

**TOWN COUNCIL
WORK SESSION
Minutes
March 30, 2009
6:00 pm**

I. Cityswitch

Ty Bland, Vice Chairman of the Historical Society presented Town Council with copies of Cityswitch NEPA application and stated that several questions on the application have incorrect answers. Mr. Bland reviewed the segments of the application that were incorrect and that Mr. Bland has appointments with the FCC and Historical Society to discuss the application.

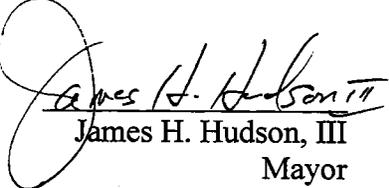
Mr. Hudson advised a public hearing is scheduled for 6:30 P.M. and that Mr. Bland comment on the application at the public hearing.

II. Personnel Policy Amendments

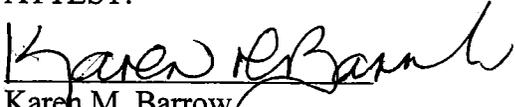
Mr. Funkhouser advised the Town Attorney has reviewed the changes to the personnel policy regarding drug and alcohol testing. The policy is ready for adoption.

III. Town Budget FY 2009-10 Public Hearing

Mr. Funkhouser advised changes to the proposed budget have been made as requested by the Chairman of the Finance Committee. The budget is ready for advertisement and a public hearing is scheduled for Monday, April 20, 2009.


James H. Hudson, III
Mayor

ATTEST:


Karen M. Barrow
Town Clerk

**TOWN OF WEST POINT
TOWN COUNCIL
MINUTES
March 30, 2009**

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, March 30, 2009. The Honorable James H. Hudson III called the meeting to order at 7:30 p.m. in Town Council Chambers at Town Hall, 329 6th Street, West Point, Virginia. Reverend William 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; Holly McGowan, Director of Community Development and other interested persons.

II. CITIZENS ADDRESS TO COUNCIL

A. Resolution to Honor Dick Brake

Jim Hudson read the attached resolution to honor Dick Brake for serving on the EDA and his endless dedication towards the Town of West Point.

B. Resolution in Celebration of West Point Christian Church 125th Anniversary

Jim Hudson read the attached resolution in celebration of West Point Christian Church's 125th Anniversary.

Mr. Healy made a motion to adopt the resolution to Honor Dick Brake and the resolution in celebration of West Point Christian Church's 125th Anniversary, seconded by Charlie Gordon. Upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

C. Audit Report for FY 2007-08

Aaron Hawkins, representative for Robinson, Farmer & Cox, advised the Town received a good audit report reflecting increases in fund balances, general funds and the water fund.

D. Public Hearing – Cityswitch Request to Vacate an Alley

Mr. Hudson read the public hearing advertisement and asked the Town Clerk if anyone had contacted the Town with the following request: 1) Asked to review the application. 2) Submit any written comments. 3) Asked for assistance to attend the public hearing.

The Town Clerk advised that Ty Bland had some comments on behalf of the Historical Society and will submit his comments under the public hearing. No other request were received.

Holly McGowan, Director of Community Development gave a review of the application and the Planning Commission recommendation.

Mr. Hudson advised the Town has received a petition with 62 signatures objecting to the Cityswitch tower and asked the Clerk to enter the petition into the Town Council minutes.

Mr. Hudson opened the floor for citizens to comment on the public hearing.

1. Ken Harbour, Chief Operating Officer for Cityswitch advised that since the tower was constructed in September, Cityswitch has been working diligently with the Town Manager to provide a mutually agreeable solution so the tower can remain in its current location. Cityswitch respectfully request that Town Council approve the request to abandon the North/South alley.
2. Mark Neal, 650 Euclid Boulevard, Chairman, West Point Historical Society, advised the Historical Society objects to the present location of the tower and asked that the tower be moved out of the historical area and for Town Council to deny the request for the alley abandonment.
3. Lucy Thornton Edwards, 222 12th Street, West Point, Virginia advised she grew up on 12th Street and she feels that a reasonable opportunity has not been given to her to express her concerns with the construction of the tower. If you look out the window all you see is the tower with orange stripes. Ms. Edwards objects to the tower and asked Town Council to deny the application.

Mr. Shreaves asked Ms. Edwards if Cityswitch has contact her in any way.

Ms. Edwards advised no, she has not received any communications from Cityswitch.

