

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF JUNE 23, 2008

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 23RD DAY OF JUNE, 2008, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PERSONS PRESENT:

C. T. REDD III, CHAIRMAN
O. O. WILLIAMS, VICE-CHAIRMAN
D. L. WRIGHT
C. L. SCHOOLS
T. G. SMILEY

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

RE: APPROVAL OF MEETING AGENDA

On motion by T. G. Smiley, seconded by O. O. Williams and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the following additions and changes: Item 6, Consent Agenda – add 6 (g) Approval of Tax Refund to Phillip M. Farmer, Jr.; add 6 (h) Employment of Ramonda Pollard as Recreation Coordinator; 6 (i) Change Item 7 to become Item 6 (i) Adoption of Resolution Commending Sarah Simmons on Her Receipt of the VFW Post #8356 Ladies Auxiliary Voice of Democracy Award; add 6(j) Authorization to County Administrator and County Attorney to Accept Deeds on Behalf of the County for the Transfer of Well Lots, Pump Stations, and Easements for McCauley Park, Section III, Kennington and Central Crossing; Under Item 9 (b) add: VPPSA – Renewal of Agreements - Steve Geissler, Executive Director; and Under Item 11 (a) Planning Matters – Public Hearing – Zoning Case #Z-03-03, Request to Revise Proffers, Tax Map Numbers 22-20; 22-20E; 22-20F; Owner: Kennington Place LLC – was Deferred at the Request of the Applicant until the Board’s regular August meeting.

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

LaVerne Abrams of 445 Spring Pleasant Drive, addressed the Board pertaining to Agenda Item 6 (e) “Adoption of Resolution Calling on Governor Kaine and the General Assembly to Enact a Significant Transportation Funding Package” and requested the Board not to adopt this Resolution based on information she presented from a recent newspaper article.

Herb White of 101 Bea’s Lane, spoke to the Board regarding the recommendation to be made to the Circuit Court Judge for appointment to the Board of Zoning Appeals, indicating that Mrs. Alice Washington, whose current term will expire on June 30th, has been an excellent Board member. She has served the County in this capacity for the past 18 years, and has always done an outstanding job. He asked the Board to recommend reappointment of Mrs. Washington, as she has been a real asset to the Board of Zoning Appeals and deserves the chance to be reappointed.

RE: CONSENT AGENDA

Prior to any action by the Board, D. L. Wright requested the County Administrator to review the Resolution being proposed for adoption concerning a transportation funding package. The County Administrator explained that the proposed Resolution Calling on Governor Kaine and the General Assembly to Enact a Significant Transportation Funding Package does not endorse or oppose any specific proposal by the Governor. It is a conceptual plan calling on the Governor and the General Assembly to enact a significant transportation funding package to include dedicated, new, significant and recurring annual revenues to address the Commonwealth’s documented transportation needs and to guard against the transfer of general funds to transportation.

On motion by T. G. Smiley, seconded by O. O. Williams and carried unanimously, the Board adopted the following items on its Consent Agenda:

- a. Minutes of the Regular Monthly Meeting of May 19, 2008, as written

b. Claims against the County for June, 2008, in the amount of \$967,102.56 as follows:

(1) General Fund Warrants #67684-67855 in the amount of \$706,658.03; Manual Check #14171 in the amount of \$2,026.64; Direct Deposits #11270-11386 in the amount of \$193,964.81; and Electronic Tax Payments in the amount of \$64,453.08

(2) For informational purposes, Social Services expenditures for the month of May, 2008, Warrants #306725-306759 in the amount of \$63,675.61, Direct Deposits #1888-1902 in the amount of \$25,557.65; and Electronic Tax Payment in the amount of \$9,008.89

(3) For information purposes, Circuit Court expenditures for the month of May, 2008, Warrants #67639-67646 in the amount of \$5,127.63; Direct Deposits #288-291 in the amount of \$10,196.56; and Electronic Tax Payment in the amount of \$3,559.32

(4) For informational purposes, Comprehensive Services Act Fund expenditures for May, 2008, Warrants #67666-67682 in the amount of \$65,922.38

(5) There were no tax refunds for the month of May, 2008.

c. Authorized advertisement of a Public Hearing to be held during the Board's regular monthly meeting on July 28, 2008, beginning at 7:00 p.m. in the Board Room of the County Administration Building to receive comments on the proposed amendment of King William County Code Chapter 18, Article III, Division 3 Entitled "Licenses Based on Gross Receipts" Reducing by \$0.10 the Repair, Personal & Business Services, and Financial, Real Estate, and Professional Services types of the BPOL Tax

d. Approved the employment of Ryan Fletcher as Environmental/Codes Compliance Officer. Mr. Fletcher will begin his duties with the County on July 1, 2008.

e. Adopted the following resolution calling on Governor Kaine and the General Assembly to enact a significant transportation funding package:

TRANSPORTATION FUNDING ISSUE RESOLUTION

WHEREAS, an efficient transportation network is crucial to sustainable economic growth in the Commonwealth, a cleaner environment and enhanced public safety and quality of life; and,

WHEREAS, the Commonwealth faces a documented transportation funding shortfall including a recurring and inflating road maintenance funding shortfall resulting in the Commonwealth Transportation Board eliminating and reducing programmed project spending totaling \$1.1 billion in the new six-year transportation program; and,

WHEREAS, the Virginia Department of Transportation is transferring almost \$400 million in Fiscal Year 2008 from road construction funds to support road maintenance activities; and,

WHEREAS, the eliminated and stalled project monies include primary, urban, and secondary construction funding reductions to regions and localities of up to 44 percent for Fiscal Year 2009; and,

WHEREAS, funding for new highway and bridge construction is diminished as the annual road maintenance shortfall continues to escalate and the estimate to repair the Commonwealth's 1,700 deficient bridges totals more than \$3 billion; and,

WHEREAS, regions of economic importance to the Commonwealth, including Hampton Roads and Northern Virginia, confront major transportation funding challenges in addition to those shared by all other areas of the Commonwealth; and,

WHEREAS, transferring state general funds to transportation neither adequately supports documented and recurring transportation infrastructure investment needs, nor serves to protect the Commonwealth's additional core services including public education, health care, mental health and retardation, and public safety; and,

WHEREAS, Virginia has the nation's seventh lowest motor vehicle sales tax rate and the Commonwealth last enacted dedicated, new, significant and recurring annual statewide revenues for transportation in 1986, including the last increase in Virginia's modestly low gas tax rate of 17.5 cents per gallon; and,

WHEREAS, since 2006, the Commonwealth has enacted significant reforms to improve the coordination between transportation and local land-use planning.

NOW, THEREFORE, BE IT RESOLVED, that the County of King William hereby calls on the Governor of Virginia and the Virginia General Assembly during the forthcoming transportation special session to enact a significant transportation funding package to include dedicated, new, significant and recurring annual revenues to address the Commonwealth's document transportation infrastructure needs.

BE IT FURTHER RESOLVED, that the Governor of Virginia and the Virginia General Assembly are urged to enact dedicated, new, significant and recurring annual revenues to eliminate the road maintenance shortfall; increase funding directed to interstate and primary highways, urban and secondary roads, and transit projects; guard against the transfer of general funds to transportation; and address the unique transportation needs of specific regions of the Commonwealth including initially Hampton Roads and Northern Virginia.

f. Approved a supplemental appropriation for the Emergency Services Department in the amount of \$ 19,213.56. This amount includes additional state funds of \$10,713.56 and new local funds of \$8,500.00. These additional local funds were

approved by the Board for the regional emergency management program last fall, but not appropriated.

g. Approved a tax rebate in the amount of \$53.22 for Phillip M. Farmer, Jr. Et Als.

h. Adopted the following Resolution commending Sarah Simmons on her receipt of the VFW Post #8356 Ladies Auxiliary Voice of Democracy Award

**A RESOLUTION COMMENDING SARAH SIMMONS
RECIPIENT OF THE VETERANS OF FOREIGN WARS POST 8356
LADIES AUXILIARY VOICE OF DEMOCRACY AWARD**

WHEREAS, Sarah Simmons was awarded the Voice of Democracy Award from the Veterans of Foreign Wars Post 8356 Ladies Auxiliary; and

WHEREAS, in order to receive the award, Sarah wrote a compelling essay explaining the impact veterans have had on her life; and

WHEREAS, as the award winner, Sarah received a jacket, trophy and scholarship check for \$300 and advanced to the state level, competing for a \$30,000 scholarship; and

WHEREAS, Sarah received tremendous applause when she read the essay to the Veterans of Foreign Wars Post 8356 and Ladies Auxiliary during their Christmas Party in December, 2007; and

WHEREAS, an 18-year-old graduate of West Point High School, Sarah maintained a 3.8 grade point average while she participated in numerous school activities including band, choir, cross country, track & field and softball; and

WHEREAS, outside of school, Sarah enjoys riding horses and is an active member of the Youth Group at Williamsburg Baptist Church, where she is a lifelong member; and

WHEREAS, in the fall, Sarah will attend Lake Erie College near Cleveland, Ohio; and

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors recognizes Sarah and congratulates her on all of her accomplishments; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors acknowledges Sarah's true appreciation of how veterans have had an impact on the lives of all Americans allowing us to live each day to the fullest; 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 Sarah and shall be spread upon the meeting minutes of said Board of Supervisors.

i. Approved the employment of Romanda Pollard as Recreation Coordinator in the Recreation Department to be effective June 30, 2008.

j. Authorized the County Administrator and the County Attorney to accept and execute utility deeds on behalf of the County for a pump station and access easement from Central Crossing, LLC ; a deed from McCauley Park, LLC for a pump station and access easement; and a deed from Kennington Place, LLC for a well lot.

