

TOWN OF WEST POINT
TOWN COUNCIL MINUTES
April 25th, 2011

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, April 25th 2011. The Honorable James H. Hudson III called the meeting to order at 6:30 p.m. The Reverend Betsy Basehore gave the invocation followed by the Pledge of Allegiance.

Members Present: Mayor, Jim Hudson; Vice Mayor, Deborah Ball; Charlie Gordon Tina Gulley; Jack Lawson; Bub Shreaves and Chris Vincent.

Members Absent: Paul Kelley.

Also Present: Bill Porter, Interim Town Manager; Andrea Erard, Town Attorney; Karen Barrow, Town Clerk; Chief Bill Hodges, WPPD; Holly McGowan, Community Development Coordinator; Shawn Hershberger, Economic Development Coordinator; Walt Feurer, Director of Public Works and other interested persons.

II. CITIZENS ADDRESS TO COUNCIL

A. Public Hearing – Patriots Village

Mr. Hudson read the public hearing advertisement 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 that no request were received.

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

Pete Henderson, Project Coordinator for Patriots Village advised that the original request was for item number twelve to be removed in its entirety from the Special Use Permit and for the option to become rent-to-own. The package being offered to renters for rent-to-own is a USDA financing program that would qualify this project with no money down at \$909 a month for the larger unit for a total purchase of \$157,000 with a \$155 monthly payment for tax and insurance. Patriots Village would offer a \$3,400 rebate towards closing. The HOA is a ten year contract that would remain with the property if the property was sold. Mr. Henderson also stated that he invited the two homeowners and current tenants to breakfast to discuss the change in the Special Use Permit, the owners and tenants understand the situation and they have shown no objection to the request.

Mr. Shreaves asked if the two owners are aware that the permit for the units is 25% rental and 75% owner occupancy.

Mrs. Ball asked if the two property owners can either provide something in writing or be present at one of the Committee meetings in May to address the request.

Andrea Erard, the Town Attorney asked Mr. Henderson if he is asking for his application to be modified in accordance with the recommendation of the Planning Commission.

Mr. Henderson advised that he approves of the first recommendation of Planning Commission, the final recommendation was to remove item 12 completely.

Ms. Erard asked Mr. Henderson to state what the request is.

Mr. Henderson advised he is requesting that the units shall either be owner occupied, or shall be occupied on a rent-to-own or lease to own basis for up to a maximum of 48 months.

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

1. Action

Mr. Lawson made a motion to defer the request pending review by Town Council Committees, Seconded by Mrs. Gulley. Upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

B. Public Hearing – Ordinance 03-11 / Animal and Fowl

Mr. Hudson read the public hearing advertisement for Ordinance 03-11/Animals and Fowl 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 that no request were received.

Mr. Hudson opened the floor for citizens to comment on Ordinance 03-11/Animal and Fowl.

Lynda Weaver, 1021 Lee Street, West Point, Virginia thanked Town Council for all their help and assistance with the implementation of the Cat Caretakers Alliance program.

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

1. Action

Mrs. Gulley made a motion to adopt Ordinance 03-11 revising Section 10-10 of the West Point Town Code to eliminate feral cat caregiver requirements and amends section 10-11 to include prohibition for cruelty to animals. Seconded by Mr. Vincent.

Upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

C. Public Hearing – Ordinance 04-11 / Change in Election Date

Mr. Hudson read the public hearing advertisement for Ordinance 04-11/Change in Election Date 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 that no request were received.

Mr. Hudson opened the floor for citizens to comment on Ordinance 04-11/Change in Election Date. There being none, the public hearing was closed.

1. Action

Mrs. Gulley made a motion to adopt Ordinance 04-11 to change the election date from May to November, second by Mr. Shreaves. Upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

Mr. Porter advised that the next stage would be to submit a request to the Justice Department and a Charter change to the General Assembly.

D. Citizens Address to Council

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

Linda Smith, 3750 Blue Heron Lane, West Point, Virginia advised that when brush is picked up on her street and there is more than one pile of brush, the public works crew will pick up the brush pile that they has a work order for and leave the remainder of the brush, they will come back on another trip to pick up the remainder of the brush at a later date. It would be more economical for the crew to pick up all the brush at one time even if there is not a work order.

Mr. Hudson thanked Mrs. Smith for her comments and advised the Public Works Committee would review Mrs. Smith’s comments.

There being no further comments Mr. Hudson closed Citizens Address.

III. COUNCIL RESPONSE

None was noted.

