

**TOWN OF WEST POINT  
TOWN COUNCIL  
MINUTES  
May 19th, 2013**

**I. CALL TO ORDER**

The West Point Town Council held its regular monthly meeting on Sunday, May 19th, 2013. The Honorable James H. Hudson III called the meeting to order at 6:30 p.m. The Invocation was given followed by the Pledge of Allegiance.

Members Present: Mayor, Jim Hudson; Vice Mayor, Deborah Ball; Tina Gulley; Wayne Healy; 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; Interim Chief of Police Bobby Mawyer, WPPD; Holly McGowan, Community Development Coordinator; and other interested persons.

**II. CITIZENS ADDRESS TO COUNCIL**

**A. Presentation of Agreement with King William County and Potential Tax Rate Adjustments**

Mr. Hudson advised that the first court hearing with King William County was last Friday, May 17<sup>th</sup> 2013. The following suits were filed in King William Circuit Court:

- 1) The Town is certain that the King William Rates advertised was faulty, therefore their adoption of the 2013 Rates was improper and unenforceable. The Town asked the Court to issue an injunction that the court approved. King William has re-advertise their rates that is scheduled for a public hearing on Monday, May 20<sup>th</sup> 2013 at 7:30 p.m. King William is under a court order to re-adopt their rates.
- 2) The Town is certain that King William is in violation of the Freedom of Information Act (FOIA). Upon agreement with the Town the Judge dismissed the FOIA suit without waiving any rights to file additional FOIA charges.
- 3) The Town brought suit to have the court rule that the Split Levy is illegal. As a result of the third suit, the Town and County has agreed to jointly request special legislation at the 2014 session of the General Assembly allowing for a Split Levy and specifying a fair and equitable distribution of tax revenue between the localities.

Mr. Hudson stated that the Special Legislation needs to be complete by November 30<sup>th</sup> 2013. If the parties do not reach an agreement for a Special Legislation by September 30<sup>th</sup> 2013, the Courts will appoint three mediators to prepare the Legislation. Mr. Hudson advised that West Point has asked for meetings with King William Board of Supervisors since May of last year, Town Council are pleased that King William are willing to come to the table to negotiate the issues. By court order the joint meetings will be scheduled in July, August and September 2013. Mr. Hudson read a portion of the Court Order attached.

Mr. Edwards presented power point slides reflecting the proposed changes to the Town's rates, the due date for Town Taxes will be August 5<sup>th</sup> 2013.

Mr. Hudson asked the Town Manager if the Personal Property Tax would have a relief fund for this budget year.

Mr. Edwards advised that the Personal Property Tax Relief would continue. The Town receives approximately \$366,500 per year from the State for Personal Property Tax Relief. The Personal Property Tax Rate has to be set at a certain rate in order to receive the funds from the State, if the rate is too low, the Town does not receive the funds.

Delegate Keith Hodges advised that neither side will get 100% what they want from the law suit, there will have to be a compromise and Delegate Hodges will be assisting the Town and County with the Legislative Bill, Delegate Chris Peace will co-sponsor the Bill. Legislative Services in Richmond would be able to assist with the language for the Bill, Delegates Tommy Nomant and Ryan McDougal would present the Bill to the Senate for approval, Delegate Peace and Delegate Hodges would present the Bill to the House of Delegates for approval.

Mr. Hudson opened the floor for citizens to comment to Town Council regarding the issues with King William County.

1. Ralph Racoppi, 1390 Riverview Drive, West Point, Virginia asked who are the court appointed mediators.

Mr. Hudson advised the three proposed mediators will be Bill Hefty, an Attorney in Richmond; Joe Casey, Deputy County Manager for Administration for Henrico County and Walter Erwin, City Attorney for the City of Lynchburg. Both Bill Hefty and Walter Erwin have Municipal experience and Joe Casey has County finance experience.

2. Anita Roy, 3550 Shoreline Drive, West Point, Virginia asked if the Town does not comply with the Court Order, will the Town get in trouble.

Mr. Hudson advised the Town has agreed on the mediators and the Town intends to do what the Courts have instructed.

Anita Roy, 3550 Shoreline Drive, West Point, Virginia stated that if the districts are sorted by population, why doesn't the County have enough funds from their 4 districts to balance their budget, but district 1 (West Point) can balance their budget with a smaller population.

