

## **WEST POINT TOWN COUNCIL**

### **WORK SESSION MINUTES**

**August 29th, 2011**

#### **I. Patriots Village**

Andrea Erard, Town Attorney advised that Patriots Village had filed an appeal against the Town with the Circuit Court in King William County. The attorney for Patriots Village would like to resolve the issue and for Town Council to approve the original request.

Mr. Hudson advised the appeal is on file as a legal suit, the suit is considered in various different matters for loan applications and for bond applications, it can be a year or longer before the case is heard by a judge.

Andrea Erard stated that she believes the Town has a strong case and the Town can file a responsive pleading that would bring the case to court in approximately five months.

The consensus of Town Council is for the Town Attorney to submit a responsive pleading with the courts.

#### **II. Schools HVAC**

Mr. Hudson stated the estimate to repair the HVAC systems at the High School and Elementary School is 5.7 million dollars. The School Board can borrow the funds from VPSA for twenty years at an annual payment of \$285,571.25.

Mr. Shreaves stated the project is a tremendous amount of funding that would not leave any room for other projects or emergencies for twenty years.

Mr. Hudson advised that the Town could continue to repair or replace the current HVAC system.

Mr. Edwards asked Dr. Smith if there was a spring application for a loan with VPSA.

Dr. Smith advised yes, but it would not allow enough time to put the project out to bid and begin the work during the summer of 2012.

The consensus of Town Council is for the School Board and Town Council to review the cost of the HVAC and how to pay for the project.

## **TOWN COUNCIL MINUTES**

**AUGUST 29TH, 2011**

#### **I. CALL TO ORDER**

The West Point Town Council held its regular monthly meeting on Monday, August 29<sup>th</sup> 2011. The Honorable James H. Hudson III called the meeting to order at 6:30 p.m. Reverend Leo Wagner gave the Invocation followed by the Pledge of Allegiance.

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

Members Absent: Paul Kelley.

Also Present: John B. Edwards, Town Manager; Andrea Erard, Town Attorney; Karen Barrow, Town Clerk; Sargent Lisa Woodson, WPPD; TC Moore, Town Treasurer; Holly McGowan, Community Development Coordinator; Shawn

Hershberger, Economic Development Coordinator; Charlotte Scanlan, Recording Aide and other interested persons.

## II. CITIZENS ADDRESS TO COUNCIL

### A. Ordinance 05-11-Mixed Use Corridor

Mr. Hudson read the public hearing advertisement for Ordinance 05-11, MU-1 Mixed Use Corridor Text Amendment and asked the Town Clerk if any of the following requests were received: 1) A request to review the application. 2) A request for assistance to attend the meeting. 3) Comments submitted in writing.

The Town Clerk advised that Mary Horton obtained a copy of Ordinance 05-11 and a zoning map. No other request was received.

Mr. Hudson opened the floor for citizens to comment on Ordinance 05-11, MU-1 Mixed Use Corridor District Text Amendment. There being none the public hearing was closed.

#### 1. Action

Mr. Lawson made a motion to adopt Ordinance 05-11, MU-1 Mixed Use Corridor District Text Amendment, seconded by Mrs. Ball. Upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

### B. Ordinance 08-11/COX Franchise Agreement

Andrea Erard, Town Attorney advised that she has reviewed Ordinance 08-11 with Barrett Stork, Manager for Government Affairs for Cox and that Cox has concerns with Section 7-7(d) Tree Trimming and Section 8-5(d) Revocation.

Barrett Stork advised that Cox Communications has concerns regarding the fourteen day notice for tree trimming especially during severe weather conditions just as recent events with Hurricane Irene. If a tree is damaged and poses a danger to Cox property, Cox Communications would like the technician to resolve the issue at that time and not have to wait fourteen days before work can be performed.

The Town Attorney revised the Ordinance that was satisfactory to Cox that amended Section 7-7(d) "tree trimming be allowed in cases of an emergency".

Mr. Hudson asked if changing the language from "addition" to "Lieu of" in Section 8-5(d) was critical to approve the ordinance.

Mr. Stork advised no, the change was not necessary.

Mr. Hudson opened the floor for citizens to comment on Ordinance 08-11, the Cox Cable Franchise agreement. There being none the public hearing was closed.

Mr. Shreaves made a motion to approve ordinance 08-11 with amendment to Section 7-7(d) "except in emergency circumstances, routine tree trimming will be performed in accordance with the ordinance". Second by Mrs. Gulley, upon a roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

### 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

Hurricane Irene

Mayor Hudson advised that Town Staff worked diligently with the Emergency Operations this past weekend for Hurricane Irene. Public Works worked non-stop clearing trees, Town Staff operated a shelter that housed 60 people, and John Edwards managed the Emergency Operation Center that was operational most of the weekend.

Mr. Hudson thanked the Town Employees for all their dedication and hard work during Hurricane Irene

#### **IV. AGENDA CHANGES**

Mr. Vincent made a motion to adopt the following agenda changes: 1) Littery Loan Resolution for the Schools as item 1 under the Education Committee Agenda. 2) Hurricane Irene Resolution as it B. under the Town Manager agenda. Seconded by Mr. Ball, upon a roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

#### **V. ADOPTION OF CONSENT AGENDA**

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

1) Minutes of July 11<sup>th</sup> 2011 and July 13<sup>th</sup> 2011

2) Cash Reports

a) General Fund

Cash on hand as of June 30, 2011 - \$3,429,111.52

b) Water Fund

Cash on hand as of June 30, 2011 - \$726,700.00

c) CIP

Cash on hand as of June 30, 2011 - \$131,184.04

3) Monthly Budget Report

4) School Fund Cash Report

a) Cash on hand as of June 30, 2011 - \$134,355.00

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

11) Middle Peninsula Regional Airport Authority Resolution

#### **VI. COMMITTEE REPORTS**

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

Mr. Lawson advised there was nothing to report.

