

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF APRIL 26, 2004

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 26TH DAY OF APRIL, 2004, 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:

C. T. REDD, III, CHAIRMAN – ABSENT
W. F. ADAMS, VICE-CHAIRMAN
L. E. BYRUM, JR.
T. G. SMILEY
O. O. WILLIAMS

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

In the absence of the Chairman, the Vice-Chairman, W. F. Adams, presided over this meeting.

RE: APPROVAL OF MEETING AGENDA

On motion by O. O. Williams, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with two additions - Item #6e – Consent Agenda, Adoption of Proclamation in Recognition of Business Appreciation Week in King William County the week of May 16-22,2004; and added Item #9 – Rappahannock Community College, Annual Activities Report – Dr. Norman Scott, President.

RE: PUBLIC COMMENT PERIOD

Herb White of 1186 Mill Road in Aylett, appeared before the Board to express his appreciation to Leon Custalow and Mike Lipscomb of the local King William VDOT office as well as the Bowling Green Residency Office for cutting trees to clear sight visibility distance at the corner of State Route 647 (Mill Road) and State Route 600 (East River Road) in Aylett, on property owned by Ms. Sandra McDowell. He also expressed his appreciation to Ms. McDowell for granting permission to VDOT for these trees to be removed from her property.

In addition, Mr. White thanked the local King William VDOT office for cutting the grass along Route 30 and Routes 629 and 1240 near the Courthouse for the Heritage Day celebration held on April 23, 2004. He commented on how nice this made the Courthouse grounds look for this event.

RE: CONSENT AGENDA

On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the Board approved the following items on its consent agenda:

a. Minutes of the Board's regular monthly meeting of March 22, 2004, and of a reconvened meeting held on March 29, 2004, were approved as written

b. Claims against the County for April, 2004, in the amount of \$1,094,377.10

(1) General Fund Warrants #55937-56140 in the amount of \$764,973.40; Manual Checks #13995-13998 in the amount of \$137,360.70; Direct Deposits #5841-5940 in the amount of \$146,106.47; and Electronic Tax Payment of \$45,936.53

(2) For informational purposes, Social Services expenditures for the month of March, 2004, Warrants #303171-303252 in the amount of \$44,606.02; Direct Deposits #971-989 in the amount of \$22,576.70; and Electronic Tax Payment in the amount of \$8,121.24

(3) For informational purposes, Circuit Court expenditures for the month of March, 2004, Warrants #55908-55916 in the amount of \$6,161.85; and Direct Deposits #111-113 in the amount of \$6,931.96

(4) For informational purposes, Comprehensive Services Act Fund expenditures for March, 2004, Warrants #55918-55935 in the amount of \$42,726.10

(5) Tax Refunds for the month of March, 2004, in the amount of \$7,420.17

c. Adopted the following resolution to include members of the Board of Supervisors as King William County employees for the purpose of the County Workers' Compensation Act of the Commonwealth of Virginia. This will entitle each member to all coverage provided under said Act, such as in the event of an injury during County-related travel.

RESOLUTION

BE IT RESOLVED, that the members of the Board of Supervisors of King William County, Virginia, are hereby authorized to be included as employees for the purpose of the Workers' Compensation Act of the Commonwealth of Virginia and entitled to all coverage provided under said Act.

d. Authorized advertisement of a Public Hearing for May 24, 2004, during the Board's regular monthly meeting beginning at 7:00 p.m. in the Board Meeting Room at King William County Courthouse, to consider a text amendment to King William County Code, Chapter 9, Offenses and Miscellaneous provisions, Article VI, Concealed Handgun Permits, Section 9-80, Policy Regarding Fingerprinting – Proposed Elimination of Requirement for Fingerprinting for Renewal of a Permit

e. Adopted the following Proclamation in recognition of Business Appreciation Week in King William County the week of May 16-22, 2004:

**BUSINESS APPRECIATION WEEK, 2004
PROCLAMATION**

WHEREAS, King William County is pleased to have a thriving base of business and industry to support the local economy; and,

WHEREAS, these businesses provide essential employment opportunities for the citizens of King William County; and,

WHEREAS, the businesses provide local revenues from which the entire local citizenry benefit; and,

WHEREAS, these businesses also make significant contributions in our communities to promote educational opportunities for our children and promote a variety of activities which increase the quality of life of the area; and,

WHEREAS, we recognize and appreciate these businesses.

