

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF JANUARY 27, 2003

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 27TH DAY OF JANUARY, 2003, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURTHOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

L. E. BYRUM, JR., CHAIRMAN
C. T. REDD, III, VICE-CHAIRMAN
R. S. DIGGS
E. P. STEROWSKI
D. L. WRIGHT

L. M. CHENAULT, COUNTY ATTORNEY
FRANK A. PLEVA, COUNTY ADMINISTRATOR

RE: ELECTION OF CHAIRMAN FOR 2003 – COUNTY ADMINISTRATOR PRESIDING

Frank Pleva, County Administrator, opened the meeting and stated that this is an organizational meeting of the Board.

He then called for nominations for Chairman of the Board for 2003. Mr. C. T. Redd, III nominated Mr. L. E. Byrum, Jr. This nomination was seconded by Mr. D. L. Wright.

There being no further nominations, by general consensus, nominations were declared closed.

Mr. L. E. Byrum, Jr. was duly elected Chairman of the Board for the year, 2003. Mr. Byrum then assumed the Chair.

RE: ELECTION OF VICE-CHAIRMAN FOR 2003

The Chairman declared the floor open for nominations for Vice-Chairman. Mr. D. L. Wright nominated C. T. Redd, III for Vice-Chairman of the Board for 2003. This nomination was seconded by Mr. R. S. Diggs.

There being no further nominations, by general consensus, nominations were declared closed.

Mr. C. T. Redd, III was duly elected Vice-Chairman of the Board for 2003.

RE: SETTING OF MEETING DATES, TIME, AND PLACE FOR 2003

A regular monthly meeting schedule for the year, 2003, was presented by the County Administrator. He indicated that this proposed schedule continues with the Board's current meeting date of the 4th Monday night each month, with the exception of the months of May and December, due to holidays. These two monthly meetings are proposed to be held on the 3rd Monday. All meetings shall begin at 7:00 p.m. and are to be held in the Board Meeting Room of the King William County Administration Building.

A motion was made by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, to adopt the proposed regular monthly meeting schedule for the year, 2003, as presented by the County Administrator.

RE: ADOPTION OF BUDGET CALENDAR

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted the FY-2004 Budget schedule as presented by the County Administrator.

RE: APPROVAL OF MEETING AGENDA

On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator.

RE: PUBLIC COMMENT PERIOD – SPEAKERS: ONE OPPORTUNITY OF 3 MINUTES PER INDIVIDUAL OR 5 MINUTES PER GROUP ON NON-PUBLIC HEARING MATTERS

No persons appeared to speak.

RE: CONSENT AGENDA

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board approved the following items on its consent agenda:

- a. Minutes of the regular meeting of December 16, 2002, with one minor change
- b. Claims against the County for January, 2003, in the amount of \$2,214,546.66 as follows:

- (1) General Fund Warrants #52697-52921 and manual checks #13935-13938 in the amounts of \$1,998,076.48 and \$32,986.56; Direct Deposits #4312-4398 in the amount of \$136,842.71; and Electronic Tax Payment in the amount of \$46,640.91

- (2) For informational purposes, Social Services expenditures for the month of December, 2002, Warrants #302169-302219 in the amount of \$26,026.13; Direct Deposits #715-732 in the amount of \$21,073.75; and Electronic Tax Payment in the amount of \$7,687.70

- (3) For informational purposes, Circuit Court expenditures for the month of December, 2002, Warrants # 52672-52681 in the amount of \$6,199.13; and Direct Deposits #66-68 in the amount of \$6,592.22

- (4) For informational purposes, Comprehensive Services Act Fund expenditures for December, 2002, Warrants #52683-52695 in the amount of \$27,570.31

- (5) Tax Refunds for the month of December, 2002, in the amount of \$133.99

- c. Approved a supplemental appropriation in the amount of \$170.24, which is the difference in the FY-02 carry-over, the FY-03 grant amount, and the FY-03 appropriation for the Litter Control Program. No local funds are involved.

