

**TOWN COUNCIL  
WORK SESSION  
Minutes  
September 28th, 2009  
6:00 pm**

**I. Cityswitch**

Andrea Erard advised she had received a phone call from Cityswitch with an offer to accept the most recent negotiations with the Town that includes painting the tower. Cityswitch have been advised they would need to submit a request for abandonment of the alley and would be required to provide an accurate survey.

Jim Hudson stated a Special Use permit would be required, a public hearing with Planning Commission and a final public hearing with Town Council unless they are able to provide proof of exemption from the permit process.

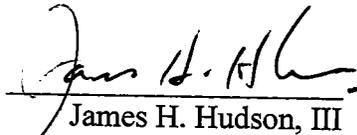
The consensus of Town Council is for Cityswitch to submit an offer in writing to the Town Attorney.

**II. School Property Acquisition**

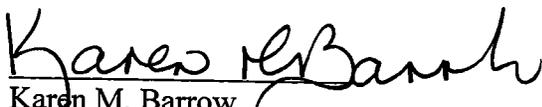
Trent Funkhouser advised the School Board had an agreement to purchase the Sydnor property on Chelsea Road and are requesting Town Council approve the purchase. The funds are available in the Property Acquisition line item to purchase the property.

The consensus of Town Council is to proceed with the purchase of the property and for the title to be placed in the Town's name.

Mr. Funkhouser advised the Town would be responsible for the demolition of the two houses.

  
James H. Hudson, III  
Mayor

ATTEST:

  
Karen M. Barrow  
Town Clerk

**TOWN OF WEST POINT  
TOWN COUNCIL  
MINUTES  
September 28, 2009**

**I. CALL TO ORDER**

The West Point Town Council held its regular monthly meeting on Monday, September 28, 2009. The Honorable James H. Hudson III called the meeting to order at 7:30 p.m. Reverend Brad Billet gave the Invocation followed by the Pledge of Allegiance.

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

Members Absent: Wayne Healy

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

**II. CITIZENS ADDRESS TO COUNCIL**

A. Resolution to Honor Sharon R. Miller [*See Attached Resolution*]

Mr. Hudson presented Sharon Miller with a resolution to honor his services with the Economic Development Authority.

B. School Report on 1<sup>st</sup> Day of School

Dr. Jeffery Smith stated the 1<sup>st</sup> day of school was on August 31<sup>st</sup> 2009 and went very smoothly. The current student enrolment is seven hundred, seventy three (773), this is slightly above the projected enrollment.

C. Public Hearing – Ordinance 07-09 / Corner Lots

Mr. Hudson read the advertisement and asked the Town Clerk if any one requested a copy of the ordinance, submitted comments in writing or asked for assistance to attend the public hearing.

The Town Clerk advised no request were received.

Mr. Hudson opened the floor for citizens to comment on Ordinance 07-09. There being none, the public hearing was closed.

D. Public Hearing – Ordinance 09-09 / Fire Prevention

Mr. Hudson read the advertisement and asked the Town Clerk if any one requested a copy of the ordinance, submitted comments in writing or asked for assistance to attend the public hearing.

The Town Clerk advised that Melvin Jacks received a copy of Ordinance 09-09 and no other request were received.

Mr. Funkhouser advised Ordinance 09-09 enforces no burning of trash.

Mrs. Ball asked Mr. Funkhouser to explain the no burning.

Mr. Funkhouser advised Ordinance 09-09 applies to no burning of construction debris, clearing of lots for development and leaves in the street. A property owner can burn limbs and brush in accordance with the State Fire Code.

Mr. Hudson opened the floor for citizens to comment on Ordinance 09-09. There being none, the public hearing was closed.

#### E. Citizens Address to Council

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

1. Bernard Lee, 284 Ogden Street, West Point, Virginia asked if speed bumps could be place on Ogden Street to slow down speeding traffic.

Mr. Funkhouser advised he would review the speeding traffic with the police department and that Mr. Lee is the new postmaster for West Point Post Office.

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

None were noted.

