

**WEST POINT TOWN COUNCIL
WORK SESSION
MINUTES
AUGUST 25, 2008**

I. Truck Parking Resolution/Part-time Police Officer Position

Mr. Funkhouser advised that due to the late Public Safety meeting on Friday, the Truck Parking Resolution and Part-time Police Officer Position will need to be added to the agenda.

II. Stage Lighting Contract

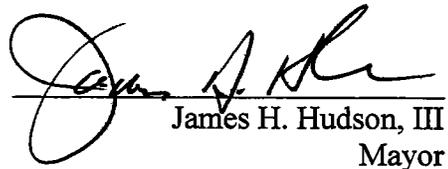
Mr. Funkhouser advised that Blair Wilson, the Town Engineer reported at the Public Works Committee that six contractors were asked to submit bids on the electrical foundations, underground conduit and wiring for temporary lights. The installation of the poles will be an additional contract later. One contractor was unable to submit a bid, three contractors did obtain copies of the electrical plan and one contractor never picked up a copy of the electrical plans. The following bids were received: 1) Walter C. via enterprises, Inc. \$12,000. 2) WAYJO Inc. \$16,800. 3) J. Sanders Construction Co. \$19,200. The Award of Contract needs to be authorized at the August 25, 2008 Town Council meeting in order for the work to be complete by the September 22, 2008 deadline.

III. Visitor Center

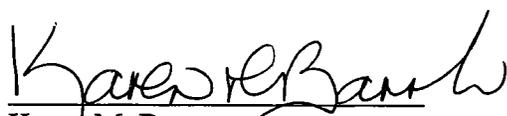
Mr. Funkhouser advised the Town has received notification from VDOT that if the Town does not submit an outline plan within forty-five days we will lose the grant funding for the Visitor Center/Community Center. Town Council needs to act on a decision this evening regarding the Visitor Center.

IV. Riverwalk

Mr. Funkhouser advised that Town Staff has revised modification to Riverwalk and they are available for the public to review.


James H. Hudson, III
Mayor

ATTEST:


Karen M. Barrow
Town Clerk

**TOWN OF WEST POINT
TOWN COUNCIL
MINUTES
AUGUST 25, 2008**

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, August 25, 2008. The Honorable James H. Hudson III called the meeting to order at 6:30 p.m. James H. Hudson 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; Holly McGowan, Community Development Coordinator; Neal Barber, Economic Development Coordinator; and other interested persons.

II. CITIZENS ADDRESS TO COUNCIL

A. Public Hearing – Patriots Village Final Subdivision Plat

Mr. Hudson read the public hearing advertisement and asked the Town Clerk if any one has submitted a letter prior to the meeting or reviewed a copy of the application.

Mrs. Barrow advised none.

Mr. Hudson opened the floor for citizens to comment on the public hearing. There being none, the public hearing was closed.

B. Public Hearing on Ordinance 04-08 / Outdoor Gatherings

Mr. Hudson read the public hearing advertisement for Ordinance 04-08 and asked the Town Clerk if any one contact the Town requesting special assistance to attend the public hearing or submitted written comments prior to the meeting.

Mrs. Barrow advised none.

Mr. Hudson opened the floor for citizens to comment on Ordinance 04-08.

1. Dennis Norman, 1214 Lee Street, West Point, Virginia asked what is considered an outdoor gathering, two or more people.

Mr. Funkhouser advised it would be a street event or an approved permit.

Mr. Hudson asked if any else would like to comment on the Outdoor Gathering Ordinance. There being none, the public hearing was closed.

C. EDA Update

Bill Cawley, EDA Chairman advised that GEO Marine has been contracted to conduct archaeological digs in King William County for Indian artifacts and will be renting the first floor of the Business Center for approximately five years. Mr. Cawley presented Town Council with a copy of an article from the Chesapeake Bay Magazine on Leonardtown, Maryland and the revitalization for Leonardtown, a Town very similar to West Point.

D. Patriots Village

Ms. Holly McGowan advised that Planning Commission has reviewed the Final Plat Phase I application submitted by Mr. Pete Henderson. Planning Commission recommends approval of the application subject to the Town Attorney's approval of

the Declaration of Covenants, conditions, restrictions and Deed of Dedication prepared by Geddy, Harris, Franck & Hickman, L.L.P., Mr. Henderson's attorney.

Mr. Lawson made a motion that Town Council approve the final subdivision plat, Patriot Village, Phase I, consisting of lots 1-17, prepared by Mitchell Wilson Associates, P.C., subject to VDOT's comments and subject to Town Attorney's approval of the Declaration of Covenants, Conditions, Restrictions and Deed of Dedication prepared by Geddy, Harris, Franck & Hickman, L.L.C. Seconded by Mr. Healy, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

E. Citizens Address to Council

Mr. Hudson opened the floor for citizens to address Town Council on any Town related business.

1. April Hayden, 140 Berkley Street, West Point, Virginia advised that she has a problem in her neighborhood with tractor trailer parking. Ms. Hayden asked what can be done regarding the parking.

2. Chris shepherd, 423 Lee Street, West Point, Virginia advised he thinks that Riverwalk and the Canoe Launch will be good for the community and a good location for the canoe lunch would be Beach Park at 1st Street.