3. Bill Hodges, 1226 Main Street, West Point, Virginia asked if the revised Tax Rate includes the \$800,000 short fall?

Mr. Hudson advised it includes the \$800,000 short fall.

4. Garland Jenkins, 3470 Southern Avenue, West Point, Virginia stated that he has worked the numbers and the percentage the County wants to pay the Town is incorrect. The percentage question was presented to the Attorney General's office and as a citizen I am not satisfied with the answer, the percentage is wrong. Mr. Jenkins asked if the Town can look into the percentage? Also can the Town refuse any of the mediators?

Mr. Hudson advised yes the Town can look into the percentage and we can refuse the mediators, but the Town is happy with the three mediators selected.

5. Mark Davis, 311 1<sup>st</sup> Street, West Point, Virginia asked if the Town has any assurance with obtaining the Split Levy through the General Assembly? Mr. Davis also asked if the Town's situation similar to that of Colonial Beach?

Mr. Hudson advised that Colonial Beach and West Point are similar; however we would not want the same legislation as Colonial Beach.

Keith Hodges advised there is a good chance the Bill will be approved by the General Assembly.

6. Susan Hodges, 1226 Main Street, West Point, Virginia asked the Mayor to explain the percentage that Garland Jenkins discussed?

Mr. Hudson advised that for one year only the money to come back to the Town from the County General Fund is derived on a calculated formula based on State Code 22.1-114. The Town is reviewing the percentage and we have not given up any rights to the percentage.

7. Zack Hodges, 423 4<sup>th</sup> Street, West Point, Virginia, asked what are the consequences if the Town does not reach an agreement with the County on the Legislative Bill?

Mr. Hudson advised that the Court Order states that if we don't reach a compromise by November 30<sup>th</sup> the mediators will present a draft Legislative Bill to the Judge and the General Assembly in December. Once the Legislative Bill is adopted it will be specific to the Town of West Point and we will have to live with it.

8. Richard Shelton, 180 Woodland Trail, West Point, Virginia, advised that he moved to West Point seven years ago for the schools and the actions by King William board of supervisors are very disappointing. Whatever Town Council can do to keep the schools they should do it. The tax base will never go back to the way it was and the \$800,000 budget short fall will never be given back. Mr. Shelton stated that he does not see anything for the taxes he pays to King William. Mr. Shelton thank Town Council for the work they have done and Mr. Shelton appreciate all who spoke at the Public Hearing in King William. Mr. Shelton asked what services King William provides West Point Residents for taxes paid to King William.

Mr. Hudson advised that the Town does receive services from King William and as information becomes available, the Town will share that information with Town Residents.

9. Roberta Racoppi, 1390 Riverview Drive, West Point, Virginia asked if the State intend to do away with the Machinery and Tools Tax.

Keith Hodges advised that the Machinery and Tools Tax is a different subject.

10. Anita Roy, 3550 Shoreline Drive, West Point, Virginia asked what exactly will the funds that are coming back from King William be used for?

Mr. Hudson advised that for one year the County will send funds back to the Town from the County General Fund for use towards the Town Budget.

#### B. 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

None was noted.

### IV. AGENDA CHANGES

Mr. Shreaves made a motion to amend the agenda to include "Consent Orders" under the Consent Agenda as item J and to adopt the amended agenda. Seconded by Mrs. Ball, upon roll call Mrs. Ball, Mrs. Gulley, Mr. Healy; Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

### V. ADOPTION OF CONSENT AGENDA

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

- 1) Minutes of April 29<sup>th</sup> 2013 Town Council meeting and May 15<sup>th</sup> 2013 Special Called meeting.
- 2) Cash Reports
  - a) General Fund  
Cash on hand as of April 30<sup>th</sup>, 2013 - \$3,481,550.53
  - b) Water Fund  
Cash on hand as of April 30<sup>th</sup>, 2013 - \$513,418.53

- c) CIP  
Cash on hand as of April 30th, 2013 - \$(99,510.78)
- d) Solid Waste  
Cash on hand as of April 30th, 2013 - \$72,122.31
- 3) Monthly Budget Report
- 4) School Fund Cash Report
  - a) Cash on hand as of April 30th, 2013 - \$190,937.36
- 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) King William Circuit Court Consent Orders

## V. COMMITTEE REPORTS

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

#### 1. Special Use Permit – Chris & Robyn Vincent SPU 2013-01

Jack Lawson made a motion to authorize the Town Manager to advertise the special use permit application to construct a crematory submitted by Christopher and Robyn Vincent. Seconded by Mrs. Gulley, upon roll call Mrs. Ball, Mrs. Gulley, Mr. Healy; Mr. Kelley, Mr. Lawson and Mr. Shreaves all voted “Aye” Mr. Vincent abstained from voting.

