

**WEST POINT TOWN COUNCIL  
WORK SESSION MINUTES  
June 27th, 2011**

**I. Patriots Village**

Mr. Hudson advised that the Town received a letter from Mr. Pete Henderson with his request for amendment to the Special Use Permit for Patriots Village and that Patriots Village is on the Town Council agenda for action.

**II. Old Dominion Grain**

Andrea Erard reviewed the State Code for closing a secondary road and stated that the Town can go through Judge Hoover to avoid requesting a road closure from King William County.

The consensus of Town Council is for the Mayor, Town Manager, Tom Redd, VDOT and Andrea meet to discuss the correct procedure to close a secondary road.

**TOWN OF WEST POINT  
TOWN COUNCIL MINUTES  
June 27th, 2011**

**I. CALL TO ORDER**

The West Point Town Council held its regular monthly meeting on Monday, June 27<sup>th</sup> 2011. The Honorable James H. Hudson III called the meeting to order at 6:30 p.m. Mrs. Gulley gave the Invocation followed by the Pledge of Allegiance.

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

Members Absent: 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; Walt Feurer, Director of Public Works; TC Moore, Town Treasurer and other interested persons.

**II. CITIZENS ADDRESS TO COUNCIL**

A. Public Hearing – Ordinance 06-11/07-11 Zoning Fees

Mr. Hudson read the 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 advised the proposed trash fees are not included in the advertised ordinances that there will be a separate public hearing for the trash fees later in the summer.

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

1. Mr. James Johnson, 428 3<sup>rd</sup> Street, West Point, Virginia asked if the zoning application fee would be increased.

Holly McGowan advised the regular zoning application fee would remain the same.

**ACTION**

Mr. Lawson made a motion to approve by resolution Ordinance 06-11 and Ordinance 07-11, seconded by Mr. Kelley. Upon roll call, Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson and Mr. Vincent all voted "Aye".

B. Citizens Address to Council

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

1. Rae Brewer, 3540 Shoreline Drive, West Point, Virginia, read the attached statement regarding Patriot's Village.

2. Russell Baswell, 206 Patriots Village Drive, West Point, Virginia advised that he is a homeowner of a town house in Patriots Village and stated that he supports Pete Henderson's request and would like to see the project complete.

3. Mitchell Marshall, 232 Patriots Village Drive, West Point, Virginia stated that he is a homeowner of a town house in Patriots Village would like to see the project finished and supports Pete Henderson's request to amend the Special Use Permit.

4. Linda Smith, 3750 Blue Heron Lane, West Point, Virginia, suggested the Town work with Mr. Henderson to complete the project at Patriots Village.

5. Bernard Lee, 284 Ogden Street, West Point, Virginia advised that he had done research regarding the use of inmates from the prison to do general work around Town. Inmates are available for use by the Town through Saluda jail, the Town would need to provide a police officer to pick up the inmates, supervise the inmates and return them to jail.

Mr. Hudson stated that Mr. Lee serves on the Town's Economic Development Authority and has conducted an in-depth research on the use of inmates through the workforce program. Mr. Hudson asked Mr. Lee if he is available to meet with the Public Works Committee on July 21<sup>st</sup> 2011 to discuss the use of inmates for work in Town.

Mr. Lee advised that he can be at the Public Works Committee meeting.

Mr. Hudson thanked Mr. Lee for his work on this subject.

6. James Johnson, 428 3<sup>rd</sup> Street, West Point, Virginia advised that statements flip flop around every time there is a change in Town Council members. Mr. Johnson stated that he has concerns with the following items. 1) At a previous Town Council meeting he was told that the Town would work with him to install electricity to the property on 14<sup>th</sup> Street and that has not happened. 2) He was also told that the individual business signs on 14<sup>th</sup> Street would be removed and they have not. 3) Mr. Johnson was constructing a crab carnival both in his back yard and received a "Stop Work Order" from the Town. 4) Mr. Johnson was replacing the tin roof to his home, the first day the contractor worked at his home a "Stop Work Order" was issued, the contractor had just completed a different job in Town and allowed to complete the job without a permit. Mr. Johnson stated that he is not getting a fair deal from the Town and asked for the legal way to install electricity to the property on 14<sup>th</sup> Street for a food stand.

