

**WEST POINT TOWN COUNCIL
WORK SESSION MINUTES
May 23rd, 2011**

I. Patriots Village

Mr. Hudson stated that the Town received two signed letters from the property owners at Patriots Village advising that they had no objection to Pete Henderson's request to change the Special Use Permit to Rent/Lease to Own. Pete Henderson was at the Public Works Committee meeting on May 19th 2011 and made the following statement: That he would like to work with Town Council on his request to change item 12 of the Special Use Permit and had the following suggestions for Town Council's consideration: 1) The 48 months for completion should begin the date of adoption by Town Council. In the event of a sale, this condition would transfer through property owners. 2) The need to have the two existing owners understand what is going on and sign written documentation acknowledging the request. 3) Regarding the HOA, a 10 year agreement has been executed between a professional HOA company and Patriots Village, LLC that would also be transferable with the property. 4) Any lease option that was a conversion to purchase within the first twelve months would receive a \$3,500 reduction in the sale price. 5) The 48 month completion date can be controlled with the written lease. The standard lease is for 12 months. As Patriots Village approaches 40 months and a lease needs to be renewed, a lease can be renewed for 8 months to be in compliance with the 48 month completion date.

Mr. Porter advised that Town Council does not have to vote on Patriots Village tonight, that Town Council has one year to make a decision.

Mr. Hudson advised that Bub Shreaves and Paul Kelley will not be at the Town Council meeting, therefore Patriots Village will be placed on the agenda at a later date when Mr. Shreaves and Mr. Kelley would be available to review the request.

II. FY 2011-12 Budget

Mr. Hudson advised that the YMCA Capital Improvement funding has been reduced from \$23,000 to \$10,000 and that Town Employees will receive a 2½ % salary adjustment. Mr. Hudson asked if any other Council member have any other comments regarding the budget.

The consensus of Town Council was to proceed with the adoption of the budget with the above changes.

III. Cox Cable Franchise Resolution

Mr. Porter advised that the Town Attorney has prepared a resolution extending the expiration date on the Franchise Agreement from June 1, 2011 to August 1, 2011 and for the Community Development Committee to review the new Franchise Agreement.

**TOWN COUNCIL MINUTES
May 23rd, 2011**

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, May 23rd 2011. The Honorable James H. Hudson III called the meeting to order at 6:30 p.m. Father Vincent Hodge gave the Invocation followed by the Pledge of Allegiance.

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

Members Absent: Paul Kelley and Bub Shreaves

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; Holly McGowan, Director of Community Development and other interested persons.

II. CITIZENS ADDRESS TO COUNCIL

A. Public Hearing – Ordinance 06-10 / B-2 Zoning District Text Amendment.

Mr. Hudson read the public hearing advertisement for Ordinance 06-10, B-2 Zoning Text Amendment 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.

Ms. McGowan stated that a public hearing was conducted by Planning Commission with a recommendation for Town Council to adopt the text amendment that would allow funeral homes in the B-2 Zoning District with architectural guidelines for structures and accessory buildings.

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

Father Vincent Hodge, 517 16th Street, West Point, Virginia asked what the current Requirements are for funeral homes.

Mr. Hudson advised that currently funeral homes are not a permitted use in the B-2 Zoning District, the amendment would include architectural guidelines and regulate the type of structures.

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

ACTION

Mrs. Gulley made a motion to adopt the resolution for Ordinance 06-10, B-2 Zoning Text Amendment, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley and Mr. Lawson voted Aye, Mr. Vincent abstained from voting.

B. Public Hearing – Ordinance 02-11 / Directional Signs

Mr. Hudson read the public hearing advertisement for Ordinance 02-11, Directional Signs 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 request were received.

Mr. Hudson asked the Zoning Administrator to comment on Ordinance 02-11.

Ms. McGowan advised that the sign located at C & F Bank needs to be moved into the VDOT right-of-way and that a second directional sign will be located in the east bound lane as you come off the bridge before Main Street. Ordinance 02-11 is to permit government signage and all other free standing signs will be removed.

Mr. Hudson opened the floor for citizens to address Town Council on Ordinance 02-11.

1. Farther Vincent Hodge, 517 16th Street, West Point, Virginia asked that Town Council consider allowing churches to have directional signs, that it is necessary for the community.

Ms. McGowan advised church signs are not permitted, they are considered off-site directional signs.

Father Hodge asked what category church signs fall under.

Ms. McGowan stated they would have to meet the ordinance for that zoning district.

Mr. Hudson suggested the Ministerial Association have a representative contact the Town to review an ordinance.

ACTION

Mr. Gordon made a motion to adopt Ordinance 02-11, seconded by Mrs. Gulley. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson and Mr. Vincent all voted "Aye".

C. Citizens Address to Council

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

III. COUNCIL RESPONSE

Mrs. Ball suggested that signs for churches be reviewed by the Community Development Committee.