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

Mr. Shreaves advised there was no report.

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

#### 1. LEOS Resolution

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

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

#### 1. Regional Burn Building Grant Application Resolution

Mrs. Gulley made a motion to approve the attached resolution for the Regional Burn Building Grant, seconded by Mrs. Ball. Upon roll call Mrs. Ball, Mrs. Gulley, Mr. Healy; Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

### E. Public Works – Mr. Vincent reported for the Committee

#### 1. VDOT Surety Resolution

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

#### 2. Safe Routes to School

Mr. Vincent made a motion to authorize the Town Manager to move forward with the VDOT Safe Routes to School Project, seconded by Mrs. Gulley. Upon roll call Mrs. Ball, Mrs. Gulley, Mr. Healy; Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted “Aye”.

## VII. TOWN MANAGER’S ITEMS

### A. Authorization to Advertise a Public Hearing for FY 2013-14 Budget

Mr. Edwards advised that due to the current issues with King William County, Town needs to repeal adoption of the current budget and authorize advertisement for a public hearing on the revised Tax Rates and FY 2013-14 Budget, action is also required to set the meeting date for June 17<sup>th</sup> 2013.

Mr. Lawson made a motion advertise a public hearing to repeal the adopted FY 2013-14 budget and Tax Rate and adopt a new FY 2013-14 Budget and Tax Rates for June 17<sup>th</sup> 2013 at 6:30 p.m. Seconded by Tina Gulley, upon roll call Mrs. Ball, Mrs. Gulley, Mr. Healy; Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

## **VIII. OLD BUSINESS**

### **A. Signs**

Billy Pillsbury, 1001 Main Street, West Point, Virginia advised that his home does not have sheetrock, his home is old and has plaster walls. When trucks/vehicles speed down Main Street and hit the Brick sidewalks, it causes damage to the plaster, there are cracks in the wall. Mr Pillsbury asked if Signs could be installed for Main Street that would slow the traffic down.

Mr. Edwards advised that VDOT has reviewed the speed limit signs for the Downtown area and intend to install signs.

Mr. Hudson asked for Signs on Main Street can be placed on the Public Safety agenda in June. Mr. Hudson asked Mr. Pillsbury if he would be available to attend the Public Safety Committee meeting on June 20<sup>th</sup> 2013 at 4:30 p.m.

Mr. Pillsbury advised yes, that he could attend the meeting.

## **IX. NEW BUSINESS**

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

Mr. Hudson stated that the Planning Commission met on May 1<sup>st</sup>, 2013 to discuss the following: 1) Conduct a Public Hearing for Chris and Robyn Vincent on SUP2013-01. Planning Commission is recommending Town Council approve the application. 2) Authorized Advertisement for a Special Use Permit for a Day Card Center at the First Baptist Church on June 5<sup>th</sup> 2013.

### **B. Cancellation of Meeting**

Mrs. Ball made a motion to cancel the Town Council meeting scheduled for Monday, May 20<sup>th</sup> 2013, seconded by Mr. Kelley. Upon roll call Mrs. Ball, Mrs. Gulley, Mr. Healy; Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

## **X. ADJOURNMENT**

There being no further business Mayor Hudson adjourned the meeting at 8:40 p.m.

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James H. Hudson, III  
Mayor

ATTEST:

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Karen M. Barrow  
Town Clerk



***TOWN OF WEST POINT  
LEOS RESOLUTION***

Be it hereby resolved that the Town of West Point, Virginia, a political subdivision currently participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, acting by and through its Town Council does hereby elect to have such employees of the Town who are employed in positions as full time salaried Law Enforcement Officers and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective July 1, 2013, to be provided benefits in the Virginia Retirement System equivalent to those provided for State police officers of the Department of State Police, as set out in Section 51.1-138 of the Code of Virginia, in lieu of the benefits that would otherwise be provided as such code has been or may be amended from time to time, and the Town agrees to pay the employer cost for providing such employees such benefits.