4. Philip Bradley, 216 16th Street, West Point, Virginia advised a land survey was done prior to the construction of the tower in June 2008. The tower was built seven feet from Ms. Edwards property and not seven feet from the Cityswitch property line. The tower was constructed in the wrong location. Mr. Bradley objects to the location of the tower.
5. Ty Bland, 1205 Main Street, West Point, Virginia advised that after reviewing the NEPA application by Cityswitch he discovered the following discrepancies in the application: 1) Cityswitch stated the tower was not located in the floodplain when the tower is clearly within the floodplain. 2) Cityswitch stated the tower was not constructed within the viewshed of a site that is listed in the State or National Registers of Historic Places. The tower is within the view of several structures in the historic district, and 3) The Historical Society wrote to Cityswitch voicing concerns with the location of the tower and Cityswitch has not responded to the historical society.
6. Cathy Allen, Thrasher Engineering, advised that an unfortunate error occurred with a miscalculation during the survey and that Thrasher Engineering are willing to work with the Town so the tower can remain in its current location.

Mr. Hudson asked for the NEPA application to be entered into the Town Council minutes.

Mr. Hudson asked if there was any one else that would like to comment on the public hearing. There being none, the public hearing was closed.

ACTION

Mr. Shreaves made a motion to postpone action on a request for public land by Cityswitch till April 27th, 2009, 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".

E. Public Hearing – West Point Properties, LLC Request to Vacate an Alley

Mr. Hudson read the public hearing advertisement and asked the Town Clerk if anyone had contacted the Town with the following request: 1) Asked to review the application. 2) Submit any written comments. 3) Asked for assistance to attend the public hearing.

The Town Clerk advised no request were received.

Mrs. Holly McGowan, Director of Community Development gave a review of the application with the Planning Commission recommendation.

Mr. Hudson opened the floor for citizens to comment on the public hearing.

1. John Crowder, owner of West Point Pharmacies advised he intends to expand the pharmacy to a 5,500 square foot building that would increase services for town residents. Mr. Crowder also stated that he owns both sides of the alley and would like to request the Town vacate the alley to assist with the redevelopment of the property, if the Town does not vacate the alley then the alley needs to be surveyed and put in the correct location.
2. Dennis Norman, 1214 Lee Street, West Point, Virginia advised the alley is located in the wrong place and needs to be put in the correct location. Mr. Norman also stated that he objects to the abandonment of the alley and the alley being closed to the public.
3. Bobby Wilson, 535 12th Street, West Point, Virginia advised that his family has used the alley for 75 years, he objects to the alley abandonment and not being allowed to use the alley.
4. Blair Wilson, Engineer for Mitchell-Wilson & Associates, 3560 King William Avenue, West Point advised the redevelopment of West Point Pharmacy will need the use of the alley for a drive through pharmacy. The members of the public that currently use the alley do so to avoid waiting at the traffic light at Lee Street.

Mr. Hudson asked if any one else would like to comment on the public hearing, there being none the public hearing was closed.

ACTION

Mr. Lawson made a motion that Town Council approve the abandonment of one North/South alley between 13th Street and 14th Street East of Lee Street situated between 69A3-76-lots 1127 through lots 1133 with the notation that the citizens that live on the creek will be inconvenienced and Town Council shall take into consideration every effort to provide access to those citizens with reviewing this matter. Seconded by Mrs. Nichols. Upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye" and Mr. Healy voted "Nay".

F. Public Hearing – No Through Trucks [*See Attached Resolution*]

Mr. Hudson read the public hearing advertisement and asked the Town Clerk if anyone had contacted the Town with the following request: 1) Asked to review the application. 2) Submit any written comments. 3) Asked for assistance to attend the public hearing.

The Town Clerk advised Mrs. Linda Smith reviewed the application and submitted comments at the Public Works and Public Safety Committee meetings. No request for assistance to attend the public hearing was received.

Mr. Hudson opened the floor for citizens to comment on the public hearing.

1. Mrs. Linda Smith, Old Dominion Grain, 3100 Southern Avenue stated that Old Dominion Grain objects to the No Through Truck restrictions on Southern Avenue and Magnolia Avenue and asked Town Council to remove both streets from the resolution. Old Dominion Grain has no objection to the No Through Truck restrictions on 15th Street.

Mr. Hudson asked if any one else would like to comment on the No Through Trucks restrictions. There being none, Mr. Hudson closed the public hearing.

ACTION

Mrs. Gulley read the attached resolution and moved to authorize the Town Manager to request that VDOT post 15th Street West of Main Street and East of Kirby street with No Through Truck signs, 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".

