

**TOWN OF WEST POINT  
TOWN COUNCIL  
MINUTES  
January 30th, 2012**

**I. CALL TO ORDER**

The West Point Town Council held its regular monthly meeting on Monday, January 30, 2012. The Honorable James H. Hudson III called the meeting to order at 6:30 p.m. Invocation was given by Reverend Leo Wagner followed by the Pledge of Allegiance.

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

Also Present: John B. Edwards, Jr., Town Manager; Andrea Erard, Town Attorney; Karen Barrow, Town Clerk; Chief Bill Hodges, WPPD; TC Moore, Town Treasurer; Walt Feurer, Director of Public Works; Holly McGowan, Community Development Coordinator; Shawn Hershberger and other interested persons.

**II. CITIZENS ADDRESS TO COUNCIL**

**A. Public Hearing – Ordinance 12-11, Satellite Dish**

Mr. Hudson read the advertisement for the Public Hearing on Ordinance 12-11 and asked the Town Clerk if any requests was received to view the ordinance or for assistance to attend the meeting.

The Town Clerk advised no requests were received.

Mr. Hudson opened the floor for the public to comment on Ordinance 12-11. There being none the public hearing was closed.

**1. ACTION**

Mr. Lawson made a motion to adopt Ordinance 12-11 Chapter 70, Zoning, Article XIX, Supplementary Regulations, Section 70-337 by the attached resolution, seconded by Mrs. Gulley. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Chris Vincent all voted “Aye”.

**B. Public Hearing – Ordinance 01-12, Precious Metals**

Mr. Hudson read the advertisement for the Public Hearing and asked the Town Clerk if any requests were received to view the ordinance or for assistance to attend the meeting.

The Town Clerk advised no request were received.

Mr. Hudson opened the floor for the public to comment on Ordinance 01-12. There being none the public hearing was closed.

Mr. Hudson advised that upon the request of the Public Safety Committee the Town Attorney has prepared an amendment to the ordinance to include photographs are to be taken of merchandise as part of the record keeping requirements.

**1. ACTION**

Mrs. Gulley made a motion to adopt Ordinance 01-12 as amended to include photographs as part of the record keeping requirements, seconded by Mrs. Ball. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Chris 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.

Mr. Hudson acknowledged members of the Boy Scouts in the audience working on a project to earn a merit badge.

### III. COUNCIL RESPONSE

None was noted.

### IV. AGENDA CHANGES

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

### V. ADOPTION OF CONSENT AGENDA

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

- 1) Minutes of December 19th, 2011 Town Council Meeting and Work Session
- 2) Cash Reports
  - a) General Fund  
Cash on hand as of December 31, 2011 - \$4,214,330.30
  - b) Water Fund  
Cash on hand as of December 31, 2011 - \$859,320.29
  - c) Solid Waste Fund  
Cash on hand as of December 31, 2011 - \$(2,656.28)
  - d) CIP  
Cash on hand as of December 31, 2011 - \$(126,426.39)
- 3) Monthly Budget Report
- 4) School Fund Cash Report
  - a) Cash on hand as of December 31, 2011 - \$224,299.33
- 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

### V. COMMITTEE REPORTS

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

Mr. Lawson advised there was no report.

#### B. Education Committee – Mr. Shreaves reported for the Committee

Mr. Shreaves advised the Education Committee met with Dr. Smith to discuss the School budget.

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

##### 1. Supplement to Town Code Resolution

Mrs. Ball made a motion to adopt the attached resolution authorizing the Town Manager to publish a supplement of the Town Code with the Municipal Code Corporation at a cost not to exceed \$3,588.40. Seconded by Mr. Gordon, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

2. Comprehensive Economic Development Strategy - MPPDC

Mrs. Ball made a motion for the following Town Residents be appointed to the comprehensive Economic Development Strategy Committee through the MPPDC: 1) Dan Hockenburger; 2) Blair Wilson; 3) Joe Sanders; 4) Diane Rilee; 5) Brad Gilks; 6) John Crowder; 7) Shawn Hershberger. Seconded by Mr. Shreaves, upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

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

Mrs. Gulley advised there is nothing to report.

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

Mr. Gordon advised there is nothing to report.