- d. Adopted the following resolution supporting House Bill 1397 which would amend Sections 15.2-204 and 15.2-1200 of the Code of Virginia to grant counties the same powers of taxation as cities and towns:

RESOLUTION OF SUPPORT – HB 1397

WHEREAS, sixty-two percent of the revenue generated by Virginia’s local governments to pay for local services is generated at the local level; and,

WHEREAS, seventy-five percent of this local revenue is derived from four sources: the real estate tax, the personal property tax, charges for services, and the sales tax; and,

WHEREAS, the real estate tax makes up the largest portion of local revenue at forty-three percent of the total; and,

WHEREAS, in King William County the real estate tax comprises fifty-seven percent of locally generated revenue; and,

WHEREAS, because counties have very few unrestricted revenue options available, the burden to balance county budgets often falls on the real estate tax; and,

WHEREAS, counties in Virginia need to diversify their revenue base to reduce the burden on the real estate tax; and,

WHEREAS, Section 15.2-1104 of the Code of Virginia sets forth the financial powers of cities and towns but counties do not have comparable language in the code; and,

WHEREAS, Section 15.2-1104 of the Code of Virginia therefore allows cities and towns to raise taxes and assessments on property, persons, and other subjects of taxation that are not otherwise prohibited by law and the practical application of this results in the ability of cities and towns to levy cigarette taxes and admissions taxes, levy transient occupancy taxes without a cap or restrictions, and levy a meals tax without a cap and without holding a voter referendum; and,

WHEREAS, Section 15.2 of the Code of Virginia should be amended to grant counties the same powers of taxation as cities and towns; and,

WHEREAS, HB 1397 (Hull) amends Sections 15.2-204 and 15.2-1200 of the Code of Virginia to grant counties the same powers of taxation as cities and towns.

NOW, THEREFORE, BE IT RESOLVED, that King William County supports HB 1397 and urges its General Assembly delegation to support HB 1397 in the 2003 General Assembly.

RE: PRESENTATION OF FY-02 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) – DAVID L. HUGHES, PRINCIPAL OF ROBINSON, FARMER, COX ASSOCIATES

Mr. David Hughes of Robinson, Farmer, Cox Associates presented and reviewed the FY-02 Comprehensive Annual Financial Report (CAFR) with the Board. He indicated that the Financial Staff in King William County has earned the Certificate of Achievement for Excellence in Financial Reporting from the Government Financial Officers Association for the past four years on this Report, and most likely, will receive the award again for the FY-02 Report.

Mr. Hughes explained that this Report will undergo some changes for FY-04 and be in a little different format due to the Government Accounting Standards Board (GASB). The FY-04 Report will have more detailed explanations and be easier to read. He indicated that Robinson, Farmer, Cox has everything in place for these changes and is ready to go forward.

RE: ECONOMIC DEVELOPMENT – GREG KELLY & BILL STAFFORD

Greg Kelly of Versar Global Solutions, Inc. and Bill Stafford, the County’s Economic Development Advisors, updated the Board on their progress to bring more businesses into the County. They presented a marketing tool recently produced by Dominion Virginia Power for their eco-

conomic development program, a CD highlighting five possible sites in the County marketable for economic development. They indicated this CD will be used to get the “word out” on the business attractiveness of King William County and the Town of West Point. The CD promotes the good labor force, the good education programs, the good transportation, good sites, easy access to the Richmond, Virginia Peninsula, Hampton Roads, and Washington metropolitan areas, as well as the great quality of life. It also includes comments from fifteen community leaders interviewed, who express their feelings on factors that make King William County a good place to do business.