IV. AGENDA CHANGES

Mr. Hudson placed a resolution for Cox Communications under the Town Manager for Town Council consideration and for the Community Development Committee to review the Cox Francis Agreement.

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

- 1) Minutes of April 25, 2011 Town Council Meeting and Work Session
- 2) Cash Reports
 - a) General Fund

Cash on hand as of April 30, 2011 - \$3,247,511.02

b) Water Fund

Cash on hand as of April 30, 2011 - \$766,774.98

c) CIP

Cash on hand as of April 30, 2011 - \$4,236,302.32

3) Monthly Budget Report

4) School Fund Cash Report

a) Cash on hand as of April 30, 2011 - \$265,732.51

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) Authorize Advertisement for Land Use Fees for Public Hearing

V. COMMITTEE REPORTS

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

1. Adoption of FY 2011-12 Budget Resolution [*See Attached Resolution*]

Mrs. Ball made a motion to adopt the attached resolution, seconded by Mr. Lawson. Upon roll call, Mrs. Ball, Mr. Lawson and Mr. Vincent all voted “Aye” Mrs. Gulley and Mr. Gordon abstained from voting.

Mr. Hudson stated that the YMCA Capital Improvement funding was reduced from \$23,000 to \$10,000 reducing the total budget to \$17,371,921.

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

1. Line of Duty Act Resolution [*See Attached Resolution*]

Mrs. Gulley made a motion to adopt the attached resolution, seconded by Mr. Gordon. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson and Mr. Vincent all voted “Aye”.

2. Amendment to Chief of Police Contract [*See Attached*]

Mrs. Gulley made a motion to authorize the Mayor to execute and deliver the attached amendment to the Chief of Police Contract. Seconded by Mr. Lawson, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson and Mr. Vincent all voted “Aye”.

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

Mr. Gordon advised there was nothing to report.

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

Mr. Porter advised there was no report and that the Education Committee will be meeting in the future to prepare for budget issues regarding the HVAC and federal stimulus budget cuts that will affect the school budget for fiscal year 2012-13.

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

Mr. Lawson advised there was nothing to report.

VII. TOWN MANAGER'S ITEMS

A. Cox Franchise Extension Agreement [See Attached Resolution]

Mr. Porter advised the current Franchise Agreement expires on June 1, 2011, the attached resolution would extend the expiration date to August 1, 2011, allowing time for a revised agreement to be prepared by the Community Development Committee.

Mr. Vincent made a motion to adopt the attached resolution and to refer the agreement to the Community Development Committee for review, seconded by Mrs. Gulley. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Lawson and Mr. Vincent all voted "Aye".

VIII. OLD BUSINESS

There was nothing to report.

IX. NEW BUSINESS

A. Planning Commission Report - Mr. Hudson

At the May 4th Planning Commission meeting the Planning Commission authorized advertisement for a public hearing on ordinance 01-11, MU-1 Mixed Use Corridor District/Construction Time Limit for Commercial Buildings.

X. RECESS

At 7:15 p.m. Deborah Ball made a motion to enter into recess until Tuesday, May 24, 2011 at 4:30 p.m., seconded by Tina Gulley. Upon a unanimous vote, the motion was approved.

A RESOLUTION TO
ADOPT ORDINANCE 06-10
Chapter 70, Zoning, Article XIII, B-2 Central Business District
Section 70-212, Permitted Uses
Section 70-220 Architectural Guidelines

WHEREAS; the Director of Community Development is proposing an amendment to Chapter 70, Zoning, Article XIII, B-2 Central Business District, Section 70-212 and to add Section 70-220, Architectural Guidelines, and;

WHEREAS; the proposed amendment to Section 70-212 shall allow funeral homes as permitted use and the proposed amendment to add Section 70-220 Architectural Guidelines shall give developers guidance on how to unify the architectural character of the B-2 Central Business Zoning District by creating a “main street” appearance while allowing design flexibility and individual expression within the context of a design pallet which creates a distinctive small town streetscape and an interesting pedestrian experience. Architectural guidelines are also required to create an attractive and pedestrian-oriented ground level in the B-2 Central Business Zoning District, and;

WHEREAS; the Town Council of the Town of West Point requested at their February 28th, 2011, meeting to have the West Point Planning Commission to review and report back with a recommendation; and

WHEREAS; the West Point Planning Commission conducted a public hearing on April 6, 2011, and recommended approval of this ordinance to Town Council; and

NOW, THEREFORE BE IT RESOLVED; the Town Council of West Point approves Ordinance, 06-10, Chapter 70, Article XIII, B-2 Central Business District, Section 70-212, Permitted Uses and Section 70-220 Architectural Guidelines.

