

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF MAY 20, 2002

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 20TH DAY OF MAY, 2002, AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING, THE MEETING WAS CALLED TO ORDER WITH THE FOLLOWING PRESENT:

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

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

RE: ADOPTION OF AGENDA

On motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the addition of two items – to Item #6, Consent Agenda, added “Employment of 2 part-time Summer Playground staff persons in the King William Recreation and Parks Dept.”, and “Consideration of \$25.00 fine for each Jail Incarceration.

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

James Townsend referenced Agenda Item #10e “Public Hearing – Zoning Text Amendment – T-01-02 – to Redefine the Maximum Number of Lots in a Minor Subdivision” and asked the Board to discuss this proposed amendment thoroughly before conducting the scheduled public hearing during this meeting. He indicated his opinion that this is a very important topic and should be considered very thoroughly.

RE; CONSENT AGENDA

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

- a. The minutes of the Regular Meeting of April 22, 2002, as written
- b. Claims against the County for April, 2002, in the amount of \$1,506,632.18 as follows:
 - (1) General Fund Warrants #50903-51072 and #13912-13913 in the amounts of \$1,334,324.28 and \$2,505.86; Direct Deposits #3524-3609 in the amount of \$127,039.48; and Electronic Tax Payment in the amount of \$42,762.51
 - (2) For informational purposes, Social Services expenditures for the month of April, 2002, Warrants #301642-301704 in the amount of \$27,074.34; Direct Deposits #593-606 in the amount of \$18,401.37; and Electronic Tax Payments in the amount of \$6,554.50

(3) For informational purposes, Circuit Court expenditures for the month of April, 2002, Warrants #50868-50876 in the amount of \$5,635.86 and Direct Deposits #42-44 in the amount of \$7,039.15

(4) For informational purposes, Comprehensive Services Act fund expenditures for April, 2002, Warrants #50878-50901 in the amount of \$57,192.84

(5) Tax Refunds for the month of April, 2002, in the amount of \$3,960.43

c. Authorized advertisement of a public hearing set for June 24, 2002, during the Board's regular monthly meeting to begin at 7:00 p.m. to consider adoption of an Ordinance to assess a sum, not in excess of \$5.00, as part of the costs in each criminal or traffic case in the King William County General District Court and the King William County Circuit Court in which the defendant is convicted of a violation of any statute or ordinance. Revenues realized from these additional costs are to be used for courthouse security.

d. Authorized advertisement of a public hearing set for June 24, 2002, during the Board's regular monthly meeting to begin at 7:00 p.m. to consider Zoning Case #Z-01-02, Request for Zoning Map Amendment, with Proffers, Applicant: Wade C. Bowler

e. Approved the employment of Ashley Ford and Kriston Stone as part-time Summer Playground staff persons in the King William Recreation and Parks Dept.

f. Authorized advertisement of a public hearing set for June 24, 2002, during the Board's regular monthly meeting to begin at 7:00 p.m. to consider adoption of an Ordinance to authorize assessment of a processing fee, not to exceed twenty-five dollars, on any individual admitted to a County, City, or Regional Jail, following conviction. These funds so collected shall be used by the County Sheriff's Department to defray the costs of processing arrested persons into local or regional jails.

RE: VDOT MATTERS – CHARLES STUNKLE, RESIDENT ENGINEER – REVISED SIX-YEAR PLAN, LOWER REVENUE PROJECTIONS

a. Revised Six-Year Plan, Lower Revenue Projections - VDOT Resident Engineer, Charlie Stunkle, presented and reviewed the revised Six-Year Secondary Road Plan (2002-2008) and the Construction Priority List (2002-2003) for King William County. This revised Plan reflects the updated preliminary allocations after the latest round of VDOT Budget cuts, and is to be effective July 1, 2002. Mr. Stunkle also presented information on a project that was removed from the original 2002-2008 Six-Year Plan, due to the Budget cuts, and indicated that eight projects have been pushed back or delayed. This removed project is the Route 608, Upshaw Road, project.

b. Sharon Road - C. T. Redd, III questioned Mr. Stunkle regarding the possibility of VDOT installing a guard rail along Sharon Road near the retention pond recently constructed on property adjacent to Sharon Road. Mr. Stunkle indicated that this matter has been reviewed by the Traffic Engineer and the need exists. It is just a matter of when the guard rail contractor will be in the area to install it.

c. Four Forks area near Hybla Farm - D. L. Wright indicated that tree limbs are hanging low in this area and need to be trimmed, and requested that VDOT take care of this matter.