G. Public Hearing Pointer Subdivision Final Plat Approval

Mr. Hudson read the advertisement for the public hearing and asked the Town Clerk if anyone had contacted the Town with the following request: 1) Asked to review the application. 2) Submit any written comments. 3) Asked for assistance to attend the public hearing.

The Town Clerk advised no written request was received, John Shaw did request to review the plat. No request was received for assistance to attend the meeting.

Holly McGowan, Director of Community Development gave a review of the application with the Planning Commission recommendation. Ms. McGowan also stated that she has not received any comments from VDOT.

Mr. Hudson opened the floor for citizens to comment on the public hearing.

1. James Mitchell, Project Engineer of Mitchell-Wilson & Associates, 3560 King William Avenue, West Point, advised he has addressed all the comments from the Town and he has not received any comments from VDOT.
2. James Bryant, 720 Cressfield Drive, West Point, Virginia advised that he has concerns with the sediment ponds and the pond located directly behind his rear yard, the water is seven feet deep. Mr. Bryant asked what happens if a child drowns in the pond.
3. George Chapman, 700 Cressfield Drive, West Point, Virginia advised he also has concerns with the sediment ponds. The Planning Commission discussed the ponds and the installation of fencing with fish to eat the mosquito larva. As of today, none of these items have been done.
4. John Britt Jr, 2790 Mattaponi Avenue, West Point, Virginia advised he has safety concerns for the children in the area and that there should be some fencing around the pond.
5. Blair Wilson, Mitchell-Wilson & Associates advised the concerns of the citizens are very valid concerns that are addressed on the Plan of Development. The developer has to be given a chance to complete the project that includes installing aeration pumps in the ponds to control mosquitoes and the fencing will be installed towards the end of the project.

Jim Hudson asked when will the project start and when will it be complete.

Mrs. Gulley asked what type of fencing will be installed around the ponds.

Blair Wilson advised the discussion at Planning Commission was that no fencing will keep a child out. that children will climb the fencing. The intention of the fencing is to keep young children from wondering to the pond, Planning Commission approved a 48 inch high chain link fence.

6. Paul White, Developer of Pointers subdivision advised the economy has slowed down and that he will do everything he can to get the project started and completed as soon as possible.

Jack Lawson suggested Mr. White install some temporary orange fencing.

Mr. Hudson asked if any one else would like to comment on the Public Hearing.

ACTION

Mr. Shreaves made a motion for Town Council to approve the final subdivision plat for Pointers, as prepared by Mitchell Wilson & Associates, dated July 17, 2006, with the revision dates of February 22, 2007, June 5, 2008, January 28, 2009 and March 9, 2009, consisting of twenty-one (21) lots and to include the approval of the Declaration of Covenants, Conditions and Restrictions as prepared by Hudson & Bondurant, subject to VDOT comments. 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".

H. Public Hearing – Ordinance 05-09/Floodplain Ordinance [*See Attached Ordinance*]

Mr. Hudson asked the Town Clerk if anyone had contacted the Town with the following request: 1) Asked to review the application. 2) Submit any written comments. 3) Asked for assistance to attend the public hearing.

The Town Clerk advised no request was received.

Ms. McGowan, Director of Community Development advised ordinance 05-09 is an amendment to the floodplain ordinance that reflects changes to the State Code and changes to the new FEMA maps effective July 20, 2009.

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

ACTION

Mrs. Gulley made a motion for Town Council to adopt ordinance 05-09 as presented, seconded by Mr. Shreaves. Upon roll call; Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

I. Citizens Address to Council

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

1. Scott Wilson, 317 5th Street, West Point, Virginia advised he recently recorded a quitclaim deed for five feet of one East/West alley located adjacent to his property and would like to request the additional 5 feet that his adjoining property owner does not wish to claim.

Jim Hudson asked for the Public Works Committee review the request and submit a recommendation to Town Council.

Mr. Wilson advised he works four ten hour days on Monday through Thursday and that he is available on Fridays.

The consensus of the Public Works Committee is to change the meeting to Friday, April 17th at 10 a.m. so Mr. Wilson can attend the meeting.

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 was noted.

Mrs. Gully left the meeting.

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. Ball. Upon roll call Mrs. Ball, Mr. Gordon, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

- 1) Minutes of February 23, 2008 Town Council Meeting and Work Session
Joint Work Session with School Board, March 10, 2009
Town Council Budget Work Session, March 24, 2009
- 2) Cash Reports
 - a) General Fund
Cash on hand as of February 28, 2008 - \$4,228,504.05
 - b) Water Fund
Cash on hand as of February 28, 2008 - \$712,810.87
 - c) CIP
Cash on hand as of February 28, 2008 - \$1,359,377.70
- 3) Monthly Budget Report
- 4) School Fund Cash Report
 - a) Cash on hand as of February 28, 2008 - \$309,029.22
- 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

There was no report for the Public Safety Committee.

