

**TOWN OF WEST POINT
TOWN COUNCIL
WORK SESSION
MINUTES
December 17th 2024**

I. Town Manager's Vacation

Mr. Edwards advised that he will be leaving to go on vacation on December 26th and returning on January 6th 2025. While he is on vacation, Steve Hudgins, the Assistant Town Manger will be the Acting Town Manager.

II. Swearing In of Newly Elected Officials

Mr. Edwards stated that the Swearing In of the newly elected officials will be at 5:30 p.m. on Wednesday, January 8th followed by a Town Council Organizational meeting. The elected School Board officials will also be attending the Swearing In.

III. Additions to Town Council Agenda

Mr. Edwards asked for the Town Council Annual Organizational Meeting to be added to the agenda and for the Appointment of Steve Hudgins as Deputy Zoning Administrator.

IV. FOIA Request

Mr. Edwards advised that the Town received a response from King William County regarding the town's FOIA request for information on the Library. The letter with the email stated that they had to go through 3,400 emails, only 107 were pertaining to the town's request, and 7 are exempt under state code. The town received copies of 90 emails for a cost of \$1,019. Town Staff and the Town Attorney will be reviewing the emails.

V. Dispatch Agreement

Mr. Edwards advised that last week at the committee meeting, Town Council received a copy of a proposal for a dispatch agreement from King William County. Mr. Edwards stated that he has marked the draft agreement with suggestions for changes from the town. Mr. Edwards asked if anyone had any changes or corrections to the draft agreement.

Mr. Nein advised that he does not believe the changes should include the dispatchers salary.

Mr. Lawson stated that this is a draft agreement and that there will be more changes from both the town and county on negotiations. This draft is to start the negotiation process.

The consensus of Town Council is to send the draft agreement with the towns suggested changes to Sheriff Lumpkin and the County Administrator.

VI. Planning Commission Membership

Mr. Nein advised that the Planning Commission is interested in going back to the original membership. Mr. Nein also stated that since he has been attending meetings, there has not been a meeting with more than 3 members in attendance. A quorum attendance is an issue. The Planning Commission is in the process of reviewing their bylaws and the change in the membership number is being reviewed.

Ms. Erard suggested that she would be willing to do a training program for Planning Commission on duties and responsibilities.

Mr. Nein stated that would be a good idea and that Town Council needs to revisit the Planning Commission number of representatives, it does not need to be now but at some point it needs to be reviewed.

VII. Review of the Town Council Agenda

Mr. Edwards advised that the action items on the Town Council Agenda for tonight are:

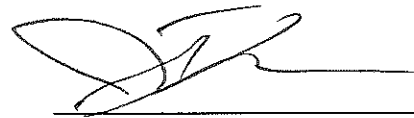
- 1 A Public Hearing on the rezoning of the property on 7th Street.
- 2 Adoption of the Hazard Mitigation Plan Service Agreement
- 3 Authorization to Advertise a Public Hearing on Ordinance 05-2024, Amendment to the Town Code for the Cigarette Tax
- 4 Authorization to Advertise a Public Hearing on Ordinance 06-2024, Cigarette Tax Regional Agreement
- 5 Acceptance of the Land Donation for West Point Christian Church
- 6 Schedule the Organizational Meeting for January 8th 2025 at 5:30 p.m.
- 7 The appointment of Steve Hudgins as Deputy Zoning Administrator

Mr. Nein asked how much is the Land Donation from West Point Christian Church going to cost the town.

Mr. Edwards stated nothing, just the Town Attorney and Town Manager's time to prepare the documents.

Mrs. Ball asked if the Christian Church will be paying the recording fees.

Mr. Edwards advised no.



Joshua T. Lawson
Mayor, Town of West Point

ATTEST:



Karen M. Barrow
Town Clerk

**TOWN OF WEST POINT
TOWN COUNCIL
MINUTES
December 17th, 2024**

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on December 17th, 2024. The Honorable Joshua T. “Jack” Lawson called the meeting to order at 6:30 p.m. The Invocation was given by Reverend Theresa Brion followed by the Pledge of Allegiance.

Members Present: Mayor, Jack Lawson; Deborah T. Ball, Vice Mayor; Bart Bartos, Robert Lawrence, John Nein, James Pruett, and John Ragsdale.

