

**TOWN COUNCIL
WORK SESSION
Minutes
August 31, 2009
6:00 pm**

I. Scott Wilson's Quit Claim Deed

Mr. Hudson stated that he had received a Quit Claim deed from Scott Wilson for the five feet of one East/West alley adjoining Bill Gay's property. Mr. Hudson advised that on April 27, 2009, Town Council instructed the Town Manager to give Bill Gay written notice that he had until July 1, 2009 to submit a quit claim deed for the alley, otherwise Scott Wilson would be able to submit a quit claim deed for the five feet.

The consensus of Town Council was for the Mayor to execute and deliver the quit claim deed for Scott Wilson.

II. Take Home Car

Chief Hodges advised that while Sergeant Lisa Woodson is on medical leave, the police department supervisory staff would be reduced to two supervisors on call; Chief Hodges and Captain Robbie Cottrell. Captain Robbie Cottrell had submitted a request for the use of a take home vehicle while he is on call during Lisa Woodson's leave of absence.

Charlie Gordon stated that during the absence of a supervisor there should be a back up officer that is trained to act on supervisory issues until Captain Cottrell returns to Town. Mr. Gordon advised he could not support a take home car unless it was an extreme emergency.

Wayne Healy advised he had discussed with King William County the possibility of King William Sheriff's Office covering West Point when an officer had to escort a subject to Saluda jail. If King William Sheriff's Office were to cover West Point, Robbie Cottrell would not have to return to West Point while an officer is out of Town.

Chief Hodges stated he had talked with the King William sheriff and was advised that King William would be willing to respond to West Point if they receive a request but not to cover while an officer escorts a subject to jail.

Jack Lawson advised the take home car should be a marked car with lights.

Mrs. Gulley advised she would approve the take home car if it was for a limited time.

Chief Hodges advised that Sgt. Woodson would be on medical leave for three months.

The consensus of Town Council is to place the Take Home Car on the Town Council agenda for action.

III. Cityswitch

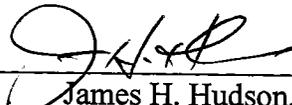
Mr. Funkhouser advised there is nothing to report regarding Cityswitch.

Andrea Erard advised she had two phone conversations with the FCC. During the phone conversations Ms. Erard explained the concerns of Town Council and was told that Norfolk Southern Railroad does not own the property that Cityswitch originally proposed the construction of the tower. The property is independently owned and taxable.

Mrs. Ball advised the King William Commissioner of the Revenue had submitted a tax bill for the tower to the property owner of the proposed site location.

Andrea Erard advised the FCC had acknowledged that Cityswitch would need to apply for any and all applicable permits for the Town prior to relocating the tower, they would

also need to contact the Virginia State Historic Preservation Office (VASHPO) for any mitigation requirements.


James H. Hudson, III
Mayor

ATTEST:


Karen M. Barrow
Town Clerk

**TOWN OF WEST POINT
TOWN COUNCIL
MINUTES
August 31, 2009**

I. CALL TO ORDER

West Point Town Council held its regular monthly meeting on Monday, August 31, 2009. The Honorable James H. Hudson III called the meeting to order at 6:30 p.m. The Reverend Betsy Bashore 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 and other interested persons.

II. CITIZENS ADDRESS TO COUNCIL

A. Police Department Recognition

Chief Bill Hodges advised the West Point Police Department is the receipting of the Chief's Challenge and an award from VDOT for seat belt safety. Chief Hodges presented both awards to Town Council.

B. Public Hearing – Ordinance 06-09 Inoperable Motor Vehicles

Mr. Hudson read the advertisement for the public hearing and stated that the Town received two request for information on Inoperable Motor Vehicles, both request are located in the Council packet with the certified advertised. Mr. Hudson asked the Town Clerk if any request were received for assistance to attend the meeting.

The Clerk advised no request were received.

Mr. Hudson opened the floor for citizens to comment on Ordinance 06-09.