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 23, 2011, 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	Absent
Joshua Lawson	Aye
Otto Shreaves	Absent
Christopher Vincent	Abstained

James H. Hudson III, Mayor

Adopted this 23 day of May, 2011

ATTEST:

Karen M Barrow, Town Clerk

ORDINANCE 06-10

ARTICLE XIII. B-2 CENTRAL BUSINESS DISTRICT

Sec. 70-211. Intent of district.

Pursuant to the purposes of this chapter, the intent of the B-2 Central Business District is to provide for the day-to-day and the specialty shopping and personal service needs of the community within a compact and well defined area traditionally known as the downtown or central business area. The permitted uses and regulations of the district are intended to promote a pedestrian-oriented shopping environment with convenient parking and continuity of retail, personal service and office establishments at street level, free from more vehicular-oriented uses which typically involve driveways, street-front parking and on-site circulation areas which are not conducive to pedestrian traffic. The district is also intended to accommodate existing residential uses in the downtown area, to encourage residential use of upper floors of commercial buildings, and to provide a compatible relationship with surrounding residential areas.

(Ord. of 3-27-89, § 15-79)

Sec. 70-212. Permitted uses and structures.

The following uses and structures shall be permitted in the B-2 Central Business District:

- (1) Bakeries where products are sold principally at retail on the premises.
- (2) Banks, savings and loan offices and similar financial service offices.
- (3) Child care centers licensed by the state, provided that outdoor play areas shall not be located within any yard between the main building and a street or within any required side yard, and shall be enclosed with continuous fencing not less than four feet in height; and provided further that a special use permit shall be required as set forth in article XXII of this chapter.
- (4) Churches.
- (5) Dry cleaning and laundering establishments.
- (6) Dwelling units contained within the same building as other uses permitted in this district, provided that such dwelling unit shall be located above the ground floor.
- (7) Entertainment, amusement and recreational facilities located within completely enclosed buildings and including bowling alleys, billiard parlors, amusement centers, video arcades, theaters, and lodge and club meeting places, provided that a special use permit shall be required as set forth in article XXII of this chapter.
- (8) Fire stations and rescue squad facilities.
- (9) Grocery stores and specialty food and beverage stores.
- (10) Home occupations.
- (11) Hotels.
- (12) Laundromats.
- (13) Libraries, museums, schools, adult education and child development centers, community centers, parks and recreational facilities owned or operated by a governmental agency or a nonprofit organization.
- (14) Office supply, custom printing and photocopy establishments.
- (15) Offices, including medical and dental offices and clinics.
- (16) Parking areas serving uses permitted in this district.
- (17) Personal service businesses, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, shoe repair shops, tailor and dressmaking shops, watch and jewelry repair shops, travel agencies and similar uses.
- (18) Post offices and pick-up stations for package mailing services.
- (19) Restaurants and similar food service and catering establishments, but not including establishments where food or beverages are intended to be consumed in vehicles on the premises or establishments where food or beverages are available by drive-up window service.

- (20) Retail stores and shops.
 - (21) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and transportation, but not including treatment plants, generating plants, railroad yards or depots.
 - (22) Service businesses, including establishments which rent, service or repair radios, televisions, video equipment and movies, home or business electronic equipment, home appliances, furniture, yard and garden equipment, tools, bicycles, locks, office machines, and similar household or business items.
 - (23) Signs, as permitted by the provisions of article XXI of this chapter.
 - (24) Tourist homes.
 - (25) Wells, private, provided that a special use permit shall be required as set forth in article XXII of this chapter for any well which does not exclusively serve the property on which it is located.
 - (26) Accessory uses and structures.
 - (27) Funeral Homes.
- (Ord. of 3-27-89, § 15-80; Res. of 8-29-94; Ord. No. 12-05, 12-19-05)

Sec. 70-213. Existing dwelling uses.

Any dwelling use lawfully existing in the B-2 District at the date upon which the provisions of this article become applicable to the property on which it is located may be maintained, improved, structurally altered, enlarged or reconstructed if damaged by fire, explosion, act of God or the public enemy; provided that in no case shall the amount of floor area devoted to the dwelling use at such date be increased by greater than ten percent, nor shall the number of dwelling units located on the property be increased, nor shall the lot area, lot width or yard dimensions be reduced to less than that which would be required for such dwelling use in the R-3 High Density Residential District.

(Ord. of 3-27-89, § 15-81)

Sec. 70-214. Lot area requirements.

There shall be no minimum lot area requirement in the B-2 District, except that uses which are not served by public sewer and water systems shall be provided with such minimum lot area as deemed necessary by the health official for the safe and healthful provision of on-site sewage disposal and water supply.

(Ord. of 3-27-89, § 15-82)

Sec. 70-215. Lot width requirements.

There shall be no minimum lot width requirement in the B-2 District.

(Ord. of 3-27-89, § 15-83)

Sec. 70-216. Required yards.

(a) No front yard shall be required in the B-2 District.

