WEST POINT TOWN COUNCIL
WORK SESSION
MINUTES
May 24, 2010

I. Cityswitch

Andrea Erard advised that a phone conference took place recently between Cityswitch and the FAA. The Historical Society advised that the cell phone tower was constructed in wetlands and within the sight of the historic district. The FAA has implemented a sixty day comment notice on the case, the FAA will not rule on the case for sixty to ninety days, therefore Cityswitch will not pay for the purchase of the property until after the FAA ruling.

II. Verizon & Verizon South

Andrea Erard advised that Verizon and Verizon South have submitted an appeal with the State Corporation Commission for a reassessment of property for the year 2009. If the appeal is approved the Town would have to pay back 50% of taxes collected during this time that would be approximately $10,000. The Town Attorney advised an appeal had been submitted on behalf of the Town.

III. Modr Property

Andrea Erard advised the Town has been working on zoning violations with the Modr's for several months due to a complaint filed by neighbors on Cheathem Drive. The Town intends to proceed with enforcement of the violation through court proceedings.

IV. Sydnor Property on Chelsea Road

Mr. Funkhouser advised the Fire Department had conducted some training at the Sydnor property on Chelsea Road and that they would like to conduct smoke training. It is possible they might burn one of the houses.

Mrs. Gulley advised the School as a Track & Field event on Thursday and asked if the training would cause any problems?

Mr. Shreaves asked why the Town is rushing to burn the house while school is in session and there are various types of sport events in the fields behind the house.

Mr. Funkhouser advised there is no rush that the Fire Department can wait to conduct the training exercise.

V. Land Purchase at Industrial Park

Mr. Hudson advised the land purchase at the Industrial Park from the EDA is for a future water storage project as identified in a previous Draper Aden report. The project would be for water storage through a well or water tower. The purchase is not necessary and can be done at a later date. The purchase would assist the EDA with the current financial deficit for fiscal year 2009-2010.

Mosquito Spraying

Mr. Funkhouser advised the Town would begin spraying for mosquito's on June 1st 2010, an advertisement has been placed in the Tidewater Review.

Mr. Shreaves asked if an over the counter gnat treatment can be used.

Mr. Funkhouser advised the Health Department requirements are very stringent, the Town would not be able to use store brought products in public areas.

James H. Hudson, III
Mayor

ATTEST:

Karen M. Barrow
Town Clerk

TOWN OF WEST POINT
TOWN COUNCIL
MINUTES
May 24, 2010

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, May 24th, 2010. The Honorable James H. Hudson III called the meeting to order at 7:30 p.m. Reverend Beth Palmer gave the Invocation followed by the Pledge of Allegiance.

Members Present: Mayor, Jim Hudson; Vice Mayor, Deborah Ball; 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; T.C. Moore, Town Treasurer; Shawn Hershberger, Economic Development Coordinator; Holly McGowan, Community Development Coordinator and other interested persons.

II. CITIZENS ADDRESS TO COUNCIL

A. Audit Report – FY 08-09

Aaron Hawkins, Representative for Robinson, Farmer, Cox & Associates, advised that page one is the initial analysis of the audit, the financial report begins on page nine. Page thirteen shows an increase in the General Fund Balance of $447,966. The School Board financial report is on page forty and the Economic Development Authority financial report is on page forty-four.

Mrs. Ball asked if there are any recommendations.

Mr. Hawkins stated there were no recommendations.

Mr. Hudson asked if there is anything unusual in the report and if Mr. Hawkins needed to discuss anything with the Mayor or Town Council in closed session.

Mr. Hawkins advised he has no additional comments.

B. Public Hearing – Ordinance 02-10 / Day Care Facilities in R1

Mr. Hudson read the public hearing advertisement and asked the Town Clerk if any of the following requests were received: 1) Comments in writing. 2) Any request for assistance to attend the meeting. 3) Any request to review the budget.

The Town Clerk advised no request was received.

Mr. Hudson opened the floor for citizens to comment on ordinance 02-10. There being none the public hearing was closed.

C. Citizens Address to Council

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

III. COUNCIL RESPONSE

None were noted.

