

**TOWN OF WEST POINT  
TOWN COUNCIL  
MINUTES  
May 19, 2008**

**I. CALL TO ORDER**

The West Point Town Council held its regular monthly meeting on Monday, May 19, 2008. The Honorable James H. Hudson III called the meeting to order at 7:30 p.m. Reverend Marvin Kerby 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 and Gail Nichols.

Members Absent: Bub Shreaves.

Also Present: Trenton L. Funkhouser, Town Manager; Andrea Erard, Town Attorney; Karen Barrow, Town Clerk; Bill Hodges, Chief of Police; Holly McGowan; and other interested persons.

**II. CITIZENS ADDRESS TO COUNCIL**

**A. Public Hearing – Ordinance 01-08, Fences and Walls**

Mr. Hudson asked the Town Clerk if the Town has received any comments in writing or asked for a copy of the ordinance.

Mrs. Barrow advised no.

Mr. Hudson opened the floor for citizens to comment on the advertised Ordinance 01-08, Fences and Walls. 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.

Mr. T. C. Lawson, 4130 Dogwood Drive, West Point, Virginia asked who maintains the Cemetery.

Mr. Funkhouser advised the Cemetery is maintained by the Public Works. Mr. Funkhouser also stated that he is will to discuss the cemetery with Mr. Lawson after 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 were noted.

**IV. AGENDA CHANGES**

Mrs. Gulley made a motion for the 'June Town Council Meeting' to be placed on the Agenda under New Business as item "C". Seconded by Mr. Lawson, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

**V. ADOPTION OF CONSENT AGENDA**

Mr. Lawson made a motion to adopt the following consent agenda, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

- 1) Minutes of April 28, 2008 Town Council Meeting and Work Session  
Town Council Public Hearing on FY 08-09 budget on May 8, 2008  
Town Council Continued Meeting May 15, 2008.
- 2) Cash Reports
  - a) General Fund  
Cash on hand as of April 30, 2008 - \$ 3,188,927.72
  - b) Water Fund  
Cash on hand as of April 30, 2008 - \$505,306.74
  - c) CIP  
Cash on hand as of April 30, 2008 - \$ - 214,196.80
- 3) Monthly Budget Report
- 4) School Fund Cash Report
  - a) Cash on hand as of April 30, 2007 - \$247,461.27
- 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.

Mrs. Gulley advised there was nothing to report.

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

1. Personal Property Tax Relief Act Resolution [*See Attached Resolution*]

Mrs. Ball made a motion to adopt the attached Personal Property Tax Relief Act Resolution at 57% for the FY 2008-09. Seconded by Mrs. Gulley, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

2. Budget Amendment for FY 2007-08 [*See Attached Resolution*]

Mrs. Ball made a motion to adopt the attached Budget Amendment number 0708-05 for FY 2007-08. Seconded by Mr. Lawson, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

C. Education Committee – Mrs. Nichols reported for the Committee

1. Literary Loan Resolution [*See Attached Resolution*]

Mrs. Nichols made a motion to adopt the attached Literary Loan Resolution authorizing the School Board to submit a Literary Fund Loan application for the purpose of roof repairs at the high school and middle school. Seconded by Mr. Lawson, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

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. Fences and Walls, Ordinance 01-08 [*See Attached Ordinance*]

Mr. Lawson advised the current ordinance for fences and walls in the side and rear yard requires approval by Town Council as a Special Use Permit. This ordinance

allows fencing in side yard and rear yard without requiring an applicant to go before the Planning Commission and Town Council for approval of a Special Use Permit.

Mr. Lawson made a motion to approve the attached ordinance 01-08 as presented. Seconded by Mrs. Nichols, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

## **VII. TOWN MANAGER'S ITEMS**

Mr. Funkhouser advised there was nothing to report.

## **VIII. OLD BUSINESS**

There was nothing to report.

## **IX. NEW BUSINESS**

### **A. Planning Commission Report - Mr. Hudson**

#### **1. Request Permission to advertise for a Public Hearing for Public Land**

Mr. Hudson advised the Planning Commission conducted a public hearing on a request for public land by C. F. Carter. The Planning Commission recommends approval subject to the following conditions. 1) An approved Road Plan that establishes an ingress and egress to the property and the adjoining property behind Mr. Carter. Subject to the road being permitted and bonded, subject to the bond in form approved by the Town Attorney.

