

**TOWN OF WEST POINT
TOWN COUNCIL
MINUTES
MAY 21st, 2012**

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, May 21st 2012. The Honorable James H. Hudson III called the meeting to order at 6:30 p.m. The Invocation was given by Reverend Beth Palmer 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: John B. Edwards, Jr., Town Manager; Andrea Erard, Town Attorney; Karen Barrow, Town Clerk; Chief Bill Hodges, WPPD; Holly McGowan, Community Development Coordinator; TC Moore, Town Treasurer and other interested persons.

II. CITIZENS ADDRESS TO COUNCIL

A. BayAging Update

Kathy Vesley, President & CEO of BayAging presented Town Council with a report on the following services provided by BayAging/Bay Transit in West Point for the past year: 1) Meals on Wheels, 3,551. 2) 4,115 public transportation rides. 3) 61 Towns people volunteered 893 hours of service. 4) Ten homes on Kirby Street received assistance through the Community Development Block Grant. 5) 32 residents living at Winters Point received 208 hours of care management. 6) BayAging paid \$5,405 in real estate taxes to the Town, \$1,641 in water bills and \$4,100 for sewer. Ms. Vesley thanked Town Council for their supporting the senior community programs. Ms. Vesley also stated that a reduction of funding by the Town also reduces Federal/State funding, the programs would be reviewed to determine which services would be reduced due to funding.

B. Public Hearing – Snow/Wolford Subdivision

Mr. Hudson read the advertisement for the public hearing and asked the Town Clerk if anyone asked to view the application or if a request was received for assistance to attend the meeting.

The Town Clerk advised the Modr Family Trust viewed a copy of the plat and that no requests were received to attend the public hearing.

Holly McGowan, Director of Community Development advised that Planning Commission conducted a public hearing and recommends Town Council approve the request to subdivide the property into a two lot subdivision.

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

Mr. Gordon made a motion to approve the final subdivision plat for Snow-Wolford prepared by Bay Design Group dated February 24, 2012 by the attached resolution, seconded by Mr. Shreaves. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent.

C. Public Hearing – King William Dispatch Services – Ordinance 03-12

Mayor Hudson read the public hearing advertisement for Ordinance 03-12 and asked the Town Clerk if anyone asked to view the ordinance or if anyone requested assistance to attend the public hearing.

The Town Clerk advised that no requests were received.

1. Ronald Kirkland, 286 Ogden Street, West Point, Virginia 23181. Mr. Kirkland objects to paying a fee to King William County for the Dispatch Agreement, due to the fact that Town residents pay taxes into the General Fund that covers Emergency Services.

Mayor Hudson asked if anyone else would like to comment on the public hearing for Ordinance 03-12. There being none, the public hearing was closed.

Mrs. Ball made a motion to approve Ordinance 03-12, the agreement between the Town of West Point and King William County authorizing the Town Manager to sign any and all such documents[s] as may be necessary for King William County to provide dispatch services for the Town of West Point for a sum not to exceed \$40,000. 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”.

D. Citizens Address to Council

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

1. Ronald Kirkland, 286 Ogden Street, West Point, Virginia 23181 stated that he has asked the Town Manager for a permit to operate a concession stand at Kiwanis Park and was told that the request would need to go to the Community Development Committee for review. The Town Code indicates that the Town Manager can approve a permit it does not say that Town Council has to approve a permit. Mr. Kirkland asked Town Council to approve the use of a concession stand at Kiwanis Park.

Mrs. Ball asked Mr. Kirkland to give more details on his request.

Mr. Kirkland advised that he would like to operate a food concession trailer at Kiwanis Park selling hot dogs, snacks and drinks. The trailer has been

approved by the health department.

Mr. Edwards advised that Mr. Kirkland left a message on the Town Manager's voice mail this morning regarding the request and that the Town has not received a written request. Mr. Kirkland has been advised that he would need to submit his request to the Community Development Committee for review prior to being placed on the Town Council agenda.

Mr. Kirkland stated that he was not told that he would need a permit and he was not asked to fill out a permit to operate a concession stand on public property. The Town Code does not state that a special use permit is required. Mr. Kirkland also stated that he was told it would take three weeks for the request to be approved and that it had to be reviewed by the Community Development Committee, Mr. Kirkland feels that his request is a simple request and should not have to go through a committee.

Mr. Shreaves stated that Town Council's procedure is for a request to be presented at a Committee then after the review is complete that Committee sends the request to Town Council.

