

**TOWN OF WEST POINT
TOWN COUNCIL
MINUTES
OCTOBER 26, 2009**

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, October 26, 2009. 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: 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; Sergeant Lisa Woodson, West Point Police Department; Holly McGowan, Community Development Coordinator and other interested persons.

II. CITIZENS ADDRESS TO COUNCIL

A. Public Hearing – Ordinance 08-09 / Plan of Development

Mr. Hudson read the advertisement and asked the Town Clerk if anyone requested a copy of ordinance 08-09, 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 08-09. There being none, the public hearing was closed.

B. Citizens Address to Council

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

1. Erika Hensley, 300 Ogden Street, West Point, Virginia stated that she is concerned with speeding traffic on Ogden Street and asked Town Council if speed bumps could be installed to slow down the traffic.

2. Ron Kirkland, 280 Ogden Street advised there are approximately twenty children that play on Ogden Street and asked if Town Council would assist with the speeding traffic.

Mrs. Gulley advised the Chief of Police had increased the police presence and speeding enforcement in the area. Tickets had been issued, when the police leave the area the speeding resumes again.

Mr. Hudson asked the Town Manager to place the speed bump request on the Public Safety agenda for November 19th, 2009.

3. Bernard Lee, 284, Ogden Street, West Point, Virginia, advised he also had concerns with the speeding traffic on Ogden Street and it was not through traffic, it was residents and visitors to the area.

Mr. Hudson asked if there was anyone 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 to delete the Parking Restrictions Ordinance under the Public Safety agenda, 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 September 28, 2009 Town Council Meeting and Work Session
- 2) Cash Reports
 - a) General Fund
Cash on hand as of September 30, 2009 - \$5,930,768.09
 - b) Water Fund
Cash on hand as of September 30, 2009 - \$876,066.51
 - c) CIP
Cash on hand as of September 30, 2009 - \$1,090,756.85
- 3) Monthly Budget Report
- 4) School Fund Cash Report
 - a) Cash on hand as of September 30, 2009 - \$196,800.13
- 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. Domestic Violence Resolution [*See Attached Resolution*]

Mrs. Gulley made a motion to adopt the attached Domestic Violence Resolution, 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".

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

Mrs. Ball advised there was nothing to report.

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

Mr. Gordon advised there was nothing to report.

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

VII. TOWN MANAGER'S ITEMS

Mr. Funkhouser advised the Veterans Memorial Service would be at 11 am at the VFW park on November 11th 2009.

VIII. OLD BUSINESS

Mr. Gordon stated the December Town Council meeting is scheduled for December 14th, 2009. Mr. Gordon asked the Town Manager if he plans on changing the December Committee meetings.

Mr. Funkhouser advised that according to agenda items, the Committee meetings could be rescheduled or cancelled.

IX. NEW BUSINESS

A. Planning Commission Report - Mr. Hudson

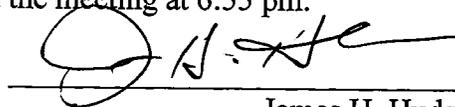
Mr. Hudson advised the following were action items of the Planning Commission regularly scheduled monthly meeting on October 7, 2009: 1) Authorized advertisement for a public hearing on a request by City Switch to vacate one north/south alley. 2) conducted a public hearing on Ordinance 08-09 / Zoning Text Amendment on the Plan of Development.

1. Ordinance 08-09 / Plan of Development [*See Attached Ordinance*]

Mr. Gordon made a motion to adopt ordinance 08-09, Zoning Text Amendment for the Plan of Development, 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".

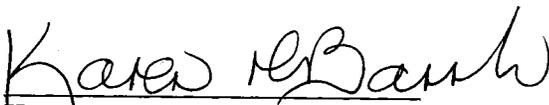
X. ADJOURNMENT

There being no further business, Mr. Hudson adjourned the meeting at 6:55 pm.