**VII. TOWN MANAGER’S ITEMS**

A. Letter of Retirement for Chief of Police

Mr. Hudson read the attached letter and advised that Bill Hodges date for retirement will be August 1, 2012.

Mr. Vincent made a motion for Town Council to accept the attached retirement letter from the Chief of Police, seconded by Mrs. Gulley. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

B. Finance Committee Meeting

Mr. Edwards advised the Finance Committee meeting in February will be at 4:00 p.m.

**VIII. OLD BUSINESS**

There was nothing to report under Old Business.

**IX. NEW BUSINESS**

A. Planning Commission Report - Mr. Hudson

Mr. Hudson advised that the Planning Commission did not meet in January and that the meeting for February has been cancelled.

**X. ADJOURNMENT**

There being no further business Mr. Hudson adjourned the meeting at 6:55 p.m.

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

ATTEST:

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



***A RESOLUTION TO  
APPROVE ORDINANCE #12-11  
Chapter 70, Zoning, Article XIX, Supplementary Regulations  
Section 70-337, Satellite Dishes***

WHEREAS; the Zoning Ordinance of The Town of West Point shall be amended to reflect Federal law and regulations for satellite dishes;

WHEREAS: The Town Council of The Town of West Point at their October 24, 2011, meeting referred Section 70-337, Satellite Dishes, for the Planning Commission to review and report back with a recommendation; and

WHEREAS: The Planning Commission of The Town of West Point held a public hearing on December 7, 2011, and recommended approval to Town Council of Ordinance 12-11;

NOW, THEREFORE BE IT RESOLVED; The Town Council of the Town of West Point approves Ordinance #12-2011, Chapter 70, Article XIX, Supplementary Regulations, Section 70-337, Satellite Dishes.

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 January 30, 2012, 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	Aye
Christopher Vincent	Aye

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

Adopted this 30<sup>th</sup> day of January, 2012

ATTEST:

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



***A RESOLUTION TO AUTHORIZE  
PUBLICATION OF SUPPLEMENT THREE OF THE TOWN CODE***

Whereas; Supplement I of the Town Code was successfully completed on March 30th, 2009 containing newly adopted ordinances through March 30th, 2009, and

Whereas; Town Council authorized publication of Supplement II on February 28<sup>th</sup> 2011; and

Whereas; West Point Town Council has adopted ordinances numbers 01-11 through 13-11 during the year 2011; and

Whereas; the cost for the Municipal Code Corporation to print Supplement III will be \$3,588.40; and

Whereas; in accordance with Town Code Section 1-8, the Town Council of the Town of West Point shall authorize Municipal Code Corporation to publish supplement III to the Town Code.

NOW THEREFORE BE IT RESOLVED; the West Point Town Council authorizes the Town Manager to publish a supplement of the Town Code with the Municipal Code Corporation at a cost not to exceed \$3,588.40.

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 January 30th, 2012 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	Aye
Christopher Vincent	Aye

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

Adopted this 30th day of January, 2012

ATTEST:

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

Adopted: January 30, 2012

## ORDINANCE NO. 01-12

ORDINANCE NO. 01-12 AMENDS THE WEST POINT TOWN CODE BY ADDING ARTICLE IV, "DEALERS IN PRECIOUS METALS," SEC. 30-50, "DEFINITIONS," SEC. 30-51, "PERMIT—REQUIRED," SEC. 30-52, "PERMIT--PROCEDURE FOR OBTAINING; TERM; RENEWAL," SEC. 30-53, "PERMIT--NONTRANSFERABLE AND TO BE DISPLAYED," SEC. 30-54, "PERMIT--FALSE STATEMENTS," SEC. 30-55, "DEALER'S BOND OR LETTER OF CREDIT," SEC. 30-56, "PRIVATE ACTION ON BOND OR LETTER OF CREDIT," SEC. 30-57, "PENALTIES," SEC. 30-58, "RECORDS, COPIES OF BILLS OF SALE REQUIRED; INSPECTION," SEC. 30-59, "EXAMINATION OF RECORD AND PROPERTY; SEIZURE OF STOLEN PROPERTY," SEC. 30-60, "PROHIBITED PURCHASES," SEC. 30-61, "DEALER TO RETAIN PURCHASES," SEC. 30-62, "RECORD OF DISPOSITION" TO CHAPTER 30, "LICENSES." ORDINANCE NO. 01-12 REQUIRES THAT DEALERS IN PRECIOUS METALS PROVIDE SURETY AND OBTAIN A PERMIT; APPLICATION FOR A PERMIT COSTS \$ 200. ORDINANCE NO. 01-12 ALSO SETS OUT RECORDKEEPING REQUIREMENTS AND RETENTION OF PRECIOUS METALS OR GEMS FOR TEN (10) DAYS; VIOLATIONS OF ORDINANCE NO. 01-12 ARE A CLASS 2 MISDEMEANOR, SUBSEQUENT VIOLATIONS ARE A CLASS 1 MISDEMEANOR. ORDINANCE NO. 01-12 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VA. CODE SEC. 54.1-4100 ET SEQ.