Members Absent: Chris Vincent

Also Present: John B. Edwards, Jr., Town Manager; Steven Hudgins, Assistant Town Manager; Andrea Erard, Town Attorney; Karen Barrow, Town Clerk; Tim Sawyer, Chief of Police; Holly McGowan, Community Development Coordinator; Spencer Cheatham, Fire Chief; Susan Lathan, Town Treasurer; Donna Pauley, Human Resource Officer; Ron Minick, Building Official; Melissa, Anderson, Communications Manager, and other interested persons.

II. CITIZENS ADDRESS TO COUNCIL

A. Public Hearing – Case # RZ2024-01, Arcadia Real Estate Advisors

Mr. Lawson read the advertisement then asked the Town Clerk if anyone asked to review the application or for assistance to attend the meeting.

The Town Clerk stated that no requests were received.

Mr. Lawson opened the floor for citizens to comment on the rezoning application case #RZ2024-01.

1. Tom Redd, 690 River Road, West Point, Virginia 23181 stated that he would like to thank Mrs. Ball, Mr. Bartos and Mr. Lawrence for their years of service to the Town. Mr. Redd also thanked Planning Commission for their foresight for this project and their approval of this request. A comment was made at the Planning Commission public hearing for the environmental study to be done. No developer is going to do an environmental study before the property is rezoned, due to the cost. This kind of high end development is not going to bring school aged children to the area, this will bring retail businesses, recreation and revitalization of downtown West Point. The biggest thing it will bring is revenue, its clean revenue and every citizen in this town will benefit from it. Mr. Redd urged Town Council to approve the rezoning application.

2. Brent Bohannon, 3560 King William Ave, West Point, Virginia 23181 stated that he is representing the Chamber of Commerce, and that the Board of Directors for the Chamber of Commerce voted unanimously to fully endorse this endeavor, we feel that it fits what the Chamber of Commerce is trying to do. Which is revitalize the town, bring in businesses and provide sustainable growth for the community. We thank everyone for their work on this project and we are willing to help in any way we can to bring this project to town.

3. Jim Barbour, 4115 Cardinal Court, West Point, Virginia 23181 stated that he has heard a lot of positive things about this project, however Mr. Barbour has some reservations about the plan and is concerned about the impact this project will have on the infrastructure, the water and sewer, the roads and public safety. The entrance to this location is on the same street as the fire and rescue department and the traffic flow will highly impact the area. Mr. Barbour reviewed the application and stated that he noticed some of the questions on the application were not answered.

Mr. Lawson advised that a lot of Mr. Barbour's questions will be addressed in the Plan of Development phase of the application, the infrastructure and traffic flow will be addressed. The public hearing tonight is for the Rezoning, the property has to be rezoned before going any further with the application.

4. Jon Beckner, representative for Arcadia Real Estate, the applicant, stated that it is a rezoning application, and there is a long way to go before the project is constructed. Mr. Beckner commented on the following concerns from the public: 1) We are currently going through the process with HRSD's requirements by working on calculations to replace the current 4 inch line to a 6 inch line. 2) Traffic, there will be a traffic study for the current use and for the proposed use. 3) The development will be governed through a HOA for the residents and commercial use. 3) The environmental will be the longest process, we would have to follow State, Federal and Local requirements that will need to be complied with. 4) In regard to the size of the housing units, we want to keep them small to 2 bedrooms, there might be the potential for the end units to be 3 bedrooms, and we do not want the units to be family size. 5) We would have to do a study for the marina, it would be a similar marina like one in Manteo in North Carolina. It's going to be 24 months before you see any activity at the location, there is still a lot of work to be done with this project.

5. Tracy Keck, 529 2nd Street, West Point, Virginia 23181 asked Mr. Beckner the square footage of the apartments and the price for the one and two bedrooms units.

Mr. Beckner stated that they are still working on the square footage and prices for the units. The buildings will be expensive to build because they will be on pylons with parking underneath, just like a development in Manteo.

Mr. Lawson stated that this is a public hearing for the rezoning and we do not want to get into questions and answers. Mr. Lawson asked if anyone else wanted to comment on the public hearing, there being none, the public hearing was closed.

Mr. Beckner thanked everyone for bringing forward their concerns and advised that he is available to answer any questions or concerns the public might have and provided his contact information to members of public in the audience.

Action

Mr. Nein made a motion to approve the rezoning application RZ2024-02, submitted by Arcadia Real Estate Advisors, from M-1 light Industrial to WMU, Waterfront Mixed Use and to include the condition proffers dated November 20, 2024. Seconded by Mr. Lawrence, upon roll call Mrs. Ball, Mr. Bartos, Mr. Lawrence, Mr. Nein, Mr. Pruett, and Mr. Ragsdale all voted "Aye". The motion was approved.