James H. Hudson, III
Mayor

ATTEST:



Karen M. Barrow
Town Clerk



**TOWN OF WEST POINT
A RESOLUTION TO DECLARE OCTOBER AS
DOMESTIC VIOLENCE AND SEXUAL
ASSAULT AWARENESS MONTH**

WHEREAS; domestic violence is a pattern of physically, sexually, and/or emotionally abusive behaviors used by one individual to maintain power and control over a partner in the context of an intimate or family relationship, and

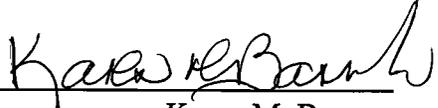
WHEREAS; sexual assault is a crime of violence, power, and control that occurs when a person is forced, threatened, coerced, or manipulated into sexual contact or acts against his or her will, and

WHEREAS; both domestic and sexual violence are violations that have harmful effects not only on the victim, but the victim's family and community,

WHEREAS; the official night Town residents will be able to Take Back the Night will be on Thursday, October 29th 2009 from 6:30 p.m. till 9 p.m. at the Town Square Stage.

NOW, THEREFORE BE IT RESOLVED; that the West Point Town Council recognizes the need to make the citizens of the Town of West Point aware of the dangers of domestic and sexual violence and do so by declaring October "Domestic Violence and Sexual Assault Awareness Month."

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 October 26, 2009 at which meeting a quorum was present and voted throughout.


Karen M. Barrow
Town Clerk

ORDINANCE NO. 08-09

ORDINANCE NO. 08-09 AMENDS THE WEST POINT TOWN CODE, CHAPTER 70, "ZONING," ARTICLE IV, "ADMINISTRATION AND ENFORCEMENT OF CHAPTER," SEC. 70-51, "PLAN OF DEVELOPMENT" TO MODIFY THE PROVISION RELATING TO AMENDMENTS TO A PREVIOUSLY APPROVED PLANS OF DEVELOPMENT, AND TO CHANGE THE EXPIRATION DATE OF A PLAN OF DEVELOPMENT FROM TWELVE MONTHS TO FIVE YEARS, CONSISTENT WITH STATE LAW. ORDINANCE NO. 08-09 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VA. CODE SECTIONS 15.2-2286 AND 15.2-2261.

BE IT ORDAINED THAT the West Point Town Code, Chapter 70, "Zoning," Article IV, "Administration and Enforcement of Chapter," Sec. 70-51, "Plan of development" be amended to read in its entirety as follows:

"Sec. 70-51, "Plan of development"

(a) When required. A plan of development shall be required for such uses in such districts as specified in articles VII through XVIII of this chapter pertaining to district regulations. A plan of development shall be required to construct, erect, enlarge, structurally alter, move or convert any building or structure to be occupied by or devoted to any such use or to construct or modify the parking area or vehicular circulation system on any site devoted to such use. A plan of development shall not be required for a change in use of an existing building when no structural alterations to the building and no modifications to the parking or vehicular circulation system on the site are to be made. No zoning permit, building permit or authorization to improve or develop land shall be approved or issued in any instance where a plan of development is required by the provisions of this section until such plan of development has been approved in accordance with the applicable provisions of this section.

(b) Plan submission. Plans of development shall be submitted to the zoning administrator and shall be in such form and format, shall include such information, and shall include plans and drawings in such numbers as required by written policy established by the zoning administrator and adopted by the planning commission. Such policy shall require that plans of development be prepared by appropriate professionals and that such information be included on plans of development as necessary to enable complete review and evaluation and to determine compliance or noncompliance with applicable development standards and requirements. Such policy may provide for waiver of certain plan information by the zoning administrator in cases where particular information is not necessary for proper review and evaluation of the plan of development.

(c) Development standards. The following development standards and improvement requirements shall apply and shall be specified, where applicable, on all plans of development:

(1) All street and highway construction standards and geometric design standards shall be in accord with those specified in chapter 54 of this Code, provided that the zoning administrator may recommend modification of design standards for local, collector and minor loop streets with concurrence of the Virginia Department of Transportation and when off-street parking areas sufficient to accommodate the needs of the development are provided.

(2) On-site vehicular travel lanes and driveways shall have pavement widths of not less than 20 feet for two-way traffic and 16 feet for one-way traffic, provided that travel lanes and driveways which provide direct access to parking spaces shall conform with the requirements set forth in article XX of this chapter pertaining to off-street parking.

(3) Utility easements shall be not less than 20 feet in width, unless a lesser width is specifically approved by the zoning administrator. No easement line shall be located less than five feet from the outside diameter of any pipe, conduit or duct bank.