BE IT ORDAINED by the West Point Town Council, that the West Point Town Code be amended by adding Article IV, "Dealers in Precious Metals," Sec. 30-50, "Definitions," Sec. 30-51, "Permit—Required," Sec. 30-52, "Permit--Procedure for obtaining; term; renewal," Sec. 30-53, "Permit--Nontransferable and to be displayed," Sec. 30-54, "Permit--False statements," Sec. 30-55, "Dealer's bond or letter of credit," Sec. 30-56, "Private action on bond or letter of credit," Sec. 30-57, "Penalties," Sec. 30-58, "Records, copies of bills of sale required; inspection," Sec. 30-59, "Examination of record and property; seizure of stolen property," Sec. 30-60, "Prohibited purchases," Sec. 30-61, "Dealer to retain purchases," Sec. 30-62, "Record of disposition" to Chapter 30, "Licenses" to read in its entirety as follows:

### "ARTICLE IV. DEALERS IN PRECIOUS METALS

State law reference—Regarding dealers in precious metals generally, see Va. Code §§ 54.1-4100 et seq.; authority of town to enact ordinance regulating dealers in precious metals and gems, see Va. Code § 54.1-4111.

#### Sec. 30-50. Definitions.

For the purposes of this article, the following words shall have the meanings ascribed to them by this section, unless the context requires a different meaning:

(1) Coin. The term "coin" shall mean any piece of gold, silver or other metal fashioned into a prescribed shape, weight and degree of fineness, stamped by authority of a government with certain marks and devices, and having a certain fixed value as money.

(2) Dealer. The term "dealer" shall mean any person engaged at any location in the town in the business of (a) purchasing precious metals or gems, (b) making loans for which precious metals or gems are received and held as security, (c) removing in any manner precious metals or gems from manufactured articles not then owned by such person or (d) buying, acquiring or selling precious metals or gems removed from such manufactured articles. As used herein, "dealer" includes employers and principals on whose behalf a purchase or loan is made and all employees and agents who make such purchases and loans for or on behalf of their employers or principals. This definition shall not be construed so as to include persons engaged in the following:

(a) Purchases of precious metals or gems directly from other dealers, manufacturers or wholesalers for retail or wholesale inventories, provided the selling dealer has complied with the provisions of this chapter, if applicable.

- (b) Purchases of precious metals or gems directly from a qualified fiduciary who is disposing of the assets of an estate being administered by such fiduciary.
- (c) Acceptance by a retail merchant of trade-in merchandise previously sold by such retail merchant to the person presenting that merchandise for trade in.
- (d) Repairing, restoring or designing of jewelry by a retail merchant, if such activities are within the normal course of such merchant's business.
- (e) Purchases of precious metals or gems by industrial refiners and manufacturers insofar as such purchases are made directly from retail merchants, wholesalers or dealers or by mail originating outside the town.
- (f) Regular purchasing and processing of nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a by product.

(3) Fixed and permanent location. The term "fixed and permanent location" shall mean a location in the town at which the dealer conducts a regular and continuous course of dealing for thirty consecutive days or more, with Saturdays, Sundays and recognized holidays excepted. A fixed and permanent location may include a location leased or otherwise obtained from another person on a temporary or seasonal basis.

(4) Gems. The term "gems" shall mean any item containing or having any precious or semiprecious stones customarily used in jewelry or ornamentation.

(5) Precious metals. The term "precious metals" shall mean any item, except coins, containing as part of its composition in any degree gold, silver, platinum or platinum alloys.