NOW, THEREFORE, BE IT RESOLVED, that King William County hereby recognizes our existing businesses, and by virtue of this Proclamation, gives notice to our citizens that the businesses of King William County are exemplifying this year's theme of "Together We Make A Difference".

BE IT FURTHER RESOLVED, that the week of May 16 – 22, 2004, is Business Appreciation Week in King William County.

RE: VDOT MATTERS – DAVID COOPER, ASSISTANT RESIDENT ENGINEER

David Cooper, VDOT Assistant Resident Engineer, was present to update the Board on the following transportation issues:

a. Two Requests from Board for “Watch for Children” Signs - Mr. Cooper reported that VDOT’s Traffic Engineer Section has reviewed and approved the two requested locations for “Watch for Children” signs – the location on Route 607 (Millwood Road) where signs will be erected in advance of each approach to the 256 Millwood Road address, and the other location on Route 1230 in Oak Springs Subdivision. Signs will be erected at the entrance to the subdivision and one near the cul-de-sac on Oak Springs Drive. These signs are scheduled for placement as soon as they are printed.

b. Placement of 45 MPH Speed Limit Signs on Route 30 at Central Garage
At the Board’s March 22, 2004, meeting, T. G. Smiley requested VDOT to investigate the possibility of moving the 45 MPH sign on Route 30 north to beyond the Route 611 entrance.

Mr. Cooper reported that his office has received no word yet pertaining to the traffic study pertaining to the requested extension of the 45 MPH speed limit on Route 30 to beyond the Route 611 entrance.

c. Hickory Woods Lane – Request to Eliminate the Passing Zone on Route 30 at Intersection of Hickory Woods Lane

Mr. Cooper responded to a request from T. G. Smiley at the Board’s March 22, 2004, meeting to eliminate a passing zone on Route 30 at the intersection of Hickory Woods Lane, indicating that his office has not yet received any report from the Traffic Engineers concerning this request.

d. Speed Study Requested on Route 30 at Hamilton-Holmes School - At the March 22, 2004, meeting, W. F. Adams requested that a speed study be performed on Route 30 at Hamilton-Holmes School. Mr. Cooper responded that this study has not yet been completed, but should be ready in the next 30 days.

e. Announcement of Pre-Construction Conference – Lord Delaware Bridge, Set for April 27, 2004

Mr. Cooper announced that a pre-construction conference on the Lord Delaware Bridge Project is to be held at 10:00 a.m. on April 27, 2004 at the Saluda Residency Office. The contractor for this project is McLean and Bryant. This first

contract is for the Lord Delaware Bridge and the eastern most end of West Point, and the project is targeted for completion in late, 2005.

RE: BAY AGING, INC. – ALLYN GEMEREK, PRESIDENT

a. Annual Report on Activities - Mr. Allyn Gemerek, President of Bay Aging, Inc., appeared before the Board to provide an update on the agency's activities and services provided for King William County residents during the past year. He also thanked the Board for its continued support of Bay Aging

b. Presentation of Resolution of Appreciation for 25 Years Service to Community - On behalf of the Board, Vice-Chairman, W. F. Adams, read a copy of the resolution adopted by the Board of Supervisors on November 24, 2003, congratulating Bay Agency, Inc. on its 25 years of service, and presented the resolution to Mr. Gemerek.

RE: RAPPAHANNOCK COMMUNITY COLLEGE – DR. NORMAN SCOTT, PRESIDENT

Dr. Norman Scott, President of Rappahannock Community College, reviewed programs offered by the College to its students during the past year, and announced that he will be retiring effective July 31, 2004. He expressed his appreciation to the Board for all of its support over the years.

By general consensus, the Board instructed the County Administrator to prepare a resolution of appreciation on behalf of the Board, for Dr. Scott on the occasion of his retirement, and to invite Dr. Scott to be present at a future meeting of the Board to receive this resolution.

