family for its generous donation to the Town. Seconded by Mr. Shreaves, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

2. Kirby Street Gateway CDBG Grant [*See Attached Resolution*]

Mr. Lawson advised that Town Staff has been working diligently on the Kirby Street Enhancement Grant and made a motion for Town Council to authorize the Town Manager to file the application for the VDOT enhancement Grant funding for the Kirby Street Gateway Project and for Mr. Barber to make the language change as requested by Mr. Hudson. Seconded by Mr. Gordon, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

3. Riverwalk T-21 Grant [*See Attached Resolution*]

Mr. Lawson made a motion to adopt the Riverwalk resolution and authorize the Town Manager to file the application for the VDOT Enhancement Grant for the Riverwalk Phase II Project. Seconded by Mrs. Nichols, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

Mr. Hudson advised that Town Council has received prior presentations on the above three resolutions and the property donation can be used as a match for the Riverwalk T-21 Grant.

VII. TOWN MANAGER'S ITEMS

Mr. Funkhouser advised he has nothing to report.

VIII. OLD BUSINESS

There was nothing available for discussion.

IX. NEW BUSINESS

A. Planning Commission Report - Mr. Hudson

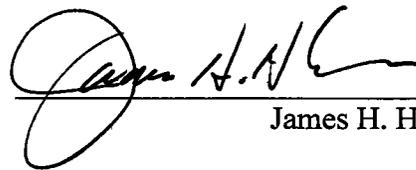
Mr. Hudson advised the following are action items of Planning Commission or other events of note from the October 3, 2007 meeting: 1) Conducted a Public Hearing and approved a Chesapeake Bay Exception to Joe and Kara Sanders for a shed. 2) Authorized advertisement for a public hearing on the Zoning Text Amendment in the R-1 Zoning District to include Assisted Living Facilities. 3) Planning Commission voted to refer the revised Zoning Text Amendments for the MU-1 district to Town Council. 4) Deferred the New Delaware subdivision until November 7, 2007 per the request of Paul White. 5) Deferred a Zoning Text Amendment for the R-4 Zoning District until November 7, 2007.

B. Request to Vacate one North/South alley for Mike Matthews [*See Attached Resolution*]

Mr. Healy made a motion to approve the request for abandonment of one North/South alley East of Lee Street and West of the Mattaponi River. Seconded by Mrs. Gulley, , upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

X. ADJOURNMENT

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



James H. Hudson, III
Mayor

ATTEST:

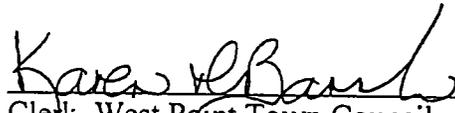


Karen M. Barrow
Town Clerk

RESOLUTION

At a meeting of the TOWN COUNCIL of the TOWN OF WEST POINT held on October 29, 2007, at which meeting a quorum was present and voting throughout, the following resolution was duly made, seconded and unanimously adopted:

The abandonment of a portion of a certain ten foot north/south alley lying adjacent to and between Lots 10, 12 and 13. Tax Map Number 69-A1-4-1, for a purchase price of \$ 4,260.00, to be conveyed to the adjoining lot owners, Michael W. Matthews and Barbara J. Matthews.


Clerk, West Point Town Council



TOWN OF WEST POINT RESOLUTION

WHEREAS, section 34-35 of the West Point Town Code states that the West Point Town Council may provide for parking regulations by Resolution; and

WHEREAS, due to traffic and safety concerns it has become necessary for the West Point Town Council to impose additional parking restrictions in the Town of West Point.

NOW THEREFORE BE IT RESOLVED THAT the West Point Town Council hereby declares that there shall be no parking East of Main Street between Main Street and the North - South alley West of the Fire Station.

BE IT FURTHER RESOLVED THAT, as required by section 34-35 of the West Point Town Code, the Town Manager is hereby directed to cause appropriate signs and other markings to be posted on 7th Street so as to readily inform citizens of the parking prohibition.

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 October 29th, 2007 at which meeting a quorum was present and voted throughout.


Karen M. Barrow, Town Clerk



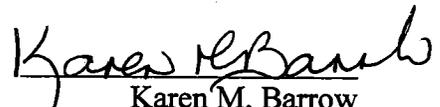
**RESOLUTION
AMENDMENT AND APPROPRIATION
FOR PHASE II INSTALLATION OF
SECURITY CAMERAS AT THE ELEMENTARY SCHOOL
FY 07-08 BUDGET (amendment # 0708-02)**

WHEREAS: the Elis Olson Memorial Foundation has donated \$20,000 to the West Point School Board for Phase II of the installation of security cameras at the Elementary School to provide a safety secure environment for the students, and

WHEREAS: the Elis Olson Memorial Foundation has paid the funds to the West Point School Board and the West Point School Board respectfully request the funds to be appropriated to the West Point School Board Budget.