RE: PRESENTATION OF "VIRGINIA SAVED BY THE BELT" AWARD –

SHERIFF JEFF WALTON

Sheriff Jeff Walton explained that all across the Commonwealth, law enforcement agencies recognize individuals who were involved in a traffic crash and, because they were wearing a safety belt or were in a child safety restraint, their injuries were reduced or their lives were saved. The Sheriff announced that King William County resident, Ms. Rosetta Baylor, was the survivor of a serious motor vehicle accident on Route 360 on April 18, 2008, thanks to her seat belt.

Frank Kowaleski, Law Enforcement Liaison for the Virginia Association of Chiefs of Police and Bob Weakley with the Department of Motor Vehicles, Virginia Highway Safety Office, presented Ms. Baylor with the "Saved by the Belt" Award.

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY

ADMINISTRATOR

a. Request for Abandonment of a Portion (0.024 mile) of Route 634, Kentucky Road - The County Administrator presented the request of Mr. J. Read Branch, Jr., a partner of Amazing Grace Associates, L.P., property owner of Kentucky Farm, to enlist the support of the Board to have VDOT abandon a portion of Route 634 (Kentucky Road) to the property line of Amazing Grace Associates, L.P. Said portion of this road is further described as "the last 0.024 mile of Route 634".

Residency Administrator, Charles Stunkle, explained the procedure for this requested abandonment stating that the Board must post three signs along this road stating its intent to consider, in public hearing, this abandonment, and also advertise notice of the public hearing in the local newspaper of record.

Thereupon, on motion by T. G. Smiley, seconded by D. L. Wright and carried unanimously, the Board authorized the County Administrator to proceed with these required notices for the conduct of a public hearing at the Board's August, 2008 meeting.

b. Route 1301 – Court House Lane - D. L. Wright thanked Mr. Stunkle and VDOT for placing the 25 MPH speed limit signs along Route 1301, Court House Lane.

c. Route 626, West of Route 30 - Mr. Stunkle announced that the requested Speed Study on Route 626, west of Route 30, has been completed, and the recommended speed limit is 45 MPH.

d. Route 615, Nelson's Bridge Road – Speed Study Completed - The Residency Administrator also announced that the Speed Study on Route 615, Nelson's Bridge Road has been completed, and that the current speed limit on Nelson's Bridge Road is set at 40 MPH between Route 30 and Etna Mills, and that the study recommends continuing the 40 MPH from Etna Mills out to the Hanover County line.

e. Route 30 in the Hamilton-Holmes School Area Speed Study – Mr. Stunkle reported that the Speed Study on Route 30 in the vicinity of Hamilton-Holmes School also has been completed, and that the traffic numbers are the same as reported previously. He indicated that 85% percentile of traffic is traveling just over 60 MPH and that the accident history in this area is low considering the traffic volume. There have only been three reported accidents. The Study indicates that no speed reduction is needed at this time.

RE: VIRGINIA PENINSULA PUBLIC SERVICE AUTHORITY (VPPSA) – STEVE GEISSLER, EXECUTIVE DIRECTOR

VPPSA Executive Director, Steve Geissler, appeared before the Board to present updated agreements between King William County and the Virginia Peninsula Public Service Authority for Solid Waste Disposal Services, for Debris Removal, Reduction and Disposal for Hurricanes and Other Disasters. He also presented a status report regarding Drop Off Recycling.

Mr. Geissler explained that VPPSA received proposals from three firms for Solid Waste Disposal Service on behalf of the counties of Essex, King William, Mathews and Middlesex, and that the VPPSA Board of Directors approved agreements with all three firms at its meeting in June. He indicated that the Service Agreement between VPPSA and the County of King William has also been approved by the VPPSA Board. This Agreement sets forth the rights, duties and responsibilities of VPPSA and the County with respect to the delivery of solid waste to these disposal facilities.

In addition, Mr. Geissler presented and reviewed the Debris Removal, Reduction, and Disposal Services For Hurricanes and Other Disasters Service Agreement between VPPSA and King William County. He explained that VPPSA received 12 proposals for this service in response to their RFP issued on behalf of the member jurisdictions, the City of Newport News, Gloucester County, and VDOT. These proposals were reviewed by a committee and three firms were selected for award of contracts. The VPPSA Board of Directors has approved agreements with all three firms. The Agreement being presented to the Board has also been approved by the VPPSA Board. Continuing his explanation, Mr. Geissler stated that the Service Agreement makes the services of all three contractors available to King William County in the event that such services are needed. King William County makes the sole determination to use the services, can choose to use any of the three contractors and is under no obligation to use any of these contractors in the event such services are needed.

He also provided a brief overview of the drop off recycling program which has been in existence in the County since 1993. He explained that through the first 8 years of the program, a contractor provided collection of the recyclables. There was no fee for processing the material, and no revenue was provided. In 2001, VPPSA began hauling the recyclables to facilities for processing. A small fee was paid for processing of the containers (plastic, aluminum, steel and glass), and a small payment was received for the paper recyclables (corrugated cardboard, newsprint, and mixed paper). The net income received for the recyclables has been essentially zero.