RE: PLANNING MATTERS – MATT WALKER, COMMUNITY DEVELOPMENT

a. Public Hearing – Zoning Case #Z-01-04, Request to Rezone 2 Acres From R-1 to B-2, Applicant: Garrie D. Rouse - Matt Walker presented and reviewed the application of Garrie D. Rouse to rezone 2 acres of land located on the east side of Route 360, approximately ½ mile west of the intersection of Route 360 and Route 600 at Aylett. This property is situated on Route 360 directly across from KJ's Market in Aylett, and is further described as Parcels 22-39A and 22-39B on the King William County Tax Maps. This application proposes to convert an existing residential

structure to a light office use, and the applicant has proffered conditions that address the future development of the site.

The Vice-Chairman declared the public hearing open for comments and the applicant, Garrie Rouse, explained that he is seeking the rezoning of Parcels 22-39A and 22-39B (containing a total of 2 acres) in Aylett from an R-1 (Suburban-Residential) District to a B-2 (General Business) District for the purpose of operating an environmental consulting practice within the existing brick rancher located on the property, and that his business will employ two or three persons at this site. In addition, he highlighted the list of proffered conditions offered with this application for the development and operation of his business, including the following: (1) Entrance improvements off of Route 360 will include a taper and full turning lane as required by VDOT; (2) Existing vegetation will be maintained as a buffer between the adjoining properties, removing only limited vegetation along Route 360 as needed for visibility and safety concerns; (3) Security outdoor lighting will be kept to a minimum and shielded so as not to interfere with adjoining properties.

No other persons appeared before the Board to speak for or against this proposed rezoning request, therefore, the public hearing was declared closed by the Vice-Chairman.

b. Consideration of Zoning Case #Z-01-04 - Matt Walker reported that the Planning Commission considered this application in public hearing on March 15, 2004, and recommended its approval to the Board of Supervisors with acceptance of the applicant's most recent list of proffers submitted.

On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the Board accepted the recommendation of the Planning Commission and approved the application of Garrie Rouse (Case #Z-01-04) to rezone Tax Map Parcels 22-39A and 22-39B, containing 2 acres, from an R-1 (Suburban-Residence) District to a B-2 (General Business) District, with the applicant's most recent list of proffered conditions, as presented in public hearing. The applicant's stated purpose of the rezoning is for the operation of an environmental consulting practice within an existing building located on the property. These parcels are located on the east side

of Route 360, approximately ½ mile west of the intersection of Route 360 and Route 600 at Aylett.

The adopted list of proffered conditions, dated March 8, 2004, include the following:

1. Meet all VDOT requirements for ingress and egress from U. S. Route 360 onto the property, including a taper and full turning lane as indicated in VDOT's letter dated February 17, 2004.
2. Use existing structures for the operation of the business.
3. Orient and shield any outdoor lighting so as not to interfere with adjoining properties.
4. Maintain existing vegetation as a buffer between adjoining properties, removing only limited vegetation along U. S. Route 360, as needed for visibility and other safety concerns in connection with ingress and egress from the property.

c. Public Hearing – Zoning Case #Z-02-04, Request to Rezone 4.5 Acres From R-1 to B-2; Applicant: Patrick Connor - Matt Walker of Community Development presented and reviewed the application of Patrick Connor, Zoning Case #Z-02-04, for rezoning 4.5 acres from a R-1 (Suburban-Residential) District to a B-2 (General Business) District, with non-cash proffers, to allow for marketing this property to commercial prospects. This property is located on the east side of Route 360, approximately ½ mile west of the intersection of Route 360 and Route 600 at Aylett, and is further described as Tax Map Parcel 22-39. It is situated on Route 360 directly across from KJ's Market in Aylett.

Mr. Watts, speaking on behalf of the applicant, addressed the Board indicating that this parcel, if rezoned, will be marketed to commercial prospects, and he reviewed the list of proffered conditions submitted with this application including the following: (1) Meet all VDOT requirements for ingress and egress; (2) Any proposed business would continue deceleration lane from 8080 Richmond/Tappahannock Highway property improvements to continue until entrance for future business to comply with VDOT and County requirements; (3) Property is being rezoned to market for future business opportunities.