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

1. EDA Appointments

Mrs. Ball made a motion to appoint George C. Cunningham to the EDA for a term that expires September 30, 2009 and to appoint Lauren Sheppard to the EDA for a term that expires September 30, 2012, seconded by Mr. Gordon. Upon roll call Mrs. Ball, Mr. Gordon, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

2. Authorization to Advertise for a Public Hearing on the FY 2009-10 Budget

Mrs. Ball thanked the Town Manager and Town Staff for providing a balance budget that does not increase tax rates.

Mrs. Ball made a motion to authorize the Town Manager to advertise the proposed FY 2009-10 budget for consideration at a public hearing to be conducted on April 20, 2009 at 5 p.m. The Town budget will include \$9,693,760 for the West Point Public Schools, \$1,262,800 for Town Water Utility and \$10,348,100 for the Town. The Town Expenditures include transfers to the schools of \$3,566,000 for operating expenses and \$75,000 for CIP leaving \$6,707,100 for Town Operating and Capital expenses of \$3,485,600 and 3,221,500. Seconded by Mrs. Nichols, upon roll call Mrs. Ball, Mr. Gordon, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

3. Red Flag Identity Theft Prevention Program *[See Attached Program]*

Mr. Funkhouser advised the Red Flag Identity Theft Prevention Program is a requirement by the Code of Federal Regulations that is designed to detect and prevent identity theft for DMV and government offices that processes transactions on accounts including utility accounts. Training will be provided to employees working in the Treasurers office.

Mrs. Ball made a motion to adopt the attached Identity Theft Prevention Program attached, seconded by Mr. Shreaves. Upon roll call Mrs. Ball, Mr. Gordon, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

4. Drug and Alcohol Testing

Mr. Funkhouser advised that due to a request by Town Council and due to some incidents over the past year, some changes are necessary to the personnel policy to provide supervisors with a policy requiring drug testing in the event that an accident occurs during working hours requiring a doctor's visit. That employee will be required to have a drug and alcohol test.

Mrs. Ball made a motion to approve amendments to the Town Employee Personnel Policy Handbook in accordance with the text presented in the Town Manager's memorandum to Council dated March 30, 2009 as revised by the Town Attorney. Seconded by Mr. Healy, upon roll call Mrs. Ball, Mr. Gordon, 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

Mr. Gordon advised there was nothing to report.

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

1. Ordinance 06-09 – Sign Text Amendment Referral to Planning Commission

Mr. Lawson made a motion for Town Council to refer Ordinance 06-09, Sign Text Amendment to Planning Commission for review and for the Planning Commission to submit any recommendations back to Town Council. Seconded by Mr. Shreaves, upon roll call Mrs. Ball, Mr. Gordon, Mr. Healy, Mr. Lawson, Mrs. Nichols and Mr. Shreaves all voted "Aye".

VII. TOWN MANAGER'S ITEMS

There was nothing to report.

VIII. OLD BUSINESS

There was nothing to report.

IX. NEW BUSINESS

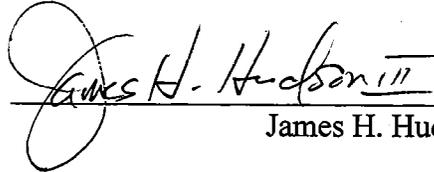
A. Planning Commission Report - Mr. Hudson

Mr. Hudson advised the Planning Commission meet on April 1, 2009 and acted on the following items: 1) Voted to recommend approval to Town Council to vacate one North/South alley to West Point LLC. (West Point Pharmacy). 2) Planning Commission voted not to recommend approval to Town Council for Cityswitch's request to vacate one North/South alley due to substantial inconveniences. 3) Planning Commission approved J. D. Ludwig's Plan of Development.

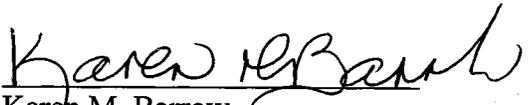
X. ADJOURNMENT

There being no further business Mr. Hudson adjourned the meeting at 8:35 P.M.

These minutes were transcribed by Karen M. Barrow, Town Clerk.