Be it further resolved that The Town Manager is hereby authorized and directed in the name of the Town to execute any required contract in order that the above described employees of the Town may become entitled to retirement benefits equivalent to those provided for State police officers of the Department of State Police. In execution of any contract which may be required the seal of the Town of West Point shall be affixed and attested by the Clerk and, said officers of the Town are hereby authorized and directed to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The Treasurer of the Town of West Point be and is hereby authorized and directed and pay over to the Treasurer of Virginia from time to time such sums as are to be paid by the Town and its employees for this purpose.

**CERTIFICATE**

I, Karen M. Barrow, Clerk of the Town of West Point, Virginia, certify that the foregoing is a true and correct copy of the resolution passed at a lawfully organized meeting of the Town Council held at the W.T. Robinson and Sture G. Olsson Civic Auditorium, 1040 Thompson Avenue, West Point, Virginia, at 6:30 o'clock p.m. on May 19th, 2013. Given under my hand and seal of the Clerk of the Town of West Point this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Karen M. Barrow, Town Clerk

Those members voting:

James H. Hudson, Mayor  
Deborah Ball           Aye  
Tina Gulley            Aye  
Wayne Healy           Aye  
Paul Kelley            Aye  
Joshua Lawson        Aye  
Otto Shreaves         Aye  
Christopher Vincent   Aye



**TOWN OF WEST POINT**  
**RESOLUTION**  
*Regional Burn Building Grant Application*

WHEREAS the Virginia Department of Fire Programs has made the localities aware of a grant entitled “Grant Awards to Construct, Renovate or Repair Burn Buildings throughout the Commonwealth.” New Kent County has requested the localities of Charles City, King William, King and Queen, the Town of West Point and James City (“the Consortium”) to work together in obtaining a grant to construct a new burn building in New Kent County, and

WHEREAS the guidance from the Virginia Department of Fire Programs states in part “...In the event that an award is to be made for a Burn Building serving more than one eligible jurisdiction, then that consortium of eligible jurisdictions shall identify one of their own to serve as the agent for all.” The Lead locality will apply for the grant and New Kent has volunteered to act as the lead locality; however New Kent has asked for a written commitment from each localities governing body.

NOW THEREFORE BE IT RESOLVED the Town Council of the Town of West Point has indicated an interest in applying for the grant as a part of the Consortium and at this time the West Point Town Council authorizes the New Kent County Board of Supervisors to apply for the grant as the lead locality of the consortium.

Those members voting:

James H. Hudson     \_\_\_  
Deborah Ball        \_\_\_  
Tina Gulley         \_\_\_  
Wayne Healy         \_\_\_  
Paul Kelley          \_\_\_  
Joshua Lawson       \_\_\_  
Otto Shreaves       \_\_\_  
Christopher Vincent  \_\_\_

\_\_\_\_\_  
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 19<sup>th</sup>, 2013 at which meeting a quorum was present and voted throughout.

Adopted this 19<sup>th</sup> day of May, 2013

ATTEST:

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



**TOWN OF WEST POINT  
VDOT RESOLUTION**

WHEREAS, it becomes necessary from time to time for the Town of West Point to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the Town of West Point by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the West Point Town Council this 20th day of May, 2013:

**Section 1:** That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the Town of West Point does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the Town of West Point and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

**Section 2:** That the Mayor or Town Manager, or their designee, be, and hereby is authorized to execute on behalf of the Town of West Point all land use permits and related documents of the Virginia Department of Transportation.

**Section 3:** That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

**Section 4:** That the Town of West Point shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

BE IT STILL FURTHER RESOLVED that the Mayor or Town Manager, or their designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

The foregoing Resolution was adopted by the West Point Town Council at its regular meeting held on May 19th, 2013 in West Point, Virginia, at which meeting a quorum was present and voted throughout.

Those members voting:

James H. Hudson	N/A
Deborah Ball	Aye
Tina Gulley	Aye
Wayne Healy	Aye
Paul Kelley	Aye
Joshua Lawson	Aye
Otto Shreaves	Aye
Christopher Vincent	Aye

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

Adopted this 19th day of May, 2013

ATTEST:

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Karen M. Barrow  
Town Clerk