RE: VDOT MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER

a. Route 647 (Mill Road) - Mr. Stunkle indicated that a speed study has been completed on Route 647 (Mill Road) and it is recommended that the speed on this route be posted for 45 MPH, with two additional 35 MPH Curve Warning Signs.

b. Route 662 (Sharon Road) - Guard Rail Adjacent to Storm Water Management Basin - Mr. Stunkle advised that originally, when the guard rail contractor looked at this site on Route 662, it was indicated that he would install the guard rail the next time he was doing replacement work in King William, but since there has not been the necessity for such replacements recently, the contractor has again been out to look at the site, and it was determined that if he can get all the utilities marked and everything lined up, he should be installing the guard rail within the week.

c. Route 659 (Vessels Lane) – The Board was further advised by Mr. Stunkle that a speed study has been done on Route 659 (Vessels Lane) and the recommendation has been made for the posting of a 25 MPH speed limit.

d. Route 360 at Route 605 – Signal Study - Mr. Stunkle reported that the traffic study has not yet been performed on the intersection of Route 605 and Route 360 at Manquin.

e. Announcement of Preallocation Hearing on Primary, Interstate and Urban Improvements - Mr. Stunkle announced that the Preallocation Hearing on primary, interstate, and urban improvements has been tentatively set for February 25, 2003, in Saluda. More details on this hearing will be mailed out in the near future.

f. Intersection of Route 606 and Route 611 - Chairman, L. E. Byrum, Jr. requested VDOT to look at the possibility of installing grids near this intersection to help prevent motorists from running the stop sign. Mr. Byrum indicated that he has spoken with Sheriff Walton about this intersection and they both have concerns.

RE: CIRCUIT COURT CLERK – DISCUSSION OF PUBLIC RECORDS ON INTERNET

County Attorney, L. M. Chenault, indicated that the Board at its last meeting directed him to research information regarding public Court records being on the Internet, and he reported that an Attorney General’s Opinion was issued on December 19, 2002, that speaks directly to this issue. Mr. Chenault quoted information from this Attorney General’s Opinion which states that “The Circuit Court Clerk has an affirmative duty to provide records, as set forth in The

Virginia Freedom of Information Act and under Section 17.1-208, which applies to both paper and electronic records. Section 2.2-3700(B) of the Act requires that “any exemption from public access to records.....shall be narrowly construed” and that any such exemption must relate to a specific provision of law.” The Attorney General also notes that Section 17.1-279(B) imposes an obligation on Circuit Court Clerks who seek funding from the Technology Trust Fund to develop systems providing “statewide remote access to land records.” Consequently, the Clerk of the Circuit Court has a statutory duty to provide copies of digital data bases of all records requested by a citizen, unless sealed by court order or otherwise specifically exempted by law. This duty applies to court records as well as to land records.”

Chairman Byrum questioned whether or not a Clerk is allowed to remove a Social Security number from a document prior to its being recorded, and Mr. Chenault responded that a Clerk is not allowed to remove Social Security numbers from documents such as land deeds and Deeds of Trust . There is a section in the Code of Virginia, Section 32.1-267(f), which says Clerks are to remove Social Security numbers from marriage licenses, but they cannot, and should not, remove Social Security numbers from any other documents.

It was further stated by Chairman Byrum that it is his understanding that the General Assembly is considering legislation in this 2003 session to alleviate some of these problems. Mr. Chenault responded that some Bills have been introduced, and that in the letter he prepared at the Board’s request to be sent to the Circuit Court Clerk, he asked her to contact our legislators to encourage the passing of such Bills to help protect the citizens of the County.

Chairman Byrum also inquired about the push for banks and lawyers to limit the data being put on documents. Mr. Chenault further indicated that this is correct, and that in fact, now most banks have done away with putting Social Security numbers on such documents.

E. P. Sterowski questioned whether or not Social Security numbers are allowed to be on marriage licenses on the Internet. Mr. Chenault indicated that if marriage licenses are not covered in Section 37 of the Code, then the Social Security numbers would be on marriage licenses on the Internet.