3. Dennis Norman, 1214 Lee Street, West Point, Virginia advised that he is against the construction of Riverwalk, it is an invasion of his privacy that will allow strangers to walk through his neighborhood.

4. Bobby Wilson 535 12th Street, West Point, Virginia advised that he is against Riverwalk, the Canoe Lunch and the closing of 13th Street. The closing of 13th Street would prevent access to his home.

5. Hank Thorndike, 528 10th Street, West Point, Virginia advised that he feels a lot can be done to work out the issues with Riverwalk. Some revisions would reduce the impact of the project on area residents.

6. Sue Kurfees, 1017 10th Street, West Point, Virginia advised the only access to her home is through the alley between 10th Street and 11th Street and she is concerned with the Riverwalk project and the impact it will have on the neighborhood.

7. Terry Temple, 529 12th Street, West Point, Virginia advised she objects to Riverwalk, the Canoe Lunch, the Boardwalk and the closing of 13th Street.

8. Denise South, 1013 F Street, West Point, Virginia advised she objects to Riverwalk and has concerns with the public using the alley.

9. Dennis Norman, 1214 Lee Street, West Point, Virginia, asked if the timing on the traffic light at 14th Street and Lee Street can be checked, it takes a long time to change.

10. Will Addison, 1370 Riverview Drive, West Point, Virginia advised he objects to Riverwalk.

11. Dennis Norman, 1214 Lee Street, West Point, Virginia asked how many more employees will be hired to maintain Riverwalk.

Mr. Hudson asked if there was any one else that would like to address Town Council. There being none, Mr. Hudson closed the Citizens Address.

III. COUNCIL RESPONSE

In response to Ms. Hayden's question regarding Tractor Trailer Parking, Mr. Hudson advised the Tractor Trailer Parking is on the agenda for action under the Public Safety Committee.

Riverwalk

Mr. Shreaves advised that he is an advocate for any project that will bring businesses to Town, if a property owner wants to develop a piece of land, it's the owners right to build on that land. Mr. Shreaves stated that he is a component of Riverwalk and that compromises can be worked out for everyone involved.

Mrs. Gulley asked if Mr. Barber can present a revised rendering showing modifications to Riverwalk project.

Mr. Barber reviewed the most recent changes to Riverwalk.

Mr. Gordon stated that he feels the project has not been thoroughly researched and agrees with Mr. Thorndike's comments.

Mrs. Gulley asked if a site visit can be arranged.

Mr Lawson made a motion to defer action on Riverwalk until September 29, 2008 contingent upon a Town Council site visit on Friday, August 29th at 6 pm., 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".

IV. AGENDA CHANGES

Mrs. Gulley made a motion to adopt the following agenda changes: 1) Action on Patriots Village was moved from Community Development to the public hearing. 2) Riverwalk was moved from Community Development to Town Council Response. 3) Parking Restrictions and Part-Time Police Officers was placed on the Public Safety agenda. Seconded by Mrs. Ball.

V. ADOPTION OF CONSENT AGENDA

Mrs. Nichols made a motion to adopt the following consent agenda, seconded by Mr. Shreaves.

- 1) Minutes of July 21, 2008 Town Council Meeting and Work Session
- 2) Cash Reports
 - a) General Fund
Cash on hand as of July 31, 2008 - \$3,046,974.06
 - b) Water Fund
Cash on hand as of July 31, 2008 - \$546,722.48
 - c) CIP
Cash on hand as of July 31, 2008, 2008 - \$642,062.38
- 3) Monthly Budget Report
- 4) School Fund Cash Report
 - a) Cash on hand as of July 31, 2008 - \$369,702.23
- 5) West Point Monthly Police Activity Report
- 6) Building Official Monthly Report
- 7) Public Works Monthly Permit Report
- 8) Community Development Monthly Permit Report
- 9) Treasurer Monthly Report

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

V. COMMITTEE REPORTS

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

1. Part-time Police Officer

Mrs. Gulley advised the Police Department has grant funds available for use towards a part-time police officer. The Town would not provide any funding for this position.

Mrs. Gulley made a motion for Town Council to create a part-time Police Officer job description with the hours and types of work of such positions limited to grant funding as available. Seconded by Mr. Lawson, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

2. Parking Resolution on Berkeley Street and Adjacent Streets – *(See Attached Resolution)*

Mrs. Gulley made a motion to adopt the Parking Resolution attached, 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".

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

Mrs. Ball advised there was nothing to report.

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

Mrs. Nichols advised there was nothing to report.

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

1. VDOT Resolution – Discontinuance of Old Rt. 33 *(See Attached Resolution)*

Mr. Gordon advised that VDOT is requesting adoption of a resolution for project adjustments to 14th Street due to the bridge construction. One of the changes is the discontinuance of a portion of old Rt. 33, west of the railroad towards the chipping plant and wood yard. The Public Works Committee disagrees with this action and would like the Town Manager to send a letter to VDOT objecting to the discontinuance. The Public Works Committee has no objection to the remainder of the changes in the resolution.