IV. AGENDA CHANGES

No changes were made to the agenda.

V. ADOPTION OF CONSENT AGENDA

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

1) Minutes of April 26, 2010 Town Council Meeting, the Work Session and minute of the continued meeting on May 10, 2010.
2) Cash Reports
   a) General Fund
      Cash on hand as of April 30, 2010 - $3,085,767.06
   b) Water Fund
      Cash on hand as of April 30, 2010 - $497,144.10
   c) CIP
      Cash on hand as of April 30, 2010 - $1,059,875.96
3) Monthly Budget Report
4) School Fund Cash Report
   a) Cash on hand as of April 30, 2010 - $470,749.23
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
10) Economic Development Monthly Report

V. COMMITTEE REPORTS

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

Mrs. Gulley advised there was nothing to report.

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

1. Library Deed of Gift

Mrs. Ball made a motion for Town Council to accept the deed of gift for the library from the Friends of West Point Library Incorporated, 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".

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. Request Permission to Advertise for RFQ's to extend the CDBG Grant Area

Mr. Gordon made a motion for Town Council to accept the Virginia Department of Housing & Community Development's (DHCD) offer of $3,000 in Planning Grant funding for the Port Richmond Neighborhood Comprehensive Community Development Project and to authorize the Town Manager to advertise a Request for Quotes for selection of a consultant by Town Council to assist Town Staff with the work referenced in the DHCD award letter dated May 5, 2010. 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".

2. Proposed Land Purchase at Industrial Park

Mr. Gordon made a motion to authorize the Town Manager on behalf of the Town Water Utility to purchase lot 14 from the Economic Development Authority for a price not to exceed $95,000 and for the Town Water Utility to pay for all expenses associated with such purchase, 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".

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

1. Ordinance 02-10 / Child Care Centers in the R-1 Zoning District

Mr. Lawson made a motion for Town Council to approve Ordinance 02-10 to allow Child Care Centers licensed by the State on lots containing one acre or more, provided that outdoor play areas shall not be located within any yard between the main building and a street within any required side yard, and shall be enclosed with continuous fencing not less than four feet in height, and provided further that a special use permit shall be required as set forth in article XXII of the zoning chapter. Second by Mrs. Ball, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

2. Middle Peninsula Regional Airport Authority Alternate Representative

Mr. Lawson made a motion to appoint Shawn Hershberger as the Alternate representative of the Town for the Middle Peninsula Regional Airport Authority for the remainder of the unexpired term of July 1, 2007 through June 30, 2011. 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".

VII. TOWN MANAGER'S ITEMS

Mr. Funkhouser advised the Memorial Day Ceremony will be on Friday, May 28, 2010 at 8:30 am at the flag pole at West Point High School. The Chesty Puller run is scheduled for Saturday, June 26, 2010, and Jammin' on the Point is scheduled for Friday, May 28th 2010 at the Town Square at 6pm.

VIII. OLD BUSINESS

There was nothing to report

IX. NEW BUSINESS

A. Planning Commission Report - Mr. Hudson

Mr. Hudson advised that at the Planning Commission regularly scheduled monthly meeting on May 5, 2010 the Planning Commission acted on the following items: 1) Conducted a public hearing on Ordinance 02-10, Child Day Care Facilities in the R1 Zoning District and submitted the recommendation for approval by Town Council. 2) Authorized advertisement for a public hearing an abandonment of one north/south alley by Robin Bristow. 3) Authorized the Director of Community Development to issue a temporary zoning permit to Mark Morgan of D & M Produce, to allow for the use of a produce stand.

X. ADJOURNMENT

There being no further business Mr. Hudson adjourned the meeting at 7:05 pm.