Mr. Johnson asked if the speed limit coming off the New Kent bridge could be changed, the 35MPH speed limit should be at the bottom of the bridge just as the King & Queen bridge to prevent a driver from continuously breaking to maintain the 35 MPH speed limit.

Mr. Hudson advised the Town would review the speed limit and the Town Manager would review Mr. Johnsons concerns listed above.

7. Mathew Kite a resident of King William County advised he would like to introduce himself as a candidate for the Commonwealth Attorney, the election is scheduled for Tuesday, November 8<sup>th</sup> 2011. Mr. Kite is available to the public for questions and will be in West Point to meet the residents during the next few months.

8. John Britt, 27 Main Street, West Point, Virginia advised that he has known Pete Henderson for 27 years and is in full support of the request to amend the Special Use Permit for Patriots Village.

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 was noted.

### IV. AGENDA

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

## V. ADOPTION OF CONSENT AGENDA

Mr. Lawson made a motion to adopt the following consent agenda and to change the advertisement date in the resolution for Ordinance 05-11 to the August 29<sup>th</sup> 2011 meeting date, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson and Mr. Vincent all voted "Aye".

- 1) Minutes of May 23, 2011 Town Council Meeting and Work Session  
Continued meetings for May 24<sup>th</sup> & 25<sup>th</sup> 2011
- 2) Cash Reports
  - a) General Fund  
Cash on hand as of May 31, 2011 - \$2,836,969.78
  - b) Water Fund  
Cash on hand as of May 31, 2011 - \$705,059.67
  - c) CIP  
Cash on hand as of May 31, 2011 - \$205,946.27
- 3) Monthly Budget Report
- 4) School Fund Cash Report
  - a) Cash on hand as of May 31, 2011 - \$167,810.09
- 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 Public Hearing Advertisement for MU-1 Zoning District
  
- 12) Re-appointment of Paul Diggs

Mr. Gordon made a motion to adopt the resolution to reappoint Paul Diggs to the Planning Commission for a term commencing June 1, 2011 through May 31, 2015, seconded by Mr. Lawson. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson and Mr. Vincent all voted "Aye".

- 13) Kirby Street Phase I & II

Michael Dobson gave a report on the changes to the Housing Rehabilitation Program.

## V. COMMITTEE REPORTS

- A. Public Safety – Mrs. Gulley reported for the Committee.

Mrs. Gulley advised there was no report.

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

1. Personal Property Tax Relief Resolution

Mrs. Ball made a motion to adopt the attached resolution at 68.5% of the first \$20,000 of market value for qualifying vehicles valued at over \$1,000 in accordance with Ordinance 17-05. Seconded by Mrs. Gulley, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson and Mr. Vincent all voted "Aye".

- C. Education Committee

Mr. Porter advised there was no report.

- D. Public Works – Mr. Gordon reported for the Committee

Mr. Gordon advised there was no report.

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

Mr. Lawson advised there was no report.

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

### **A. Refuse Fees Presentation**

Walt Feurer, Director of Public Works presented Town Council with a proposed plan to implement an Enterprise account for refuse collection. The plan has been presented to the Public Works Committee with a recommendation fee of \$10 per cart per month and a commercial fee of \$13.50 per month it would be a mandatory program for all Town residents.

Mrs. Gulley advised the schools have twenty carts, would the schools pay \$13.50 for each cart.

Walt Feurer advised the schools would need to pursue another option for refuse collection.

Chris Vincent advised the Public Works Committee did review the option to contract the refuse collection out to an individual contractor, the Town can provide the services at a more reasonable cost than a contractor.

Mrs. Gulley asked for an example of comparable fees.

