

**WEST POINT TOWN COUNCIL  
WORK SESSION  
MINUTES  
MAY 21, 2007**

**I. Town Council – School Board Retreat**

Mr. Funkhouser advised the School Board has provided some tentative dates to schedule a retreat between the School Board and Town Council to discuss future CIP and budget issues. The consensus of Town Council is to set a date for July 24, 2007, at 1 p.m.

**II. Mosquito Spraying**

Mr. Funkhouser advised the Public Works Department will begin Mosquito Spraying on June 1, 2007, the area schedule will be the same as previous years.

**III. Bridge Dedication**

Mr. Hudson advised the Bridge Dedication will be on Thursday, May 24<sup>th</sup> at 6 p.m.

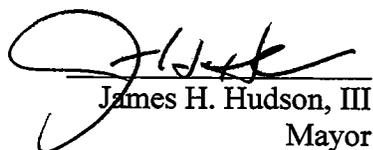
**IV. Concert Series**

Neal Barber advised the summer concert series will begin on Friday, May 25, 2007 with Wayne Greer's band.

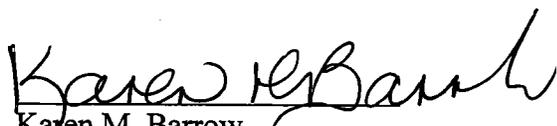
**V. Nelson Prince Appeal**

Mr. Hudson advised that Nelson Prince has attended several Town Council Sub-Committee's to discuss his appeal for a boundary line adjustment, the next procedure is for Town Council to hear the appeal as an action item.

It was the consensus of Town Council is for Nelson Prince to be placed on the Consent Agenda for June 25, 2007 regularly scheduled meeting.

  
James H. Hudson, III  
Mayor

ATTEST:

  
Karen M. Barrow  
Town Clerk

**TOWN OF WEST POINT  
TOWN COUNCIL  
MINUTES  
May 21, 2007**

**I. CALL TO ORDER**

The West Point Town Council held its regular monthly meeting on Monday, May 21, 2007. The Honorable James H. Hudson III called the meeting to order at 7:30 p.m. Reverend Randy Mathis gave the Invocation followed by the Pledge of Allegiance.

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

Also Present: Trenton L. Funkhouser, Town Manager; Andrea Erard, Town Attorney; Karen Barrow, Town Clerk; Bill Hodges, Chief of Police; Neal Barber, Economic Development Coordinator; TC Moore, Town Treasurer and other interested persons.

**II. CITIZENS ADDRESS TO COUNCIL**

**A. VDOT Bridge Update**

Mr. Jamie Browder, Project Manager for the Eltham Bridge presented Town Council with an updated time line and advised the work for the next thirty days will be as follows: 1) Due to a mechanical problem, the bridge will not be open to traffic till after Memorial Day. 2) Lee Street between 15<sup>th</sup> & 14<sup>th</sup> Streets will be closed for the installation of the brick pavers. 3) Completion of the installation of the pedestrian railing on the bridge. 4) Construction of the Service Road will continue. 5) The bridge lighting, road signs and line striping will begin.

**B. EDA Update**

Bill Cawley, EDA Chairman stated the EDA last met on May 9, 2007 to discuss the following: 1) The EDA strategic planning is in the final stages of development and will be presented to Town Council upon completion. 2) The Jamestown Foundation recently provided a historical workshop on "life at Jamestown in 1607", a second workshop is scheduled for June 14, 2007. 3) A summer concert series has been scheduled for downtown beginning on Friday, May 25, 2007.

**C. Public Hearing – Ordinance 05-07 / Restaurant and Food Services**

Mr. Hudson read Ordinance 05-07 then opened the floor for citizens to comment on Ordinance 05-07. There being none, the public hearing was closed.

**D. 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**

Mr. Hudson tabled the Nelson Prince Appeal for the June 25<sup>th</sup> meeting and removed the School Board Retreat. Mr. Lawson made a motion to adopt the agenda changes, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Lawson and Mrs. Nichols all voted "Aye".

**V. ADOPTION OF CONSENT AGENDA**

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

- 1) Minutes of April 30, 2007 Town Council Meeting and Special Called Meeting of May 8, 2007.
- 2) Cash Reports
  - a) General Fund  
Cash on hand as of April 30, 2007 - \$2,329,772.26
  - b) Water Fund  
Cash on hand as of April 30, 2007 - \$224,213.97
  - c) CIP  
Cash on hand as of April 30, 2007 - \$388,622.96
- 3) Monthly Budget Report
- 4) School Fund Cash Report
  - a) Cash on hand as of April 30, 2007 - \$371,112.58
- 5) West Point Monthly Police Activity Report
- 6) Community Development Monthly Permit Report
- 7) Public Works Monthly Permit Report
- 8) Building Official Monthly Report
- 9) Treasurer Monthly Report

## V. COMMITTEE REPORTS

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

- 1) Ordinance 05-07 – Restaurant and Food Services *[See Attached Ordinance]*

Mrs. Gulley made a motion to adopt Ordinance 05-07, seconded by Mr. Lawson. Upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Lawson and Mrs. Nichols all voted "Aye".