1. Melvin Jacks, 3670 Chelsea Road, West Point, Virginia stated that his father had thirty nine cars at one time and kept the cars for spare parts. It would be difficult for a person to keep old cars for spare parts with the proposed ordinance. Mr. Jacks asked Town Council to reconsider the ordinance.

Mr. Hudson asked if any one else would like to comment on Ordinance, 06-09. There being none, the public hearing was closed.

C. Citizens Address to Council

Mr. Hudson asked if any one wanted to address Council on any Town related business.

1. Melvin Jacks, 3670 Chelsea Road, West Point, Virginia asked if a town resident can construct a barbeque pit in a back yard for cookouts with the proposed Burn Ordinance.

Mr. Hudson advised Mr. Jacks that a Public Hearing on the Burn Ordinance is scheduled for September 28, 2009.

Mr. Funkhouser advised the burn ordinance applies to the burning of construction debris, trees after a lot had been cleared and the burning of leaves in the street.

The Town Clerk provided Mr. Jacks with a copy of the proposed Burn Ordinance.

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

III. COUNCIL RESPONSE

None were noted.

IV. AGENDA CHANGES

Mrs. Gulley made a motion to place Take Home Vehicles for the Police Department on the agenda under Public Safety as item 3, 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".

V. ADOPTION OF CONSENT AGENDA

Mrs. Ball made a motion to adopt the following consent agenda, 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".

- 1) Minutes of July 20, 2009 Town Council Meeting with Work Session and Continued Meeting of August 13, 2009.
- 2) Cash Reports
 - a) General Fund
Cash on hand as of July 31, 2009 - \$2,894,606.43
 - b) Water Fund
Cash on hand as of July 31, 2009 - \$710,593.79
 - c) CIP
Cash on hand as of July 31, 2009 - \$1,777,243.99
- 3) Monthly Budget Report
- 4) School Fund Cash Report
 - a) Cash on hand as of July 31, 2008 - \$445,639.90
- 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

V. COMMITTEE REPORTS

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

1. Fire Protection Ordinance

Mrs. Gulley made a motion to authorize the Town Manager to advertise the proposed Chapter 28.5 Fire Prevention for a public hearing on September 28, 2009, 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".

2. 16th Street Parking Resolution [See Attached Resolution]

Mrs. Gulley 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".

3. Police Take Home Vehicle

Mrs. Gulley made a motion to allow a temporary exception for ninety (90) days to the Take Home Vehicle Policy for the West Point Police Department to allow Captain Cottrell to drive home a marked police car when he is on call provided that the vehicle is only to be used while on official police business, seconded Mr. Shreaves.

Mr. Gordon advised the Take Home Police Car issue had been discussed for many years and this particular situation should have been taken care of through management long before the town was placed in this position. Officers should have

been trained for back up situations such as this. The Take Home Car issue is an opportunity to open the door for other problems and issues within the town.

Mrs. Gulley stated that she respectfully disagrees with Mr. Gordon, that the motion is a temporary exception for ninety (90) days. Under the current provisions, when Captain Cottrell is called into town, he has to go to the Police Department first for a police vehicle then travel to the location of an incident. The temporary exception would allow Captain Cottrell to respond directly to the scene of the incident which would save time.

Upon roll call Mrs. Ball, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye". Mr. Gordon and Mr. Healy voted "Nay". The motion was approved on a 5 – 2 vote.

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

1. Government Access Channel Controller

Mrs. Ball made a motion for Town Council to approve Purchase Order # 1590 in the amount of \$7,676.00 and acceptance of the quote from IT CO-OP dated July 30, 2009 for the video controller, installation and basic training. 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".

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. Street Sweeper Purchase

Mr. Gordon made a motion that Town Council approve the purchase of a TYMCO Model 435 Regenerative Air Street Sweeper from Mid-Atlantic Waste Systems with a purchase price not to exceed \$102,900.00 per quote # RSSQ10238, 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".

Mr. Funkhouser advised he would arrange a demonstration of the equipment for Mr. Gordon.