R. S. Diggs summarized this discussion by expressing his opinion that the Circuit Court Clerk has operated within the bounds of the laws of the Commonwealth of Virginia by making public records available on the Internet.

RE: TRICENTENNIAL YEAR-END ACTIVITIES – KATY LLOYD

Katy Lloyd, Vice-Chairman of the King William Tricentennial, thanked the Board for its support during the activities conducted throughout the year to celebrate the County’s 300th birthday, and indicated that the Tricentennial Corporation has finished its work and is disbanding. Any funds remaining in its treasury, after all expenses are paid, will be reverted to the County.

Mrs. Lloyd further reported that the first annual Heritage Day is set for Friday, April 11, 2003, at 6:30 p.m. on the Courthouse Green.

RE: FY-03 BUDGET – TERRI HALE, ASSISTANT COUNTY ADMINISTRATOR

Terri Hale, Assistant County Administrator, indicated that the Board has previously received a compilation of potential budget cuts by department for the current fiscal year, and that since that time, it has been determined that State funding will be reduced by \$65,898.00. Ms. Hale provided two alternatives to the Board: (1) reduce each departmental appropriation by a pro-rata share of the shortage, or (2) reduce each departmental appropriation by 69% (the amount of the proposed reductions needed to make the budget whole) of their proposed reductions. She indicated that each alternative has pros and cons, and that neither option is best for all departments. Currently, neither the Sheriff's Department or the Schools have been included in the budget cuts.

It was further explained by Ms. Hale that Option #1, based on a pro-rata share, may reduce departmental budgets with less flexibility, and Option #2, a flat percent of each department's proposed reduction, may penalize a department that has made more effort to identify potential reductions, but in this case, the Department Heads would identify the reductions.

Ms. Hale requested guidance from the Board in handling this matter and by general consensus, the Board indicated that she focus on Option #2 and work with each Department Head to determine the necessary reductions.

RE: COUNTY PROJECTS AND ACTIVITIES – FRANK PLEVA, COUNTY ADMINISTRATOR

a. Courts Facility – Mr. Pleva reported that the site has been cleared and the building pad should be put in within the next week or two, and once this is done, the building will start going up.

b. Animal Shelter – The plans are completed and have been sent to the State Veterinary Office for comments. Once these comments are received, the Request for Proposals will be put out.

c. Regional Airport - Details have finally been worked out with the FAA to convey the ownership of the airport from West Point Town to the Authority. The Authority is now preparing to advertise for résumés or applications for the position of manager of the facility.

d. Mt. Olive Community Improvement Project - The Area Agency on Aging has been selected as the Administrator for this project. The next management team meeting will probably be held in mid-February.

RE: PLANNING MATTERS – TOM WILLIAMS, ZONING ADMINISTRATOR

a. Public Hearing - Zoning Case Z-06-02 – Request for Rezoning – Applicant: Barnett & Schools as Represented by Cecil Schools - Zoning Administrator, Tom Williams presented the application of Barnett & Schools to rezone approximately 1.16 acres from an A/C District to a B-2 District. This property is located approximately ½ mile east of the intersection of Route 360 and Route 30 on Route 360, and is further described as Parcels 11 and 12, on Section 21A-1 of the King William County tax maps. Barnette and Schools have applied for rezoning to allow for the conversion of an existing residence to a professional office on the property.

The Chairman declared the public hearing open for comments on this rezoning request.

Pete Glubiak, an attorney representing Barnette and Schools, appeared, speaking in favor of the application indicating that there has been no opposition from the area property owners and neighbors on this proposal. Mr. Glubiak further indicated that this rezoning request conforms to the Future Land Use Map contained in the King William County Comprehensive Plan.