RE: RESOLUTION OF APPRECIATION – VDOT RUMFORD HEADQUARTERS STAFF FOR ASSISTANCE WITH KING WILLIAM COUNTY HERITAGE FESTIVAL DAY

On motion by L. E. Byrum, Jr., seconded by C. T. Redd, III and carried unanimously, the Board adopted the following resolution expressing appreciation to the employees of the Virginia Department of Transportation in the Fredericksburg office, the Bowling Green office, and in the local Rumford office, who closely worked with members of the King William County Tricentennial Celebration, Inc. Board of Directors to plan and prepare for the Heritage Day Festival held on April 27, 2002.

RESOLUTION

WHEREAS, the employees of the Virginia Department of Transportation offices in Fredericksburg, Bowling Green and King William have worked closely with the Board of Directors of King William County Tricentennial Celebration, Inc. preparing for the Heritage Day Festival on April 27, 2002; and,

WHEREAS, the employees of the Virginia Department of Transportation went above and beyond the expectations of King William Tricentennial Celebration, Inc. in preparation of the festival; and,

WHEREAS, the employees of the Virginia Department of Transportation went out of their way to ensure the traffic flow during the festival was safe and unproblematic; and,

WHEREAS, the cooperation between the Virginia Department of Transportation and King William County Tricentennial Celebration, Inc. made planning the road closure and detour route for the festival as uncomplicated as possible; and,

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors expresses its sincere appreciation to the employees of the Virginia Department of Transportation; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors acknowledges the Virginia Department of Transportation's commitment to public safety on the County's roads; and,

BE IT FINALLY RESOLVED, that a copy of this Resolution expressing the sense of this Board of Supervisors on this matter shall be conveyed to the Virginia Department of Transportation, and shall be spread upon the meeting minutes of said Board of Supervisors.

RE: KING WILLIAM TRICENTENNIAL CELEBRATION CORPORATION

a. Recognition of Members & Update on Status of Activities - Members of the Tricentennial Corporation were present and were introduced to the Board by L. Eugene Campbell, Jr., Vice-President of the Tricentennial Celebration Corporation. Members were presented with a gift in appreciation of their hard work performed and time given, to help the County celebrate its 300th anniversary.

Mr. Campbell also updated the Board on the status of upcoming Tricentennial events including the June 7th Senior Citizens Picnic.

RE: PLANNING & COMMUNITY DEVELOPMENT – MATT WALKER, DIRECTOR

a. Public Hearing – Proposed 2003 Proffer Methodology Update - Matt Walker presented and reviewed the proposed 2003 Proffer update, which reflects fiscal changes that have

occurred since adoption of the 2002 Proffer Methodology in May of 2001. Mr. Walker indicated that the County's proffer calculation should be updated annually to reflect current service levels at current capital costs for schools, parks, libraries, and fire and rescue stations. It was stated by Mr. Walker that the proposed revised 2003 Proffer quantifies the County's current and future service needs as impacted by residential development.

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

Whereupon, on motion by C. T. Redd, III, seconded by R. S. Diggs and carried unanimously, the public hearing was declared closed.

b. Consideration of Adoption of Proposed 2003 Proffer Methodology - In discussing this proposal, L. E. Byrum, Jr. indicated his concern that the policy allows certain square footage homes with a certain value to be exempt from the proffer payment to the County. Mr. Walker responded that the proposed proffer methodology for King William County was patterned from the Hanover County policy which permits a home valued at \$235,000.00 or more to be exempt from paying a proffer to the County.

Mr. C. T. Redd, III clarified the discussion indicating that the County cannot require a proffer, but the builder can offer a proffer.

Thereupon, L. E. Byrum, Jr. made a motion to adopt the proposed 2003 Proffer Methodology as presented in public hearing, with the understanding that the Planning Commission be directed to revisit the policy to amend it stating that a voluntary proffer be paid by all home builders in the County. This motion was seconded by R. S. Diggs and carried unanimously.

c. Public Hearing – Revised 2003 Fee Schedule for Planning and Zoning Services - The Director of Community Development, Matt Walker, reviewed the proposed revised fee schedule for Planning and Zoning Services with the Board. He indicated these proposed revised fees reflect current demands made upon the Department, reflect what surrounding communities charge for similar services, and reflect the impending amount of development the County faces. Mr. Walker further elaborated that, in many cases, the current fee schedule is not adequate to even cover the costs of advertising and paying the respective boards hearing the cases.

Thereupon, the Chairman declared the public hearing open for comments. No persons appeared to speak for or against the proposed increased fee schedule.