Various Board members questioned Mr. Watts regarding the type of business he for sees on this property and Mr. Watts responded that it will be various small

businesses. He indicated that Mr. Connor does not at this time have a buyer for the property.

Thereupon, the Vice-Chairman declared the public hearing open on Zoning Case #Z-02-04. No persons appeared to speak for or against this application. The public hearing was declared closed by the Vice-Chairman.

d. Consideration of Zoning Case #Z-02-04 - Matt Walker advised that the Planning Commission considered this application in public hearing on March 15, 2004, and recommended its approval to the Board of Supervisors with the applicant's most recent list of proffers.

On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried with the following vote, the Board accepted the recommendation of the Planning Commission and approved the application of Patrick Connor (Case #Z-02-04) for a change in zoning classification from R-1 (Suburban-Residential) to B-1 (General Business) on Tax Map Parcel 22-39 containing 4.5 acres, with acceptance of the applicant's most recent list of proffered conditions as presented in public hearing. The applicant's stated purpose of the zoning classification change is to allow for marketing the property to commercial prospects. This property is located on the east side of Route 360, approximately ½ mile west of the intersection of Route 360 and Route 600 at Aylett.

C. T. Redd, III	Absent
W. F. Adams	Aye
L. E. Byrum, Jr.	Aye
T. G. Smiley	Aye
O. O. Williams	Nay

RE: ECONOMIC DEVELOPMENT MATTERS – BILL STAFFORD AND

GREG KELLY

a. Update on Current Economic Development Activities - Bill Stafford and Greg Kelly, Economic Development Consultants for the County, appeared before the Board to report on the 2004 planned calendar of activities and events and the upcoming 2005 calendar. Mr. Stafford reviewed objectives including generating awareness for King William County's pro-business attitude, advising and supporting King William County on long-term strategic growth plans, continuing to develop quality site information to improve County marketability, responding to inquiries and managing

projects as appropriate, building and reinforcing working relationships with the Virginia Economic Development Partnership (VEDP), the King William County Industrial Development Authority (IDA), the Richmond metropolitan area localities, the Greater Richmond Partnership, Virginia's River Country, the Town of West Point, and with King William County business leaders and civic organizations.

Greg Kelly reviewed the January – March, 2004 quarterly activities and events for the Board and discussed some of the upcoming plans for the remainder of 2004 and into 2005. He also reported on the some of the prospects and projects they are currently working with. At present they are working with eight prospects to make them aware of King William County's pro-business climate.

RE: ARTS ALIVE, INC. – HERB BROWN, PRESIDENT, UPDATE ON CURRENT ACTIVITIES

Mr. Herb Brown was unavailable at this meeting.

RE: DEPARTMENT OF SOCIAL SERVICES – BEN OWEN, DIRECTOR – UPDATE ON FY-05 STATE BUDGET RAMIFICATIONS

Ben Owen, King William County Director of Social Services, made the Board aware of a pending problem if no agreement on a State Budget is adopted and signed by the Governor by May 1st. Under the current State Appropriations Act, the State Budget fiscal year for local Social Services ends on May 31, 2004. State reimbursements to local governments for Social Services are the only State funded services that operate on a June 1st to May 31st State Fiscal Year. Mr. Owen explained that this unique circumstance causes the current Budget situation to affect Virginia's Social Services system a month earlier than other systems.

Mr. Owen also made it known to the Board that local Social Services Departments have begun to notify their local government chief administrative officer and governing body of actions they will need to put in place, or the financial impact on local government, if a State government Budget is not adopted by May 1st. Further, Mr. Owen explained that if a State Budget agreement is not reached by May 1st, local departments of Social Services, at the direction of their local government, will begin preparing to shut down services; or continue to provide local Social Services with

funds up-fronted by local government. These funds may be reimbursed to the locality by the Commonwealth when a State Budget is adopted.

With this information provided to the Board, Mr. Owen stated that it was the full consensus of the King William County Board of Social Services not to shut down services, but to request up-front funding for the month of May, 2004, from the Board of Supervisors. This will allow Social Services to continue operations for one month even if the FY-05 State Budget is not adopted until June 1st. State reimbursement for services will be made in FY-05.

