

**WEST POINT TOWN COUNCIL
WORK SESSION MINUTES
SEPTEMBER 27th, 2010**

I. Alley Disposition Policy

Mr. Hudson advised the Planning Commission has reviewed the Ally Disposition Policy and are requesting that Town Council change the policy so that each adjoining property owner is offered the opportunity to purchase five feet of an alley.

The consensus of Town Council is that the change would not enable Town Council to work with unavoidable issues if one occurs. Therefore Town Council declines the recommendation by the Planning Commission.

II. West Point Police Department

A. Speed Trailer

Mr. Hudson advised the Public Safety Committee discussed the Speed Trailer and why it has been out of use for the past few months.

Paul Kelley asked if a special fine in the downtown area can be adopted to reduce the speeding downtown.

Andrea Erard advised a special area enforcement would need to be approved by the General Assembly.

Chief Hodges advised the solar panel that was purchased at the beginning of the summer needs to be installed and that as soon as possible Jim Roberts will install the panel and the speed trailer would be put back into use.

B. Vehicle Assignments – (New/Re-assigned Vehicles)

Chief Hodges gave a review of current assigned vehicles and re-assignments that will occur when the new vehicles arrive.

Bub Shreaves stated that it does not make sense for a patrol officer to be driving a vehicle with high mileage while administrative staff are driving newer vehicles with low mileage.

Deborah Ball and Charlie Gordon stated that as long as Jason Harlow has been an employee for the Town he should receive one of the newer vehicles.

Chief Hodges advised that Jason Harlow's car has a re-built engine and is in the process of being painted.

Jim Hudson advised that Jason Harlow has said he does not want one of the new cars.

Jack Lawson stated that the two new cars should be marked and seen by the public on the road.

Charlie Gordon stated that he would like to complement Jason Harlow because he is the most visible officer on the road.

C. Assignments – Athletic Event Patrols

Tina Gulley stated that the Public Safety Committee reviewed the School Athletic events and decided that the officer on patrol does not have to work the athletic events. However, they should make an appearance at some time during the event and also patrol the downtown shopping area on foot patrol during the day.

D. Staff Scheduling Software

Mrs. Gulley advised the police department is currently preparing the monthly shift schedule by hand and will review some software programs that would reduce the length of time spent on preparing the written scheduled.

E. Vehicle Policies – (Marked, Unmarked and Undercover)

Mrs. Gulley advised the Public Safety Committee discussed the Marked, Unmarked and Undercover cars and decided that the Investigator car should have tinted windows so informants sitting in the car could not be recognized. The police department does have an undercover vehicle that is being kept outside of West Point and that eventually the undercover vehicle would need to be replaced.

Chief Hodges advised an undercover car is used for narcotic investigations and it would be a different brand of vehicle not normally used by a police department such as an Oldsmobile.

E. Patrol Officer Vacancy

Mrs. Gulley advised that a patrol officer has left the police department and that vacancy will be advertised in the next few weeks.

**TOWN OF WEST POINT
TOWN COUNCIL
MINUTES
SEPTEMBER 27th, 2010**

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, September 27th 2010. The Honorable James H. Hudson III called the meeting to order at 6:30 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; Paul Kelley; Jack Lawson; Bub Shreaves and Chris Vincent.

Also Present: Trenton L. Funkhouser, Town Manager; Andrea Erard, Town Attorney; Karen Barrow, Town Clerk; Chief Bill Hodges, WPPD; Sergeant Lisa Woodson, WPPD; Officer Eric Mitchell, WPPD; Holly McGowan, Community Development Coordinator and other interested persons.

II. CITIZENS ADDRESS TO COUNCIL

A. Public Hearing – Ordinance 03-10 / Street Vendors

Mr. Hudson read the advertisement for Ordinance 03-10 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 stated that Mr. James Johnson, 428, 3rd Street obtained a copy of Ordinance 03-10 and that no other requests were received.

Mr. Hudson opened the floor for citizens to address Town Council on Ordinance 03-10., Street Vendors.

1. James Johnson, 428 3rd Street, West Point, Virginia advised he has operated a food trailer that is located at Bobby Bryant's property on Rt. 14 since 2004. Mr. Johnson stated he has concerns with the proposed ordinance and advised that he has followed the current zoning since 2004 and that Ordinance 03-10 has changes to the zoning and sign requirements that concern Mr. Johnson. Mr. Johnson also stated that Mr. Funkhouser allows Mr. Johnson to put his signs out on Friday and Saturday then remove them on Sunday while other businesses leave signs out all week.