2. Water Meter Data Collector

Mr. Gordon made a motion for Town Council to approve the purchase of a Neptune Technology Handheld Data Collector (Model # CE5320B) from HD Supply with a purchase price not to exceed \$6,500 per quote dated July 30, 2009, 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. Public Works Parking Lot Paving

Mr. Gordon made a motion for Town Council to approve purchase order # 1628 in the amount of \$3,500 and acceptance of the quote from R&W Contractors dated August 12, 2009 to perform paving and asphalt sealing work at the Town Public Works facility on King William Avenue, 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".

Mr. Hudson asked the Town Manager to arrange a tour of the new Public Works facility for Town Council.

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

1. Inoperable Motor Vehicles – Ordinance 06-09 [*See Attached Ordinance*]

Mr. Lawson made a motion that Town Council adopt Ordinance 06-09, Inoperable Motor Vehicle text amendments as presented, 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. VHB Contract for Riverwalk

Mr. Lawson made a motion for Town Council to approve amendments dated June 1, 2009 to the VHB Contract No. 82221.03 dated March 24, 2004 to assist with the completion of Riverwalk. The work would be funded by the Enhancement Program of the Virginia Department of Transportation, 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".

Mr. Lawson advised that work on the project would begin in spring of 2010.

3. Deed of Gift for Property on Cherokee Street

Mr. Lawson made a motion for Town Council to accept the Proposed Deed of Gift of Parcel 63A-6-F-6 by Mayer Sarfan, subject to any changes to the deed deemed necessary by the Town Attorney and for the Mayor or Town Manager to be authorized to sign any necessary documents associated with the proposed deed of gift and subject to satisfactory title search at the current property owners expense, 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".

Mrs. Gulley asked if the property is a wetlands mitigation.

Mr. Hudson advised yes, the property can not be developed due to a wetlands mitigation agreement with DEQ.

4. Referral of Plan of Development to Planning Commission

Mr. Lawson made a motion that Town Council refer Section 70-51, Plan of Development to Planning Commission for review and for Planning Commission to report to Town Council a recommendation and to authorize the Town Manager to advertise once a recommendation had been received, 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

Mr. Funkhouser advised there was nothing to report.

VIII. OLD BUSINESS

There was nothing to report.

IX. NEW BUSINESS

A. Planning Commission Report - Mr. Hudson

Mr. Hudson advised the following were action items of the Planning Commission regularly scheduled monthly meeting on August 5, 2009: 1) Planning Commission voted to authorize advertisement for a public hearing on Ordinance 07-09, Corner Lots. 2) Planning Commission continued with the Comprehensive Plan updates.

B. September Town Council Meeting

Mayor Jim Hudson asked the Town Clerk to place a Closed Session on the September Town Council agenda to discuss the Chief of Police Contract. Town Council needs to notify Chief Hodges by October 1, 2009 if they intend to renew his contract.

C. Public Safety Meeting

Mrs. Gulley asked Mrs. Nichols if the Public Safety Committee meeting could be on Wednesday, September 16th with the Education Committee meeting at 5:15 pm.

The consensus of the Education Committee and Public Safety Committee was to meet on Wednesday, September 16, 2009 at 5:15 pm.

X. ADJOURNMENT

There being no further business. Mayor Hudson adjourned the meeting at 7:10 pm.



James H. Hudson, III
Mayor

ATTEST:



Karen M. Barrow
Town Clerk



TOWN OF WEST POINT RESOLUTION

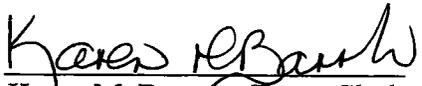
WHEREAS, section 34-35 of the West Point Town Code states that the West Point Town Council may provide for parking regulations by Resolution; and

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 on the south side of 16th Street from Main Street east to the entrance of the TPMG parking lot at 408 16th Street; and

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 16th 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 August 31st, 2009 at which meeting a quorum was present and voted throughout.