Ms. Belinda Vanlandingham, an adjacent property owner, appeared, not to speak in opposition of the request, but to state her concerns about vehicle traffic which will frequent this business, from 6:30 a.m to 9:00 p.m.. She indicated that she has spoken with the applicant requesting that a privacy fence be installed, as her dwelling is so close to the proposed application site, and she is concerned about safety reasons as well, as the two driveways are so close together. Further, Ms. Vanlandingham stated that she was made aware by Mr. Schools about a turning lane being constructed for this proposed business, and that Mr. Schools mentioned that she might want this turning lane to come to her driveway. At this point, she does not know, as she needs some type of recommendation from VDOT, but this will have to be done at no cost to her, because her property is a residence, and it is her intention for it to remain her residence for at least the next five years.

There being no other persons appearing to speak, on motion by C. T. Redd, Jr., seconded by D. L. Wright and carried unanimously, the public hearing was declared closed.

b. Consideration of Zoning Case Z-06-02 - Tom Williams, Zoning Administrator, summarized Case Z-06-02 indicating that this request for rezoning complies with and conforms to the Future Land Use Map contained in the County Comprehensive Plan. It is the recommendation of the Planning Commission and the Staff to the Board of Supervisors to approve this request as presented, with the applicants following the VDOT recommendations and requirements to create a tapered right turn lane, and submitting an E & S Control Plan prior to any land disturbance.

On motion by R. S. Diggs, seconded by D. L. Wright and carried unanimously, the Board accepted the recommendation of the Planning Commission and approved Zoning Case Z-06-02, application of Barnette & Schools, with the applicants constructing a privacy fence between this property and the property of Belinda Vanlandingham, and following the VDOT recommendations and requirements to create a tapered right turn lane, and submitting an E & S Control Plan prior to any land disturbance.

c. Joint Public Hearings – Zoning Case Z-07-02 and Case Z-08-02 – Requests for Rezoning – Applicant: King William Land Development Group Represented by William Pohlig & Stuart “Sonny” Haynes - Tom Williams, Zoning Administrator, presented Case Z-07-02, an application from King William Land Development Group, for the rezoning of a parcel containing approximately 5 acres from an A-C District to a B-2 District. Said parcel is further described as Parcel 7L, Section 34 on the King William County Tax Maps, and is located on Route 360 adja-

cent and behind the BP/Pit Stop Service Station. Case Z-08-02, also an application from King William Land Development Group, is a request for rezoning of a parcel containing approximately 10 acres from an A-C District to a B-2 District. This parcel is also located on Route 360 adjacent and behind the BP/Pit Stop Service Station, and is identified as Parcel 11, Section 33 on the King William County Tax Maps. The two parcels are to be used for commercial purposes and meet the objectives set up in the Comprehensive Plan.

The Chairman declared the joint public hearing open to receive comments on these two requests for rezoning.

William Pohlig, III, applicant, appeared before the Board seeking approval of these two applications. He explained the locations of the two parcels and indicated that he has been in contact with VDOT regarding entrance requirements, and site plan is now being reviewed. A commerce park will be developed on the five acre parcel (Case Z-07-02) and with the 10 acre parcel (Case Z-08-02) being rezoned in conjunction, will actually create one less VDOT entrance. It will be shared with the commerce park parcel. Mr. Pohlig advised that the ten acre parcel will have a 200 foot deceleration lane, with a 200 foot taper.

There being no other persons appearing before the Board to speak, the public hearing was declared closed on motion by C. T. Redd, Jr., seconded by D. L. Wright and carried unanimously.

d. Consideration of Zoning Case Z-07-02 and Case Z-08-02 - Tom Williams, Zoning Administrator, summarized these two applications indicating that they comply with and promote several of the goals and objectives in the Comprehensive Plan. He advised that the Planning Department has received the preliminary site plan on this property from King William Land Development Group, and is currently in the process of reviewing it, as it would apply to both properties. Further, Mr. Williams advised that as the development process is gone through, that if there are any irregularities or resource protection areas that have to be addressed, they will be addressed at that time.