### IV. AGENDA CHANGES

Mrs. Gulley made a motion for Town Council to adopt the following agenda changes: 1) Removal of the Closed Session from New Business. 2) School Property Acquisition placed under the Town Manager agenda items. Seconded by Mrs. Ball, Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, 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. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

- 1) Minutes of August 31, 2009 Town Council Meeting and Work Session
- 2) Cash Reports
  - a) General Fund  
Cash on hand as of August 31, 2009 - \$6,177,238.31
  - b) Water Fund  
Cash on hand as of August 31, 2009 - \$702,776.18
  - c) CIP  
Cash on hand as of August 31, 2009 - \$1,151,634.85
- 3) Monthly Budget Report
- 4) School Fund Cash Report
  - a) Cash on hand as of August 31, 2009 - \$246,589.47
- 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. Ordinance 09-09 / Fire Prevention [*See Attached Ordinance*]

Mrs. Gulley made a motion for approval of Ordinance 09-09 as presented, seconded by Mr. Gordon. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

2. Police Department Laptops Software Purchase

Mrs. Gulley made a motion for approval of the purchase of DaPro Systems software as identified by Town Purchase Order No. 1563 with a purchase price not to exceed \$5,100. Seconded by Mrs. Ball, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

3. Halloween Resolution [*See Attached Resolution*]

Mrs. Gulley made a motion to adopt the Halloween resolution for October 31, 2009, seconded by Mr. Gordon. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

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

1. Appointment to Board of Zoning Appeals

Mrs. Ball made a motion for the Town Attorney to submit a recommendation to Judge Hoover of King William County Circuit Court to appoint Daniel Hockenberger and Lynda Weaver to the Board of Zoning Appeals for a five year term commencing October 1, 2009 through September 30, 2014. Seconded by Mr. Lawson, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

2. Appointments to the Wetlands Board

Mrs. Ball made a motion that Town Council reappoint Daniel Hockenberger and Lynda Weaver to the Wetlands Board for a five year term commencing October 1, 2009 through September 30, 2014. Seconded by Mr. Lawson, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

3. Appointments to Economic Development Authority

Mrs. Ball made a motion to appoint Carol Cunningham and John Koch to the Economic Development Authority for a four year term commencing October 1, 2009 through September 30, 2013. Seconded by Mr. Shreaves, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson and Mr. Shreaves all voted "Aye", Mrs. Nichols abstained from voting.

4. Appointments to Building Code of Appeals

Mrs. Ball made a motion for Town Council to appoint Daniel Hockenberger and George D. Barrow to the Building Code of Appeals for a four year term commencing October 1, 2009 through September 30, 2013. Seconded by Mr. Lawson, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

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

1. School Budget Amendment Resolution [*See Attached Resolution*]

Mrs. Nichols advised that unexpected funds had been made available from the State through the Individuals with Disabilities Act to the West Point School System in the amount of \$138,505.

Mrs. Nichols made a motion to adopt the attached resolution and to appropriate \$138,505 to the School Board for expenditure as stated in the grant requirements. Seconded by Mr. Shreaves, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

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

1. Kirby Street Waterline Award of Contract

Mr. Gordon made a motion for Town Council to authorize the Town Manager to issue a notice of award to J. Sanders Construction Company as the apparent low

bidder for the Kirby Street Waterline (Project No. 1571-005) and authorize the Town Manager or Mayor to execute the contract documents and related project documents on behalf of the Town. Seconded by Mr. Lawson, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

2. Lee Street Waterline Award of Contract.

Mr. Gordon made a motion for Town Council to authorize the Town Manager to issue a notice of award to J. Sanders Construction Company as the apparent low bidder for the Lee Street Waterline (Project No. 1571-006) and authorize the Town Manager or Mayor to execute the contract documents and related project documents on behalf of the Town. Seconded by Mr. Lawson, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

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

Mr. Lawson advised there was nothing to report.

**VII. TOWN MANAGER'S ITEMS**

A. Parking Resolution [*See Attached Resolution*]

Mrs. Gulley made a motion to adopt the attached Parking Resolution, seconded by Mrs. Nichols. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

B. Deed of Gift from the Carl Olsson Estate

Mr. Gordon made a motion for Town Council to adopt the attached Deed of Gift from the Carl Olsson Estate. Seconded by Mrs. Nichols, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

C. Acquisition of Property

Mr. Funkhouser advised the owner of the property located at 2730 Chelsea Road had agreed to see the property adjoining the School complex for \$125,000.