Walt Feurer advised that James City County does not have a collection program that a County resident can use any refuse collection contractor of their choice, the average cost is \$22.50 per month. Henrico County, \$15 per month; Harrisonburg, \$20 per month; York County, \$16 per month; Newport News is \$5.38 per week for 52 weeks a year. The Town's monthly collection fee gives Town residents two weeks of collect free, the City of Newport News charges for the two weeks.

Mr. Porter asked if the Town Attorney can proceed with placing the draft plan into ordinance format.

The consensus of Town Council is for the Town Manager to prepare a draft ordinance for the Public Works Committee to review.

### **B. Lease Agreement for the Sign Location with Tranz Dominion, LLC**

Mr. Lawson made a motion to authorize the Mayor to execute and deliver the lease agreement with Tranz Dominion, LLC., seconded by Mrs. Gulley. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson and Mr. Vincent all voted "Aye".

### **C. Line of Duty Act Fund Resolution**

Mrs. Gulley made a motion to adopt the attached revised resolution for the Line of Duty Act Fund, seconded by Mr. Vincent. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson and Mr. Vincent all voted "Aye".

### **D. Annual Organizational Meeting/July Town Council Meeting**

Mr. Vincent made a motion to conduct the Annual Organization Meeting on Monday, July 11<sup>th</sup>, 2011 at 6 p.m. followed by the Town Council meeting and to cancel the July 25<sup>th</sup> 2011 Town Council meeting, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson and Mr. Vincent all voted "Aye".

## **VIII. OLD BUSINESS**

### **A. Patriots Village**

Mr. Hudson stated that Town Council approved a Special Use Permit for Patriots Village on August 27, 2011 with fourteen conditions and that item twelve of the Special Use Permit requires 75% of the homes be owner occupied. Mr. Henderson is requesting that item twelve be amended to become rent/lease to own for 48 months. See attached letter.

Mr. Lawson made a motion to deny SUP2010-02, which is a request for an amendment to the special use permit for Patriot's Village, because the applicant has a current reasonable use of the property pursuant to the terms of the current special use permit, and because the applicant has not presented sufficient facts to demonstrate the need for a temporary change in zoning to the property. Seconded by Mrs. Ball, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson and Mr. Vincent all voted "Aye".

**IX. NEW BUSINESS**

A. Planning Commission Report - Mr. Hudson

Mr. Hudson advised the Planning Commission meet on Wednesday, June 1, 2011 to discuss the following: 1) Conduct a Public Hearing on a Zoning Text Amendment to MU-1. A recommendation was submitted to Town Council to conduct a final public hearing. 2) Conducted a public hearing on ordinance 06-11 and 07-11, fees. A recommendation was submitted to Town Council.

B. Thank You from Paul Kelley

Mr. Hudson read a Thank You from Paul Kelley for the flowers sent by Town Council during the passing of Mr. Kelley's father. Mr. Hudson asked for the thank you to be entered in the minutes.

**X. RECESS**

Mr. Vincent made a motion to recess until Tuesday, June 28, 2011 at 5:30 p.m. Seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson and Mr. Vincent all voted "Aye".

\_\_\_\_\_  
James H.  
Hudson, III  
Mayor

ATTEST:

\_\_\_\_\_  
Karen M. Barrow  
Town Clerk



***A RESOLUTION  
TO APPROVE ORDINANCE 06-11  
Chapter 8, Fees, Article VI, Zoning***

WHEREAS; the Director of Community Development is proposing Ordinance 06-11, an amendment to Chapter 8, Fees, Article VI, Zoning, to amend the zoning permit fees and by deleting sections 28-51 through 28-66 and completely rewriting and renaming section 28-50, "Zoning Fees" as follows;

Zoning Permit-residential \$ 50  
Zoning Permit-commercial \$ 100  
Zoning Permit-Industrial \$ 100  
Zoning Text Amendment \$ 300  
Conditional Use Permit/Special Use Permit  
\$ 400  
Special Exception Permit \$ 400  
Zoning Variance \$ 300  
BZA Appeal \$ 300