Karen M. Barrow, Town Clerk

ORDINANCE NO. 06-09 AMENDS CHAPTER 38, "OFFENSES-MISCELLANEOUS," ARTICLE I, "IN GENERAL," SECTION 38-2, "OPEN STORAGE OF INOPERATIVE VEHICLES" TO MODIFY THE SECTION TO PROVIDE THAT ONE INOPERATIVE MOTOR VEHICLE MAY BE KEPT OUTSIDE OF AN ENCLOSED BUILDING PROVIDED THAT IT IS SHIELDED OR SCREENED FROM VIEW WITH A PROPERLY MAINTAINED VEHICLE COVER. ORDINANCE NO. 06-09 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VIRGINIA CODE SECTION 15.2-904.

BE IT ORDAINED THAT, Chapter 38, "Offenses-Miscellaneous," Article I, "In General," Section 38-2, "Open storage of inoperative vehicles" shall be amended to read in its entirety as follows:

"Sec. 38-2. Open storage of inoperative vehicles.

- (a) It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded from public view ~~by covering with a properly maintained vehicle cover~~, on any property within the town zoned for residential, commercial or agricultural purposes, any motor vehicle, trailer or semitrailer, as such are defined in the Code of Virginia, § 46.2-100, which is inoperative; however, one (1) such vehicle may be kept outside a fully enclosed building or structure, provided that it is shielded or screened from view with a properly maintained vehicle cover. The placing, draping or securing of a tarpaulin over or around an inoperable motor vehicle shall not be sufficient to comply with the requirements of this article.
- (b) For the purposes of this section, an "inoperative motor vehicle" is any motor vehicle which is not in operating condition; or which, for a period of 60 days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle; or for which there is no valid license plate and/or inspection sticker.
- (c) The provisions of this section shall not apply to a licensed business which, on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.
- (d) It shall be unlawful for the owner of the property on which any motor vehicle, trailer or semitrailer is kept in violation of this section to fail to remove same, and each day that the failure continues shall constitute a separate offense.
- (e) Notwithstanding the criminal sanctions of this section, the town manager may direct, by notice in writing to the owner of the property on which a motor vehicle, trailer or semitrailer is located in violation of this section, that the vehicle be removed from the property within five days of the date of the notice. The notice shall be delivered to the owner of the property or mailed to him at his address shown on the town tax records, and if the identity of the owner of the vehicle can reasonably be determined and the vehicle is not owned by the owner of the property, a copy of the notice shall also be delivered or mailed to the owner of the vehicle. If the vehicle is not removed within five days after the delivery or mailing of the notice, the town manager, as agent of the town council, may seize and remove or provide for the removal of the vehicle. If the vehicle has not been claimed within 30 days after its seizure, the town manager, as agent of the town council, shall give notice in the manner prescribed above to the owner of the property, the vehicle and the lienor, if any, that the vehicle will be sold at public auction not less than ten days following the mailing of the notice. Notice of the sale shall also be published in a local newspaper not less than seven days prior to the sale.
- (f) At any time prior to the sale of a vehicle under this section, the owner of the vehicle or lienor of same may recover possession by payment of all costs and expenses in connection with the seizure, storing and sale of the vehicle.
- (g) The proceeds of the sale of a vehicle under this section shall be applied to the costs of the seizure, storing and sale of the vehicle, and the balance, if any, shall be deposited to the general fund of the town. The owner of the vehicle or lienor may file a claim for such funds within three years after the date of the sale, and upon satisfactory proof of ownership or lien, the net proceeds shall be paid to the owner or lienor without interest. No claim shall be made or action filed to recover such funds more than three years after the date of the sale.

- (h) The costs of the seizure, storing and sale of a vehicle under this section shall be chargeable to the owner of the vehicle or the premises, jointly and severally, and may be collected by the town as taxes and levies are collected. The costs of the seizure, storing and sale shall constitute a lien against the real estate from which the vehicle is removed.”


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”