B. Citizens Address to Council

Mr. Lawson opened the floor for citizens to address Town Council on any Town related business. There being none, the citizens address was closed.

III. COUNCIL RESPONSE

None was noted.

IV. AGENDA CHANGES

Mr. Edwards asked under the Town Manager's Report the following two items need to be added, Swearing In of Officials followed by the Town Council Annual Organizational Meeting and the Appointment of Steve Hudgins as Deputy Zoning Administrator need to be added to the agenda under the Town Managers Items.

Mrs. Ball made a motion to adopt the agenda with the above amendments, seconded by Mr. Ragsdale. Upon roll call Mrs. Ball, Mr. Bartos, Mr. Lawrence, Mr. Nein, Mr. Pruett, and Mr. Ragsdale all voted "Aye". The motion was approved.

V. ADOPTION OF CONSENT AGENDA

Mr. Pruett made a motion to adopt the following consent agenda, seconded by Mr. Ragsdale. Upon roll call Mrs. Ball, Mr. Bartos, Mr. Lawrence, Mr. Nein, Mr. Pruett, and Mr. Ragsdale all Voted "Aye". The motion was approved.

- 1) Town Council and Work Session minutes of November 26th 2024
- 2) Cash Reports
 - a) General Fund
Cash on hand as of November 30th 2024 - \$6,356,678.61
 - b) Water Fund
Cash on hand as of November 30th 2024 - \$849,629.39
 - c) CIP
Cash on hand as of November 30th 2024 - \$(-485,423.10)
 - d) Solid Waste
Cash on hand as of November 30th 2024 - \$68,454.15
- 2) Monthly Budget Report
- 3) School Fund Cash Report
 - a) Cash on hand as of November 30th 2024 - \$890,465.54
- 4) West Point Monthly Police Activity Report
- 5) Building Official Monthly Report
- 6) Public Works Monthly Permit Report
- 7) Community Development Monthly Permit Report
- 8) Treasurer Monthly Report
- 9) Human Resource Monthly Report
- 10) Fire Department Monthly Report
- 11) Communication and Marketing Monthly Report

VI. COMMITTEE REPORTS

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

Mr. Pruett advised that the Committee met on December 10th to discuss the following items: 1) 7th Street Waterfront Mixed Use Rezoning. 2) The Sikes Rezoning at the Industrial Park. 3) The Downtown Mural project and 4) The All Hazard Mitigation Plan Service Agreement.

1. All Hazard Mitigation Plan Service Agreement

Mr. Pruett stated that the Community Development Committee reviewed the updates to the Middle Peninsula Regional All Hazards Mitigation Plan Service Agreement with a five year Service Agreement. The updates and agreement meets all FEMA requirements and has a \$390.19 cost to the Town. The Community Development Committee is recommending Town Council adopt the Plan and Agreement.

Mr. Lawrence made a motion to adopt the Middle Peninsula Regional All Hazard Mitigation Plan Service Agreement and to authorize the Town Manager to execute and deliver the Service Agreement, seconded by Mr. Pruett. Upon roll call Mrs. Ball, Mr. Bartos, Mr. Lawrence, Mr. Nein, Mr. Pruett, and Mr. Ragsdale all voted "Aye". The motion was approved.

B. Education Committee – Mr. Ragsdale reported for the Committee

Mr. Ragsdale advised that the Committee did not meet in December, there is nothing to report.

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

1. Authorization to Advertise a Public Hearing, Ordinance 05-2024, Amendment to the Town Code, Cigarette Tax

Mrs. Ball advised that currently, King William County is receiving the funds for monies collected for the Cigarette Tax. In order for the funds that are collected in West Point come back to West Point, the Town Code needs to be amended.

Mr. Lawrence made a motion to authorize the Town Manager to advertise a Public Hearing on Ordinance 05-2024, Amendment to the Town Code to collect a cigarette tax, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Bartos, Mr. Lawrence, Mr. Nein, Mr. Pruett, and Mr. Ragsdale all voted "Aye". The motion was approved.