Mrs. Nichols made a motion to authorize the Town Manager to advertise for a Public Hearing, seconded by Mrs. Ball. Upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

#### **2. Ordinance 03-08, Definition of Funeral Homes in MU-1 Zoning District.**

Mr. Hudson advised that Town Council sent the referral of Funeral Homes to Planning Commission to review without adding the Definition of Funeral Homes in the Ordinance. This request is for Planning Commission to also review the Definitions of Funeral Homes in Ordinance 03-08.

Mrs. Ball made a motion to refer the Definition of Funeral Homes to Planning Commission to review and for Planning Commission to submit a recommendation back to Town Council, and to authorize the Town Manager to advertise for a public hearing once a recommendation is received from the Planning Commission. Seconded by Mr. Lawson, upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

#### **3. Planning Commission Report**

Mr. Hudson advised that Planning Commission meet on May 7th, 2008 to discuss the following agenda items: 1) Conducted a Public Hearing and submitted a recommendation to Town Council on a request for Public Land by C. F. Carter. 2) Conducted a Public Hearing on the New Delaware Subdivision by Paul White. The preliminary plat was approved without modification pending reports from outside agencies. 3) Conducted a Public Hearing on Fences and Walls. 4) Discussed Funeral Homes in the MU-1 Zoning District.

### **B. Swearing in Ceremony**

The Swearing in Ceremony for Town Council and the School Board will be at Town Hall on Thursday, June 19<sup>th</sup> at 4pm in Town Council Chambers.

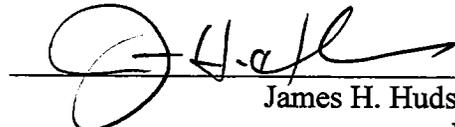
### **C. June Town Council Meeting**

Mrs. Gulley made a motion to change the time of the June Town Council meeting from 7:30 pm to 6:30 pm with a work session at 6pm. Seconded by Mrs. Nichols, upon roll

call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Healy, Mr. Lawson and Mrs. Nichols all voted "Aye".

**X. ADJOURNMENT**

There being no further business, Mrs. Gulley made a motion to adjourn the meeting. Seconded by Mrs. Ball, upon a unanimous vote Mr. Hudson adjourned the meeting.

  
James H. Hudson, III  
Mayor

ATTEST:

  
Karen M. Barrow  
Town Clerk



**TOWN OF WEST POINT**

**Resolution Setting the Personal Property Tax  
Relief Percentage for the Personal Property 2008  
Billing in Accordance with the 2004-2005 Changes  
To the Personal Property Tax Relief Act of 1998**

WHEREAS, the Personal Property Tax Relief Act of 1998, Virginia Code 58.1-3523, et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session 1 (Senate Bill 5005), and the provisions of item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-2006 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS, these legislative enactments required the Town of West Point to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the appropriations to the Town of West Point, commencing in 2008, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles; and

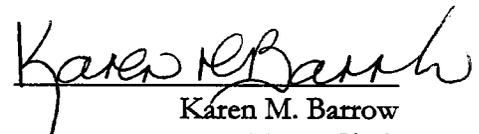
WHEREAS, the Town of West Point enacted Ordinance Number 17-05 adopted on December 19<sup>th</sup> 2005 implementing the 2004-2005 changes to the Personal Property Tax Relief Act of 1998, in response to these legislative enactments; and

WHEREAS, the Town Treasurer has received the amount of relief in the County's block grant from the State, and made a projection based upon the Town's historical growth in personal property tax values of the level necessary to fully exhaust the PPTRA relief fund provided to the Town by the Commonwealth, as called for in the ordinance; and

WHEREAS, it is necessary to set by Resolution the Personal Property Tax Relief Percentage for the personal property tax billing of 2008.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of West Point, Virginia that the Personal Property Tax Relief Percentage be set at 57% of the first \$20,000 of market value for qualifying vehicles valued at over \$1,000 in accordance with Ordinance 17-05.