Mr. Gordon made a motion to adopt the attached resolution excluding the discontinuance of old Rt. 33. 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 for Lighting at Town Square

Mr. Gordon made a motion that Town Council award the Phase I contract for the installation of the lighting at the Town Square to Walter C. Via, Enterprises, Inc as the lowest and most responsive bidder not to exceed \$12,000 and to authorize the Town Manager to execute and deliver the signed contract and for any changes deemed necessary by approval of the Town Attorney. 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".

3. Stage/Canopy

Mr. Gordon advised there has been a change in the engineering analysis of the required foundation that will secure the canopy.

Mr. Funkhouser advised that Town Staff are proceeding as authorized by Town Council at the August meeting. The consensus of the Public Works Committee is to rescind Town Council action from the July 21st 2008 meeting. If Town Council rescinds action, the Town will lose some engineering funding that was a deposit requirement when the contract was signed.

Mr. Lawson advised Town Staff were asked to solicit three bids to construct a canopy over the stage at the Town Square. Due to the time restraint on the construction of the canopy by Crab Carnival, two companies declined to submit bids, only one company submitted a bid. Mr. Lawson also stated that he would like to rescind the motion in order to obtain additional bids. If the Town can save some money on the project by constructing the canopy in the Spring, then we should obtain addition bids.

Mr. Barber advised a contract with Soper Inc. has been signed and approximately a deposit of \$21,000 has been made. Mr. Barber suggested the action to be taken is a notice to cancel the contract and the expenses for the engineering would not be reimbursed.

Andrea Erard advised the correct motion should state “the Town Manager is authorized to give notice of the Towns intent to terminate the contract.”

Mr. Gordon made a motion to give notice of the Towns intent to terminate the contract, provided the cost incurred to date does not exceed \$5,000.

There was no second to the motion.

Mr. Gordon asked the Town Manager to obtain the engineering cost that Soper will charge for a cancellation of the contract.

Mr. Shreaves made a motion to authorize the Town Manager to execute termination of the contract as the Town Manager deems appropriate. Seconded by Mr. Gordon, upon roll call Mrs. Ball, Mr. Gordon, Mr. Lawson and Mr. Shreaves voted “Aye”. Mrs. Gulley and Mrs. Nichols voted “Nay” and Mr. Healy Abstained from voting.

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

1. Ordinance 04-08 – Outdoor Gathering (*See Attached*)

Mr. Lawson made a motion to adopt the attached Ordinance 04-08, 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. Authorization to advertise for a Public Hearing – Bunch Family Subdivision

Mr. Lawson made a motion to authorize the Town Manager to advertise for a Public Hearing a request by Glen & Carolyn Bunch for final approval of a family subdivision. 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”.

3. 7th Street Resolution for the EDA (*See Attached Resolution*)

Mr. Lawson made a motion to adopt the attached resolution, 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”.

4. Broadband Telecommunication Study – Phase II Resolution (*See Attached Resolution*)

Mr. Lawson made a motion to adopt the attached resolution and to authorize the Town Manager to apply for the Phase II planning Grant funds from DHCD in the amount of \$32,500 for the total project of which \$3,250 would be local funds required as a match. 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”.

5. Crossroads Visitor Center

Mr. Lawson advised that Town Staff has researched various locations in Town for the Visitor Center and are unable to secure a site location. Mr. Lawson asked for suggestions and comments from Town Council.

Mr. Funkhouser advised that VDOT has given the Town forty-five days to submit an outline plan for a Visitor Center, possible site locations include the Beverly Allen school and Sylvia Myers property on the corner of 13th Street and Main Street.

Mr. Lawson made a motion for the Town Manager to write a letter to VDOT advising that Town Council are not interested in pursuing the grant funding for a Visitor

Center. Seconded by Mr. Healy, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mr. Shreaves voted "Aye", Mrs. Nichols voted "Nay".

6. Parking Lot Lease for 817 Main Street (*See Attached Lease*)

Mr. Lawson made a motion to authorize the Town Manager to execute and deliver the parking lot lease prepared by the Town Attorney from John Kenny for \$1 per year. 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".

VII. TOWN MANAGER'S ITEMS

The Chief of Police advised that while Officer Jordan was struggling to make a physical arrest. Scott Sutton, a member of the West Point Volunteer Fire Department assisted Officer Jordan in the arrest.

VIII. OLD BUSINESS

There was nothing available for discussion under Old Business.

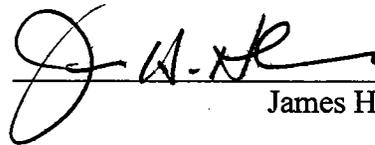
IX. NEW BUSINESS

A. Planning Commission Report - Mr. Hudson

Mr. Hudson advised that Planning Commission meet on August 6th, 2008 to discuss the following agenda items: 1) Conducted a Public Hearing and recommends Town Council approval for the Bunch Family Subdivision. 2) Reviewed the Comprehensive Plan Survey. 3) Elected Paul Diggs as chairman, Jim Vadas as Vice Chairman and Charlotte Scanlan as Secretary.