Mr. Lawson made a motion for Town Council to purchase the property at 2730 Chelsea Road known as Tax Map Number 63A7-2-163B and 63A7-2-162B, and for the property to be recorded in the Town's name until further notice. Seconded by Mrs. Nichols, upon roll call Mrs. Ball, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye" Mrs. Gulley and Mr. Gordon abstained from voting.

**VIII. OLD BUSINESS**

There was nothing to report for Old Business.

**IX. NEW BUSINESS**

A. Planning Commission Report - Mr. Hudson

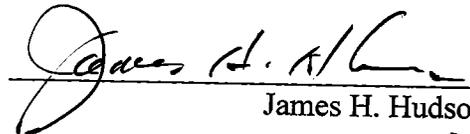
Mr. Hudson advised the following were action items of the Planning Commission regularly scheduled monthly meeting on September 2, 2009: 1) Conducted a Public Hearing on Ordinance 07-09/Zoning Text Amendment for Corner Lots. 2) Approved the Plan of Development for Sue and Paul Kurfee's Storage Units at the Industrial Park. 3) Authorized Advertisement for a Public Hearing on Ordinance 08-09/Plan of Development Zoning Text Amendment for October 7, 2009. 4) Requested that Holly McGowan prepared a proposed Ordinance for Right-of-Way-Easement and utility setbacks.

B. Ordinance 07-09 / Corner Lots [*See Attached Ordinance*]

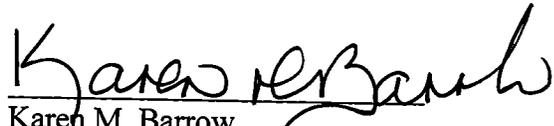
Mr. Lawson made a motion to adopt the attached ordinance 07-09/Corner Lots, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

**X. ADJOURNMENT**

There being no further business, Mr. Hudson adjourned the meeting at 7:25 pm.

  
\_\_\_\_\_  
James H. Hudson, III  
Mayor

ATTEST:

  
\_\_\_\_\_  
Karen M. Barrow  
Town Clerk

**TOWN of WEST POINT  
RESOLUTION TO HONOR  
Sharon Raymond Miller**

WHEREAS; Town Council first appointed Sharon Raymond Miller to the Industrial Development Authority on November 26, 2001; and

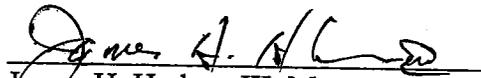
WHEREAS, Sharon Raymond Miller was reappointed to the Economic Development Authority on October 1, 2005 for a second term through September 30, 2009; and

WHEREAS; Sharon Raymond Miller was elected by fellow Economic Development Authority members to serve as Vice Chairman on August 21, 2002 through February 10<sup>th</sup> 2009 and as Chairman from February 11, 2009 through September 30, 2009, and

WHEREAS; Sharon Raymond Miller gave freely of his time, knowledge and exceptional leadership skills to increase revenues for the Town through business opportunities, both new and existing, by working relentlessly through extremely tough unfavorable economic conditions for the growth of the EDA and the Town.

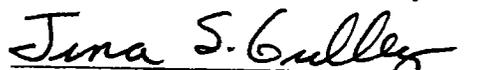
NOW THEREFORE BE IT RESOLVED; the Town Council of the Town of West Point, Virginia, expresses sincere thanks and appreciation to Sharon Raymond Miller for his endless and energetic dedication to Economic Development in the Town of West Point.

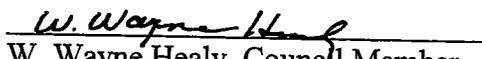
Certified to be a true copy of a resolution adopted by the Town Council of the Town of West Point at its regular monthly meeting held September 28th, 2009 at which meeting a quorum was present and voted throughout.