The County has been billed by VPPSA for hauling the recyclables to the processing facilities. These costs paid by the County include container rental fees, hauling costs and an administrative fee. In FY-06 the cost was \$28,300.00 and in FY-07 the cost was \$30,100.00. Mr. Geissler further explained that during the past year VPPSA has secured a number of outlets for the sale of the recyclables, and has a number of agreements in place and is receiving significant revenue from the sale of the recyclables. All of this revenue is being returned to King William County through a reduction in the hauling costs. It is therefore anticipated that the FY-08 costs to the County for the program will be \$19,600.00. Since FY-09 will be the first full year with

the new agreements in place for the sale of recyclables, it is estimated that the cost will be approximately \$12,000.00 for the year if participation remains unchanged.

Continuing, Mr. Geissler explained that in FY-09, the cost for disposal at the landfill will be \$23.25 per ton. In the recycling program, VPPSA will receive \$2.00 per ton for the container recyclables and an average of \$90.00 per ton for paper recyclables. He requested the Board to encourage County residents to participate in the drop-off recycling program, especially paper recycling, as it can reduce the County's cost for solid waste management.

Thereupon, on motion by C. L. Schools, seconded by T. G. Smiley and carried unanimously, the Board accepted the Agreement for Solid Waste Disposal Services and the Agreement for Debris Removal, Reduction and Disposal For Hurricanes and Other Disasters between King William County and VPPSA.

RE: SCHOOL MATTERS – DR. MARK R. JONES SUPERINTENDENT

a. Discussion of Annual Appropriations by Category - Dr Mark Jones, School Superintendent, addressed the Board requesting that the annual 2008-09 School Budget be appropriated to the School Board in a lump sum of \$24,581,900.00.

b. Appropriation of School Operating Funds

Thereupon, on motion by D. L. Wright, seconded by O. O. Williams and carried with the following vote, the Board appropriated the lump sum of \$24,581,900.00 in the FY-09 Budget to the School Board.

C. T. Redd III	Aye
D. L. Wright	Aye
C. L. Schools	Nay
T. G. Smiley	Aye
O. O. Williams	Aye

RE: PLANNING MATTERS – SCOTT LUCCHESI, COMMUNITY

DEVELOPMENT DIRECTOR

a. Public Hearing – Zoning Case #Z-03-03, Request to Revise Proffers, Tax Map Numbers 22-20; 22-20E; and 22-20F – Owner: Kennington Place, LLC - Scott Lucchesi, Community Development Director, advised the Board that a written request has been received from the applicant asking for a 60-day deferral on this case.

Thereupon, on motion by C. L. Schools, seconded by T. G. Smiley and carried unanimously, the Board rescheduled the public hearing on this request until its August 25, 2008, meeting.

b. Public Hearing – Zoning Case #CUP-03-00, Request to Renew a Conditional Use Permit, Tax Map Number 77-33A – Owner/Applicant: Essex Concrete Corp. - Zoning Administrator, Susan Blackburn, presented the request from Essex Concrete Corp. to renew the approval of Conditional Use Permit – CUP-03-00 on 20 acres of a total parcel of 200 acres located on the eastern side Route 600 (West River Road) approximately 1500 feet north of the intersection with Route 609 (Smokey Road), for the purpose of sand and gravel mining. Further, Ms. Blackburn explained that sand and gravel have been extracted from this site known as Vermont Farm since 1998 under Conditional Use Permit CUP-03-00 approved by the County to extract material. The original permit was issued to Agglite of Virginia. In 2000, Aylett Sand and Gravel, a division of Essex Concrete, took over the operations as a subcontractor.

Continuing, Ms. Blackburn advised that this application is submitted to comply with the condition #20 of the existing approval, which requires a renewal of the permit every 2 years in order to continue activity on the site. The activity on this site will be reclamation, as Essex Concrete is no longer extracting material from the site. Since this portion of Vermont Farm is adjacent to the Mattaponi River, the applicant has chosen to create wetlands on all 200 acres of this parcel. A Reclamation Plan has been completed and approved by the Department of Mines and Minerals. According to this plan, it will take approximately two to three years to initiate and complete the project. The Department of Mines and Minerals will be the regulatory agency.

Further, Ms. Blackburn indicated that after reviewing the file and the Reclamation Plan, staff supports the Planning Commission recommendation of approving this request to renew CUP-03-00 with the following conditions as part of the approval:

1. This Conditional Use Permit is subject to all requirements of Section 86-664 of Chapter 86 of the King William County Code.
2. The boundaries for the excavation of sand and gravel shall be confined to areas as shown on the sketch plan entitled “Agglite of Virginia” drawn by Dillard and Marion, P.C. dated February 1, 1999 and sealed and signed on March 5, 1999, containing a 100 ft. RPA buffer along the perimeter of the river and 200 ft. buffer where possible.