X. ADJOURNMENT

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



James H. Hudson, III
Mayor

ATTEST:



Karen M. Barrow
Town Clerk



TOWN OF WEST POINT RESOLUTION

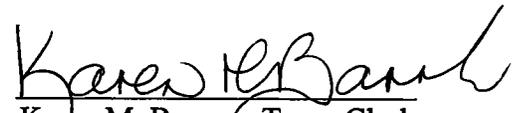
WHEREAS, section 34-35 of the West Point Town Code states that the West Point Town Council may provide for parking regulations by Resolution; and

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 of buses, trucks (except those trucks with a capacity of not more than three-fourths of a ton), trailers or semi-trailers, including any boat or other load thereon on the following public rights-of-way: 1) Bellwood Street, 2) Berkeley Street, 3) Fort Street, 4) Glenn Street and 5) Lyndale Street.

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 the public rights-of-way referenced herein 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 August 25, 2008 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"

The Town Council of West Point in regular meeting on the 25th day of August 2008 adopted the following:

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Council with a sketch dated November 20, 2007 depicting the additions, abandonment's and discontinuance's required in the secondary system of state highways as a result of Project 0033-966-1020,C501,B602 & Project 0033-966-102,C502, B601 which sketch is hereby incorporated herein by reference, and

WHEREAS, the portions of old road identified to be discontinued or abandoned are deemed to no longer serve public convenience warranting maintenance at public expense, and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned or discontinued and certain of those segments no longer serve a public need.

NOW THEREFORE BE IT RESOLVED, this Council abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155, Code of Virginia, and

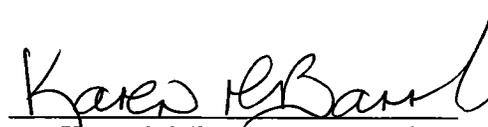
BE IT FURTHER RESOLVED, this Council requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229, Code of Virginia, and

BE IT FURTHER RESOLVED, this Council concurs with the discontinuance of part of the secondary system of highways as shown on project 0033-966-102,C-501,B-602, but the West Point Town Council disagrees with the proposed discontinuing of C2-C3, (Old Route 33 - Service Road) identified by the sketch to be discontinued, pursuant to §33.1-150, Code of Virginia, and

BE IT FURTHER RESOLVED, this Council requests the Virginia Department of Transportation that the segments identified by the sketch to be renumbered as part of the secondary system of state highways, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

A Copy Teste:


Karen M. Barrow, Town Clerk

Recorded Vote
Moved By: Mr. Gordon
Seconded By: Mr. Shreaves

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

ORDINANCE NO. 04-08

ORDINANCE NO. 04-08 ADDS TO THE WEST POINT TOWN CODE, CHAPTER 39, "OUTDOOR GATHERINGS AND STREET FESTIVALS," SECTION 39-1, "PURPOSE IN GENERAL," SECTION 39-2, "PUBLIC STREET PURPOSE," SECTION 39-3, "TOWN DEPARTMENT/ORGANIZATIONS AFFECTED," SECTION 39-4, "DEFINITIONS," SECTION 39-5, "PERMIT REQUIRED," SECTION 39-6, "APPLICATION FOR PERMIT," SECTION 39-7, "OBTAINING AN APPLICATION," SECTION 39-8, "SUBMITTING AN APPLICATION," SECTION 39-9, "CONTENTS OF APPLICATION," SECTION 39-10, "FEE," SECTION 39-11, "APPLICATION PROCESS," SECTION 39-12, "PRIORITY OF SUBMITTAL," SECTION 39-13, "DENIAL OF APPLICATION," SECTION 39-14, "NOTICE OF DECISION," SECTION 39-15, "ACTION ON APPLICATIONS," SECTION 39-16, "PERMIT LIMITATIONS AND CONDITIONS," SECTION 39-17, "CONDITIONS PRECEDENT TO GRANTING OF PERMITS; PLANS, STATEMENTS, APPROVALS, ETC., TO ACCOMPANY APPLICATION FOR PERMIT," SECTION 39-18, "INDEMNIFICATION AND INSURANCE," SECTION 39-19, "LIMITED DURATION," SECTION 39-20, "WAIVER(S)," SECTION 39-21, "APPLICANT MAY BE REQUIRED TO MEET ADDITIONAL CONDITIONS," SECTION 39-22, "PROHIBITED CONDITIONS," SECTION 39-23, "PERMIT NOT TRANSFERABLE," SECTION 39-24, "REVOCATION OF PERMIT." ORDINANCE NO. 04-08 SETS FORTH THE APPLICATION PROCESS, REQUIREMENTS AND CONDITIONS FOR OBTAINING AN OUTDOOR GATHERING/STREET FESTIVAL PERMIT IN THE TOWN OF WEST POINT. ORDINANCE NO. 04-08 ALSO SETS OUT GENERAL REGULATIONS REGARDING OUTDOOR GATHERINGS AND STREET FESTIVALS.