(b) No side yards shall be required in the B-2 District, provided that, where a side lot line abuts property located in any residential district, there shall be a side yard of not less than 25 feet, and provided further that there shall be a side yard of not less than five feet adjacent to any alley.

(c) No rear yard shall be required in the B-2 District, provided that, where a rear lot line abuts property located in any residential district, there shall be a rear yard of not less than 25 feet, and provided further that there shall be a rear yard of not less than five feet adjacent to any alley.

(Ord. of 3-27-89, § 15-84)

Sec. 70-217. Reserved.

Editor's note: The Ord. of March 30, 1998 repealed in their entirety the provisions of § 70-217 which pertained to screening requirements within the B-2 district and derived from the Ord. of March 27, 1989, § 15-85.

Sec. 70-218. Height limit.

No building shall exceed a height of 35 feet in the B-2 District.

(Ord. of 3-27-89, § 15-86)

Sec. 70-219. Plan of development required.

A plan of development, as set forth in article IV of this chapter, shall be required for all uses and structures in the B-2 District, except those for which a special use permit is required by the provisions of section 70-212. All uses requiring a plan of development and special use permit shall meet the provisions of section 70-220.

Sec. 70-220. Architectural Guidelines.

Architectural guidelines are required to unify the architectural character of the B-2 Central Business Zoning District creating a “main street” appearance while allowing design flexibility and individual expression within the context of a design pallet which creates a distinctive small town streetscape and an interesting pedestrian experience. Architectural guidelines are also required to create an attractive and pedestrian-oriented ground level in the B-2 Central Business Zoning District.

(1) Building Orientation and Layout. New development and major rehabilitation projects shall orient buildings on the street to create a continuous development pattern geared to the pedestrian and shall comply with the following:

(a) Any side of a building located in the B-2 Central Business Zoning District facing a street or roadway shall be designed to maintain a consistent development pattern that promotes retail activity and an active pedestrian oriented environment.

(b) Entries to retail and service commercial uses shall be encouraged along pedestrian walkways.

(c) Large buildings may be divided into multiple storefronts or similarly scaled elements to complement the existing small property divisions.

(d) Multi-story building facades on Main Street are encouraged to increase the intensity of activity, and to define and add visual interest to the street.

(2) Building Articulation. Given the unique character of the B-2 Central Business Zoning District, new development and major rehabilitation projects shall incorporate the traditional architectural style, articulation and details that reflect the Town’s history and promote its future.

(a) Building elements that add scale and interest such as second-story bay windows, parapets, and cornices, are encouraged.

(b) Stucco, brick, tile and stone shall be the primary building materials on facades in the B-2 Central Business Zoning District. Using a mix of these materials is recommended.

(c) A coordinated color scheme shall be developed for each new building or façade.

(d) Fabric awnings over windows and entries are encouraged.

(e) Large areas of blank walls without fenestration or other scale articulation facing pedestrian walkways shall be discouraged.

(3) Ground-Level Design Features. The Ground-Level in the B-2 Central Business Zoning District shall include design features, such as consistent streetscape patterns, outdoor areas, window displays, and building articulation, which is attractive and pedestrian oriented.

(a) Building facades facing Main Street shall be designed to maintain a consistent development pattern that promotes retail activity and an active pedestrian-oriented environment. Recessed buildings, particularly on

corner lots, may be allowed to provide for outdoor dining, public areas or design excellence determined to contribute to the overall benefit of the district.

- (b) Creative and attractive display windows shall be encouraged on the ground floor to enliven the pedestrian street environment.
- (c) Open air dining areas shall be encouraged at street level facing onto Main Street.
- (d) Finished floor level elevation of commercial buildings should not exceed one foot above sidewalk level to assure a retail storefront that is functional and maximizes visibility to the pedestrian.
- (e) Office uses along Main Street shall provide elements of visual interest along the street. Window treatments shall be tasteful, attractive, and shall incorporate a traditional architectural style.
- (f) Attention to detail should be given to elevations that include a mix of finishing materials, façade ornamentation, lighting, flower boxes and storefront articulation that reinforces the attention given to the pedestrian.

(Ord. of 3-27-89, § 15-87)
Secs. 70-221--70-230. Reserved.

New language = italics

This Ordinance shall take effect upon adoption.