State law reference--Similar provisions, Va. Code §§ 54.1-4100.

Sec. 30-51. Permit--Required.

No person shall engage in the activities of a dealer as defined in section 30-50 without first obtaining a permit from the chief of police of the town.

State law reference--Va. Code §§ 54.1-4108, 54-1.4111.

Sec. 30-52. Permit--Procedure for obtaining; term; renewal.

A. Application; issuance; fee. To obtain a permit, the dealer shall file with the chief of police an application form which shall include the full name, any aliases, address, age, date of birth, sex and fingerprints of both the dealer and any agents of the dealer doing business in the town; the name, address and telephone number of the applicant's employer, if any, the location and hours of operation of the dealer's place of business, and the location in the town of all items to be retained pursuant to section L herein. In addition, the dealer shall furnish a zoning clearance verifying that the dealer's business is permitted under the applicable town zoning regulations. Upon filing this application and the payment of a two hundred dollar (\$200) application fee, the dealer shall be issued a permit by the chief of police; provided, that the applicant had not been convicted of a felony or crime of moral turpitude within seven years prior to the date of application, and that the dealer meets all other applicable requirements. The permit shall be denied if the applicant has been denied a permit or, within the preceding twelve months, has had a permit revoked under any ordinance or law similar in substance to the provisions of this chapter.

B. Inspection of weighing devices. Before a permit may be issued, the dealer must have all weighing devices to be used in the business inspected and approved by local or state weights and measures officials and must present written evidence of such approval to the chief of police.

C. Duration; renewal. A permit shall be valid for one year from the date of issuance and may be renewed for one-year periods in the same manner as the initial permit is obtained, with an annual permit fee of two hundred dollars (\$200).

D. Notification of business closings; location of business. If the business of the dealer is not open for business to conduct purchases without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the chief of police of all closings and re-openings of such business. The business of a dealer shall be conducted only from a fixed and permanent location specified in such dealer's application for a permit, and only if such business is permitted at that location under the applicable town zoning regulations.

State law reference--Similar provisions, Va. Code § 54.1-4108.

Sec. 30-53. Permit--Nontransferable and to be displayed.

The permit issued hereunder shall be a personal privilege and shall not be transferable, nor shall there be any abatement of the fee for such permit by reason of the fact that the dealer shall have exercised the privilege for any period of time less than that for which it was granted. The permit shall at all times be displayed prominently by the dealer on the business premises.

State law reference--Similar provisions, Va. Code §§ 54.1-4108(D); 54.1-4111.

Sec. 30-54. Permit--False statements.

A permit issued upon an application containing a statement made with knowledge of its falsity shall be void from the beginning.

Sec. 30-55. Dealer's bond or letter of credit.

A. Prior to receiving a permit, each dealer shall provide a bond to the town secured by a corporate surety authorized to do business in the Commonwealth, to be payable to the town in the penal sum of ten thousand dollars and conditioned upon due observance of the terms of this article. In lieu of a bond, a dealer may cause to be issued by a bank authorized to do business in the Commonwealth a letter of credit in favor of the town in the sum of ten thousand dollars.

B. A single bond upon an employer or principal may be written or a single letter of credit issued to cover all employees and all transactions occurring at a single location.

State law reference--Similar provisions, Va. Code § 54.1-4106.

Sec. 30-56. Private action on bond or letter of credit.

Any person aggrieved by a dealer's violation of the provisions of this article may maintain an action for recovery in any court of proper jurisdiction against such dealer and such dealer's surety provided that recovery against the surety shall be only for that amount of the judgment, if any, which is unsatisfied by the dealer.

State law reference--Similar provisions, Va. Code § 54.1-4107.

Sec. 30-57. Penalties.

A. Any person convicted of violating any of the provisions of this article shall be guilty of a class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense, such person shall be guilty of a class 1 misdemeanor.

B. Upon the first conviction by any court of a dealer for violation of any provision of this article, the chief of police may revoke his permit to engage in business as a dealer under this chapter for a period of one full year from the date the conviction becomes final. Such revocation shall be mandatory for two full years from the date the conviction becomes final upon a second conviction.

State law reference--Similar provisions, Va. Code § 54.1-4110; as to punishment for class 1 and 2 misdemeanors, see Va. Code §18.2-11.