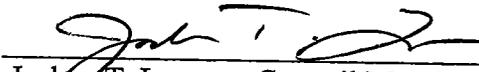
  
James H. Hudson III, Mayor

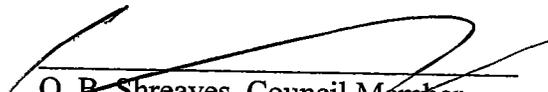
  
Deborah Thorne-Ball, Vice Mayor

  
Charles D. Gordon, Council Member

  
Tina S. Gulley, Council Member

  
W. Wayne Healy, Council Member

  
Joshua T. Lawson, Council Member

  
O. B. Shreaves, Council Member

  
Gail C. Nichols, Council Member

ORDINANCE 09-09 ADDS CHAPTER 28.5, "FIRE PROTECTION," ARTICLE 1, "FIRE PREVENTION CODE," SEC. 28.5-1, "DEFINITIONS," SEC. 28.5-2, "PENALTY FOR VIOLATION OF CHAPTER," SEC. 28-5-3, "OPEN BURNING PERMITTED," SEC. 28.5-4, "OPEN BURNING PROHIBITED," SEC. 28.5-5, "FIRES ON STREETS," SEC. 28.5-6, "PERMISSION REQUIRED TO BURN BUILDING OR STRUCTURE," SEC. 28.5-7, "ACCUMULATION OF WASTE," SEC. 28.5-8, "ORDER TO ABATE – GENERALLY," SEC. 28.5-9, "ORDER TO ABATE – SERVICE," SEC. 28.5-10, "LIABILITY FOR EXPENSES INCURRED IN FIGHTING CERTAIN FIRES," SEC. 28.5-11, "OBEDIENCE TO ORDER AT SCENE OF FIRE; EXCLUSION OF SPECTATORS" TO THE WEST POINT TOWN CODE. ORDINANCE 09-09 REGULATES THE USE OF FIRE IN THE TOWN OF WEST POINT AND PRESCRIBES THAT VIOLATIONS OF ORDINANCE 09-09 ARE A CLASS 1 MISDEMEANOR (SOME VIOLATIONS ARE SPECIFIED AS A CLASS 3 MISDEMEANOR). ORDINANCE 09-09 IS CONSIDERED PURSUANT TO THE POLICE POWER AS WELL AS THE GRANT OF AUTHORITY CONTAINED IN VIRGINIA CODE § 10.1-1142.

BE IT ORDAINED that the West Point Town Code shall be amended by adding Chapter 28.5, "Fire Protection," Article 1, "Fire Prevention Code," Sec. 28.5-1, "Definitions," Sec. 28.5-2, "Penalty for violation of chapter," Sec. 28-5-3, "Open burning permitted," Sec. 28.5-4, "Open burning prohibited," Sec. 28.5-5, "Fires on streets," Sec. 28.5-6, "Permission required to burn building or structure," Sec. 28.5-7, "Accumulation of waste," Sec. 28.5-8, "Order to abate – generally," Sec. 28.5-9, "Order to abate – service," Sec. 28.5-10, "Liability for expenses incurred in fighting certain fires," Sec. 28.5-11, "Obedience to order at scene of fire; exclusion of spectators" to read in its entirety as follows:

**"Sec. 28.5-1 Definitions.**

- A. "Construction Waste" means that solid waste which is produced by construction activities at a site.
- B. "Demolition waste" means that solid waste which is produced by the destruction of structures and their foundations and includes the same materials as construction waste.
- C. "Fire Department" means that West Point Volunteer Fire and Rescue Squad or any similar entity providing fire, emergency or medical services to persons or property within the corporate limits of the town.
- D. "Garbage" means rotting animal and vegetable matter accumulated by a household in the course of ordinary day to day living.
- E. "Land Clearing Debris" means stumps, wood, brush, and leaves from commercial property maintenance and/or land clearing operations.
- F. "Open burning" means the burning of any matter in such a manner that the products resulting from combustion are emitted directly into the atmosphere without passing through a stack, duct or chimney.
- G. "Refuse" means trash, rubbish, garbage and other forms of solid or liquid waste, including, but not limited to, wastes resulting from residential, agricultural, commercial, industrial, institutional, trade, construction, land clearing, forest management and emergency operations.
- H. "Smoke" means small gas-borne particulate matter consisting mostly, but not exclusively, of carbon, ash and other material in concentrations sufficient to form a visible plume.