Mr. Williams reported that the Planning Commission and the Staff forward these two applications to the Board with a recommendation for approval, contingent upon the applicant complying with the VDOT improvements as well as any other ordinance regulations, whether they be DEQ, Wetlands, or any modifications they may wish to make to the building or to the site plan, etc. as they submit those.

Thereupon, on motion by D. L. Wright, seconded by R. S. Diggs and carried unanimously, the Board approved Zoning Cases Z-07-02 and Z-08-02 as presented by the applicant, King William Land Development Group, with recommendations stated above by the Planning Commission and Staff.

f. Public Hearing – Zoning Case T-02-02 – Request for Zoning Text Amendment – Applicant: King William County - Matt Walker, Director of Community Development, indicated that D. L. Wright and the Board requested the Planning Commission to consider language to the

King William County Subdivision Ordinance that would allow large tracts of agricultural property to be subdivided and remain in large tracts. This proposed language follows:

King William County Subdivision Ordinance

Sec. 10-57a. Exempt Subdivisions.

Any subdivision, as defined herein, shall be exempt from the requirements of this ordinance if:

1. Every lot of the subdivision is twenty-five acres or greater in area,
2. The subdivision is in an area zoned Agricultural/Conservation, and,
3. Every lot either abuts an existing public road or is a flag lot with direct access to an existing public road.
4. Flag lots shall be no less than fifty (50) feet in width and shall be required to share entrances on an existing public road, and shall have suitable area for the placement of driveways for ingress and egress.
5. The subdivision complies with the general platting requirements of King William County.

Any further subdivision of a previously exempted lot pursuant to this exemption shall constitute a major subdivision and shall be subject to all applicable governing ordinances and requirements.

Thereupon, the Chairman declared the public hearing open for comments. No persons appeared to speak for or against this proposed amendment.

On motion by D. L. Wright, seconded by R. S. Diggs and carried unanimously, the public hearing was declared closed.

g. Consideration of Zoning Case T-02-02 - Matt Walker indicated that the Planning Commission forwards this case to the Board with a recommendation that it be approved.

On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board accepted the recommendation of the Planning Commission and adopted the above stated amendment to the King William County Subdivision Ordinance as presented.

h. Authorization to Set Public Hearing – 2004 Fee Schedule - Matt Walker, Director of Community Development, indicated that after a consultation on this matter earlier that day with the County Administrator, it was determined it would probably be best for the Board to consider the proposed 2004 fee schedule for planning and zoning services along with the Capital Improvements Plan, the Proffer Methodology and other budgetary items. He, therefore, indicated that he is not seeking authorization to set a public hearing at this time.

RE: APPOINTMENTS

a. Middle Peninsula Disability Services Board – One Member - Two Year Term – Term of Lucille Minor Expired 12/31/02, Mrs. Minor is not seeking reappointment - Action on this appointment was tabled for 30 days.

RE: PUBLIC COMMENT PERIOD – SPEAKERS: ONE OPPORTUNITY OF 3 MIN-

UTES PER INDIVIDUAL OR 5 MINUTES PER GROUP ON NON-PUBLIC HEARING MATTERS

a. Dr. Brenda Cowlbeck, Superintendent of Schools, made the Board aware of the dedication ceremony for the new Cool Spring Primary School set for Sunday, February 2, 2003, at 2:00 p.m. Everyone is invited.

b. Herb White, a resident of 1186 Mill Road, again asked the Board to consider the possibility of establishing a commission or group to investigate and study the serious problem with the heavy flow of large truck traffic on Route 30.

RE: BOARD OF SUPERVISORS' COMMENTS

D. L. Wright announced a special meeting set for February 21, 2003, at 7:30 p.m. in the Hamilton-Holmes Middle School gym for senior citizens, regarding the "Early Alert System" available through the AARP.

RE: ADJOURNMENT

There being no further business to come before this Board, on motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the meeting was adjourned.

COPY TESTE:

E. L. Byrum, Jr.
Chairman

Frank A. Pleva
County Administrator