BE IT ORDAINED THAT the West Point Town Code shall be amended to add Chapter 39, "Outdoor Gatherings and Street Festivals," Section 39-1, "Purpose In General," Section 39-2, "Public Street Purpose," Section 39-3, "Town Department/Organizations Affected," Section 39-4, "Definitions," Section 39-5, "Permit required," Section 39-6, "Application for permit," Section 39-7, "Obtaining an Application," Section 39-8, "Submitting an Application," Section 39-9, "Contents of Application," Section 39-10, "Fee," Section 39-11, "Application Process," Section 39-12, "Priority of Submittal," Section 39-13, "Denial of Application," Section 39-14, "Notice of Decision," Section 39-15, "Action on applications," Section 39-16, "Permit Limitations and Conditions," Section 39-17, "Conditions precedent to granting of permits; plans, statements, approvals, etc., to accompany application for permit," Section 39-18, "Indemnification and Insurance," Section 39-19, "Limited Duration," Section 39-20, "Waiver(s)," Section 39-21, "Applicant may be required to meet additional Conditions," Section 39-22, "Prohibited Conditions," Section 39-23, "Permit not transferable," Section 39-24, "Revocation of permit" to read in its entirety as follows:

"Chapter 39, Outdoor Gatherings and Street Festivals

Section 39-1 Purpose In General

This article is enacted pursuant to section 15.2-1200 of the Code of Virginia, for the purpose of providing necessary regulations for the holding of outdoor gatherings or street festivals, conducted in open spaces or within an enclosed structure specifically constructed for such a purpose. This article is to establish procedures and standards governing the use of public property, the preservation of public order and safety, and the defraying of administrative expenses associated with certain types of uses.

Section 39-2 Public Street Purpose

The public streets of this town are designed to serve the public's need for efficient, safe, and convenient vehicular, pedestrian, and bicycle transportation. Yet, at times, these streets may be temporarily used for private interests under terms and conditions imposed by the town. During such use, the streets shall maintain their character as public rights-of-way, except as otherwise provided in this division.

Section 39-3 Town Department/Organizations Affected.

The Town Manager shall manage the scheduling of outdoor gatherings and street festivals. The Chief of Police, local volunteer fire department, Director of Community Development, and the Virginia Department of Transportation shall each review outdoor gathering and street festival applications and make recommendation (s) to the Town Manager.

Section 39-4 Definitions

- a. "Outdoor gathering or street festival" shall mean any public event, attraction, festival, or show at which music, dance, or other performing arts are provided by professional or amateur performers or by prerecorded means. Use of The West Point Country Club, The Van den Boogaard Center, and West Point Public Schools, shall be exempt from this ordinance.
- b. "Person" shall mean and include any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.
- c. "Sponsor" shall mean the person (as defined in this chapter) which conducts or seeks to conduct, an outdoor gathering or street festival, and will be responsible under a permit for ensuring that the activity will be conducted in accordance with these regulations as stated in this article.
- d. "Streets" shall mean public streets, sidewalks, walkways, alleys, lanes and highways located within the Town of West Point.

Section 39-5 Permit required

No person shall stage, promote, advertise or hold any outdoor gathering or street festival as defined in this chapter unless a permit has first been obtained from the Town Manager for such a gathering.

Section 39-6 Application for permit

Section 39-7 Obtaining an Application

Permit applications may be obtained from the Town Manager's Office.

Section 39-8 Submitting an Application

A complete applications shall be submitted in writing, on a form provided by the Town, and shall be submitted at least 30 days prior to the date upon which the gathering or festival is proposed to be held. The 30 day time period may be waived by the Town Manager if the size and nature of the proposed activity will not reasonably require the commitment of town resources or personnel in excess of that which are normally available or which can reasonably be made available within the necessary time period.

Section 39-9 Contents of Application

Each application shall specify the name, address, and telephone number of a contact person for the sponsor, and shall be accompanied by the required fee, plans, documents, approvals, and other materials required by this article in order to be complete. Each application must be signed by all sponsors responsible for the gathering or festival.

Section 39-10 Fee

An application fee shall be paid by the sponsor of every proposed gathering or festival. The fee for each outdoor gathering or street festival permit shall be \$100.00. 501(C)(3) non-profit organizations shall be exempt from the application fee. The Town Manager shall have the authority to waive any application fee where deemed necessary.

Section 39-11 Application Process

In order to be considered, all applicants for an Outdoor Gathering/Street Festival Permit must follow the procedures set forth in this Chapter.

Section 39-12 Priority of Submittal

Permit applications for gatherings or festivals will be processed in order of receipt. The use of a particular area is allocated in order of receipt of applications. Unless otherwise provided by these regulations, no applications shall be accepted more than twelve months prior to the proposed date of a gathering or festival.

Section 39-13 Denial of Application

A permit may be denied in writing by the Town Manager for reasons that include, but are not limited to:

- a. Receipt of Multiple Requests: a fully executed prior application for the same time and place has been received, reserving an area for an outdoor gathering which does not reasonably permit multiple occupancy of the particular area.
- b. Dangerous Activity or Location: it reasonably appears that the proposed outdoor gathering will present a danger to public safety, or health or would be unlawful (including, without limitation, where a permit or license required by the Health Department or ABC has not been obtained).
- c. Incompatible Use: the proposed outdoor gathering is of such nature or duration that it cannot reasonably be accommodated in the particular area applied for; would be inconsistent or incompatible with the purpose(s) for which the area sought to be reserved is normally reserved, or with other uses of the public area.
- d. Failure to Meet Conditions: the application proposes outdoor gatherings contrary to the limitations and conditions specified within these regulations.
- e. No Responsible Person or Entity: there is no person or entity authorized to sign an application on behalf of a group applying for a permit and/or there is no person or legal entity willing to accept responsibility for the group's adherence to the limitations set forth within these regulations.