I. "Yard waste" Include leaves, brush, grass, stumps, scrub vegetation, bushes, and twigs or branches from a developed residential property.

**Sec. 28.5-2 Violations.**

Unless otherwise specifically provided in this chapter, a violation of any provision of this chapter shall constitute a Class 1 misdemeanor.

**Sec. 28.5-3 Open Burning permitted.**

Open burning shall be allowed for recreational fires, highway safety flares, smudge pots and similar occupational needs, and the burning of yard waste when conducted in accordance with this code; provided, however, pursuant to section 10.1-1142 of the Code of Virginia, it shall be unlawful for any person to burn, or to procure another to burn any woods, brush, logs, leaves or grass upon such land unless he previously has taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to other lands.

Any person who builds a fire in the open air, or uses a fire built by another in the open air shall totally extinguish the fire before leaving the area and shall not leave the fire unattended.

No person shall burn any materials without obtaining all permits required by state law.

Open burning for the disposal of land clearing debris waste shall be allowed when all permits required by state law are obtained, when conducted in accordance with applicable regulations of the Virginia Department of Environmental Quality and when proof of permits or proof of exemption for permits is provided to the Town Manager before any open burning of land clearing debris is conducted.

The provisions of this chapter shall not apply to any fires which may be set on federal lands.

In the event of a declaration of local emergency, the building official or fire marshal may allow the burning of debris or waste in order to protect the health, safety and welfare of the public.

Any person violating any of the provisions of this section shall be guilty of a Class 3 misdemeanor for each separate offense.

**State law references:** Code of Virginia, § 10.1-1142

**Sec. 28.5-4 Open burning prohibited.**

Open burning of construction waste, demolition waste, refuse, garbage or trash is prohibited.

Any person violating any of the provisions of this section shall be guilty of a Class 3 misdemeanor for each separate offense.

**State law references:** Code of Virginia, § 10.1-1142.

**Sec. 28.5-5 Fires on Streets.**

It shall be unlawful for any person to burn, or cause to be burned, leaves, trash or other materials or any substance of any kind on any of the streets or alleys of the Town.

**Sec. 28.5-6 Permission required to burn building or structure.**

Any person who desires to intentionally destroy or raze, by fire or burning, any building, structure or part thereof which is located within the corporate limits of the town must obtain permission from the building official and fire department. The permission shall be necessary whether or not the fire department is assisting in the destruction. The term "building or structure," as used in this section, shall mean all buildings or structures of whatever nature, regardless of the use or size.

**Sec. 28.5-7 Accumulations of waste.**

Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court, yard, vacant lot, alley, parking lot, open space, beneath a grandstand, pier, wharf or other similar structure. All weeds, grass, vines or other growth, when same endangers property or is liable to be fired, shall be cut down and removed by the owner or occupant of the property.

**Sec. 28.5-8 Order to abate.**

(a) Whenever the building official or other designated inspector shall find in any buildings or upon any premises dangerous or hazardous conditions or materials as follows, the building official or other designated inspector shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified by the building official or other designated inspector:

(1) Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.

(2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials.

(3) Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly combustible materials.

(4) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible material from hoods, grease extractors and ducts.

(5) Obstructions to or on fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire.

(6) Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.

**Sec. 28.5-9 Order to abate -Service.**

An order issued pursuant to this chapter shall be served upon the property owner, occupant or other person responsible for the conditions referred to therein, either by delivering a copy thereof to such person or by delivering it to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served in any manner provided by law

**Sec. 28.5-10 Liability for expenses incurred in fire-fighting.**

Any person who negligently, carelessly or intentionally, without using reasonable care and precaution to prevent its escape, starts a fire which burns on forestland, brush land or wasteland or burns property of any kind, shall, in addition to any other penalty imposed by the provisions of this code and other ordinances of the town, be liable for the full amount of expenses incurred by the fire department in fighting or extinguishing such fire.