- 2) Ordinance 06-07 - Panhandling

Mrs. Gulley made a motion to authorize the Town Manager to advertise Ordinance 06-07 for a public hearing on June 25, 2007, seconded by Mrs. Nichols. Upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Lawson and Mrs. Nichols all voted "Aye".

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

- 1) Real Estate Delinquencies Collections Contract

Mrs. Ball made a motion for Town Council to affirm and ratify the contract between the Town of West Point and James W. Elliott, Attorney at Law, for assistance with the collection of delinquent Real Estate Taxes. Seconded by Mr. Lawson and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Lawson and Mrs. Nichols all voted "Aye".

- 2) Write-Off Request for Personal Property Taxes

Mrs. Ball made a motion to authorize the Town Manager and Town Treasurer to write off as uncollectible debts those delinquent Personal Property Taxes for the years 1976 through 2001 but maintain the software database information on the delinquent Personal Property Taxes for the years 1990 through 2001 and attempt to collect delinquent taxes for those years as opportunities present themselves. Seconded by Mr. Lawson, upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Lawson and Mrs. Nichols all voted "Aye".

Council Member Healy joined the meeting.

- 3) Audit Report FY 05-06 – David Hughes

David Hughes presented Town Council with the final report for the FY 05-06 Audit. Mr. Hughes reviewed the Revenues, Expenditures, General Funds, Internal Control over Financial Reporting and the new SAS 112 (Statement on Auditing Standards 112). Staff training will be required by the Treasurers office in order to comply with the new auditing standards, the new SAS 112 requirements will also apply to the School Board.

Mr. Hudson stated the report shows a reduction in the fund balance and Council is concerned with the reduction and asked Mr. Hughes what percent the fund balance should be at.

Mr. Hughes advised at least ten percent of the total town budget to be available in the fund balance for extreme emergency use only.

C. Education Committee – Mr. Gordon reported for the Committee

Mr. Gordon advised he has nothing to report.

D. Public Works – Mr. Brake reported for the Committee Development

1) Water Line Extensions – Industrial Park Phases I & II

Mr. Brake made a motion to authorize the extension of the two water line projects as follows: 1) The public water line as indicated on plans prepared by Mitchell-Wilson Associates dated December 7, 2006 and April 3, 2007 and entitled, Construction Plan for the Industrial Parkway – Phase I. 2) The West Point Industrial Park 12 inch Water Line Extension. Seconded by Mr. Gordon, upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted “Aye”.

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

1) Commercial Property Improvement Grants

Mr. Lawson advised the Town has received two applications for Commercial Property Improvement Grants. The first from John Payne for Payne Alignment, the total of the improvements is for 16,000 and the reimbursement for grant funding will be \$4,500. The second for John McKinney to demolish the sheds at the back of Heath Jewelers for approximately \$10,000, the grant reimbursement will be for \$4,500.

Mr. Lawson made a motion to approve the grant request to John Payne Alignment and Tire for \$4,500, seconded by Mrs. Gulley. Upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted “Aye”.

Mr. Lawson made a motion to approve the grant request to John McKinney for \$4,500, seconded by Mrs. Gulley. Upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted “Aye”.

Mr. Lawson advised all the funds Town Council allocated to the Property Improvement Grants has now been disbursed. Town staff would have to request Town Council allocated additional funds before any additional grants can be approved.

## VII. TOWN MANAGER’S ITEMS

A. Middle Peninsula Airport Authority Reappointment

Mr. Gordon made a motion to reappoint the Town Manager to the Middle Peninsula Airport Authority for a four year term commencing July 1, 2007 through June 30, 2011 and for Elis Olsson to be the alternate representative for the same term. Seconded by Mrs. Ball, upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted “Aye”.

**B. Contract for Training to Comply with Auditing Standards 112**

Mr. Brake made a motion to authorize the Town Manager to accept and sign the attached contract on behalf of the Town and proceed with all work necessary to comply with SAS 112. Seconded by Mr. Lawson, upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

**VIII. TOWN ATTORNEY ITEMS**

Ms. Erard advised there was nothing to report.

**IX. OLD BUSINESS**

There was nothing to report.

**X. NEW BUSINESS**

**A. Planning Commission Report - Mr. Hudson**

Mr. Hudson advised the Planning Commission deferred the following items to the June 6, 2007 meeting: 1) The Subdivision Ordinance/Sidewalks. 2) A Public Hearing for Joe Sanders property. 3) A request for public land. 4) Cluster Residential Development Ordinance. 5) Inclusion of Townhouses in the R-4 Zoning District.