NOW BE IT RESOLVED: The West Point Town Council of the Town of West Point amends the FY 07-08 Town Budget to add \$20,000 to the School Budget and such funds are hereby appropriated for the purpose of expenditure towards the installation of security cameras at the Elementary School. The total School Budget is now \$9,058,885 and the total Town Budget is \$13,209,785.

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 October 29th, 2007 at which meeting a quorum was present and voted throughout.


Karen M. Barrow
Town Clerk



**RESOLUTION
AMENDMENT AND APPROPRIATION
FOR BATHROOM RENOVATIONS AT THE
ELEMENTARY SCHOOL
FY 07-08 BUDGET (amendment # 0708-03)**

WHEREAS: The West Point School Board has obtained an estimate for renovations to the four bathrooms at the West Point Elementary School and Annex; and

WHEREAS: The West Point School Board has a remainder of unexpended funds from its FY 2006-2007 Budget in the amount of \$49,341; and

WHEREAS: The renovations are a Capital Improvement Project that is listed as a priority in the West Point Public Schools Modernization Study and Existing Conditions Assessment completed October 2006 by Rodriguez, Ripley, Maddox and Motley.

NOW THEREFORE BE IT RESOLVED: The Town Council of the Town of West Point amends the FY 07-08 Town Budget to add \$49,341 to the School Budget and such funds are hereby appropriated for the purpose of expenditure towards the renovations of the four bathrooms at the elementary school. The total School Budget is now \$9,108,226 and the total Town Budget is \$13,259,126.

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 October 29th, 2007 at which meeting a quorum was present and voted throughout.


Karen M. Barrow
Town Clerk

**TOWN OF WEST POINT
RESOLUTION
VDOT ENCEMENT GRANT
Kirby Street Gateway Improvement Project**

Whereas, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local governing body in order that a Virginia Department of Transportation, Transportation Enhancement Program be undertaken in the Town of West Point.

Whereas, the Town is desirous of making improvements to the initial Gateway into town for travelers coming from the west, area around the intersection of Kirby Street and 14th Street. These improvements will connect to and enhance improvements to that have been made along the 14th Street corridor, implement the 14th Street corridor plan and connect to previous enhancement grants awarded to the Town.

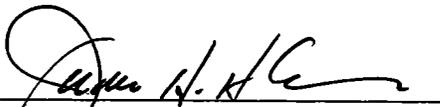
Now, Therefore, Be It Resolved, that the Town of West Point requests that Commonwealth Transportation Board establish a project entitled the Kirby Street Gateway Improvement Project.

Be It Further Resolved, that the Town of West Point authorizes the submission of a grant application to the Virginia Department of Transportation for the improvements of the area around the intersection of Kirby Street and 14th Street to include a commuter parking lot, pedestrian way under 14th Street and improvements to 13th Street from Kent Street to Main Street.

Be It Further Resolved, that the Town of West Point hereby agrees to pay twenty (20) percent of the total cost of the planning and design, right-of-way, and construction of this project, and that, if the Town of West Point subsequently elects to cancel this project the Town hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation

Adopted this 29th day of October, 2007

West Point, Virginia

BY: 
Mayor

Attest: 
Town Clerk

**TOWN OF WEST POINT
RESOLUTION
VDOT ENCEMENT GRANT
Riverwalk II Improvement Project**

Whereas, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local governing body in order that a Virginia Department of Transportation (VDOT), Transportation Enhancement Program be undertaken in the Town of West Point.

Whereas, the Town desires to make extend the existing Riverwalk project from 13th Street to 5th Street connecting several river access points along the way. These improvements will connect, extend and enhance improvements that have been made along the 14th Street corridor, the existing Riverwalk Enhancement grant and implement the Waterfront Development Master Plan.

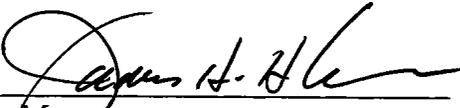
Now, Therefore, Be It Resolved, that the Town of West Point requests that Commonwealth Transportation Board establish a project entitled the Riverwalk II Improvement Project.

Be It Further Resolved, that the Town of West Point authorizes the submission of a grant application to the Virginia Department of Transportation for the Riverwalk II Improvement Project.