**State law references:** Code of Virginia, § 18.2-88.

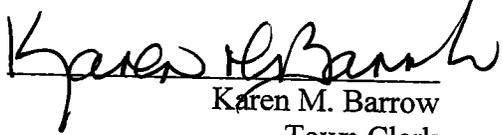
**Sec. 28.5-11 Obedience to orders at scene of fire; exclusion of spectators.**

(a) Every person present at a fire shall be subject and obedient to the orders of firefighters and law enforcement officers in any matter relating to extinguishing the fire, removal and protection of persons and property endangered by fire, smoke or water, freedom of fire department and medical personnel and apparatus to perform their duties or to function property and the maintenance of order at or near the scene of the fire. It shall be a Class 4 misdemeanor for any person to disobey any such order of a firefighter or law enforcement officer. Any law enforcement officer shall have authority to arrest persons who disobey such orders and to hold them in custody until the fire has been extinguished, at which time the violators shall be dealt with according to law.

(b) The fire department officer in command at the scene of any fire and the law enforcement officers present shall exclude all persons from buildings and grounds adjacent thereto, during a fire, and no person, except town officials and employees in the discharge of their duties, shall have the right to enter within the area surrounding such fire, except owners of property thereat, or such other persons as may obtain permission of the fire department officer in command. Law enforcement officers shall have authority to take into custody all persons persisting in any interference with the work of the fire department in the manner provided in subsection (a) above.

**Sec. 28.5 through 12-25 Reserved.”**

Ordinance 09-09 shall take effect upon adoption.

  
Karen M. Barrow  
Town Clerk

Vote:

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



## TOWN OF WEST POINT HALLOWEEN RESOLUTION

RESOLVED, that all trick-or-treaters on Halloween night, Saturday, October 31, 2009 in the Town of West Point may canvass no later than 8:00 p.m. and masks may not be worn by any persons canvassing who is older than 13 years of age.

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 September 28, 2009 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    | Absent |
| Mr. Lawson   | "Aye"  |
| Mrs. Nichols | "Aye"  |
| Mr. Shreaves | "Aye"  |



**TOWN OF WEST POINT  
SCHOOL RESOLUTION  
FY 09-10 Budget Amendment (#02-09)**

WHEREAS: Additional funds have been made available to the West Point Public Schools from the Individuals with Disabilities Act in the amount of \$138,505; and

WHEREAS: These funds must meet certain requirements for cost reimbursement and are a one-time revenue that may not be provided by the Commonwealth of Virginia in future fiscal years.

NOW THEREFORE BE IT RESOLVED: The West Point Town Council amends the 2009-2010 Town Budget by adding \$138,505 to the budget. The total Town budget increases from \$20,421,205.41 to \$20,559,710.41 and the total School Board Budget increases from \$10,727,445.41 to \$10,865,950.41 and that Town Council appropriates \$138,505 to the West Point School Board for expenditure as stated in the grant requirements.

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 September 28, 2009 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    | Absent |
| Mr. Lawson   | "Aye"  |
| Mrs. Nichols | "Aye"  |
| Mr. Shreaves | "Aye"  |



**TOWN OF WEST POINT  
RESOLUTION  
PARKING RESTRICTIONS**

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 for the following reasons:

- 1) Temporary parking prohibitions to aid street sweeping and debris removal, facilitate traffic, etc. The town manager or designee may post signs limiting or prohibiting parking on any street when necessary to aid street sweeping, removal of snow, ice, leaves or other debris or facilitate the moving of traffic. It shall be unlawful for any person to park any vehicle within the areas limiting or prohibiting parking after signs have been posted and prior to their removal, or fail to remove a vehicle from any street on which signs have been erected within twelve (12) hours after such signs have been posted.
- 2) Display of state inspection or state license. It shall be unlawful to park any vehicle that does not have either a current state inspection or does not have a current state license properly displayed as required by law.
- 3) Privately owned parking areas. It shall be unlawful to park any vehicle on any privately owned parking lot or other parking area without the express or implied consent of the owner thereof.