Mr. Kirkland asked if the Town Code applies to Town Council.

Mr. Hudson stated that Town Council uses Committee's to review requests unless Town Council wanted to vote on this tonight.

Mr. Lawson stated that he is the Chairman of the Community Development Committee and this request would need to be reviewed by the Committee. The next Committee meeting would be June 11th 2012 at 5 p.m.

Mr. Hudson asked if anyone else would like to address Town Council. There being none, Mr. Hudson closed the Citizens Address.

III. COUNCIL RESPONSE

None was noted.

IV. AGENDA CHANGES

Mrs. Gulley made a motion to approve the agenda as presented, 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".

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. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

- 1) Minutes of April 30th, 2012 Town Council Meeting and Work Session and May 10th 2012.
- 2) Cash Reports
 - a) General Fund
Cash on hand as of April 30th, 2012 - \$3,085,179.77
 - b) Water Fund
Cash on hand as of April 30th, 2012 - \$772,744.34
 - c) CIP
Cash on hand as of April 30th, 2012 - \$231,132.58
 - d) Solid Waste
Cash on hand as of April 30th, 2012 - \$17,706.46
- 3) Monthly Budget Report
- 4) School Fund Cash Report
 - a) Cash on hand as of April 30th, 2012 - \$73,320.49
- 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) Agreement with Robert Cottrell

V. COMMITTEE REPORTS

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

1 Safe Routes to School Administration Agreement

Mr. Lawson made a motion to approve the resolution authorizing the Town Manager to execute the Safe Routes to School Standard Project Administration Agreement with the Commonwealth of Virginia Department of Transportation. 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”.

2 ITI Boundary Line Adjustment

Mr. Lawson made a motion to authorize the Town Manager to advertise for a public hearing for a boundary line adjustment between the property of the Town and ITI located in King and Queen County. 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”.

B Education Committee – Mr. Shreaves reported for the Committee

Mr. Shreaves advised there was nothing to report.

C Finance Committee – Mrs. Ball reported for the Committee

1. VRS Retirement Modifications Resolutions

Mrs. Ball made a motion to approve the attached resolutions: 1) Employer Retirement Contribution Rate Election. 2) Member Retirement Contribution Election and 3) Salary Adjustment to Offset Retirement Contribution. 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. Appropriation of FY 2012-13 budget Resolution

Mrs. Ball made a motion for Town Council to adopt the attached resolution to appropriate the monies contained in the approved FY 2012-13 budget, 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”.

D. Public Safety – Mrs. Gulley reported for the Committee.

1 Letter of Agreement for the Interim Police Chief

Mrs. Gulley made a motion to authorize the Town Manager to sign and send the attached letter dated May 21, 2012 to Thomas A Clark, Jr., setting forth the terms of his temporary, part-time employment as Interim Police Chief with the Town of West Point. 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”.

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

Mr. Gordon advised that he has nothing to report.

VII. TOWN MANAGER’S ITEMS

A General Obligation Refunding Bonds

Mrs. Gulley made a motion for Town Council to approve the Resolution Authorizing the Issuance and Sale of a General Obligation Public Improvement Refunding Bond, series 2012 of the Town of West Point, Virginia, and providing for the form, and Payment Thereof. 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”.

B Surplus Equipment and Furniture

Mr. Gordon made a motion that Town Council authorize the Town Manager to dispose of surplus equipment and furniture owned by the Town, seconded by Jack Lawson. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

VIII. OLD BUSINESS

IX. NEW BUSINESS

A. Planning Commission Report - Mr. Hudson

Mr. Hudson advised that the Planning Commission had no items for the agenda, therefore there was no meeting for May, 2012.

X. ADJOURNMENT

There being no further business Mr. Hudson adjourned the meeting at 7:30 PM.

James H. Hudson, III
Mayor

ATTEST:

Karen M. Barrow
Town Clerk



***A RESOLUTION TO
APPROVE
SNOW/WOLFORD
Final Subdivision Plat
Town Council Resolution***

WHEREAS; the Director of Community Development has received an application from Snow/Wolford, for final subdivision and plan of development approval; and

WHEREAS; the applicant, agent, a member of the Planning Commission, and a member of Town Council, and the Director of Community Development have participated in a preliminary subdivision conference as required in Chapter 54, Subdivision, Section 54-29, and

WHEREAS; according to Chapter 54, Subdivisions, Section, 54-34, the planning commission shall conduct a public hearing before make any decisions on the preliminary plat of any proposed subdivision. The planning commission shall cause notice of such hearing to be advertised once a week for two successive weeks in a newspaper having general circulation in the town; and

WHEREAS; on April 4, 2012, the Planning Commission recommended approval to Town Council; and

NOW, THEREFORE BE IT RESOLVED; the Town Council of the Town of West Point approves the Snow/Wolford, 2 lot final subdivision and plan of development.