Zoning Permit, After the Fact \$ 250  
Building Permit, After the Fact  
\$ 250

Lot Line Vacation \$ 100

Public Hearing Notice/Advertisement-planning commission, town council, bza, and/or wetlands board.  
\$ 200/\$ 400 (if public hearing required for both planning commission and town council)

Comprehensive Plan Amendment  
\$ 500

WQIA, Minor \$ 100

WQIA, Major \$ 200

POD (Zoning Administrator)  
\$ 100

POD (Planning Commission) \$ 300 + \$ 25/lot

POD (Town Council) \$ 500 + \$ 25/lot

Final Subdivision Plat \$ 500

Boundary Line Adjustment \$ 100

Preliminary Subdivision Plat Approval  
\$ 300 + \$ 50/lot

Home Occupation Permit \$ 25

Sign Permit \$ 25"

WHEREAS; Ordinance 06-11, deletes the \$25 fee for a copy of the zoning ordinance, the fees for minor and major site plans, as well as the general \$25 zoning permit fee, and codifies home occupation and sign permits in Section 28-50; and

WHEREAS; Ordinance 06-11 changes the filing fee for rezonings by setting three different fees for residential, commercial and industrial. Currently there is a \$300 filing fee plus \$25 for each acre for rezoning requests. Ordinance 06-2011 would set the residential rezoning request fee at \$300 plus \$25/acre, commercial rezoning request at \$800 plus \$25/acre, and industrial rezoning requests at \$1200 plus \$25/acre; and

WHEREAS; Ordinance 06-11 increases the following fees:

|   |     |     |     |
|---|-----|-----|-----|
| ZONING TEXT AMENDMENT                         | 250 | 300 |     |
| CONDITIONAL USE PERMIT/<br>SPECIAL USE PERMIT |     |     |     |
| SPECIAL EXCEPTION PERMIT                      | 250 | 400 |     |
| VARIANCE                                      | 250 | 300 |     |
| BZA APPEAL                                    | 225 | 300 |     |
| FINAL SUBDIVISION PLAT                        | 300 | 500 |     |
| BOUNDARY LINE ADJUSTMENT                      | 25  |     | 100 |

WHEREAS; Ordinance 06-11 add the following new fees:

|   |     |     |     |
|---|-----|-----|-----|
| ZONING TEXT AMENDMENT                         | 250 | 300 |     |
| CONDITIONAL USE PERMIT/<br>SPECIAL USE PERMIT |     |     |     |
| SPECIAL EXCEPTION PERMIT                      | 250 | 400 |     |
| VARIANCE                                      | 250 | 300 |     |
| BZA APPEAL                                    | 225 | 300 |     |
| FINAL SUBDIVISION PLAT                        | 300 | 500 |     |
| BOUNDARY LINE ADJUSTMENT                      | 25  |     | 100 |

NOW, THEREFORE BE IT RESOLVED; the Town Council of West Point approves Ordinance 06-11, Chapter 8, Fees, Article VI, Zoning, to amend the zoning permit fees and by deleting sections 28-51 through 28-66 and completely rewriting and renaming section 28-50, "Zoning Fees."

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 June 27th, 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          | Aye    |
| Joshua Lawson        | Aye    |
| Otto Shreaves        | Absent |
| Christopher Vincent  | Aye    |

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

Adopted this 27th day of June, 2011

ATTEST:

\_\_\_\_\_  
Karen M. Barrow  
Town Clerk



***A RESOLUTION  
TO APPROVE ORDINANCE 07-11  
REVISES THE CURRENT FEE SCHEDULE TO COVER THE COST  
OF THE ISSUANCE OF PERMITS***

WHEREAS; the Director of Community Development is proposing Ordinance 07-11, to revise the current fee schedule to cover the cost of the issuance of permits; and

WHEREAS; Ordinance 07-11 adds two new fees:

|                                 |                |
|---------------------------------|----------------|
| LAND DISTURBANCE PERMIT FEE –   |                |
| RESIDENTIAL                     | \$100/LOT      |
| AFTER THE FACT LAND DISTURBANCE | DOUBLE THE FEE |