**B. Planning Commission Reappointment**

Mr. Healy made a motion to reappoint Paul Diggs to the Planning Commission for a four year term commencing June 1, 2007 through May 31, 2011. Seconded by Mr. Gordon, upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

**C. Rescheduling the July Meeting**

Mrs. Nichols made a motion to set the July meeting for Monday, July 23, 2007 at 7:30 p.m. Seconded by Mr. Gordon, upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

**D. Closed Session**

Mr. Lawson made a motion to enter into a closed meeting pursuant to Virginia Code § 2.2-3711(A)(3) for the discussion or consideration of the acquisition of real property because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Town Council, 1315 Main Street. Seconded by Mrs. Ball, upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

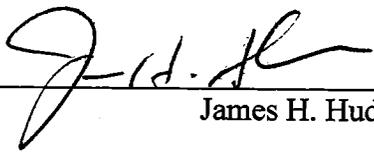
**RECONVENE**

Mr. Healy made a motion to reconvene into a public meeting, seconded by Mrs. Nichols and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

Mrs. Ball moved to certify that in the closed session just concluded, nothing was discussed except the matters specifically identified in the motion to convene into closed session and lawfully permitted to be so discussed under the provisions of the Virginia of Freedom of Information Act cited in that motion. Seconded by Mr. Lawson and upon roll call Mrs. Ball, Mr. Brake, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

**XI. ADJOURNMENT**

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

  
James H. Hudson, III  
Mayor

ATTEST:

  
Karen M. Barrow  
Town Clerk

ORDINANCE 05-07

ORDINANCE 05-07 ADDS CHAPTER 29.5, "HEALTH AND SANITATION," ARTICLE I, "RESTAURANTS AND FOOD SERVICE ESTABLISHMENTS," SECTION 29.5-1, "EXEMPTED FOOD SERVICE ACTIVITIES" TO THE WEST POINT TOWN CODE AND PROVIDES THAT THE REGULATIONS OF THE STATE HEALTH DEPARTMENT REGARDING RESTAURANTS AND FOOD SERVICE OPERATIONS SHALL BE UNIFORMLY ENFORCED THROUGHOUT THE TOWN OF WEST POINT EXCEPT THAT SUCH REGULATIONS SHALL NOT BE ENFORCED DURING PUBLIC EVENTS OF TWENTY-FOUR (24) HOURS CONTINUOUS DURATION OR LESS WHEN FOOD IS ENTIRELY PREPARED AND SERVED BY THE BONA FIDE MEMBERS OF A YOUTH ATHLETIC ASSOCIATION OR BOOSTER CLUB, OR BY ANY RECOGNIZED AGENCY OF THE TOWN OF WEST POINT, PROVIDED THAT SUCH YOUTH ATHLETIC ASSOCIATION, BOOSTER CLUB OR RECOGNIZED AGENCY SHALL POSSESS AND MAINTAIN APPROPRIATE LIABILITY INSURANCE.

WHEREAS the Virginia Department of Health has requested that the Town of West Point enact an ordinance to provide for exceptions to the regulations of the state department of health for public events of twenty-four (24) hours continuous duration or less when food is entirely prepared and served by the bona fide members of a youth athletic association or booster club, or by any recognized agency of the Town of West Point.

BE IT ORDAINED THAT the West Point Town Council hereby adds chapter 29.5, "Health and Sanitation," Article I, "Restaurants and Food Service Establishments," Section 29.5-1, "Exempted Food Service Activities" to the West Point Town Code to read in its entirety as follows:

"Chapter 29.5, "Health and Sanitation"

ARTICLE I. RESTAURANTS AND FOOD SERVICE ESTABLISHMENTS

Sec. 29.5-1. Exempted food service activities.

(a) The regulations of the state health department regarding restaurants and food service operations shall be uniformly enforced throughout the Town of West Point by the King William County health department; provided, however, that such regulations shall not be enforced during public events of twenty-four (24) hours continuous duration or less when food is entirely prepared and served by the bona fide members of a youth athletic association or booster club, or by any recognized agency of the Town of West Point, provided that such youth athletic association, booster club or recognized agency shall possess and maintain appropriate liability insurance.

(b) The exemption described in subsection (a) above, shall not apply to any entity which is contracted to perform food preparation or food service operations by an eligible organization during an eligible event; it being the intent of this section to exempt only eligible organizations and only their bona fide membership from such regulations.

(c) The Director of the King William County health department shall, within the limits of available resources as determined by him, make appropriate personnel available during events exempted in subsection (a) above, to monitor food preparation and service activities and to provide advice and expertise to the membership of exempted organizations."

Ordinance 05-07 shall take effect upon adoption.