Mr. Hudson asked Mr. Johnson to meet with Mr. Funkhouser and Mrs. McGowan to discuss ordinance 03-10 and for the Community Development Committee to review the ordinance.

Mr. Funkhouser stated that he would schedule an appointment with Mr. Johnson prior to the next Community Development Committee meeting.

Mr. Hudson asked if any one else would like to submit comments on ordinance 03-10. There being none the public hearing was closed.

B. Public Hearing – Ordinance 04-10 / Road Side Solicitations

Mr. Hudson read the advertisement for Ordinance 04-10 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 no requests were received.

Mr. Hudson opened the floor for citizens to address Town Council on ordinance

04-10 - Roadside Solicitations. 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.

1. Lynn Carruth, 180 Oak Grove Avenue, West Point, Virginia advised that she is representing the "Community Cat Caretakers Alliance". The committee was formed specifically to address the issue with roaming cats in West Point as well as King and Queen and King William Counties. Ms. Carruth advised the Alliance does acknowledge that there is a problem with roaming cats in West Point. However, the Alliance does strongly object to the current policy to trap cats. It is offensive, ineffective and inhumane. Ms. Carruth also stated that the Animal Shelter is turning into a slaughter house euthanizing cats after trapping. The Community Cat Caretakers Alliance would like to suggest a more effective approach that would be implemented through a community partnership of the Town, King William County, Community Volunteers and None Profit Organizations. Ms. Carruth made a request for the Town to stop trapping cats until a meeting with the Public Safety Committee has taken place.

Mr. Hudson suggested the Community Cat Caretakers Alliance attend the Public Safety Committee meeting on Wednesday, October 20th at 5 p.m. to discuss the Cat Control Program.

Mrs. Gulley advised that she is a cat lover and keeps her cat in the house. Mrs. Gulley apologized to Ms Carruth for not returning Ms. Carruth's phone call recently and asked Ms. Carruth to think about the trap neuter and release program and if the program would address the diseases carried by feral cats.

2. Bernard Lee, 284 Ogden Street, West Point, Virginia advised that residents on Ogden Street are experiencing problems with two pit bulls; one of the pit bulls did attacked Mr. Lee. Mr. Lee stated he has filled charges against the owner of the dog and a court date has been set for October 7th 2010 in King William County. Mr. Lee asked what can be done with the dogs for the safety of the children playing on Ogden Street.

Andrea Erard provided Mr. Lee with a business card and advised she would call Mr. Lee to discuss the safety issues.

Both Mrs. Ball and Mrs. Gulley advised they had received phone calls from residents in the area regarding the dogs.

Sergeant Lisa Woodson advised she had responded several times to complaints on Ogden Street and so had the Animal Control Officer. The dogs are chained up in the yard and on several occasions broken the chains.

Ms. Erard advised that some localities have banned the chaining of pit bulls because it increases the aggressiveness of the dogs.

Mr. Lee asked if the owner is allowed to sell pit bull puppies.

Mr. Funkhouser advised he would need to review the ordinance.

Mr. Hudson asked Ms. Erard to review ordinance to see what options the Town might have.

Mr. Hudson asked if there was any one else that would like 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

Mrs. Gulley made a motion to adopt the agenda as presented. Seconded by Mr. Kelley, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent 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. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

- 1) Minutes of August 30, 2010 Town Council Meeting and Work Session
- 2) Cash Reports
 - a) General Fund
Cash on hand as of August 31, 2010 - \$6,206,817.62
 - b) Water Fund
Cash on hand as of August 31, 2010 - \$508,510.73
 - c) CIP
Cash on hand as of August 31, 2010 - \$7,245,082.24
- 3) Monthly Budget Report
- 4) School Fund Cash Report
 - a) Cash on hand as of August 31, 2010 - \$233,013.86
- 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.

1. Ordinance 03-10 – Street Vendors

Mrs. Gulley made a motion to table action on Ordinance 03-10 until the October Town Council meeting. Seconded by Mr. Shreaves, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

2. Ordinance 04-10 – Roadside Solicitation [See Attached Ordinance]

Mrs. Gulley made a motion to adopt ordinance 04-10 – Roadside Solicitation, seconded by Mr. Gordon. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

3. Domestic Violence and Sexual Assault Awareness Month [*See Attached Resolution*]

Mrs. Gulley made a motion to adopt the attached resolution and for Take Bake the Night to be on October 12th 2010 from 6 PM till 8 PM. Seconded by Mr. Lawson, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

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

Mrs. Ball advised there is nothing to report.

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

Mr. Shreaves advised there is nothing to report.