James H. Hudson, III
Mayor

ATTEST:


Karen M. Barrow
Town Clerk

**Town of West Point
Resolution
Through Truck Restrictions
Portions of 15th Street**

WHEREAS some citizens of the Town of West Point have raised concerns regarding truck traffic on the referenced portions of 15th Street (T-1122) between Main Street (VA Primary Route 30) and Kirby Street (T-1108); and

WHEREAS the West Point Town Council wishes to restrict truck traffic on the above-referenced portions of 15th Street to those trucks with destinations within those portions of 15th Street; and

WHEREAS alternative routes exist to serve trucks without destinations within those portions of 15th Street; and

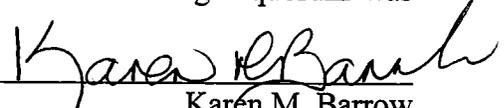
WHEREAS the alternative route for the above-referenced portion of 15th Street is Route 30 from 15th Street to 16th Street (T-1118), then 16th Street to Kirby Street to 15th Street; and

WHEREAS the West Point Town Council conducted a public hearing on March 30, 2009, and the transcript of the public hearing will be provided to the Virginia Department of Transportation; and

WHEREAS the West Point Town Council will use its police officers for enforcement of the proposed restrictions.

NOW THEREFORE BE IT RESOLVED that the West Point Town Council of the Town requests that the Virginia Department of Transportation review of the proposed restrictions in accordance with that agency's policies and procedures and requests the Commissioner to approve such proposed restrictions.

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 March 30th, 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	Aye
Mr. Lawson	Aye
Mrs. Nichols	Aye
Mr. Shreaves	Aye

TOWN OF WEST POINT
RESOLUTION TO HONOR
The Honorable Robert F. Brake

WHEREAS; Robert F. Brake first began his dedication to serve the West Point Community when Town Council appointed him to the Industrial Development Authority on August 26, 2003, and

WHEREAS, Robert F. Brake was reappointed to the Economic Development Authority on September 30, 2004 and reappointed for a seconded term on September 30, 2008, and

WHEREAS, Robert F. Brake resigned his position from the Economic Development Authority on March 1, 2009, and

WHEREAS; Robert F. Brake has shown dedication by working relentlessly for the growth of the IDA which became the Economic Development Authority (EDA) and he developed a vision for the Economic Development Authority which enhanced the financial stability of our community; and

NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of West Point, Virginia on behalf of all its citizens, expresses sincere thanks to Robert F. Brake for your endless dedication towards Economic Development in the Town of West Point.

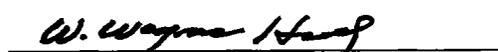
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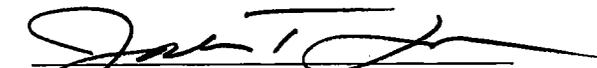

James H. Hudson III, Mayor


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


Gail C. Nichols, Council Member


O.B. Shreaves, Jr. Council Member

TOWN OF WEST POINT
West Point Christian Church
125th Anniversary
Resolution

WHEREAS, West Point Christian Church was organized in 1884, first meeting in homes and shortly thereafter building the first of several meeting houses in the Town of West Point; and

WHEREAS, the Church suffered along with the Town as its church building was destroyed in the Great West Point Fire of April 30-May 1, 1903; and

WHEREAS, the Church struggled financially along with the Town during the Great Depression; and

WHEREAS, the Church mourned the Town's losses and celebrated the Country's victories in numerous conflicts overseas; and

WHEREAS, the Church has cheered the Town's many successes, supporting our community and its residents through good times and bad; and

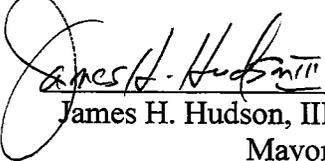
WHEREAS, many of the Church's members have held positions of leadership in the Town, building the foundation for our political, educational and economic successes; and

WHEREAS the Church has faithfully ministered to its own members and the Town citizens as a whole body, serving as a shining example of the teachings of Christ in our trials and our triumphs; and

WHEREAS, the Church's history has so closely paralleled the Town's that we are forever joined by our common endeavors and our sense of community;

THEREFORE the Town Council of the Town Of West Point, acting on behalf of all of the citizens of Town, joins in the celebration of West Point Christian Church's 125th anniversary, expressing the Town's heartfelt gratitude to the Church for its faithful ministry to the Town and its citizens, for the unflagging compassion and support shown to the less fortunate among us, and for the wonderful example of Christian love the Church has held up for us to follow.

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 March 30th, 2009 at which meeting a quorum was present and voted throughout.


James H. Hudson, III
Mayor