2. Authorization to Advertise a Public Hearing, Ordinance 06-2024, Cigarette Tax Regional Agreement

Mr. Ragsdale made a motion to authorize the Town Manager to advertise a Public Hearing on Ordinance 06-2024, the Cigarette Tax Regional Agreement, seconded by Mr. Bartos. Upon roll call Mrs. Ball, Mr. Bartos, Mr. Lawrence, Mr. Nein, Mr. Pruett, and Mr. Ragsdale all voted "Aye". The motion was approved.

D. Public Safety

Mr. Edwards advised there was nothing to report.

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

Mr. Lawrence stated that he has nothing to report and that he would like to thank the Public Works Department for all their hard work to beautify the town for the Holiday Season.

VII. TOWN MANAGER'S ITEMS

A. Land Donation Resolution from West Point Christian Church

Mr. Edwards advised that West Point Christian Church are asking to donate land they own throughout town, some are marsh lots and some of the lots the town would be able to use to further develop of the boardwalk. The church has already executed a deed, this resolution would accept the deed donation.

Mr. Ragsdale made a motion to adopt the resolution accepting the deed of donation, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Bartos, Mr. Lawrence, Mr. Nein, Mr. Pruett, and Mr. Ragsdale all voted "Aye". The motion was approved.

B. Schedule Town Council Organizational Meeting

Mr. Edwards advised that a Swearing In for elected officials has been scheduled for January 8th 2025 at 5:30 p.m. followed by the Annual Town Council Organizational Meeting. Mr. Edwards asked that Town Council schedule the Annual Organizational meeting for this date.

Mrs. Ball made a motion to set the Annual Organizational Meeting for Wednesday, January 8th 2025 at 5:30 p.m., seconded by Mr. Lawrence. Upon roll call Mrs. Ball, Mr. Bartos, Mr. Lawrence, Mr. Nein, Mr. Pruett, and Mr. Ragsdale all voted "Aye". The motion was approved.

C. Appointment of Steve Hudgins as Deputy Zoning Administrator

Mr. Lawrence made a motion to appoint Steve Hudgins as Deputy Zoning Administrator, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Bartos, Mr. Lawrence, Mr. Nein, Mr. Pruett, and Mr. Ragsdale all voted "Aye". The motion was approved.

VIII. 2nd Citizens Address to Town Council

Mr. Lawson opened the floor for citizens to address Town Council on any item relative to town business or if you would like clarification on anything from tonight's meeting.

1. Brent Bohannon,

710 River Road, West Point, Virginia 23181 stated that King William is already collecting the cigarette tax and the proposed ordinances need to be done. We are not adding a tax and we are not looking to tax anyone. You are already paying these taxes to King William, these ordinances would bring the funds back to the town.

Mr. Lawson asked if anyone else wanted to address Town Council. There being none, the 2nd Citizens Address was closed.

IX. OLD BUSINESS

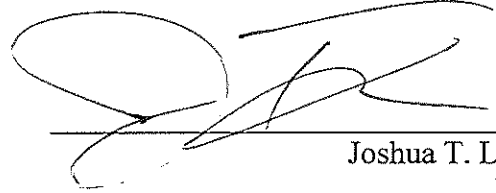
There was nothing to report under Old Business.

X. NEW BUSINESS

Mr. Lawson thanked the Town Council members that will be leaving at the end of the month for their services to the town.

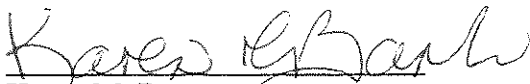
XI. ADJOURNMENT

There being no further business, Mayor Lawson adjourned the meeting at 7:18 p.m.



Joshua T. Lawson
Mayor

ATTEST:


Karen M. Barrow
Town Clerk



TOWN OF WEST POINT RESOLUTION

WHEREAS the West Point Christian Church owns Tax Map numbers:

69A2-112-1578 (H St Lot 1578)
69A2-112-1579 (H St Lot 1579)
69A2-112-1580 (H St Lot 1580)
69A2-112-1581 (H St Lot 1581)
69A2-112-1574 (17th St Lot 1574)
69A2-112-1575 (17th St Lot 1575)
69A2-112-1576 (16th St Lot 1576);
69A-2-88-1236 (I St Lot 1236)
69A2-88-1237 (I St Lot 1237)
69A2-88-1238 (I St Lot 1238)
69A2-171-2524 (21st St Lot 2524)
69A2-171-2525 (21st St Lot 2525)
69A2-171-2526 (22nd St Lot 2526)
69A2-111-1585 (H St Lot 1585)
69A2-111-1595 (G St Lots 1595, 1596 & 1597)
69A2-112-1566 (I St Blk 112 Lots 1566, 1567)
69A2-147-2274A (Lot 2274A)
69A3-110-1598 (G St Lots 1598 1599 & 1600)
69A2-171-2520 (G St BK 171 Lot 2520)
69A2-171-2521 (21st St Lot 2521)
69A2-171-2523 (22nd St Lot 2523)
69A3-69-980 (F St Bk 69 Lot 980)
69A3-69-982 (13th St Lot 982)
69A3-185-2536 (G St Bk 185 Lots 2536 & 2536A)
69A3-187-2696 (14th St Lot 2696)
69A1-35-654 (10th St Lot 654)
69A1-48-655 (10th St Lot 655)
69A1-57-788 (H St Lot 788 UNDER WATER)
69A1-57-789 (H St Lot 789 UNDER WATER)
69A2-71-1009 (H St Lot 1009 UNDER WATER)
69A2-71-1009A (H St Lot 1009A UNDER WATER)
69A2-71-1010 (H St Lot 1010 UNDER WATER)
69A2-71-1011 (H St Lot 1011 UNDER WATER)

69A2-71-1012 (H St Lot 1012 UNDER WATER)
69A2-88-1235 (I St Lot 1235)
69A2-112-1571 (17th St Lot 1571)
69A2-112-1572 (16th St Lot 1572)
69A2-112-1573 (16th ST Lot1573)
69A2-112-1577 (H St Lots 1577)
69A1-8-64 (2nd St Lot 64)
69A2-111-1584 (H St Lot 1584)
69A2-111-1586 (H St Lot 1586)
9A2-111-1587 (17TH St Lots 1587 1590& 1591);

and

WHEREAS the West Point Christian Church has no use for the aforementioned lots and wishes to gift them to the Town of West Point.

NOW THEREFORE BE IT RESOLVED by the West Point Town Council at its regular monthly meeting on December 17, 2024, in accordance with Virginia Code § 15.2-1803, 1950, as amended, that the Town Council hereby accepts the following Tax Map parcels:

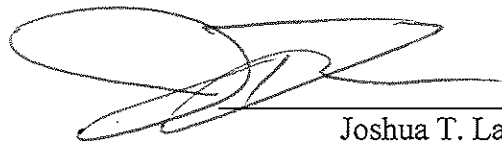
69A2-112-1578 (H St Lot 1578)
69A2-112-1579 (H St Lot 1579)
69A2-112-1580 (H St Lot 1580)
69A2-112-1581 (H St Lot 1581)
69A2-112-1574 (17th St Lot 1574)
69A2-112-1575 (17th St Lot 1575)
69A2-112-1576 (16th St Lot 1576);
69A-2-88-1236 (I St Lot 1236)
69A2-88-1237 (I St Lot 1237)
69A2-88-1238 (I St Lot 1238)
69A2-171-2524 (21st St Lot 2524)
69A2-1712525 (21st St Lot 2525)
69A2-171-2526 (22nd St Lot 2526)
69A2-111-1585 (H St Lot 1585)
69A2-111-1595 (G St Lots 1595, 1596 & 1597)
69A2-112-1566 (I St Blk 112 Lots 1566, 1567)
69A2-147-2274A (Lot 2274A)
69A3-110-1598 (G St Lots 1598 1599 & 1600)
69A2-171-2520 (G St BK 171 Lot 2520)
69A2-171-2521 (21st St Lot 2521)
69A2-171-2523 (22nd St Lot 2523)
69A3-69-980 (F St Bk 69 Lot 980)
69A3-69-982 (13th St Lot 982)
69A3-185-2536 (G St Bk 185 Lots 2536 &2536A)
69A3-187-2696 (14th St Lot 2696)
69A1-35-654 (10th St Lot 654)
69A1-48-655 (10th St Lot 655)

69A1-57-788 (H St Lot 788 UNDER WATER)
699A1-57-789 (H St Lot 789 UNDER WATER)
69A2-71-1009 (H St Lot 1009 UNDER WATER)
69A2-71-1009A (H St Lot 1009A UNDER WATER)
69A2-71-1010 (H St Lot 1010 UNDER WATER)
69A2-71-1011 (H St Lot 1011 UNDER WATER)
69A2-71-1012 (H St Lot 1012 UNDER WATER)
69A2-88-1235 (I St Lot 1235)
69A2-112-1571 (17th St Lot 1571)
69A2-112-1572 (16th St Lot 1572)
69A2-112-1573 (16th ST Lot1573)
69A2-112-1577 (H St Lots 1577)
69A1-8-64 (2nd St Lot 64)
69A2-111-1584 (H St Lot 1584)
69A2-111-1586 (H St Lot 1586); and

BE IT FURTHER RESOLVED THAT the Town Manager is authorized to execute any and all such documents as may be necessary to finalize the transfer of the parcels to the Town of West Point, as well as pay any and all costs as may be necessary to effectuate the transfer; and


BE IT FINALLY RESOLVED that a certified copy of this Resolution shall be recorded immediately following the deed in the King William County Circuit Court Clerk's Office.