James H. Hudson, III
Mayor

ATTEST:

Karen M. Barrow
Town Clerk

Adopted: May 24, 2010

ORDINANCE NO. 02-10

ORDINANCE NO. 02-10 AMENDS THE WEST POINT TOWN CODE, CHAPTER 70, "ZONING," ARTICLE VII, "R-1 LOW DENSITY RESIDENTIAL DISTRICT," SEC. 70-103, "PERMITTED USES AND STRUCTURES" TO ADD CHILD CARE CENTERS LICENSED BY THE STATE ON LOTS CONTAINING ONE ACRE OR MORE, PROVIDED THAT OUTDOOR PLAY AREAS SHALL NOT BE LOCATED WITHIN ANY YARD BETWEEN THE MAIN BUILDING AND A STREET OR WITHIN ANY REQUIRED SIDE YARD, AND SHALL BE ENCLOSED WITH CONTINUOUS FENCING NOT LESS THAN FOUR FEET IN HEIGHT, AND PROVIDED FURTHER THAT A SPECIAL USE PERMIT SHALL BE REQUIRED AS SET FORTH IN ARTICLE XXII OF THIS CHAPTER. ORDINANCE NO. 02-10 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VA. CODE SECTIONS 15.2-2286 AND 15.2-2280.

BE IT ORDAINED THAT the West Point Town Code, Chapter 70, "Zoning," Article VII, "R-1 Low Density Residential District," Sec. 70-103, "Permitted uses and structures" be amended to read in its entirety as follows:

Sec. 70-103. Permitted uses and structures.
The following uses and structures shall be permitted in the R-1 Low Density Residential District:
(1) Single-family detached dwellings.
(2) Churches, provided that a plan of development shall be required as set forth in article IV of this chapter.
(3) Public schools and private schools having substantially the same curriculum as public schools, provided that a special use permit shall be required as set forth in article XXII of this chapter.
(4) Parks, recreational facilities, libraries and museums owned or operated by a governmental agency, and other uses required for the performance of governmental functions and intended primarily to provide services to adjoining neighborhoods, provided that a special use permit shall be required as set forth in article XXII of this chapter for all uses and structures permitted by this subsection.
(5) Propagation and cultivation of crops, flowers, trees and shrubs which are not offered for sale on the premises.
(6) Rights-of-way, easements and appurtenances for public utilities and public transportation, but not including railroad yards, freight or passenger depots, generating plants, transformer stations, sewage treatment plants or similar facilities.
(7) Home occupations, as defined in article II of this chapter.
(8) Lodging units within single-family detached dwellings when such lodging units are occupied by a total of not more than two persons.
(9) Signs as regulated by the provisions of article XXI of this chapter.
(10) Accessory uses and structures, excluding the use of truck bodies, vans, trailers tanks and other vessels, as an accessory structure.
(11) Life care facilities, provided that a special use permit shall be required as set forth in article XXII of this chapter and that 24-hour private ambulance service is provided by the life care facility.
(12) *Child care centers licensed by the state on lots containing one acre or more, provided that outdoor play areas shall not be located within any yard between the main building and a street or within any required side yard, and shall be enclosed with continuous fencing not less than four feet in height, and provided further that a special use permit shall be required as set forth in article XXII of this chapter.*
(Ord. of 3-27-89, § 15-31; Ord. of 12-29-97; Ord. No. 09-07, 1-28-08)

ATTEST:

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"

100001110

Prepared by and return to: James H. Hudson, III
Hudson and Bondurant, P. C. - Attorneys at Law
P. O. Box 231 - West Point, VA 23181

Tax Map # 69A1-34-437; 437A; 438

This Deed is exempt from taxation pursuant to §58.1-811(D) of the Code of Virginia, 1950, as amended

THIS DEED OF GIFT is made this 13th day May, 2010, by and between **THE FRIENDS OF THE WEST POINT LIBRARY, INCORPORATED**, a Virginia Corporation (GRANTOR) and **TOWN OF WEST POINT,** a political subdivision of the Commonwealth of Virginia (GRANTEE):

WITNESSETH:

That for and inconsideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is here acknowledged, the Grantor grants and conveys unto the Grantee, it's successors and assigns forever, in fee simple with General Warranty and English Covenants of Title, the following described property, to-wit:

SEE SCHEDULE A ATTACHED

This conveyance is made subject to easement, restrictions, reservations and conditions as they may appear of record affecting the premises.