IV. AGENDA CHANGES

Mr. Gordon made a motion to adopt the agenda amending the Adjournment to Continuation of Meeting, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, 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 Mr. Lawson. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

- 1) Minutes of February 28, 2011 Town Council Meeting and Work Session
- 2) Cash Reports
 - a) General Fund: Cash on hand as of March 31, 2011 - \$3,840,718.81
 - b) Water Fund: Cash on hand as of March 31, 2011 - \$725,691.00
 - c) CIP: Cash on hand as of March 31, 2011 - \$246,244.64
- 3) Monthly Budget Report
- 4) School Fund Cash Report
 - a) Cash on hand as of March 31, 2011 - \$121,945.31
- 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
- 11) Authorizing Advertisement for a Public Hearing for Ordinance 06-10/B-2 Zoning District Text Amendment
- 12) Authorizing Advertisement for a Public Hearing for Ordinance 02-11/Direction Signs

VI. COMMITTEE REPORTS

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

Mrs. Ball advised there is nothing to report.

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

1. Chief of Police Vacation

Mr. Porter advised the Chief of Police is requesting his contract be amended to authorize fourteen hours of vacation per month, the Public Safety Committee did not want the time to be accrued for a payout when the Chief leaves the employment of the Town. If the time is not used then it would be lost.

Mr. Hudson advised the Chief has worked for the Town for over ten years and is requesting vacation the same as if he had worked for the Town of fifteen years, the Chief has agreed not to receive a payout when he leaves the employment of the Town for any vacation accrued and for the request to be retroactive to the beginning of the contract in January 2011.

Andrea Erard advised that she would prepare a revised contract for Town Council Committee's to review.

Mr. Hudson asked for the Finance Committee and Public Safety Committee to review the contract.

Mrs. Ball invited Mr. Gordon to attend the Finance Committee meeting to review the revised contract.

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

Mr. Gordon advised there is nothing to report.

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

Mr. Shreaves advised there was nothing to report.

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

Mr. Lawson advised there was nothing to report.

VII. TOWN MANAGER'S ITEMS

Mr. Porter advised there was nothing to report.

VIII. OLD BUSINESS

There was nothing to report under Old Business.

IX. NEW BUSINESS

A. Planning Commission Report - Mr. Hudson

Mr. Hudson advised the Planning Commission meet on Wednesday, April 6th, 2011 and discussed the following: 1) Conduct a Public Hearing on a Zoning Text Amendment to Directional Signs. A recommendation was submitted to Town Council. 2) Conduct a Public Hearing on the Architectural Guidelines and Funeral Homes in the B-2 Zoning District. A recommendation was submitted to Town Council.

X. CONTINUATION OF MEETING

Mr. Gordon made a motion to continue the meeting till Monday, May 9th, 2011 at 6:30 p.m. to conduct a public hearing on the Fiscal Year Budget for 2011-12, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

James H.
Hudson, III

Mayor

ATTEST:

Karen M. Barrow

Town Clerk

Adopted: April 25, 2011

ORDINANCE NO. 03-11

ORDINANCE NO. 03-11 AMENDS CHAPTER 10, "ANIMALS AND FOWL" OF THE WEST POINT TOWN CODE, SECTION 10-10, "FERAL CAT HARBORER/CAREGIVER REQUIREMENTS," AND ADDS SECTION 10-11, "ANIMAL CRUELTY" AND RENUMBERS

SECTIONS 10-11, 10-12 AND 10-13 TO BE SECTIONS 10-12, 10-13 AND 10-14.
ORDINANCE NO. 03-11 AMENDS SECTION 10-10 TO DELETE THE FERAL CAT
CAREGIVER REQUIREMENT AND ADDS SECTION 10-11 WHICH PROHIBITS CRUELTY
TO ANIMALS. ORDINANCE NO. 03-11 IS CONSIDERED PURSUANT TO THE GRANT OF
AUTHORITY CONTAINED IN VA CODE SECTION 3.2-6500 ET SEQ.

BE IT ORDAINED THAT Chapter 10, "Animals and Fowl" of the West Point Town Code be amended to read in part as follows:

"Sec. 10-10. Feral cat harborer/caregiver requirements.

Any person who provides food, water, or other forms of sustenance or care to one or more feral cats shall be responsible for:

sterilization and vaccination of all cats and kittens four months of age and older

medical care for the feral cat(s)

arrangements for the regular feeding of the cats throughout the year, including weekends, holidays and vacations

maintenance of proof of sterilization, vaccination and medical records.

Sec.10-11. Cruelty to animals.

(a)

For the purposes of this section, the term "animal" shall be construed to include birds and fowl.