On motion by L. E. Byrum, Jr., seconded by C. T. Redd, III and carried unanimously, the public hearing was declared closed.

d. Adoption of Revised 2003 Fee Schedule for Planning and Zoning Services - On motion by C. T. Redd, III, seconded by E. P. Sterowski and carried unanimously, the Board adopted the revised 2003 Fee Schedule for Planning and Zoning Services as presented in public hearing. (SEE ATTACHED COPY OF FEE SCHEDULE)

e. Public Hearing – Zoning Text Amendment – T-01-02 – To Redefine the Maximum Number of Lots Allowed in a Minor Subdivision - Matt Walker, Director of Community Development,

presented the proposed Text Amendment, Case #T-01-02, and explained that, if adopted, the County's current definition of a minor subdivision will be changed to reduce the maximum number of lots allowed in a minor subdivision from seven (7) lots to five (5) lots. He further indicated that this proposed amendment was recommended by the 1991 Comprehensive Plan as a growth management strategy, but has yet to be adopted into the Ordinance. Mr. Walker stated that the Zoning and Subdivision Ordinances should support the Comprehensive Plan and be in compliance therewith.

The Public Hearing was declared open by the Chairman. No persons appeared to speak in favor of the amendments.

James Townsend spoke in opposition to this amendment stating that in a cluster arrangement in an Agricultural District, more homes can be built on a lesser amount of acreage. He indicated that the Comprehensive Plan serves as a vision for the County, and is now based on interpretation. It is his understanding, that at the present time, nothing in the Zoning Ordinance or the Subdivision Ordinance delineates clustering. He stated his concern about tax increases and his opposition to clustering in the Agricultural District. He requested the Board to table taking action on this proposed amendment at this meeting and to allow more time for study.

Herb White spoke regarding clustering, citing the fact that cluster homes/villas have been quite successful as retirement communities in Hanover County. He also stated that he is in favor of changing the number of lots permitted in a minor subdivision from seven lots to three lots, instead of the proposed five lots, due to problems with roads, etc. He reminded the Board of the large developments pending now in the County. Mr. White also requested the Board to table action on this proposed amendment at this meeting and study it more thoroughly.

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

f. Consideration of Zoning Text Amendment – T-01-02 To Redefine the Maximum Number of Lots Allowed in a Minor Subdivision - At the request of C. T. Redd, III, action on this proposed text amendment was tabled for 30 days.

RE: SHERIFF'S DEPARTMENT – J. S. WALTON, SHERIFF – SUPPLEMENTAL APPROPRIATION FOR LOCAL SHARE OF LIVSCAN SYSTEM

Sheriff Jeff Walton informed the Board that the Sheriff's Department received funding this year from the State Compensation Board for a computer aided Fingerprinting System called LiveScan. This System, with all of the necessary components, costs \$29,703.00, with an additional \$3,231.00 per year for maintenance. The Compensation Board has allotted the amount of \$25,428.00 for the purchase. The difference from what the State allots and the actual cost is \$7,506.00.

Sheriff Walton further explained that this LiveScan System would allow the Sheriff's Department to process arrested persons electronically and receive confirmed fingerprint identification within minutes, rather than 8 to 10 weeks. He pointed out that the time saved in processing an arrested person and getting the deputy back on patrol would be a great benefit also.

Sheriff Walton indicated that he might be able to absorb most, if not all, of this amount is his

current budget, however, he cannot precisely predict this expenditure at this time, and he does not want to cut into his Deputies' resources.

On motion by C. T. Redd, III, seconded by R. S. Diggs and carried unanimously, the Board approved this expenditure by the Sheriff's Department for the LiveScan System, with funding being absorbed by the current Sheriff's Department budget, but in the event that is not possible, the County will appropriate the \$7,506.00.

RE: PROCUREMENT MATTERS – TERRI HALE, ASSISTANT COUNTY ADMINISTRATOR

a. Consideration of Award – Property Maintenance Court Ordered Cleanups - Terri Hale, Assistant County Administrator, informed the Board that an Invitation for Bid (IFB) was recently issued to provide the Property Maintenance Department with a pool of qualified vendors to complete Court ordered cleanups. These projects will consist of the required manpower and equipment necessary for cleanup of the sites identified by the Property Maintenance Staff and Court ordered by the General District Court Judge. Many of these projects are expected to fall within the small purchase guidelines, however, a pool of approved vendors ensures that the requirements of the County's Procurement Ordinance are met, and that the job is completed within the short time frame mandated by the Judge. The pool of vendors would also provide a solution for a lack of vendor availability because of the short turnaround time. Three bids were received in response to the IFB and these were from the following:

- Globe Enterprises, Inc. – Aylett, VA
- Shoreline Marine Construction & Excavation, Inc. – West Point, VA
- Otto O. Williams and Sons – Aylett, VA

Ms. Hale further explained that all three bidders responded with a list of specific equipment available to them, the cost of each piece of equipment and operator, and the cost of additional manpower. The hourly rates for each piece of equipment are very similar. It was recommended by Ms. Hale that a contract for property maintenance cleanups be awarded to up to three vendors in order to complete mandated jobs in a timely manner, and to match the most appropriate vendor to the job, while providing each vendor with an equal chance to do the work.