Section 39-14 Notice of Decision

Upon receipt of a completed application for a permit, the Town Manager shall approve or deny the application within 14 calendar days of receipt of a complete application and give such applicant written notice of the decision. If denied, the reasons for such denial shall be so stated in writing.

Section 39-15 Action on applications

Section 39-16 Permit Limitations and Conditions

In approving the application, the Town Manager may set conditions or standards to protect the health, safety, welfare and property of persons attending the gathering and the citizenry in general. The Town Manager shall authorize the issuance of a permit for an outdoor gathering or street festival if it finds:

- a. That the outdoor gathering or street festival will be held at a location which complies and meets all of the health, zoning, fire and safety requirements and standards of the laws of the state and ordinances of this town applicable thereto; and
- b. That the information and documents required by this article have been filed with the Town Manager; and
- c. That it appears the proposed outdoor gathering or street festival will be conducted in full accordance with all requirements of this

article and will not substantially jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare of the residents of the town.

Section 39-17 Conditions precedent to granting of permits; plans, statements, approvals, etc., to accompany application for permit.

No permit shall be issued under this article unless the following conditions are met and the following plans, statements and approvals are submitted to the Town Manager with the application:

- (a) Dates and Hours of operation – The sponsor shall provide the date or dates and hours during which the outdoor gathering or street festival is to be conducted, together with an estimate or schedule of the dates and hours of performances, entertainments or other events. No stage presentation, music, dance, or other performing arts shall take place at an outdoor gathering or street festival between the hours of 11:00 p.m. and 8:00 a.m.
- (b) Type and nature of gathering – The applicant shall provide a description of the gathering and the type and nature of the performances, entertainment or floor shows, together with the names of the expected performers.
- (c) Toilet and/or lavatory facilities – The sponsor must arrange for such public restroom facilities as may be required by the Health Department. The Town shall bear no responsibility for the cost of providing such facilities, and it shall be the Sponsor's obligation to provide documentation to the Town Manager that all restroom facilities required by the Health Department have been arranged.
- (d) Sanitation and Garbage– Trash facilities shall be provided at the outdoor gathering or street festival by the sponsor. The sponsor shall provide a statement concerning adequate trash facilities and the sponsor shall provide a statement on who will be responsible for the removal of garbage at the end of each gathering or festival.
- (e) Medical facilities – Adequate medical facilities shall be provided as required by the Department of Public Health and the local EMS Coordinator.
- (f) Traffic and parking control – The sponsor shall provide adequate ingress and egress to the outdoor gathering or street festival premises. Adequate parking shall also be provided. The Chief of Police and local volunteer fire and rescue shall approve the traffic control and parking plans.
- (g) Street Closings – No street may be closed for a gathering or festival, unless done so pursuant to a permit issued by the Virginia Department of Transportation. No street shall be closed for a gathering or festival for a period greater than 48 hours. During the conduct of a gathering or festival, the sponsor of that gathering or festival shall comply immediately with the lawful requests of any police officer, firefighter, rescue service person or town employee, made for emergency reasons, to move any structure from a street which has been closed in connection with that gathering or festival. The sponsor shall provide a statement specifying what streets, lanes, highways, or alleys shall be closed during the gathering or festival.
- (h) Security – At least one police officer for each 500 attendees approved in the permit shall be in attendance during all performances; the sponsor shall bear the costs thereof. The sponsor shall be required to contact the West Point Police Department to make arrangements for any and all law enforcement officer(s) for the gathering or festival. In the event that a sufficient number of West Point Police officers(s) are unable to provide adequate security as required by this chapter, the sponsor shall provide other security arrangements.
- (i) Food and Beverages – All sales and/or other provision of food and/or beverages must be done in accordance with all licenses, permits and approvals (including, without limitation those required

by the Health Department and the Department of Alcoholic Beverage Control) required by law. A plan for the adequate provision and handling of food and/or beverages shall be provided with the application.

- (j) Illumination – A statement shall be provided specifying whether any outdoor lights or lighting is to be utilized, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the gathering is located.
- (k) Noise – No activity involving the use of any means of sound amplification shall be permitted between the hours of 11:00 p.m. and 8:00 a.m.
- (l) Communication system – If the premise for the gathering is without a phone the sponsor shall make arrangements, approved by the Chief of Police and Fire/Rescue Chief, for other means of communication.
- (m) Site plan – The applicant shall submit a site plan showing:
 - 1. The areas for performances or activities and grandstands or seats, showing the location of all aisles for pedestrian travel and other crowd-control measures.
 - 2. All physical facilities existing or to be constructed on the premises, including, but not limited to fences, ticket booths, grandstands and stages.
 - 3. The location, capacity and nature of all temporary lighting, sound and public address facilities.
 - 4. The location, capacity and nature of all temporary water, toilet and all other public health related facilities.
 - 5. The location of where all alcoholic beverages will be served to the public.
 - 6. Vehicle parking plan.
 - 7. Street closings

Section 39-18 Indemnification and Insurance.