Sec. 30-58. Records, copies of bills of sale required; inspection.

A. Every dealer shall keep at such dealer's place of business an accurate and legible record of each purchase of precious metals or gems, security arrangement, or transaction involving the removal of precious metals or gems from any manufacture article not then owned by the dealer. The record of each such purchase or security arrangement shall be retained by the dealer for not less than twenty-four months and shall include a photograph accurately reflecting and detailing each item. These records shall set forth the following:

1. A photograph accurately reflecting and detailing each item and a complete description of all precious metals or gems purchased, taken as security or removed from a manufactured article not then owned by the dealer, including the true weight of the precious metals or gems purchased

or taken as security and all names, initials, serial numbers or other identifying marks or monograms appearing on each item in question;

2. The price for each item purchased or taken as security;
3. The date and time of receiving the items purchased or taken as security;
4. The full name, residence address, work place, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, and legible handwritten signature of the seller, borrower or persons for whom the service of removal is performed;
5. Verification of identification by exhibition of a government-issued identification card such as a driver's license or military identification card that contains a photograph of the seller and at least one other corroborating piece of identification. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon; and
6. A statement of ownership from the seller.

B. The information required by subparts (1) to (5) of paragraph (A) of this section shall appear on each bill of sale, the form of which shall be provided by the chief of police. One copy of the form is to be retained by the dealer, one copy to be delivered during regular work hours to the chief of police at his office within twenty- four hours of the purchase or loan or mailed to the chief of police within such twenty-four hour period, and one copy to be delivered to the seller of such precious metals or gems or to the borrower. If the purchase or loan occurs on a Saturday, Sunday or recognized holiday, then the delivery or mailing to the chief of police shall be made no later than 10:00 A.M. of the next regular workday.

State law reference--Va. Code § 54.1-4101.

Sec. 30-59. Examination of record and property; seizure of stolen property.

Each dealer or his employee shall admit to such dealer's premises during regular business hours the chief of police or any law enforcement official of the state or federal government. The dealer or his employee shall permit the chief of police or his designee or such other law enforcement official to (i) examine all records required by this chapter and any article listed in such records which is believed by the officer or official to be missing or stolen; and (ii) search for and take into possession any article known to him to be missing or believed by him to be stolen.

State law reference--Similar provisions, Va. Code § 54.1-4101.1.

Sec. 30-60. Prohibited purchases.

A. No dealer shall purchase precious metals or gems from any seller who is under the age of eighteen.

B. No dealer shall purchase precious metals or gems from any seller whom the dealer believes or has reason to believe is not the owner of such items, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale.

State law reference--Similar provisions, Va. Code § 54.1-4103.

Sec. 30-61. Dealer to retain purchases.

A. The dealer shall retain all precious metals or gems in the condition in which purchased for a minimum of ten calendar days from the time of filing the bill of sale for their purchase with the chief of police. During such period of time, the dealer shall not sell, alter or dispose of a purchased item in whole or in part, or remove it from the town.

B. If a dealer performs the service of removing precious metals and gems, such dealer shall retain the precious metals or gems removed and the article from which such removal was made for a period of ten calendar days after receiving such article and precious metals or gems.

C. All items required to be retained hereunder shall be retained in the town at the location specified in the dealer's permit application. An agent of the dealer shall be readily accessible

throughout the applicable retention period to make the retained items available for inspection by the chief of police or any law enforcement official of the state or federal government.

State law reference--Similar provisions, Va. Code § 54.1-4104.

Sec. 30-62. Record of disposition.

Each dealer shall keep and maintain for at least twenty-four months an accurate and legible record of the name, address and age of the person to whom such dealer sells any precious metal or gem in its original form after the waiting period required by section L and shall require such person to verify such information by a government-issued identification card such as a driver's license or military identification card containing a photograph of the person and one other piece of corroborating means of identification. This record shall also show the name and address of the seller from whom the dealer purchased such item.

State law reference--Va. Code § 54.1-4105.”

This Ordinance shall take effect upon adoption.

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	Aye
Christopher Vincent	Aye

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James H. Hudson III, Mayor

Adopted this 30th day of January, 2012

ATTEST:

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Karen M. Barrow  
Town Clerk