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	Absent
Christopher Vincent	Abstained

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

Adopted this 23rd day of May, 2011

ATTEST:

Karen M. Barrow, Town Clerk

A RESOLUTION TO
ADOPT ORDINANCE 02-11
Chapter 70, Zoning, Article XXI, Sign Regulations
Section 70-379, Certain Signs Permitted Generally
Section 70-24, Definitions

WHEREAS; the Director of Community Development is proposing an amendment to Chapter 70, Zoning, Article XXI, Sign Regulations to add Town of West Point governmental signs to Section 70-379, Certain signs permitted generally and the Director of Community of Development is proposing an amendment to Chapter 70, Zoning, Article II, Rules and Interpretations, Section 70-24, Definitions to amend the definition of Sign, Directional; and

WHEREAS; the proposed amendment to Section 30-379 states directional signs, as defined in article II of this chapter, shall be permitted in any district and shall be exempt from regulations pertaining to freestanding signs and shall not be included in calculations determining the aggregate area or maximum number of permitted signs, provided that no directional signs exceeding three feet in height shall be located within five feet of any street line, driveway or other property line. No commercial off-site directional sign shall be permitted in any zoning district except for Town of West Point governmental signs and the proposed amendment to Section 70-24, Definitions, the definition of Sign Directional states a sign located on private property and intended for the purpose of directing or guiding traffic or persons or identifying parking spaces, when such sign contains no advertising matter and does not exceed an area of four square feet except for Town of West Point governmental signs shall not exceed an area of fifty (50) square feet; and

WHEREAS; the Town Council of the Town of West Point requested at their February 28th, 2011, meeting to have the West Point Planning Commission review and report back with a recommendation; and

WHEREAS; the West Point Planning Commission conducted a public hearing on April 6, 2011, and recommended approval of this ordinance to Town Council; and

NOW, THEREFORE BE IT RESOLVED; the Town Council of West Point, approves Ordinance 02-11, Chapter 70, Article XXI, Sign Regulations, Section 70-379, Certain signs permitted generally and Chapter 70, Article II, Rules and Interpretations, Section 7-24, Definitions.

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 23, 2011, 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	Absent
Joshua Lawson	Aye
Otto Shreaves	Absent
Christopher Vincent	Aye

James H. Hudson III, Mayor

Adopted this 23 day of May, 2011

ATTEST:

Karen M Barrow, Town Clerk

Adoption: May 23rd 2011

ORDINANCE 02-11

ARTICLE XXI. SIGN REGULATIONS

Sec. 70-373. Permitted signs in residential districts.

The following signs shall be permitted in all residential districts, subject to the regulations and restrictions set forth herein:

- (1) Signs not exceeding in the aggregate 16 square feet in area identifying a church, school, park, playground, library, museum or other nonresidential use permitted in a residential district. Such signs shall be attached flat against a main building or may include not more than one freestanding sign. In the case of a freestanding sign, an additional area not exceeding 16 square feet may be devoted to architectural elements which serve as support, border, or base for such sign and which are not a part of the message portion of the sign. No freestanding sign shall exceed a height of eight feet or be located within five feet of any street line, alley or driveway or within 15 feet of any other property line.
 - (2) Freestanding signs identifying subdivisions of single-family detached dwellings, provided that such signs shall be subject to the requirements for freestanding signs set forth in paragraph (1) above. One such sign shall be permitted within the boundaries of the subdivision at each street entrance into the subdivision.
 - (3) Signs not exceeding in the aggregate eight square feet in area identifying a multiple-family development, single-family attached development site, nursing home, group home or lodginghouse. Such signs shall be attached flat against a main building or may include not more than one freestanding sign, provided that no freestanding sign shall exceed a height of eight feet or be located within five feet of any street line, alley or driveway or within 15 feet of any other property line. In the case of multiple-family dwellings, single-family attached dwellings or nursing homes located on lots or development sites of one acre or more in area or with 200 feet or more of continuous frontage on any one street, permitted signs shall be as set forth in paragraph (1) of this section.
 - (4) One or more temporary signs not exceeding in the aggregate six square feet in area pertaining to the sale, rental or lease of the premises on which they are located, provided that such signs shall not be illuminated, shall not be located within five feet of any street line, alley or driveway or within 15 feet of any other property line, and shall be removed when the sale, rental or lease of the premises is consummated.
 - (5) Not more than three temporary signs not exceeding in the aggregate 32 square feet in area identifying the use to be made of a building under construction on the property on which such signs are located or identifying the contractor, subcontractors, architect or lending institution involved with such construction. Such signs shall not be illuminated, shall not be located within five feet of any street line, alley or driveway or within 15 feet of any other property line, and shall be removed upon completion or abandonment of the construction activity to which they pertain.
- (Ord. of 3-27-89, § 15-171)

Sec. 70-374. Permitted signs in the MHP District.

The following signs shall be permitted in the MHP Mobile Home Park District, subject to the regulations and restrictions set forth herein:

- (1) Signs not exceeding in the aggregate 16 square feet in area identifying a mobile home park. Such signs shall be attached flat against a building within the mobile home park or may include not more than one freestanding sign located at the entrance to the mobile home park. Freestanding signs shall be subject to the requirements set forth in section 70-373(1).
 - (2) Temporary signs pertaining to the sale or lease of a mobile home park or pertaining to the construction of a mobile home park, subject to the requirements set forth in section 70-373(4) and (5). Signs pertaining to the rental or lease of spaces within a mobile home park shall be permitted as set forth in section 70-373(4), but shall be located so as not to be visible from public streets or properties outside of the mobile home park.
- (Ord. of 3-27-89, § 15-172)

Sec. 70-375. Permitted signs in B-1 and SD-1 Districts.