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 19, 2008 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	Absent



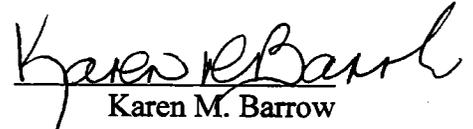
**TOWN OF WEST POINT  
RESOLUTION  
Budget Amendment (# 0708-05) – FY 07-08**

WHEREAS the Town Council of the Town of West Point has authorized stage and electrical improvements to the Town Square, a grant-funded Broadband Planning Study and a grant-funded Kirby Street Planning Study; and

WHEREAS the Town Council of the Town of West Point must amend the FY 07-08 Budget to reflect Revenues and Expenditures associated with the projects.

NOW THEREFORE BE IT RESOLVED THAT the West Point Town Council amends the FY 07-08 Town Budget to add \$105,000 to Capital Improvements Fund Revenue representing \$12,000 in contributions from local organizations for the Town Square Improvements, \$33,000 in Bond Financing for the Town Square improvements, and \$25,000 each in Community Development Block Grant (CDBG) Funds and to add Capital Improvements Fund Expenses of \$55,000 for the Town Square, \$25,000 for the Broadband Planning Study and \$25,000 for the Kirby Street Planning Study and such funds are hereby appropriated. The Total Town Budget is now \$16,444,126.

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 19, 2008 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	Absent



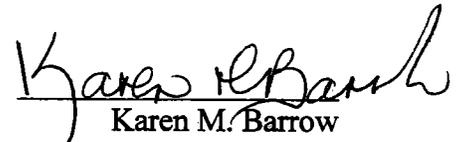
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Karen M. Barrow  
Town Clerk

**VOTE:**

Mrs. Ball	“Aye”
Mr. Gordon	“Aye”
Mrs. Gulley	“Aye”
Mr. Healy	“Aye”
Mr. Lawson	“Aye”
Mrs. Nichols	“Aye”
Mr. Shreaves	Absent

Adopted: May 19, 2008

ORDINANCE NO. 01-08

ORDINANCE NO. 01-08 AMENDS CHAPTER 70, "ZONING," ARTICLE XIX, "SUPPLEMENTARY REGULATIONS," SECTION 70-345, "FENCES AND WALLS" TO ELIMINATE THE REQUIREMENT OF A SPECIAL USE PERMIT FOR FENCES UP TO FOUR FEET IN HEIGHT FOR FRONT YARDS AND SIX FEET IN HEIGHT FOR REAR YARDS.

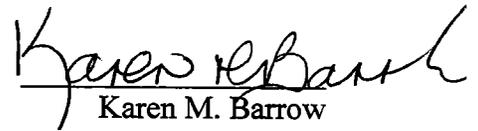
BE IT ORDAINED THAT Chapter 70, "Zoning," Article XIX, "Supplementary Regulations," Section 70-345, "Fences and Walls" shall be amended to read in its entirety as follows:

**"Sec. 70-345. Fences and walls**

Fences and walls shall be erected, altered or reconstructed in accordance with the following regulations:

- (1) Fences shall not encroach upon right-of-way or adjacent properties.
- (2) All fences shall be in conformance with the requirements for visibility at intersections and driveways listed in the following section.
- (3) The height of a fence in a residential area *shall* not exceed four feet in height in the front yard, four feet in height in side yards as measured from the front property line to points parallel to the front of the structure and six feet in height in side yards parallel to the front edge of a structure and extending to the rear property line and six feet in the rear yard. Fences that need to exceed the height(s) referenced in this sub-section, may apply for a Special Use Permit.
- (4) The finished side of any fence or wall in any residential zone shall have the finished side facing the street or adjacent or abutting properties.
- (5) Security fences around commercial, industrial or institutional uses shall not exceed 12 feet.
- (6) Fences shall not be erected of barbed wire, topped with metal spikes or glass, nor constructed in any manner which may be dangerous to persons or animals, except further that fences around commercial or industrial uses may be topped by a five-strand protective wire barrier.
- (7) All fences shall be maintained in sound condition. Whenever a fence or portion thereof is determined to be structurally unsafe the building official/zoning administrator shall order the owner in writing to repair said fence or remove it within ten days.
- (8) Electric fences shall be prohibited. It shall be unlawful for any person to erect, install or maintain any electrically charged fence within the town, except that the building official may issue a permit for an electrically charged fence to retain animals upon proof that the fence will not be hazardous to life.

Ordinance 01-08 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 Absent