B. Education Committee – Mr. Shreaves reported for the Committee

Literary Fund Loan Resolution [*See Attached Resolution*]

Mr. Shreaves made a motion to adopt the attached resolution authorizing the School Board to submit an application for a Literary Loan, seconded by Mr. Lawson. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

C. Finance Committee

Mrs. Ball advised there was nothing to report.

D. Public Safety

Mrs. Gulley advised there was nothing to report.

E. Public Works

Mr. Gordon advised there was nothing to report.

## **VII. TOWN MANAGER’S ITEMS**

A.VML Town Council Voting Delegate at VML Conference

Mr. Edwards advised that Town Council needs to appoint a voting delegate and an alternate for the annual business meeting that will be held at the VML Conference in October.

Mrs. Gulley made a motion for Mrs. Ball to be the Voting Delegate at the VML Conference and for Mr. Gordon to be the Alternate, seconded by Mr. Shreaves. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

B. Hurricane Irene [*See Attached Resolution*]

Mr. Edwards advised that due to Hurricane Irene he declared a State of Local Emergency on Friday, August 26<sup>th</sup> 2011 at 10:00 A.M. to place the Town in the position to respond accordingly to any emergency. If a federal declaration is declared it would allow the Town to apply for reimbursement for expenses. Town Council needs to ratify the local declaration with a resolution that also authorizes the appropriation of funds up to \$100,000. If the funds are not used they would be placed back in the fund balance account.

Mr. Shreaves made a motion to approve the attached Resolution, seconded by Mr. Gordon. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

## **VIII. OLD BUSINESS**

There was nothing to report under Old Business.

## **IX. NEW BUSINESS**

A. Planning Commission Report

Mr. Hudson advised that Planning Commission meet on August 3<sup>rd</sup>, 2011 to discuss the Annual Report and the Comprehensive Plan.

## **X. RECESS**

At 7:25 P.M. Mr. Hudson continued the meeting until September 8<sup>th</sup>, 2011 at 4:30 P.M. for a work session on the Refuse Collection Fees.

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James H.  
Hudson, III

Mayor

ATTEST:

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Karen M. Barrow

Town Clerk



**TOWN OF WEST POINT RESOLUTION  
AUTHORIZATION TO APPLY FOR  
A LITERARY FUND LOAN**

WHEREAS; the West Point School Board adopted two resolutions on July 19, 2011 requesting authorization to apply for a Literary Fund Loan for replacing the HVAC system in the Elementary School at a cost of \$32,390,440 and High School/Middle School at a cost of \$3,320,985; and

WHEREAS; the application for a Literary Fund Loan does not represent a budget amendment nor Town authorization to incur debt and does not obligate the School Board to pursue any approved loan application.

NOW THEREFORE BE IT FURTHER RESOLVED: The West Point Town Council of the Town of West Point authorizes the School Board to submit a Literary Fund Loan for replacing the HVAC system in the Elementary School and High School.

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 29, 2011 at which meeting a quorum was present and voted throughout.

Those members voting:

James Hudson, III N/A  
Deborah Ball Aye  
Tina Gulley Aye  
Charles Gordon Aye  
Paul Kelley Absent  
Joshua Lawson Aye  
Otto Shreaves Aye  
Christopher Vincent Aye

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James H. Hudson, III

Mayor, Town of West Point

Adopted this 29th day of August, 2011

ATTEST:

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Karen M. Barrow

Town Clerk



***TOWN OF WEST POINT  
RESOLUTION  
APPROPRIATION OF FUNDS  
FOR HURRICANE IRENE***

WHEREAS a state of Local Emergency at 10:00 A.M. on Friday, August 26<sup>th</sup> 2011 was declared by the Coordinator/Director of Emergency Services for the Town of West Point in preparation for Hurricane Irene; and

WHEREAS the Town anticipates the potential for unexpected emergency and clean up expenses related to Hurricane Irene up to \$ 100,000.

NOW, THEREFORE BE IT RESOLVED by the West Point Town Council that the attached August 26, 2011 Declaration of Local Emergency for Hurricane Irene is hereby ratified and approved; and

BE IT FURTHER RESOLVED by the West Point Town Council that the current FY 2011-12 budget shall be amended to add \$ 100,000 from the Fund Balance Reserve to the Non-Department budget (budget line item 71090-0049-hurricane relief) for the limited purpose of unanticipated expenses related to Hurricane Irene; and

BE IT FINALLY RESOLVED by the West Point Town Council that the

\$ 100,000 budget amendment from the Fund Balance Reserve to the Non-Departmental budget (budget line item 71090-0049-hurricane relief) shall be appropriated immediately so as to enable the continuation of services to the residents of West Point.

Those members voting:

James Hudson, III N/A  
Deborah Ball Aye  
Tina Gulley Aye  
Charles Gordon Aye  
Paul Kelley Absent  
Joshua Lawson Aye  
Otto Shreaves Aye  
Christopher Vincent Aye

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James H. Hudson, III  
Mayor, 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 August 29<sup>th</sup>, 2011 at which meeting a quorum was present and voted throughout.

Adopted this 29<sup>th</sup> day of August, 2011

ATTEST:

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Karen M. Barrow, Town Clerk