3. Any and all construction will be constructed as shown on the plat. Any future buildings containing power driven or power-producing machinery or equipment shall be at least six hundred feet distant from all adjacent property or the right of way lines of any existing or platted street road or highway.
4. Access to the excavation area shall be only via the proposed improved access as shown on the sketch plan: a 4 inch deep gravel base, 20 feet wide within a 50 feet right of way and shall have proper drainage.
5. The plan of operation rehabilitation of the expanded area shall comply with the applicable requirement of the Virginia Department of Mines, Minerals, and Energy (DMME) and be submitted to the King William County Department of Community Development prior to mining the new expanded area.
6. The operation of excavation of sand and gravel shall be confined to a maximum period between 7:00 am – 5:00 pm, Monday through Friday, and 8:00 am – 12:00 pm on Saturday.
7. If the Conditional Use Permit issued by the Board of Supervisors shall have expired or whenever the operation shall have ceased for any period exceeding twelve consecutive months, all the plants for processing sand and gravel, buildings, structures (excluding fences), stockpiles and equipment shall be entirely removed from the premises and the site shall be restored pursuant to any permits granted by the Virginia Department of Mines, Minerals, and Energy.
8. A sprinkler system shall be maintained and utilized to minimize dust erosion from occurring along the roads.
9. Above ground tanks for the storage of fuel for the machinery used to mine the sand and gravel on the existing processing site shall be limited to 10,000 gallons. Such tanks shall be a minimum of 600 feet from adjoining property lines.
10. The applicant shall meet all requirements of the Virginia Department of Transportation including sight distance, taper/turning land and entrance permit.
11. The number of truckloads of material leaving this site shall be no more than 110 per day for as long as joint operations are in effect between Agglite and Aylett Sand and Gravel.
12. If a modular office building and/or modular home is brought to the site, then indoor bathroom/restroom facilities must be provided. Otherwise, portable restroom facilities will be acceptable.
13. The U. S. Army Corps of Engineers must approve the wetlands delineation on the plat.
14. That no hauling of gravel, sand, or other material will take place from the Aylett Sand and Gravel site on Route 628 for as long as the agreement is in place between Agglite and Aylett Sand and Gravel to haul gravel from the Vermont Farm site (the Agglite site) on Route 600. Furthermore, should the agreement between Agglite and Aylett Sand and Gravel be terminated, the maximum number of daily truckloads to be hauled from the Vermont Farm site will revert back to no more than 50 truckloads per day during the seasonal peak time from April 1 through September 30 each year and a limit of 40 per day during the remainder of the year.

15. That only trucks owned by Aylett Sand and Gravel will be used for these operations.
16. That all trucks must adhere to the posted speed limits.
17. That all trucks must clearly display a truck identification number at least 4 inches in height.
18. That the trucks must adhere to the hours of operation as stipulated by condition #6.
19. That Agglite and Aylett Sand and Gravel will hold quarterly meetings with the public at large in the Route 600 community to address citizen concerns.
20. That this approval is in effect for a period of two years (until June 30, 2010) to complete the restoration of the site into wetlands. All applicable permits must be obtained from the appropriate local, state or federal agency/department to ensure compliance throughout the reclamation process. If the reclamation work is not complete at the end of the two year period; the applicant must seek an extension of the Conditional Use Permit from the Board of Supervisors.

Thereupon, the Chairman declared the public hearing open for comments and the following persons appeared to speak:

Kent Cooke, of Aylett Sand and Gravel, a division of Essex Concrete, advised the Board that he and his family and been mining sand and gravel from the Route 600 site for 25 years, and also reiterated some of the points made by the Zoning Administrator. He indicated that if this request is approved, work on the reclamation will begin as soon as possible.

Jeanette Wagner, a neighboring property owner, told the Board that Essex Concrete has been a good corporate citizen. They have abided by all the conditions set forth and deserve to be granted this Conditional Use Permit renewal.

There being no other persons appearing to speak, the public hearing was declared closed by the Chairman.

c. Consideration of Action on Zoning Case #CUP-03-00 - On motion by C. L. Schools, seconded by D. L. Wright and carried with the following vote, the Board accepted the recommendation of the Planning Commission and staff and approved the application of Aylett Sand and Gravel (a division of Essex Concrete) for renewal of Conditional Use Permit CUP-03-00 for a period of two years ending June 30, 2010, with the above stated conditions as presented in public hearing.