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 as necessary 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 September 28, 2009 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    | Absent |
| Mr. Lawson   | "Aye"  |
| Mrs. Nichols | "Aye"  |
| Mr. Shreaves | "Aye"  |



**TOWN OF WEST POINT  
RESOLUTION**

RESOLVED, (i) that the Town Council of the Town of West Point authorizes its Mayor to receive, on behalf of the Town, the real property described below; (ii) to execute, and accept on behalf of the Town the deed attached hereto; and (iii) that the Town Attorney is authorized and directed to approve the forms of the deed:

Accept a deed of gift from the Carl A. Olsson Trust quitclaiming the trust's interest in Lot 981, Town of West Point, King William County.

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 on September 28, 2009, at which meeting a quorum was present and voting throughout.

  
Karen M. Barrow  
Town Clerk

Vote:

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

Ordinance No. 07-09

Ordinance No. 07-09 amends Chapter 70, "Zoning," Article II, "Rules of Interpretation and Definitions," Section 70-24, "Definitions," and Article XIX, "Supplementary Regulations," Section 70-332, "Projections into required yards," and section 70-333, "Yards on corner lots and through lots" of the West Point Town Code to modify the definition of corner lot and to limit uncovered porches, steps, landings, patios, decks and similar building features in the R-3 and R-4 zoning districts. Ordinance No. 07-09 also provides that residential ramps and landing necessary for use by physically disable persons may project into required yards by up to twelve feet and that the front yard shall be deemed to be the shorter of the two sides fronting on streets and shall meet the required front yard setback and the corner side yard facing the side street shall be as follows: Fifteen (15) feet or more for both main and accessory buildings in the R-1 and R-2 zoning districts; Ten (10) feet or more for both main and accessory buildings in the R-3 and R-4 zoning district. Ordinance No. 07-09 is considered pursuant to the grants of authority contained in Virginia Code sections 15.2-2280, 15.2-2283 and 15.2-1185.

BE IT ORDAINED that Chapter 70, "Zoning," Article II, "Rules of Interpretation and Definitions," Section 70-24, "Definitions," and Article XIX, "Supplementary Regulations," Section 70-332, "Projections into required yards," and section 70-333, "Yards on corner lots and through lots" of the West Point Town Code be amended to read, in part, as follows:

**"Sec. 70-24. Definitions**

Lot, corner: A lot abutting upon two or more streets at their intersection, or a lot bounded entirely by streets. Of the (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets.

**Sec. 70-332. Projections into required yards.**

(a) Sills, belt courses, eaves, normal roof overhangs, chimneys, pilasters and similar architectural features of a building may project into required yards.

(b) Uncovered porches, steps, landings, patios, decks and similar building features may project into required yards only in the R-3 and R-4 zoning district, provided such features do not exceed a height of 18 inches above the adjacent natural ground level. Covered building projections and projections exceeding 18 inches in height shall be subject to all minimum yard requirements.

(c) Residential ramps and landings necessary for use by physically disabled persons may project into required yards a distance not exceeding 12 feet.

**Sec. 70-333. Yards on corner lots and through lots.**

(a) On a corner lot in any district in which a front yard is required, ~~a front yard shall be provided along at least one street frontage, and a street side yard of not less than ten feet shall be provided along all other street frontages.~~ the front yard shall be deemed to be the shorter of the two sides fronting on streets and shall meet the required front yard setback and the corner side yard facing the side street shall be as follows:

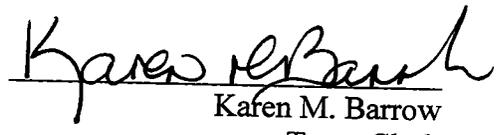
(1) Fifteen (15) feet or more for both main and accessory buildings in the R-1 and R-2 zoning districts;

(2) Ten (10) feet or more for both main and accessory buildings in the R-3 and R-4 zoning district.

(b) On through lots, there shall be a front yard, as required in the district, along each street frontage.

(c) Where more than one front yard is required on a lot, yards other than those along street frontages shall be considered side yards, and no rear yard shall be required."

Ordinance 07-09 shall take effect upon adoption

  
Karen M. Barrow  
Town Clerk

VOTE:

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