In compliance with the provisions of §15.2-1803 of the Code of Virginia, 1950, as amended, this Deed is in a form approved by Andrea G. Erard, Attorney for the Town of West Point, and is excepted on behalf of the Town by James H. Hudson, III, it's Mayor, they have been authorized to so act on behalf of the Town by a resolution adopted by the

Town Council at it's meeting on the 24th day of May, 2001, which approval and acceptance is evidence by the execution of this Deed.

This conveyance is authorized by resolution of the Directors of The Friends of West Point Library, Incorporated, a Virginia Corporation, at their meeting held on the 12TH day of MAY, 2010.

Witness the following signatures pursuant to proper authority.

The Friends of the West Point Library,
Incorporated, a Virginia Corporation

By: Carol N. Cunningham

Name: Carol N. Cunningham

Title: President, Friends of the West Point Library

State of Virginia,

County of King William, to-wit:

The foregoing Deed of Gift was acknowledged before me this 21st day of May, 2010, by Carol N. Cunningham for The Friends of the West Point Library, Incorporated.

Karen M. Barrow
Notary Public

My Commission Expires: 2/28/2013 My Commission Id#:

KAREN M. BARROW
Notary Public
Commonwealth of Virginia
My Commission Expires February 28,
Commission ID# 361047

Approved as to Form:

Andrea G. Erard, Esquire
Town Attorney

Town of West Point by
James H. Hudson, III, Mayor

State of Virginia,

County of King William, to-wit:

The foregoing Deed of Gift was acknowledged before me this 28th day May, 2010, by James H. Hudson, III, Mayor of the Town of West Point.

Notary Public

My Commission Expires: 12-31-2013

My Commission Id#: 360767

ELIZABETH D. GREGORY
NOTARY PUBLIC
MY COMMISSION NUMBER 360767
COMMONWEALTH OF VIRGINIA

Grantee's Address:

P. O. Box 152
West Point, VA 23181

Consideration: $0.00

SCHEDULE A

PARCEL I

ALL that certain tract of land lying and being in the Town of West of Point, King William County, Virginia, together with improvements thereon and appurtenances thereto belonging, the same being portions of Lots No. 437 and 438 as shown on the map of said town made by J. M. Daniel, Esq., fronting on "D" Street between Seventh (7th) and Eighth (8th) Streets and being property formerly occupied by the Post Office and by L. R. Treat Hardware Co.. The Post Office property fronts seventeen (17) feet eight (8) inches on "D" Street, and the L. R. Treat Hardware Co. property fronts twenty-one (21) six (6) inches on "D" Street. The two portions of land adjoin each other and are more particularly described as a whole by metes and bounds as follows, to-wit:

BEGINNING on the West side of "D" Street at a point seventy-five (75) feet from the Southwest corner of "D" and Eighth (8th) Streets and twenty-five (25) feet from the Northeast corner of Lot No. 437, thence South along "D" Street thirty-nine (39) feet, two (2) inches; thence West parallel with Eighth (8th) Street one hundred and fifteen (115) feet to an alley; thence North along said alley thirty-nine (39) feet two (2) inches; thence East parallel with Eighth (8th) Street to the point of beginning.

PARCEL II

ALL that certain piece or parcel of land lying and being the Town of West Point, King William County, Virginia, together with improvements thereon and appurtenances thereto belonging, believed to be two (2) inches in width, more or less, on the West side of "D" Street and extending back therefrom between parallel lines one hundred and fifteen (115) feet to an alley, and being all that strip of land lying between the Northern boundary of Lot No. 437 and the Southern wall of the formerly existing furniture store owned and operated by Jenkins Furniture Company, Incorporated, located on Lot. No. 436. The strip of land extends from the Western side "D" Street to Eastern side of and alley a distance of one hundred and fifteen (115) feet.

BEING the same property conveyed to The Friends of the West Point Library, Incorporated, a Virginia Corporation, by Deed dated September 27, 1991 from Betty Yvonne Sullivan and others, recorded in the Clerk's Office of the Circuit Court of King William County, Virginia in Deed Book 203 at Page 726.

INSTRUMENT #100001110
RECORDED IN THE CLERK'S OFFICE OF
COUNTY OF KING WILLIAM ON
JUNE 3, 2010 AT 11:54AM

PATRICIA M. NORMAN, CLERK
RECORDED BY: BVT