The Board considered this request and upon motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, approved the request of Ben Owen, Director of King William Social Services, for up-front funding for the month of May, 2004, for Social Services, with State reimbursement being made in FY-05.

Following this decision, L. E. Byrum, Jr. suggested that correspondence should be sent from the Board to our State representatives letting them know of the hardship their lack in adopting a State Budget has placed on all the localities across the State, and that they should take action post haste.

RE: PUBLIC HEARING – PROPOSED AMENDMENT TO ARTICLE II, REAL PROPERTY; DIVISION 3, EXEMPTION OF TAXES ON PROPERTY OF CERTAIN ELDERLY AND DISABLED PERSONS; SECTION 13-43.1-4 OF THE CODE OF KING WILLIAM COUNTY

Frank Pleva, County Administrator, presented and reviewed the proposed amendment to Article II, Real Property; Division 3, Exemption of Taxes on Property of Certain Elderly and Disabled Persons; Section 13-43.1-4 of the Code of King William County, explaining that the following proposed text will replace existing text in the above stated Section 13-43.1-4 of the County Code:

**KING WILLIAM COUNTY CODE
ARTICLE II, REAL PROPERTY
DIVISION 3, EXEMPTION OF TAXES ON PROPERTY OF CERTAIN
ELDERLY AND DISABLED PERSONS
SECTION 13-43.1-4**

SECTION 13-43.1-4 Affidavits or certifications may be filed through June 30 by first time applicants or hardship cases, as determined in accordance with procedure established by the Board of Supervisors, with the allowable exemption for the taxable year applied against the second half in an amount not to exceed the claimant's real estate tax liability for the second half of the year, but in no case exceeding two hundred dollars (\$200.00).

Thereupon, the Vice-Chairman declared the public hearing open for comments. There being no persons appearing to speak for or against this proposed amendment, the public hearing was declared closed.

b. Consideration of Proposed Text Amendment – Section 13-43.1-4 of King William County Code - On motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, the Board adopted the text amendment presented in public hearing and as stated above, to replace the existing text of Section 13-43.1-4 of the King William County Code.

RE: UPDATE ON COUNTY PROJECTS – FRANK PLEVA, COUNTY ADMINISTRATOR

a. Mt. Olive Community Improvement Project - The County Administrator reported that 4 houses are currently under contract in the Mt. Olive Community and that work should begin within the next 30 days. In addition, the County Attorney is working on the acquisition documents with the existing owner of the community well in the area.

b. Courts & Public Safety Facility - Frank Pleva, County Administrator, reviewed the updated report prepared by Kevin Vaughan, Clerk of the Works on this project. Various Board members discussed holding a Dedication Ceremony at some point when the building is completed.

c. Regional Animal Shelter - It was indicated by the County Administrator that the two possible sites reported on at the Board's March 22nd meeting, for the location of the regional animal shelter, are still being looked into. These two sites are: (1) on a surplus parcel in the King and Queen County School system, or (2) possibly a site on the property behind the new King William County Courts and Public Safety Facility.

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

a. L. T. McAllister addressed the Board on behalf of the Upper King William Senior Citizens Center, to extend appreciation for the County's support. He indicated that all work done at the Senior Center is done by volunteers, no one is salaried.

Other individuals appearing with Mr. McAllister before the Board included Mrs. Elizabeth McAllister, Mrs. Sandra Taylor, the Center's Site Manager, and Mrs. Ruth Muire. Mr. McAllister indicated the Center's hours of operation as every Tuesday, 10:00 a.m. to 1:30 p.m.

b. Travis Longest of King William County Volunteer Fire Department and Rescue Squad, Inc., thanked the Board for the increased funding for the upcoming fiscal year, and for the new working relationship being established with the Board and the County staff.

RE: BOARD OF SUPERVISORS' COMMENTS

No comments were made.

RE: ADJOURNMENT

There being no further business to come before this Board, on motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the meeting was adjourned.

COPY TESTE:

W. F. Adams
Vice-Chairman

Frank A. Pleva
County Administrator