C. Public Works – Mr. Gordon reported for the Committee

Mr. Gordon advised there is nothing to report.

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

Mr. Lawson advised there is nothing to report.

VII. TOWN MANAGER’S ITEMS

A. Fire Insurance Rating

Mr. Funkhouser advised the Town recently received the rating of “4” on a scale of 1-10.

Mr. Lawson advised the rating was a “7” several years ago. The lower the number on the rating scale the lower the homeowners premium.

B. West Point Bridge Creek Repairs

Mr. Funkhouser advised VDOT has agreed to construct a temporary access road to Chelsea Road and Glass Island. There will be no need to have a detour during the repairs to the bridge approach.

Mr. Hudson advised he and the Town Manager meet with Annette Adams from VDOT in Saluda recently and Ms. Adams had three alternate plans to review in the meeting. The last plan was the temporary access road which was within VDOT’s budget.

Mr. Funkhouser advised that a “Citizen Information Meeting” will be conducted by VDOT in January 2011.

VIII. OLD BUSINESS

There was nothing to report.

IX. NEW BUSINESS

A. Planning Commission Report - Mr. Hudson

Mr. Hudson advised the Planning Commission meeting on September 1, 2010 to discuss the following: 1) Multi-Family Development in R-3 Zoning District. 2) Authorized advertisement for a public hearing on Ordinance 05-10 – Zoning Fee Schedule. 3) Deferred ordinance 06-10 till October 6, 2010. 4) Submitted Alley policy for review by Community Development Committee for comments or suggestions. 5) Reviewed proposed Bike and Pedestrian Map with language.

D. Closed Session

Mr. Kelley made a motion to enter into closed session pursuant to Virginia Code §2.2-3711(A)(1) for the discussion or consideration of the contract for the Chief of Police. Seconded by Mr. Vincent, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

RECONVENE

Mr. Lawson made a motion to reconvene into the open session, seconded by Mrs. Gulley. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

CERTIFICATION

Mrs. Gulley made a motion that Town Council certify in closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Seconded by Mrs. Ball, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

X. ADJOURNMENT

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

James H. Hudson, III
Mayor

ATTEST:

Karen M. Barrow
Town Clerk

Adopted: 9/27/2010

Ordinance No. 04-10

ORDINANCE NO. 04-10 AMENDS THE WEST POINT TOWN CODE, CHAPTER 34, "MOTOR VEHICLES AND TRAFFIC," ARTICLE I, "IN GENERAL," BY ADDING SECTION 34-8, "SOLICITATION ACTIVITIES ON HIGHWAYS PROHIBITED." ORDINANCE 04-10 PROHIBITS ANY TYPE OF DISTRIBUTION OR SOLICITATION TO OCCUPANTS OF MOTOR VEHICLES AND INCLUDES A FINE OF \$ 100 FOR A FIRST OFFENSE AND \$ 250 FOR ANY SUBSEQUENT OFFENSE. ORDINANCE NO. 04-10 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VA. CODE SECTION 46.2-931.

BE IT ORDAINED BY THE WEST POINT TOWN COUNCIL that the West Point Town Code be amended by adding to Chapter 34, "Motor Vehicles and Traffic," Article I, "In General," section 34-8, "Solicitation Activities on Highways Prohibited" to read in its entirety as follows:

"Sec. 34-8. Solicitation Activities on Highways Prohibited.

(a) For purposes of this section, "highway" shall mean the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the town, including the streets and alleys, and, the entire width between the boundary lines of all private roads or private streets that have been specifically designated highways by ordinance.

(b) It shall be unlawful for any person standing, sitting, walking or otherwise located on a highway within the town to:

- (1) Distribute handbills, leaflets, bulletins, literature, advertisements or similar material to the occupants of motor vehicles.
- (2) Solicit contributions of any nature from the occupants of motor vehicles.
- (3) Sell or attempt to sell merchandise or services to the occupants of motor vehicles.

(c) Any person violating the provisions of this section shall, upon conviction, be guilty of a traffic infraction, punishable by a fine of one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) for any subsequent offense. Each separate violation shall be considered a new offense."

Vote:

Mrs. Ball	"Aye"
Mr. Gordon	"Aye"
Mrs. Gulley	"Aye"
Mr. Kelley	"Aye"
Mr. Lawson	"Aye"
Mr. Shreaves	"Aye"
Mr. Vincent	"Aye"

**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 Tuesday, October 12th 2010 from 6:00 p.m. till 8 p.m.

NOW, THEREFORE BE 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 September 27, 2010 at which meeting a quorum was present and voted throughout.

Karen M. Barrow
Town Clerk