C. T. Redd III	Abstain (Stated conflict in that his company does business with Essex Concrete)
O. O. Williams	Aye
D. L. Wright	Aye
C. L. Schools	Aye
T. G. Smiley	Aye

RE: KING WILLIAM COUNTY CODE MATTERS – FRANK A PLEVA,

COUNTY ADMINISTRATOR

a. Public Hearing – Proposed Amendment to King William County Code Entitled “Central Absentee Voter Precincts” - County Administrator, Frank A. Pleva, presented the proposed amendment to King William County Code Chapter 27, Elections, Article II. Central Absentee Precinct, Section 27-31, Central Absentee (Voter) Precinct Established. He explained that the proposed amendment would establish a central absentee voter precinct to be used to receive, count and record absentee ballots cast in all elections within the County, including the Town of West Point. The proposed central absentee voter precinct would be located in the Electoral Board Room in the Administration Building at 180 Horse Landing Road, King William, Virginia 23086. He indicated that this proposed establishment of a central absentee voter precinct would meet the federal and state mandates.

Thereupon, the public hearing for comments was declared open by the Chairman and the following persons appeared to speak:

Susan Mickens, Voter Registrar for King William County, explained that establishment of a central absentee (voter) precinct (CAP) is being mandated by federal law and is to be approved by the U. S. Department of Justice. Under the guidelines of the Help America Vote Act (HAVA), each County must be in compliance.

LaVerne Abrams, King William County Electoral Board Secretary, also addressed the Board indicating that in the past, absentee ballots had to be taken to each precinct on election day and not opened until the polls closed at 7:00 p.m. The establishment of the central absentee voter precinct will greatly help to expedite getting the results of an election.

There be no other persons appearing to speak for or against the proposed amendment, the public hearing was declared closed by the Chairman.

b. Consideration of Action - On motion by T. G. Smiley, seconded by C. L. Schools and carried with the following vote, the Board adopted the following

amendment to the King William County Code, Chapter 27, Article II, Section 27-31, Central Absentee (Voter) Precinct Established.

CODE OF KING WILLIAM COUNTY, VIRGINIA
AMENDMENT PERTAINING TO
THE ESTABLISHMENT OF A
CENTRAL ABSENTEE (VOTER) PRECINCT

Add the following language:

Chapter 27. Elections

Article I. In General

Sections 27-1 – 27-30. Reserved.

Article II. Central Absentee Precinct

Sec. 27-31 Central Absentee (Voter) Precinct Established.

A Central Absentee (Voter) Precinct is hereby established to receive, count and record absentee ballots cast for all elections within the county, including the Town of West Point. The polling place for the central absentee precinct shall be the Electoral Board Room in the King William County Administration Building at 180 Horse Landing Road, King William, Virginia 23086.

C. T. Redd III	Aye
O. O. Williams	Nay
D. L. Wright	Aye
C. L. Schools	Aye
T. G. Smiley	Aye

c. Public Hearing – Proposed Amendment to King William County Code Section 70-45, “Biennial Assessment and Equalization” to Reflect a Reassessment Schedule of Every Three Years - County Administrator, Frank A. Pleva, advised that this public hearing is being held to consider the following proposed amendments of Section 70-45 “Biennial Assessment and Equalization” to Chapter 70, “Taxation”, of Article II, “Real Property Tax” of the Code of King William County, Virginia: This proposed amendment, if adopted, will reflect a reassessment schedule of every three years instead of every two years.

Section 70-45. ***Three-Year Assessment and Equalization Cycle***

As authorized by Section 58.1-3253 of the Code of Virginia, 1950, as amended, there shall be an ***assessment and equalization of assessments of all real property on a three-year cycle*** in the County. All real estate shall be assessed as of January 1. The effective date of the first such assessment shall be January 1, **2011**.

Thereupon, the public hearing was declared open for comments by the Chairman.

No persons appeared to speak.

Whereupon, the public hearing was declared closed.

d. Consideration of Action - On motion by D. L. Wright, seconded by O. O. Williams and carried unanimously, the Board adopted the above stated amendment to the Code of King William County, Virginia, Chapter 70, "Taxation", of Article II, "Real Property Tax", Section 70-45 "Biennial Assessment and Equalization".

**RE: DISCUSSION OF MEALS TAX REFERENDUM ON NOVEMBER
BALLOT**

Frank A. Pleva, County Administrator, stated that Section 58.1-3833 of the Virginia Code authorizes Boards of Supervisors to levy a tax on food and beverages sold, for human consumption, by a restaurant, not to exceed 4.0% of the amount charged for such food and beverages. This tax can only be levied if it is approved in a referendum within the County. The Board may pass a Resolution to initiate such a referendum. If such Resolution of the Board states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used.

Continuing, Mr. Pleva stated that whenever any question is to be submitted to the voters of the County, the referendum shall be held pursuant to a court order as provided by statute.

L. M. Chenault, County Attorney, advised the Board that he has confirmed with the U. S. Department of Justice that the County will need to file for pre-clearance to place this referendum on the ballot in November. To accomplish this, authorization is needed from the Board for the County Administrator and the County Attorney to take the necessary steps to have this referendum. A petition is to be filed with the Circuit Court of King William County which seeks permission to have the referendum, and Judge Hoover will have to sign an order giving the County permission to go forward. All of these documents are then to be filed with the Voting Rights Section of the U. S. Department of Justice to seek clearance to have the referendum. Further, the Justice

Department has a 60 day time period from the time the application is complete to act on the County's submission for clearance.