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 on the December 17th 2024, at which meeting a quorum was present and voting throughout.



Joshua T. Lawson
Mayor

ATTEST:



Karen M. Barrow
Town Clerk

**AN ORDINANCE TO REZONE TO WATERFRONT MIXED USE
ORDINANCE NO. 04-2024**

RZ2024-02 – A request for approval of a rezoning application submitted by Arcadia Real Estate Advisors from M-1, Light Industrial, to WMU, Waterfront Mixed Use on Tax Map Parcels #69A1-21-Lots, 252, 253, & 254, #69A1-29- Lots 377, 380, 381, 381A, 383, 385, 386, 387, #69A1-30, Lots, 391 & 392, #69A1-31-396, 397, & 403, #69A1-32- Lots, 408, 412, 414, located off of 7th Street, in The Town of West Point. The rezoning request, if approved, would allow for a waterfront marina community.

WHEREAS the West Point Town Council has conducted a duly advertised public hearing;
and

WHEREAS the West Point Town Council finds that the request by Arcadia Real Estate Advisors to rezone from M-1, Light Industrial, to WMU, Waterfront Mixed Use on Tax Map Parcels #69A1-21-Lots, 252, 253, & 254, #69A1-29- Lots 377, 380, 381, 381A, 383, 385, 386, 387, #69A1-30, Lots, 391 & 392, #69A1-31-396, 397, & 403, #69A1-32- Lots, 408, 412, 414 will not adversely affect the public health, safety, or welfare of persons residing or working on the premises or in the neighborhood, nor be incompatible with the Comprehensive Plan, nor be likely to reduce or impair the value of buildings or property of surrounding areas, but that such rezoning will be in accordance with the Comprehensive Plan for the Town of West Point; and

WHEREAS approval of the rezoning request would allow for the development of a waterfront marina community.

NOW THEREFORE BE IT ORDAINED by the West Point Town Council that the following lots are rezoned from M-1, Light Industrial, to WMU, Waterfront Mixed Use:

Tax Map Parcels #69A1-21-Lots, 252, 253, & 254, #69A1-29- Lots
377, 380, 381, 381A, 383, 385, 386, 387, #69A1-30, Lots, 391 &
392, #69A1-31-396, 397, & 403, #69A1-32- Lots, 408, 412, 414;
and

BE IT FINALLY ORDAINED that the proffer statement submitted by Arcadia Real Estate Advisors and dated November 20, 2024, a copy of which is attached, are hereby accepted and made part of this Ordinance.

This Ordinance shall take effect upon adoption.

Vote:

Aye

Nay

Jack Lawson, Mayor (Votes in the event of a tie.) N/A
Deborah Ball, Vice-Mayor yes
Joseph Bartos yes
Robert Lawrence yes
John Nein yes
John Prutett yes
John Ragsdale yes
Chris Vincent no sent

Copy Teste:


Karen M. Barrow, Clerk

Proffers for Conditional Rezoning

Town of West Point, Virginia, Rezoning Case No. RZ2024-02, Rezoning to Article XXIV.

Waterfront Mixed Use District


Signature of Applicant/Owner

Jon Becker
Print Name

11/20/24
Date

The owner or duly authorized agent hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned

The following proffered conditions shall be applicable to the property:

1. **Article XXIV. Waterfront Mixed-Used District, Sec. 70-422. Intent of District.**
 - a. The owner or duly authorized agent will provide more than one use or purpose within a shared building or development area to support the intent of the Waterfront Mixed-Use District.

2. **Article XXIV. Waterfront Mixed-Used District, Sec. 70-423. Permitted uses and structures.**
 - a. Owner or duly authorized agent's development plan will include:
 - i. Marina
 - ii. Residential
 - iii. Commercial
 - iv. Public Access to commercial space, boardwalk and marina during regular business hours of operation.