The following signs shall be permitted in B-1 Highway Business and SD-1 Special Development Districts, subject to the regulations and restrictions set forth herein:

- (1) Any sign permitted in the residential districts and set forth in section 70-373, provided that signs identifying uses which are permitted in any of the residential districts shall be subject to the regulations set forth in that section.
- (2) Signs attached flat against or painted on a vertical surface of a main building or accessory structure, other than a structure intended principally for sign purposes, when such signs do not extend beyond the extremities of the surface of the building or structure to which they are attached. The maximum permitted area of such signs shall be as set forth in subsection (6) of this section.
- (3) Signs attached to a mansard or other sloped roof of a main building, when such roof has a pitch of greater than 60 degrees to the horizontal, and when such signs are parallel to the building wall and do not extend beyond the extremities of the roof to which they are attached. The maximum permitted area of such signs shall be as set forth in subsection (6) of this section.
- (4) Signs suspended from a porte cochere, covered walkway or covered entranceway to a building, when such signs do not exceed in the aggregate eight square feet in area and are provided with an underclearance of not less than ten feet.
- (5) One freestanding sign along each street frontage of 100 feet or more, when the main building on the lot is set back 25 feet or more from the street line along such frontage, provided that:
 - a. Not more than two freestanding signs shall be permitted on a lot.
 - b. Where more than one freestanding sign is permitted on a lot having multiple street frontages, the distance between freestanding signs on the same lot shall be not less than 100 feet.
 - c. No freestanding sign shall exceed 75 square feet in area or 25 feet in height.
 - d. No freestanding sign shall be located within 50 feet of any lot in a residential district.
 - e. No freestanding sign shall be located within five feet of any street line, alley, driveway or other property line.
- (6) One directory sign identifying shopping center sites, provided that:
 - a. Sites containing five or more business establishments and having 200 feet or more of continuous frontage along any one street shall have a maximum area of 150 square feet, when no other freestanding signs are located on the lot.
 - b. No directory sign shall be located within 50 feet of any lot in a residential district.
 - c. No directory sign shall be located within five feet of any street line, alley, driveway or other property line.
 - d. No more than 70 percent of sign area may be devoted to the identification of tenants.
- (7) The aggregate area of all signs attached to or painted on all surfaces of a main building or an accessory structure pursuant to the provisions of subsections (2) and (3) of this section shall not exceed 1 1/2 square feet for each lineal foot of width of the main building facing a public street. In the case of a main building facing more than one public street, the maximum permitted sign area shall be determined by the building width having the greatest dimension facing a public street. In the case of a shopping center, the greatest building width facing the primary shopping center parking area shall determine the maximum permitted sign area.
- (8) The aggregate area of all signs located on a lot shall not exceed two square feet for each lineal foot of lot frontage on a public street. In the case of lots having more than one frontage on a public street, the maximum permitted sign area shall be determined by the frontage having the greatest dimension. The provisions of this paragraph shall not be applicable to shopping centers.
- (9) The maximum number of signs located on a lot shall not exceed one sign for each 20 feet of lot frontage, or major fraction thereof, on a public street. In the case of lots having more than one frontage on a public street, the maximum number of signs shall be determined by the frontage having the greatest dimension. In the case of a shopping center, there shall be no limit on the number of signs on the lot, provided that the maximum number of signs attached to any building shall not exceed one sign for each 20 feet of building frontage, or major fraction thereof, devoted to each tenant. In no case shall the provisions of this paragraph restrict any lot or any shopping center tenant to less than two signs.

(Ord. of 3-27-89, § 15-173; Ord. No. 02-04, 6-28-04)

Sec. 70-376. Permitted signs in the B-2 District.

The following signs shall be permitted in the B-2 Central Business District, subject to the regulations and restrictions set forth herein:

- (1) Any sign permitted in the residential districts and set forth in section 70-373, provided that signs identifying uses which are permitted in any of the residential districts shall be subject to the regulations set forth in that section.
- (2) Any sign permitted in the highway business and special development districts subject to the regulations and restrictions set forth in section 70-375, except that:
 - a. Not more than one freestanding sign shall be permitted on a lot.
 - b. No freestanding sign shall exceed 40 square feet in area or 20 feet in height.
- (3) Signs attached to and projecting not more than five feet from the face of a main building, when such signs do not extend above the wall to which they are attached, provided that:
 - a. Not more than one sign with a projection greater than 15 inches from the face of a building shall be permitted for each building.
 - b. Projecting signs shall be provided with an underclearance of not less than ten feet.
 - c. Projecting signs may extend over a street right-of-way, but shall not extend beyond a vertical plane two feet inside the curb line or edge of pavement of an adjacent street, and shall conform with all other applicable requirements of the Virginia Uniform Statewide Building Code.
 - d. Projecting signs shall be included in all calculations for purposes of determining the aggregate area of all signs attached to the building, the aggregate area of all signs located on the lot, and the total number of signs located on the lot or attached to the building as set forth in section 70-375(6), (7) and (8).