- a. All Sponsors of outdoor gatherings for which a permit is required to indemnify and hold harmless the Town, its officials, employees and agents from any personal injury, death, damage to property, and any other loss, cost and/or damage occurring as a result of the gathering.
- b. Insurance or Other Liability Contract. The sponsor of a gathering shall furnish proof of a general liability and property damage insurance contract insuring the Sponsor's liability for personal injury and death and damages to property resulting from its use of public property. If alcohol is to be served or sold in connection with the gathering, then the required insurance shall cover liability specifically in connection with that activity. Failure to provide required Insurance, and documentation of the insurance, will be grounds for denial and/or revocation of a permit. The Town of West Point shall be named as an additional insured party.

Section 39-19 Limited Duration.

No gathering or street closing shall be authorized for duration of greater than 48 hours.

Section 39-20 Waiver(s)

The Town Manager shall have the authority to waive any requirement(s) as stated in this article and shall state the waiver(s) in the notice of decision as required per Section 39-6.3.

Section 39-21 Applicant may be required to meet additional conditions.

Any applicant for a permit required by this article may be required to meet any conditions, in addition to those specified in this article prior to receiving a permit to conduct an outdoor gathering or street festival, which are deemed by the Town

Manager to protect the health, safety, and general welfare of the persons attending such gatherings, or the public in general. All expenses incurred in meeting these conditions will be borne by the applicant.

Section 39-22 Prohibited Conditions

1. It shall be unlawful and constitute a Class 3 misdemeanor for any person to drive a motor vehicle (except service vehicles related to the gathering), ride a bicycle, skateboard, moped or similar device within the streets or sidewalks designated for the gathering or festival. The Sponsor shall provide signage that specifies this regulation. The signage shall be posted throughout the gathering or festival premises. The signage shall be a maximum of nine (9) square feet.
2. It shall be unlawful and constitute a Class 3 misdemeanor for any person to possess or bring into such areas a pet, reptile, bird or other animal (except animals that are a part of an exhibition or element of the gathering, and service animals, which shall comply with Section 10-5 of the Town Code) such being deemed to cause injury and annoyance and to be dangerous and offensive, with respect to the gathering. The Sponsor shall provide signage that specifies this regulation. The signage shall be posted throughout the gathering or festival premises. The signage shall be a maximum of nine (9) square feet.
3. No person shall offer the sale of goods, food or beverages on public or private property outside the gathering or street festival premises unless the person has first obtained a business license from the Town of West Point.

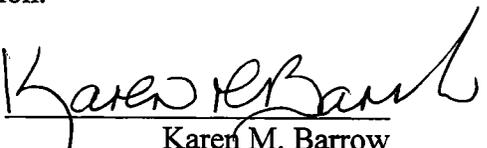
Section 39-23 Permit not transferable

No permit issued under the provisions of this chapter shall be transferable.

Section 39-24 Revocation of permit

Any violation of one or more of the requirements of this article or any violation of one or more of the terms and conditions of a permit issued hereunder shall be grounds for immediate revocation of the permit by the Town Manager. Upon revocation of the permit, the permittee shall immediately terminate the gathering or festival and provide for orderly dispersal of those in attendance. During the conduct of a gathering or festival, a permit may be revoked by the ranking Police supervisory official in charge, if continuation of the gathering or festival presents a clear a present danger to the public safety or health of the citizens of the Town of West Point, and/or for any law, regulation, or condition of the permit. The Town shall not be responsible any and all financial or other damages that result from the revocation of a permit issued pursuant to this chapter.”

Ordinance 04-08, Outdoor Gatherings, shall take effect upon adoption.


Karen M. Barrow
Town Clerk

Motion: Mr. Lawson
Second: Mr. Gordon

VOTE:

Mrs. Ball	“Aye”
Mr. Gordon	“Aye”
Mrs. Gulley	“Aye”
Mr. Healy	“Aye”
Mr. Lawson	“Aye”
Mrs. Nichols	“Aye”
Mr. Shreaves	“Aye”



7th Street Marina Project Resolution

WHEREAS the West Point Town Council desires to facilitate the development of a new marina on the Mattaponi River at the end of 7th Street in the Town of West Point; and

WHEREAS the proposed development plan for the 7th Street Marina requires the relocation of a business which has agreed to relocate, provided that the West Point Economic Development Authority (EDA) provides a suitable relocation site; and

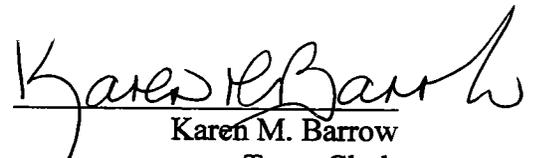
WHEREAS the EDA has located a suitable relocation site along King William Avenue that the owner of that property is willing to swap that property for the property located along Kirby Street; and

WHEREAS the EDA has contacted the owner of the property on Kirby Street and he is willing to sell the property to the EDA; and

WHEREAS C & F Bank has indicated a willingness to finance the purchase of the property on Kirby Street, provided the West Point Town Council indicates its support of the 7th Street Marina Project.

NOW THEREFORE BE IT RESOLVED that the West Point Town Council hereby indicates its support of the EDA with respect to the 7th Street Marina Project.

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 August 25th, 2008 at which meeting a quorum was present and voted throughout.