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 May 21, 2012, at which meeting a quorum was present and voted throughout.

Those members voting:

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

James H. Hudson, III
Mayor
Town of West Point

Adopted this 21st day of May 2012

COPY TESTE:

Karen M. Barrow, Town Clerk



***TOWN OF WEST POINT
RESOLUTION
Authorizing Salary Adjustment to Offset
Retirement Contribution Requirement***

WHEREAS effective July 1, 2012 the Virginia General Assembly has imposed a requirement that all local government employees be responsible for the full amount of their contributions to their retirement accounts with the Virginia Retirement System; and

WHEREAS the Virginia General Assembly has also required that localities increase the salaries of employees in an amount equal to the amount that employees will be required to contribute to their retirement accounts; and

WHEREAS even though employees receive an amount equal to their required contribution to their retirement accounts the employees will end up with a deficit in the amount of their take home pay; and

WHEREAS the West Point Town Council wishes to ensure that the employees of the Town of West Point do not have less take home pay as a result of the new mandates imposed by the Virginia General Assembly.

NOW THEREFORE BE IT RESOLVED by the West Point Town Council at its regular monthly meeting on May 21, 2012 that the salaries of all full-time employees shall be increased by 5.7% effective July 1, 2012 in order to offset the mandatory retirement contribution to the Virginia Retirement System imposed by the Virginia General Assembly.

Those members voting:

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

James H. Hudson, III

Mayor, Town of West Point

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Adopted this 21st day of May, 2012

ATTEST:

Karen M. Barrow
Town Clerk



***TOWN OF WEST POINT
RESOLUTION
APPROPRIATION OF FY 2012-13 BUDGET***

WHEREAS the West Point Town Council annually prepares and adopts a budget for informative and fiscal planning purposes; and

WHEREAS it is also necessary to appropriate sufficient funds for the contemplated expenditures as set forth in the fiscal year budget beginning on July 1, 2012 and ending on June 30, 2013; and

NOW THEREFORE BE IT RESOLVED by the West Point Town Council that all of the monies contained in the FY 2012-13 budget are hereby appropriated as of July 1, 2012, as reflected in Ordinance No. 02-12 and are appropriated upon the terms, conditions and provisions as follows:

1. All appropriations are declared to be maximum, conditional and proportionate appropriations, the purpose being to make the appropriations payable in full in the amounts named herein if necessary, and then only in the event the aggregate revenues collected and other resources available during the fiscal year ending June 30, 2013, for which the appropriations are made, are sufficient to pay all the appropriations in full; otherwise, said appropriation shall be deemed to be payable in such proportion as the total sum of all realized revenue is to the total amount of the revenues estimated by the Town Council to be available for appropriation in the fiscal year ending June 30, 2013.
2. No department, agency or individual receiving appropriations under the provisions of this Ordinance shall exceed the amount of its or his appropriation except with the prior consent and approval of the West Point Town Council.
3. Nothing in this Ordinance shall be construed as authorizing any reduction to be made in the amount appropriated in this Ordinance for the payment of interest on or the retirement of debt of the Town of West Point.
4. It is expressly provided that this Ordinance, with the exception of the expenditures of the funds appropriated, shall apply only to the lump sum amounts which have been included in this Ordinance.
5. The West Point Town Council reserves the right to change at any time during said fiscal year the compensation so provided to any officer or employee and to abolish any office or position excepting such office or position as it may be prohibited by law from abolishing.
6. The Town Manager is authorized to make such rearrangements of positions and appropriations with the several departments under the control of the Town of West Point, Virginia.
7. All resolutions or ordinances or parts of resolutions or ordinances that are inconsistent with the provisions of this Resolution are hereby repealed.

Those members voting:

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

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 May 21st, 2012 at which meeting a quorum was present and voted throughout.

Adopted this 21st day of May, 2012

ATTEST:

Karen M. Barrow
Town Clerk