Thereupon, on motion by L. E. Byrum, Jr., seconded by E. P. Sterowski and carried with the following vote, the Board accepted the recommendation of Ms. Hale and awarded a contract for property maintenance cleanups to the three vendors as listed above.

- D. L. Wright Aye
- E. P. Sterowski Aye
- L. E. Byrum, Jr. Aye
- R. S. Diggs Aye
- C. T. Redd, III Abstain

RE: REGIONAL ANIMAL SHELTER – CONSIDERATION OF APPROVAL OF RESOLUTION ENTERING CONTRACT FOR ARCHITECTURAL SERVICES

On motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the following resolution authorizing King and Queen County, on behalf of the three partici-

pating counties, King and Queen, King William, and Middlesex, to award the architectural contract for the design of the regional animal shelter to Daggett & Grigg in the amount of \$48,000.00.

RESOLUTION

WHEREAS, the Counties of King and Queen, King William, and Middlesex have been in discussion concerning the construction of a regional animal shelter to be located in King and Queen County serving the three Counties; and,

WHEREAS, the Boards of Supervisors of each of the three Counties have previously adopted resolutions authorizing King and Queen County to issue a Request for Proposals for architectural services to design the animal shelter, subject to approval of the contract by the Boards of Supervisors of each jurisdiction following receipt of proposals and evaluation; and,

WHEREAS, the Evaluation Committee, consisting of the County Administrators of the three Counties, has recommended that the architectural contract be awarded to Daggett & Grigg, which has its offices in Charlottesville, Virginia.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, that King and Queen County, on behalf of the three Counties, is authorized to award the architectural contract for the design of the regional animal shelter to Daggett & Grigg in the amount of \$48,000.00. The cost of the architectural contract is to be divided equally among the three Counties, with King and Queen County serving as the fiscal agent. King William County and Middlesex County agree to transfer \$16,000.00 to King and Queen County upon request from the King and Queen County Administrator. The contract shall not be signed until all of the Boards of Supervisors have adopted this resolution. The adoption of this resolution is only a commitment for the design of the animal shelter, and does not mean that any of the jurisdictions have agreed to enter into a final contract or to pay for the construction of the animal shelter.

RE: STATUS REPORT ON REQUESTED AMENDMENT TO HUNTING ORDINANCE –

L. M. CHENAULT, COUNTY ATTORNEY

L. M. Chenault, County Attorney, indicated that the Board has requested him to investigate a proposed change to Article III. Hunting, Section 9-48. Hunting Near Highways, of the King William County Code, to allow the discharge of a firearm from the ditch line of any primary or secondary highway in the County . As the Ordinance now states, hunting or attempting to hunt on or within one hundred yards of any primary or secondary highway in the County is prohibited.

Mr. Chenault advised that the existing King William County Code Section 9-48 mirrors the State Statute (29.921-6) but the County has the option of making a change.

C. T. Redd, III motioned that a public hearing be held to receive comments from the citizens, but prior to the public hearing being held, that Game Warden, Hank Garner, be invited to address the Board on this issue. This motion was seconded by L. E. Byrum, Jr. and carried unanimously.

RE: COURT HOUSE FACILITY PROJECT – STATUS OF DESIGN AND BID DOCUMENT

Frank A. Pleva, County Administrator, reported that he met with representatives of the architectural firm, Wiley & Wilson, last week and the design drawing is 65% complete, and the stormwater management plan is complete. By June, the design drawing is to be 80% complete and 100% complete by mid-July. In August, bids should be awarded and construction will start in September or October, 2002.

RE: TREASURER, HARRY WHITT – DISCUSSION OF TAX BILLS

Harry Whitt, Treasurer, reported that the twice a year tax billing is going well. The tax bills were mailed out of his office on May 10, 2002, and will be due on June 25, 2002.

RE: APPOINTMENTS

a. Bay Consortium Workforce Investment Board – One Member to Serve a Two Year Term - (Mr. Allen Campbell does not wish to be reappointed) - Action on this appointment was tabled for 30 days.

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

Tom Smiley addressed the Board regarding the twice a year tax billing.

RE: BOARD OF SUPERVISORS' COMMENTS

D. L. Wright announced that the VFW Post #9501 on Route 30 will be holding a Memorial Day Service on May 26, 2002, at 3:00 p.m.

The VFW Post in West Point will also be holding a Memorial Day Service on May 24, 2002, at 10:00 a.m. at West Point High School

The County Administrator announced that approval has been received from the U. S. Department of Justice on the 2001 Redistricting Plan for King William County as submitted.

There being no further business to come before this Board, the meeting was adjourned.

COPY TESTE:

D. L. Wright, Chairman

Frank A. Pleva, County Administrator