Thereupon, on motion by T. G. Smiley, seconded by D. L. Wright and carried unanimously, the Board adopted the following Resolution Initiating a Voter Referendum on the Question of Whether the Board of Supervisors of King William County Should be Authorized to Implement a Meals Tax:

**A RESOLUTION INITIATING A VOTER REFERENDUM ON THE
QUESTION OF WHETHER THE BOARD OF SUPERVISORS OF KING WILLIAM
COUNTY SHOULD BE AUTHORIZED TO IMPLEMENT A MEALS TAX**

WHEREAS, the Board of Supervisors, prior to its adoption of the Budget for fiscal year 2008-09, reviewed in great detail the County's revenue streams having had Budget workshops on March 14, 2008, and March 18, 2008; and,

WHEREAS, the Board of Supervisors was forced to raise the real estate tax rate 12 cents over the equalized rate of 69 cents for the previous tax year to provide the level of services demanded by its citizens; and,

WHEREAS, the Board of Supervisors understands that by raising this rate it has added to the tax burden of all King William County real estate property owners; and,

WHEREAS, the Board of Supervisors desires that this burden be shared more broadly to include citizens traveling through the County who require services as well as our residents; and,

WHEREAS, the Board of Supervisors may establish a meals tax with the approval of a referendum by its citizens; and,

WHEREAS, a meals tax, i.e. a tax on food and beverages sold by restaurants, caterers, etc., would strengthen and diversify the revenue sources of King William County; and,

WHEREAS, the implementation of a meals tax would reduce King William County's dependence upon the real estate tax as a revenue sources; and,

WHEREAS, a substantial portion of any meals tax implemented in King William County would be paid by visitors to the County; and,

WHEREAS, meals taxes paid by tourists visiting the County and motorists driving through the County would help to offset the costs of law enforcement, fire and emergency services, public education, and capital improvement expenditures, including debt service; and,

WHEREAS, a meals tax enacted in King William County would not be applicable to sales occurring within the Town of West Point, because the Town already has a meals tax; and,

NOW, THEREFORE, BE IT RESOLVED, by the King William County Board of Supervisors that the County Attorney be directed to file a petition with the Circuit Court of King William County to request a writ of election for a referendum to be held on November 4, 2008, on the following question:

“For the purpose of reducing dependence on the real estate tax, shall the Board of Supervisors be authorized, pursuant to Va. Code Section 58.1-3833, to implement a meals tax in King William County equal to four percent (4.0%) of the amount charged for the meal (applicable only to sales outside of the Town of West Point which already has a meals tax) with the tax collected to be used to offset the costs of law enforcement, fire and emergency services, public education, and capital improvement expenditures, including debt service?”

BE IT FURTHER RESOLVED, that the County Administrator and the County Attorney be directed to prepare an explanation of the referendum question in accordance with the requirements of Va. Code Section 24.2-687 and to take further actions as may be required for this question to be presented to the voters of King William County.

T. G. Smiley	Aye
O. O. Williams	Aye
D. L. Wright	Aye
C. L. Schools	Aye
T. G. Smiley	Aye

RE: DISCUSSION OF KING WILLIAM COUNTY CODE PROPOSED AMENDMENTS - RELATING TO ANIMALS RUNNING AT LARGE; PARKING; LOITERING

On motion by T. G. Smiley, seconded by D. L. Wright and carried unanimously, the Board determined that a work session date with the Board of Supervisors, Animal Control Officers, Sheriff, and Staff members should be set to discuss proposed amendments.

RE: APPOINTMENTS

a. Economic Development Authority – Two Members, Four Year Terms – Terms of E. L. “Dick” Campbell, Sr. and Garland E. Jenkins Expire 6/30/08 (NOTE: Mr. Campbell is not seeking reappointment) - On motion by T. G. Smiley, seconded by D. L. Wright and carried unanimously, the Board reappointed Garland E. Jenkins to serve a four year term on the King William County Economic Development Authority. Said term will expire June 30, 2012.

In addition, this motion made by T. G. Smiley, seconded by D. L. Wright and carried unanimously, included the appointment of Eugene L. Campbell, Jr. for a four year term on the King William County Economic Development Authority ending June 30, 2012.

b. Planning Commission – One Member, Four Year Term, Term of David R. Ford Expires 6/30/08 - On motion by C. L. Schools, seconded by T. G. Smiley and carried unanimously, the Board reappointed David R. Ford to serve as a member on the King William County Planning Commission for a term of four years ending June 30, 2012.

c. Recreation Commission – Three Members, Three Year Terms, Term of Delores A. Owens (Election District #3) Expires 6/30/08; Term of Rosalin E. Ball (West Point School System Representative) Expires 6/30/08; Term of Thomas G. Smiley (Board of Supervisors Member) Expires 6/30/08 - On motion by T. G. Smiley, seconded by D. L. Wright and carried unanimously, the Board appointed Eugene Rivara of the Third Election District to serve a three year term on the Recreation Commission, and appointed Board of Supervisors member, C. L. Schools, to serve a three year term. Both terms will expire June 30, 2011.