(Ord. of 3-27-89, § 15-174)

Sec. 70-377. Permitted signs in the B-3 District.

The following signs shall be permitted in the B-3 Limited Business District, subject to the regulations and restrictions set forth herein:

- (1) Any sign permitted in the residential districts and set forth in section 70-373, provided that signs identifying uses which are permitted in any of the residential districts shall be subject to the regulations set forth in that section.
- (2) Any sign permitted in the highway business and special development districts, subject to the regulations and restrictions set forth in section 70-375, except that:
 - a. Not more than one freestanding sign shall be permitted on a lot.
 - b. No freestanding sign shall exceed 40 square feet in area or 20 feet in height.
 - c. The maximum area of a freestanding sign identifying a shopping center shall not exceed 75 square feet.
 - d. The aggregate area of all signs attached to or painted on all surfaces of a main building or an accessory structure pursuant to section 70-375(2) and (3) shall not exceed one square foot for each lineal foot of width of the main building facing a public street.
 - e. The aggregate area of all signs located on a lot shall not exceed one square foot for each lineal foot of lot frontage on a public street.

(Ord. of 3-27-89, § 15-175)

Sec. 70-378. Permitted signs in industrial districts.

The following signs shall be permitted in the M-1 Light Industrial and M-2 Heavy Industrial Districts, subject to the regulations and restrictions set forth herein:

- (1) Any sign permitted in the residential districts and set forth in section 70-373, provided that signs identifying uses which are permitted in any of the residential districts shall be subject to the regulations set forth in that section.
- (2) Any sign permitted in the highway business and special development districts, subject to the regulations and restrictions set forth in section 70-375, except that on lots having 200 feet or more of continuous frontage along any one street, the maximum permitted area of a freestanding sign located along such frontage shall be 150 square feet.

(3) For industrial parks containing uses permitted in the M-1 or M-2 zoning districts, there may be one monument sign located at each major entrance to the development, provided that:

- a. No such sign shall contain any information other than the name of the development and the names of the tenants.
 - b. No such sign shall exceed an area of 150 square feet or 20 feet in height.
 - c. No more than 70% of sign area may be devoted to the identification of tenants.
 - d. No such sign shall be internally illuminated.
 - e. Off-site entrance signs may be located on adjacent property in any commercial or industrial district, provided that the sign shall be located no greater than 200 feet from the development and shall not be located within 50 feet of any lot in a residential district.
- (Ord. of 3-27-89, § 15-176; Ord. No. 02-04, 6-28-04)

Sec. 70-379. Certain signs permitted generally.

(a) Directional signs, as defined in article II of this chapter, shall be permitted in any district and shall be exempt from regulations pertaining to freestanding signs and shall not be included in calculations determining the aggregate area or maximum number of permitted signs, provided that no directional signs exceeding three feet in height shall be located within five feet of any street line, alley, driveway or other property line. No commercial off-site directional sign shall be permitted in any zoning district except for Town of West Point governmental signs.

(b) Temporary sale, announcement or merchandising sign, as defined in article II of this chapter and not exceeding eight square feet in area, shall be permitted in any district and shall not be included in calculations determining the aggregate area or feet in area or do not otherwise conform to the definition thereof shall be subject to all sign regulations or restrictions applicable in the district in which they are located.

(Ord. of 3-27-89, § 15-177; Ord. of 12-29-97)

Sec. 70-380. Certain signs prohibited.

Billboard signs, animated signs and portable signs, as defined in article II of this chapter, and such other signs as may be prohibited by the general laws of the commonwealth or the town shall not be permitted in any district.

(Ord. of 3-27-89, § 15-178)

Sec. 70-381. Illumination.

Illumination of signs shall conform to the restrictions set forth in section 70-342 and no bulb, lamp or other source of illumination shall be directly exposed to any street, alley, driveway or adjacent property, nor shall the exterior of any building, structure or portion thereof be illuminated by outlining such with lights, except for temporary seasonal decoration purposes.

(Ord. of 3-27-89, § 15-179)

Sec. 70-382. Signs identifying nonconforming uses.

One sign identifying a nonconforming use located in a residential district shall be permitted, provided that such sign shall be attached flat against the building occupied by such use and shall not exceed eight square feet in area. Signs identifying nonconforming uses located in districts other than residential districts shall conform to the sign regulations applicable in the district in which the use is located.