WHEREAS; Ordinance 07-2011 modifies the following fees:

|                                     |                                      |
|-------------------------------------|--------------------------------------|
| EROSION & SEDIMENT PLAN REVIEW FEE- |                                      |
| RESIDENTIAL                         | \$100/LOT (CURRENTLY \$90+\$10/ACRE) |
| COMMERCIAL/INDUSTRIAL               | \$200/LOT (CURRENTLY \$90+\$10/ACRE) |

|                       |  |
|-----------------------|--|
| WETLANDS PERMIT FEE-  |  |
| RESIDENTIAL           | \$200+\$10/ACRE<br>(CURRENTLY \$150+\$10/ACRE) |
| COMMERCIAL/INDUSTRIAL | \$300+\$10/ACRE<br>(CURRENTLY \$150+\$10/ACRE) |

WHEREAS; Ordinance 07-11 is considered pursuant to the grants of authority contained in VA Code Section 10.1-562 and 28.2-1302; and

THEREFORE BE IT RESOLVED; the Town Council of West Point approves Ordinance 07-11, to revise the current fee schedule to cover the cost of the issuance of permits.

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 June 27th, 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          | Aye    |
| Joshua Lawson        | Aye    |
| Otto Shreaves        | Absent |
| Christopher Vincent  | Aye    |

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

Adopted this 27th day of June, 2011

ATTEST:

Karen M. Barrow  
Town Clerk

***A RESOLUTION TO  
AUTHORIZE ADVERTISEMENT  
ON ORDINANCE 05-11  
Chapter 70, Zoning, Article XXVII, MU-1 Mixed-Use Corridor District***

WHEREAS; the Director of Community Development is proposing amendments to Chapter 70, Zoning, Article XXVII, MU-1 Mixed-Use Corridor District; and

WHEREAS; the proposed amendments include statement of intent, a required project build-out schedule, change in the percentage of residential and commercial uses, standards for commencement of residential and commercial units, variety of paving treatments for pedestrian access, and change in the percentage for useable open space, and

WHEREAS; the West Point Planning Commission held a public hearing on June 1, 2011, on Ordinance 05-11 and recommended approval to Town Council; and

NOW, THEREFORE BE IT RESOLVED; the Town Council of the Town of West Point authorizes the Town Manager to advertise Ordinance 05-11 for a public hearing to be held on August 29th, 2011.

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 June 27, 2011, at which meeting a quorum was present and voted throughout.

Those members voting:

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

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

Adopted this 27th day of June, 2011

ATTEST:

Karen M. Barrow  
Town Clerk

**A RESOLUTION  
RE-APPOINTING PAUL DIGGS  
TO THE WEST POINT PLANNING COMMISSION**

WHEREAS; Chapter 2, Administration, Article IV, Planning Commission, Section 2-27, Composition; appointment of members, of the Town Code provides that the Planning Commission shall consist of seven members appointed by the council. One member shall be a member of the council, one shall be a member of the Board of Zoning Appeals and the remaining five, referred to as appointed members, shall be qualified voters of the town; and

WHEREAS; the term of one (1) member, Paul Diggs, of said Commission expires as of May 31, 2011; and

WHEREAS; it is now incumbent upon this Council to re-appoint Paul Diggs to serve on said Commission; and

NOW, THEREFORE BE IT RESOLVED; the Town Council of the Town of West Point re-appoints Paul Diggs to the West Point Planning Commission to serve a term beginning June 1, 2011 and ending May 31, 2015.

Those members voting:

James H. Hudson, III    \_\_\_\_\_  
Deborah Ball            \_\_\_\_\_  
Tina Gulley             \_\_\_\_\_  
Charles Gordon        \_\_\_\_\_  
Paul Kelley             \_\_\_\_\_  
Joshua Lawson         \_\_\_\_\_  
Otto Shreaves          \_\_\_\_\_  
Christopher Vincent    \_\_\_\_\_

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 June 27, 2011, at which meeting a quorum was present and voted throughout.