Appointment of a representative from the West Point School System was tabled until the Board's July meeting.

d. Social Services Board – Two Members – Four Year Terms, Terms of Elizabeth A. Donoghue and Rev. Leo C. Wagner Expire 6/30/08 (NOTE: Ms. Donoghue is not seeking reappointment) - On motion by D. L. Wright, seconded by O. O. Williams and carried unanimously, the Board appointed Ms. Brenda B. Clements and reappointed Rev. Leo C. Wagner to serve as members on the King William County Board of Social Services, each for a term of four years, ending June 30, 2012.

e. Board of Zoning Appeals – One Member, Five Year Term, Term of Alice L. Washington Expires 6/30/08, recommendation to Judge of Circuit Court for Appointment - On motion by T. G. Smiley, seconded by O. O. Williams and carried unanimously, the Board recommends the name of Ms. Alice L. Washington to the Judge of the Circuit Court for reappointment for a five year term as a member of the King William County Board of Zoning Appeals. Said term will expire June 30, 2013.

f. Middle Peninsula Planning District Commission – One Citizen Member – One Year Term – Term of Robert F. (Dick) Brake Expires 6/30/08 - On motion by O. O. Williams, seconded by D. L. Wright and carried unanimously, the Board reappointed Robert F. (Dick) Brake to serve on the Middle Peninsula Planning District

Commission as the citizen member representing King William County for a one year term. Said term will expire June 30, 2009.

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

a. Ms. Alice L. Washington addressed the Board to express her appreciation for its support in reappointing her to serve another term on the Board of Zoning Appeals.

b. Steve Tupponce, Chairman of the King William County School Board thanked the Board for authorizing the lump sum appropriation by categories of the FY-09 School Budget.

c. Gene Campbell expressed his appreciation to the Board for appointing him to serve on the Economic Development Authority.

d. Phil Rose questioned why more new persons were not appointed to fill the community service positions.

e. Herb White asked the Board to consider including discussion concerning the prohibition of firing of weapons in residential neighborhoods during their upcoming Work Session on proposed amendments to the King William County Code.

RE: BOARD OF SUPERVISORS' COMMENTS

D. L. Wright reported on a Town Hall meeting he held in June and thanked everyone for their attendance. He announced that he will holding another such meeting on August 19th beginning at 7:00 p.m. in the Board Room of the County Administration Building, and invited all to attend.

O. O. Williams thanked Mrs. Alice Washington for her years of service on the Board of Zoning Appeals and for her interest in continuing to serve.

C. L. Schools expressed appreciation to all persons who applied for the Community Service positions.

T. G. Smiley thanked everyone for their interest in County government and for their attendance at this meeting.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711A(7) OF THE CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH LEGAL

**COUNSEL EMPLOYED AND RETAINED BY THE BOARD OF SUPERVISORS
REGARDING SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF
LEGAL ADVICE BY SUCH COUNSEL PERTAINING TO: THREATENED
LITIGATION REGARDING THE CONSTRUCTION OF THE REGIONAL ANIMAL
SHELTER; AND ACTUAL LITIGATION ENTITLED PORCH CONSTRUCTION, LLC
VS. W. T. GATEWOOD, ET AL.**

On motion by D. L. Wright, seconded by T. G. Smiley and carried with a unanimous roll call vote, the Board entered closed meeting pursuant to Section 2.2-3711A(7) of the Code of Virginia, 1950, as amended, for the above stated.

Having completed the closed meeting, the Board reconvened in open meeting, on motion by T. G. Smiley, seconded by O. O. Williams and carried with a unanimous roll call vote.

In accordance with Section 2.2-3412D of the Code of Virginia, 1950, as amended, D. L. Wright moved that the King William County Board of Supervisors adopt the following resolution certifying that this closed meeting's procedures comply with the requirements of the Virginia Freedom of Information Act. This motion was seconded by T. G. Smiley and carried with a unanimous roll call vote.

RESOLUTION

WHEREAS, the King William County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3417D of the Code of Virginia, 1950, as amended, requires a certification by the King William County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors hereby certifies that, to each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification resolution applies, by the King William County Board of Supervisors.
2. Only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered in the closed meeting by the King William County Board of Supervisors.

RE: ACTION ON CLOSED MEETING MATTERS

On motion by T. G. Smiley, seconded by O. O. Williams, the Board of Supervisors unanimously voted to authorize the Chairman of said Board and the

County Attorney to execute the Completion Agreement for the Regional Animal Shelter Project between King William County and Grand Metro Builders, Inc., including the modifications to the Agreement considered in the closed meeting.

RE: ADJOURNMENT OF MEETING

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

COPY TESTE:

Frank A. Pleva, County Administrator