Karen M. Barrow
Town Clerk

Motion: Mr. Lawson
Second: Mrs. Nichols

VOTE:

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



Broadband Planning Study – Phase II Resolution

WHEREAS the Town of West Point has completed Phase I of a Broadband Planning Study for the Town, and

WHEREAS the Phase I report clearly identifies a need for high speed connectivity in the Town, and

WHEREAS the businesses and residents of the Town lag behind the nation and metropolitan areas in the access to broadband services, and

WHEREAS the Phase I report indicates that there is inadequate broadband availability to meet future business and residential demand, and

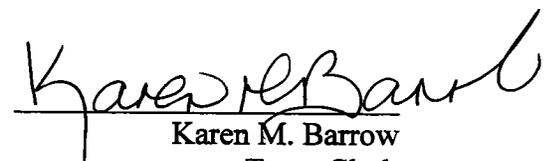
WHEREAS the Phase I report recommends that a Phase II study be conducted investigating the financial feasibility of building a open access broadband network in the Town,

WHEREAS the total cost of the Phase II study is \$32,500 with \$29,250 eligible for grant funding from the Virginia Department of Housing and Community Development and \$3,250 will be required from the Town.

NOW THEREFORE, BE IT RESOLVED the Town Council of West Point wishes to proceed with the implementation of an open access broadband network by the submission of an application to the Virginia Department of Housing and Community Development for Phase II Broadband Study in the amount of \$32,500 and authorizes \$3,250 in Town funds as the required local match.

BE IT FURTHER RESOLVED the Town Council of West Point authorizes the Town Manager to sign the necessary applications to the Virginia Department of Housing and Community Development.

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 August 25th, 2008 at which meeting a quorum was present and voted throughout.


Karen M. Barrow
Town Clerk

Motion: Mr. Lawson
Second: Mrs. Ball

VOTE:

Mrs. Ball	“Aye”
Mr. Gordon	“Aye”
Mrs. Gulley	“Aye”
Mr. Healy	“Aye”
Mr. Lawson	“Aye”
Mrs. Nichols	“Aye”
Mr. Shreaves	“Aye”

THIS LEASE, made this 1st day of September, 2008, by and between JOHN KENNEY, "Lessor", also hereinafter referred to as "Landlord", party of the first part, and the TOWN OF WEST POINT, Virginia, "Lessee", also hereinafter referred to as "Tenant", party of the second part.

W I T N E S S E T H:

Landlord hereby leases and the Tenant hereby rents from the Landlord the following described property under the following terms and conditions:

1. **PREMISES:** That certain lot situated at 817 Main Street and 827 Main Street in West Point, Virginia, tax map number 69A1-39-530.
2. **TERM:** The term of this lease shall be for a period of 12 months beginning on the 1st day of September, 2008, until the 31st day of August, 2009.
3. **RENT:** The rent shall be the sum of \$ 1.00 per year payable on September 1, 2008.
4. **PROPERTY –"AS IS":** At the commencement of the term, the Tenant shall accept the Leased property in its existing condition. No representation, statement or warranty, expressed or implied, has been made by or on behalf of the Landlord as to such conditions or as to the use that may be made of such property. In no event shall the Landlord be liable for any default in such property or for any limitation on its use. The taking of possession of the leased property by the Tenant shall be conclusive evidence that the Tenant accepts the same "as is" and that the leased property, was in good condition at the time possession was taken.
5. The Tenant agrees to hold the Landlord harmless for any acts, injuries or negligence occurring within the leased premises used, occupied or controlled by the Tenant.
6. **TAXES AND INSURANCE:** The Landlord shall pay all real estate taxes on the premises and shall maintain a policy of fire and extended coverage on the real estate . The Tenant agrees to procure an insurance policy protecting the Tenant for acts of negligence in its occupation and use of the premises.
7. **LANDLORD'S RIGHTS OF ACCESS:** The Landlord and his representatives may enter the leased premises at any reasonable time with reasonable notice to the Lessee for the purpose of inspecting the leased property.
8. **USE OF PROPERTY:** The Tenant may use and occupy the leased property for any lawful purpose. The Tenant shall not use or permit any part of the lease property to be used for any unlawful purposes.

9. REPAIR AND MAINTENANCE: The Tenant shall, during the term of this lease and any renewal or extension thereof, at its sole expense, keep the leased property in as good order and repair as it is at the date of the commencement of this lease, reasonable wear and tear or other casualty excepted. The Tenant shall not cause or permit any waste, damage or injury to the leased premises. No alterations to the property shall be made without the consent of the Landlord.
10. GROUNDS: The Tenant shall be responsible for the maintenance and upkeep for the grounds, including snow and ice removal.
11. SUBLEASE: The premises may not be subleased without the consent of the Landlord.
12. NOTICE: Any notice by either party to the other shall be in writing and shall be deemed to be duly given only if delivered personally or mailed by registered mail in a postpaid envelope addressed to the Tenant or the Landlord at the address noted in the lease.
13. ADDRESS: The address for the Landlord and the Tenant for legal notices or procedures is as follows:

Landlord: John Kenney

Tenant: Town of West Point

WITNESS the following signatures and seals:

_____(SEAL)
John Kenney, Landlord

_____(SEAL)
Town of West Point , Tenant