Be It Further Resolved, that the Town of West Point hereby agrees to pay twenty (20) percent of the total cost of the planning and design, right-of-way, and construction of this project, and that, if the Town of West Point subsequently elects to cancel this project the Town hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation

Adopted this 29th day of October, 2007

West Point, Virginia

BY: 
Mayor

Attest: 
Town Clerk

**WEST POINT TOWN COUNCIL
WORK SESSION
MINUTES
November 26, 2007**

I. Speed Limit on Bridges

Mr. Hudson advised he has received numerous phone calls regarding the speed limits on both the Lord Delaware Bridge and Eltham Bridge.

Mrs. Gulley advised she has concerns with the sudden drop from a 40 MPH speed limit to 25 MPH just before a traffic light as you come off the Eltham Bridge.

Mr. Funkhouser stated that VDOT will be doing a traffic survey sometime in the future that will include reviewing the speed limits on both bridges and along the 14th Street corridor.

Andrea Erard suggested Town Council adopt a resolution requesting VDOT have a 45 MPH speed limit on the bridges and 35 MPH speed limit through 14th Street.

Mr. Funkhouser advised the resolution can be prepared for adoption this evening.

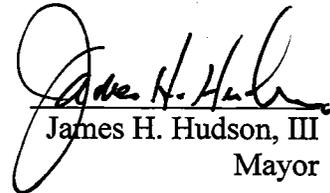
II. Papco Obstruction Permit Request

Andrea Erard, The Town Attorney suggested a Resolution accompany the request from Papco for an Obstruction Permit.

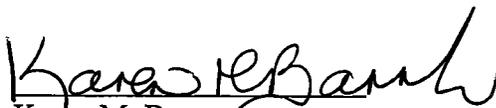
The consensus of Town Council is to place the Papco Obstruction Permit on the December agenda pending a Resolution from the Town Attorney.

III. Water Connection Fees

Ms. Erard advised she has the public hearing advertisement ready to advertise the Water Connection Fees for December 17, 2007.


James H. Hudson, III
Mayor

ATTEST:


Karen M. Barrow
Town Clerk

TOWN OF WEST POINT, VIRGINIA
Resolution for Acceptance of Dedication of 0.51 Acres
located at 5th Street and Mattaponi River

WHEREAS, Louise B. and Robert F. Brake have generously offered to donate to the Town of West Point, Virginia, certain property for the use and benefit of the public;

WHEREAS, such property is located on the south side of 5th Street and on the western meander of the Mattaponi River, and is described as follows: tax parcels 69A1-12-240, 69A1-12-241 and a portion of 69A1-12-122 (also referred to as Lot C #54) by the Commissioner of Revenue, a total of 0.51 acres \pm , which is more fully described in that certain plat of survey entitled "Boundary Line Extinguishment and Subdivision of property standing in the name of Robert F. Brake and Louise B. Brake" prepared by Mitchell-Wilson Associates, P.C., dated September 13, 2004, and recorded in the Clerk's Office of the Circuit Court of King William County in Plat Book 19, at page 2 (the "Property");

WHEREAS, the comprehensive plan for the Town of West Point, Virginia recommends improvement of public access to the waterfront through acquisition of property or easements;

WHEREAS, the Town of West Point, Virginia has adopted a brochure for waterfront development that identifies the Property as a location for public parking and public access to the water;

WHEREAS, Section 15.2-1800 of the Code of Virginia (1950), as amended, provides that a "locality may acquire by purchase, gift, devise, bequest, exchange, lease as lessee, or otherwise, title to, or any interests in, any real property, whether improved or unimproved, within its jurisdiction, for any public use"; and

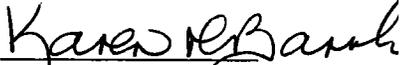
WHEREAS, it is to the interest and benefit of the Town of West Point, Virginia and the public at large that the proposed gift be accepted by the Town, subject to any conditions and easements of record and terms of such gift.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of West Point, Virginia, Virginia that the Property be accepted by the Town of West Point, Virginia, subject to any conditions or easements of record and terms of such gift;

BE IT FURTHER RESOLVED, that the deed purporting to convey the Property to the Town of West Point, Virginia shall be in a form approved by the attorney for the town, pursuant to Section 15.2-1803 of the Code of Virginia (1950), as amended substantially in the form attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the Mayor of the Town of West Point, Virginia be, and he hereby is, authorized to execute the Donee Acknowledgment (Part IV) of IRS Form 8283, Non-Cash Charitable Contribution form, for Mr. and Mrs. Brake.

Certified to be a true copy of a resolution adopted by the Town Council of the Town of West Point, Virginia at its regular monthly meeting held October 29th, 2007 at which meeting a quorum was present and voted throughout.


Karen M. Barrow
Town Clerk

VOTE:

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