\_\_\_\_\_  
James H. Hudson III, Mayor

Adopted this 27th day of June, 2011

ATTEST:

\_\_\_\_\_  
Karen M Barrow, Town Clerk



**TOWN OF WEST POINT**  
***Resolution Setting the Personal Property Tax  
Relief Percentage for the Personal Property 2011  
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 2011, 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. An Ordinance 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 2011.

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 a 68.5% 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 June 27, 2011 at which meeting a quorum was present and voted throughout.

Those members voting:

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

Adopted this 27th day of June, 2011

ATTEST:

\_\_\_\_\_  
Karen M. Barrow  
Town Clerk

TOWN OF WEST POINT RESOLUTION

Irrevocable Election Not to Participate in Line of Duty Act Fund

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of the Town of West Point to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town of West Point hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that the following entities, West Point Police Department and Auxiliary

to the best of the knowledge of the Town of West Point, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, the Town of West Point agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of the Town of West Point on or after July 1, 2010; and it is further

RESOLVED that, as a non-participating employer, the Town of West Point agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that the Town of West Point shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

Adopted in the Town of West Point, Virginia this 27th day of June 2011.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

**Town of West Point**  
**Continued Town Council Meeting Minutes**  
**June 28<sup>th</sup> 2011**

**I. Call to Order**

Mr. Hudson called the meeting to order at 5:30 p.m. on Monday, June 28<sup>th</sup> 2011.

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

Members Absent: Bub Shreaves

Also Present: Bill Porter, Interim Town Manager; Karen Barrow, Town Clerk.

**II. Resignation of Stan Brewer from Planning Commission**

Mr. Hudson advised that Stan Brewer has submitted his resignation from the Planning Commission effective June 28, 2011.

Mr. Lawson made a motion for Town Council to accept the resignation of Stan Brewer, seconded by Mrs. Gulley. Upon a unanimous vote, the motion was approved.

**III. Closed Session**

Mr. Vincent made a motion for Town Council to enter into Closed Session pursuant to Virginia Code §2.2-3711(A)(1) for discussion related to the hiring of a Town Manager, seconded by Mr. Kelley. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson and Mr. Vincent all voted "Aye".

**IV. Reconvene**

Mr. Vincent made a motion to reconvene into public session, seconded by Mr. Kelley. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson and Mr. Vincent all voted "Aye".

**V. Certification**

Mr. Lawson made a motion to certify that in Closed Session just concluded that public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public Business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by Town Council. Seconded by Mrs. Ball, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson and Mr. Vincent all voted "Aye".

**VI. Adjournment**

There being no further business, Mr. Hudson adjourned the meeting at 8:20 p.m.



***THE TOWN OF WEST POINT  
RESOLUTION***

WHEREAS; the Town Council of The Town of West Point has entered into closed session pursuant to Virginia Code §2.2-3711(A)(1) for discussion related to the hiring of a Town Manager.

Those members voting:

|                     |        |
|---------------------|--------|
| James H. Hudson     | N/A    |
| Deborah Ball        | Aye    |
| Tina Gulley         | Aye    |
| Charles Gordon      | Aye    |
| Paul Kelley         | Aye    |
| Joshua Lawson       | Aye    |
| Otto Shreaves       | 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 June 28th, 2011 at which meeting a quorum was present and voted throughout.

ATTEST:

Adopted this 28th day of June, 2011

\_\_\_\_\_  
Karen M. Barrow  
Town Clerk



***THE TOWN OF WEST POINT  
RESOLUTION of CERTIFICATION***

WHEREAS; the Town Council of The Town of West Point entered into closed session pursuant to Virginia Code §2.2-3711(A)(1) for discussion related to the hiring of a Town Manager; and

WHEREAS; the Town Council of the Town of West Point certify that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by Town Council.

Those members voting:

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

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 June 28th, 2011 at which meeting a quorum was present and voted throughout.

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

Adopted this 28th day of June, 2011

ATTEST:

\_\_\_\_\_  
Karen M. Barrow  
Town Clerk