(b)

A person shall be guilty of a class 1 misdemeanor if the person:

(1)

Overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to such person or another;

(2)

Deprives any animal of necessary food, drink, shelter or emergency veterinary treatment;

(3)

Sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes;

(4)

Willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal;

(5)

Carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or

(6)

Causes any of the things mentioned in subsections (b)(1) through (5) of this section or being the owner of such animal permits such acts to be done by another.

(c)

Any person who abandons or dumps any dog, cat or other companion animal in any public place, including the right-of-way of any public highway, road or street, or on the property of another shall be guilty of a class 3 misdemeanor.

(d)

It shall be unlawful for any person to fail to provide any dog with adequate space. As used in this section, the term "adequate space" has the meaning ascribed to that term by Code of Virginia, § 3.1-796.66.

Each violation of this subsection constitutes a separate violation. The first violation shall be punished as a Class 3 misdemeanor. However, a second violation, whether or not involving the same dog, within one year after conviction of the first violation shall be punished as a Class 2 misdemeanor. The third and each subsequent violation, whether or not involving the same dog, within one year after conviction of the first violation shall be punished as a Class 1 misdemeanor.

(e)

Nothing in this section shall be construed to prohibit the dehorning of cattle.

(f)

This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the Code of Virginia, including but not limited to Code of

Virginia, tit. 29.1, or to farming activities as provided under Code of Virginia, tit. 3.1 or regulations promulgated thereto.

(g)

In addition to the penalties provided in subsection (b) or subsection (d) of this section, the court may, in its discretion, require any person convicted of a violation of subsection (b) or subsection (d)

of this section to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

(h)

It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection shall constitute a class 1 misdemeanor. A second or subsequent violation of this subsection shall constitute a class 6 felony.

Sec. 10-12. Enforcement.

The provisions of this chapter shall be enforced by the animal control officer and deputy animal control officers, and may be enforced by law enforcement officers of the police department.

Sec. 10-13. Penalty for violation of chapter.

Violation of any provision of this chapter constitutes a class 4 misdemeanor unless otherwise stated.

Sec. 10-14. Compliance with state comprehensive animal laws.

The provisions of this chapter are intended to complement, not supersede, the state comprehensive animal laws.”

Those members voting:

James Hudson, III N/A

Deborah Ball Aye

Tina Gulley Aye

Charles Gordon Aye

Paul Kelley Absent

Joshua Lawson Aye

Otto Shreaves Aye

Christopher Vincent Aye

James H. Hudson, III
Mayor, Town of West Point

Adopted this 25th day of April, 2011

ATTEST:

Karen M. Barrow, Town Clerk

Adopted: April 25, 2011

ORDINANCE NO. 04-11

ORDINANCE NO. 04-11 PROVIDES THAT FOUR MEMBERS OF TOWN COUNCIL SHALL BE ELECTED FOR FOUR YEAR TERMS AT THE NOVEMBER GENERAL ELECTION DATE BEGINNING IN NOVEMBER 2012 FOR TERMS TO COMMENCE JANUARY 1, 2013, AND THE MAYOR AND THREE MEMBERS OF TOWN COUNCIL SHALL BE ELECTED FOR FOUR YEAR TERMS AT THE NOVEMBER GENERAL ELECTION DATE BEGINNING IN NOVEMBER 2014 FOR TERMS TO COMMENCE JANUARY 1, 2015. ORDINANCE NO. 04-11 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VA CODE SECTION 24.2-222.1.

BE IT ORDAINED BY THE WEST POINT TOWN COUNCIL that, pursuant to Va. Code § 24.2-222.1, that four members of Town Council shall be elected for four year terms at the November general election date beginning in November 2012 for terms to commence January 1, 2013, and the Mayor and three members of Town Council shall be elected for four year terms at the November general election date beginning in November 2014 for terms to commence January 1, 2015.

BE IT FURTHER ORDAINED that the terms of the Mayor and members of council shall be modified as follows:

Term Began Current Term End New Term End

Deborah Ball July 1, 2008 June 30, 2012 December 31, 2012

Charles D. Gordon July 1, 2008 June 30, 2012 December 31, 2012

Jack Lawson July 1, 2008 June 30, 2012 December 31, 2012

Bub Shreaves July 1, 2008 June 30, 2012 December 31, 2012

Mayor James H. Hudson, III July 1, 2010 June 30, 2014 December 31, 2014

Tina S. Gulley July 1, 2010 June 30, 2014 December 31, 2014

Paul T. Kelley July 1, 2010 June 30, 2014 December 31, 2014

Chris P. Vincent July 1, 2010 June 30, 2014 December 31, 2014

Those members voting:

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

James H. Hudson, III
Mayor, Town of West Point
Adopted this 25th day of April, 2011

ATTEST:

Karen M. Barrow, Town Clerk