(Ord. of 3-27-89, § 15-180)

Sec. 70-383. Nonconforming signs.

(a) Except as otherwise provided herein, a nonconforming sign, as defined in article II of this chapter, may remain and may be maintained and repaired, provided that such sign shall not be moved, replaced, structurally altered or modified as to size, shape or height except in conformity with the provisions of this article. The face of a nonconforming sign or the copy thereon may be changed when all other provisions of this section are met.

(b) Any sign which is nonconforming due to lighting or animation shall be eliminated or made to conform with the regulations pertaining to lighting or animation within 90 days from the effective date of this chapter.

(c) Any nonconforming portable sign or nonconforming temporary sign shall be eliminated or made to conform with the regulations set forth in this article within 30 days from the effective date of this chapter.

(d) Any sign which identifies or pertains to a use which has vacated the premises on which such sign is located or any sign structure which no longer contains any message shall be removed from the premises within 90 days from the date on which the use to which it pertains last occupied the premises.

(Ord. of 3-27-89, § 15-181)

Secs. 70-384--70-393. Reserved.

New Language = Italics

This Ordinance shall take effect upon adoption.

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	Absent
Christopher Vincent	Aye

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

Adopted this 23rd day of May, 2011

ATTEST:

Karen M. Barrow, Town Clerk

RESOLUTION AND APPROPRIATION FOR TOWN, SCHOOLS
AND WATER UTILITY BUDGET
FY 2011-12

WHEREAS, the West Point Town Council advertised a public hearing regarding FY 2011-12 Budgets on April 27th 2011 in The Tidewater Review, and conducted a public hearing on May 9th, 2011 as required by §15.2-2506 of the Code of Virginia.

NOW THEREFORE BE IT RESOLVED by the West Point Town Council that a total of \$9,135,721 is hereby approved for the West Point School Board for FY 2011-12. This total reflects:

	Local Revenue	\$3,691,000
State Revenue	\$4,073,088	
Federal Revenue	\$259,558	
	Federal Stimulus Revenue	\$535,146
Other Revenue	\$343,725 (for school operating expenses)	
	School CIP	\$233,204

BE IT FURTHER RESOLVED by the West Point Town Council, the Town Budget for FY 2011-12 is approved on this 23rd day of May, 2011 in the amount of \$17,371,921 representing \$9,135,721 for the West Point School Board and \$8,236,200 for the Town (inclusive of the Town's contribution of \$3,691,000 for school operating expenses and \$75,000 for the school CIP).

BE IT FURTHER RESOLVED by the West Point Town Council, that the Water Utility Budget for FY 2011-12, in the amount of \$784,300 is approved this 23rd day of May, 2011.

BE IT FURTHER RESOLVED the Town Council of the Town of West Point hereby appropriates \$9,135,721 to the West Point School Board effective July 1, 2011 to be expended only on order of the School Board.

BE IT FINALLY RESOLVED the Town Council of the Town of West Point appropriates \$17,371,921 to the Town of West Point effective July 1, 2011 and appropriates \$784,300 to the West Point Water Utility effective July 1, 2011.

Those members voting:

James H. Hudson	N/A
Deborah Ball	Aye
Tina Gulley	Abstained
Charles Gordon	Abstained
Paul Kelley	Absent
Joshua Lawson	Aye
Otto Shreaves	Absent
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 23rd, 2011 at which meeting a quorum was present and voted throughout.

Adopted this 23rd day of May, 2011

ATTEST:

Karen M. Barrow
Town Clerk

A RESOLUTION TO SELF FUND
LINE OF DUTY ACT CLAIMS

WHEREAS; the Virginia General Assembly has created the Line of Duty Act Fund for the payment of liabilities prescribed by and administered under the Line of Duty Act, §9.1-400 et seq. of the Code of Virginia; and

WHEREAS; the Virginia General Assembly has shifted the cost of paying past, present and future liabilities under the Line of Duty Act, from the State to Local Government entities through item 258 of the 2010 Budget Bill; and

WHEREAS; the Town of West Point is automatically included in the Line of Duty Act Fund unless it opts out by June 30, 2012, and chooses to self-fund its mandated obligations under the Line of Duty Act; and

WHEREAS; the Town of West Point desires to opt out of the Line of Duty Act Fund and self-fund its liabilities.

NOW, THEREFORE, BE IT RESOLVED; that the governing body of the Town of West Point hereby agrees to opt out of the Line of Duty Fund effective June 30, 2011 and self-fund its liabilities under the Line of Duty Act effective July 1, 2011.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Council of the Town of West Point authorizes the Town Manager, the Town's chief administrative official, to execute and deliver the "Amendment to the Member Agreement."

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	Absent
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 23, 2011 at which meeting a quorum was present and voted throughout.

Adopted this 23rd day of May, 2011

ATTEST:

Karen M. Barrow
Town Clerk