(4) Sidewalks or pedestrian walkways shall be provided so as to enable safe and convenient pedestrian access between buildings located on the site, between buildings and their parking areas, and between buildings and public sidewalks.

(d) Review and approval processes. The following processes for review and approval of plans of development shall apply:

(1) The zoning administrator shall review every plan of development for compliance with applicable provisions of this chapter, the provisions of chapter 26 of this Code pertaining to erosion and sediment control requirements and other applicable requirements and shall approve, approve with modifications or conditions, or disapprove the plan of development within 60 days of receipt of all required documents.

(2) In the case of a plan of development for construction of a main building or for development of a vacant site, the action taken by the zoning administrator set forth in paragraph (d)(1) of this section shall be construed to be a recommendation to the planning commission, and final approval by the planning commission shall be required. The zoning administrator shall submit the plan of development to the planning commission at its first regular meeting following action by the zoning administrator. In its review of the plan of development, the planning commission shall have the authority to approve, modify, or reverse the recommendation of the zoning administrator, provided that all decisions of the planning commission shall be consistent with and pursuant to the applicable provisions of this chapter and other applicable requirements. An appeal from a decision of the planning commission may be submitted to the town council for its action by filing a request in writing with the town council within ten days of the date of the decision of the planning commission.

(3) In the case of a plan of development which includes the dedication, installation, extension or substantial modification of a public street, alley, sewer or other public facility, final approval of the plan of development by the town council shall be required. Such approval by the town council shall not be required for the installation of curb cuts, driveways, curbs and gutters, pavement or minor improvement of existing streets or alleys, or connections to existing utilities having adequate capacities to accommodate the development, when such improvements are to be installed in accordance with applicable town construction standards and at the expense of the owner or developer. A plan of development required to be approved by the town council shall be considered by the planning commission as set forth in paragraph (d)(2) of this section, provided that the action of the planning commission shall not be final and shall be construed to be a recommendation to the town council. The zoning administrator, on behalf of the planning commission, shall submit the plan of development along with the planning commission's recommendation to the town council at its first regular meeting following action by the planning commission. The town council shall approve, modify or disapprove the recommendation of the planning commission and take final action on the plan of development.

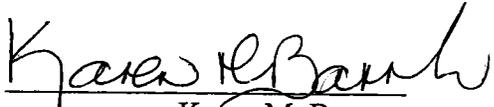
(4) Prior to final approval of any plan of development, the applicant or owner shall execute an agreement to construct such required improvements as are located within public rights-of-way or easements connected to any public facility, together with a performance bond with surety acceptable to the town manager. The bond shall be in the amount of the estimated cost of the required physical improvements as determined by the town manager and shall provide for completion of the work within a specific time.

(e) Amendments. ~~Amendments of substance to approved plans of development shall be subject to the provisions of this section and shall be processed, reviewed and acted upon in the same manner as an original plan of development. Minor adjustments to approved plans of development may be approved by the zoning administrator, provided that review by the planning commission shall be required for adjustments to plans of development originally approved by the planning commission or the town council.~~ *If it is necessary to modify an approved plan of development, and the change is determined by the zoning administrator to have no substantial impact, the zoning administrator may approve the change without adhering to the procedures and filing requirements of this section. If a change is determined to be substantial, the zoning administrator shall require a new plan be submitted in compliance with the provisions of this section.*

(f) Implementation of approved plans. Inspections shall be made by the zoning administrator, building official and town engineer with respect to their particular areas of responsibility during construction and upon completion of construction of off-site and on-site improvements in order to ensure compliance with each approved plan of development. The owner or developer shall provide supervision at the development site during construction and installation of improvements required by the approved plan of development, and shall maintain a set of approved plans at the site at all times that work pursuant thereto is being performed.

(g) Expiration of approved plan. An approved plan of development shall become null and void if no building permit to construct the improvements authorized by the plan of development has been issued or use of the affected property has commenced within five (5) years ~~12 months~~ of the date of approval as outlined in Section 15.2-2261 of the Code of Virginia. Upon written request by the applicant, the zoning administrator may grant one 90-day extension of the expiration date of a plan of development.”

Ordinance 08-09 shall take effect upon adoption


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"