

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF AUGUST 26, 2002

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 26TH DAY OF AUGUST, 2002, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURTHOUSE, 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
FRANK 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.

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

Dr. Brenda Cowlbeck, Superintendent of Schools, presented each of the Board members a “King William High School All Season Sports Pass”. Dr. Cowlbeck also indicated to the Board that although construction is underway at the High School, site cleanup and fencing around the construction area have been done, and everything is ready for school opening day.

RE: CONSENT AGENDA

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

- a. Minutes of the regular meeting of July 22, 2002
- b. Claims against the County for August, 2002, in the amount of \$2,188,776.12 as follows:

(1) General Fund Warrants #51573-51815 in the amount of \$1,942,792.83 (FY-02 = \$64,564.39; FY-03 = \$1,878,228.44) and manual checks in the amount of \$121,168.36 (FY-02 = \$484.33; FY-03 = \$120,684.03); Direct Deposits #3816-3919 in the amount of \$142,460.67; and Electronic Tax Payment in the amount of \$47,402.98

(2) For informational purposes, Social Services expenditures for the month of July, 2002, Warrants #301844-301909 in the amount of \$27,833.14; Direct Deposits #638-652 in the amount of \$20,495.78; and Electronic Tax Payment in the amount of \$7,515.83

(3) For informational purposes, Circuit Court expenditures for the month of

July, 2002, Warrants #51573-51582 in the amount of \$6,199.13 and Direct Deposits #51-53 in the amount of \$6,592.22

(4) For informational purposes, Comprehensive Services Act Fund expenditures for July, 2002, Warrants #51573-51598 in the amount of \$25,901.90

(5) There were no Tax Refunds for the month of July, 2002.

c. Adopted a Resolution Authorizing King William County to Submit an Application to VPSA Literary Fund Subsidy Sale and to Schedule a Public Hearing. (See attached copy of Resolution)

d. Adopted a Resolution Authorizing King William County to Submit an Application to VPSA for \$7,000,000 and to Schedule a Public Hearing. (See attached copy of Resolution)

e. Authorized advertisement of a public hearing set for September 23, 2002, during the Board's regular monthly meeting beginning at 7:00 p.m. to consider Zoning Case #Z-06-01, Request for Amendment to Revert Portion of R1 Zoned Property Back to A/C and Rezone Similar Size Area R1 – Applicant: 3M Farms, LLC, Wayne McDougle

f. Authorized advertisement of a public hearing set for September 23, 2002, during the Board's regular monthly meeting beginning at 7:00 p.m. to consider Zoning Case #Z-04-02, Request for Rezoning of Tax Map Section 27, Parcels 30, 30D, and part of 34, from A/C to R1, Applicant: Balducci Developers, LLC

g. Authorized advertisement of a public hearing set for September 23, 2002, during the Board's regular monthly meeting beginning at 7:00 p.m. to consider Zoning Case #Z-05-02, Request for Rezoning of 80 Acres Described as Tax Map Section 34, Parcel 7J, from A/C to B2, Applicant: King William Land Development Group, William Pohlig & Stuart "Sonny" Haynes

h. Adopted the following Resolution Requesting the Governor of the Commonwealth of Virginia to Declare King William County as a Drought Disaster Area:

**RESOLUTION REQUESTING THE GOVERNOR OF THE COMMONWEALTH
OF VIRGINIA TO DECLARE KING WILLIAM COUNTY
AS A DROUGHT DISASTER AREA**

WHEREAS, King William County has been subjected to severe drought conditions that began in earnest in August, 2001, and continue to the present day; and,

WHEREAS, the drought conditions, combined with the severe heat of June and July, 2002, have resulted in significant losses to the farmers of King William County, particularly, as it relates to row crops, hay fields, and pastures; and,

WHEREAS, by being declared a drought disaster area by the Governor of the Commonwealth of Virginia, the farmers of King William County would be eligible for a number of disaster relief programs, including low interest emergency loans, emergency conservation programs, livestock assistance programs, and technical assistance.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of King William County, Virginia, hereby requests that the Governor of the Commonwealth of Virginia declare King William County a drought disaster area; and,

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the Governor of the Commonwealth of Virginia, King William County's Legislative Delegation, and the local office of the

Virginia Cooperative Extension.

- i. Adopted the following Resolution in Commemoration of September 11, 2001:

RESOLUTION ON SEPTEMBER 11 COMMEMORATION

WHEREAS, on September 11, 2001, America was suddenly and brutally attacked by foreign terrorists; and,

WHEREAS, these terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, a third into the Pentagon outside Washington, D. C., and the fourth into a field in Somerset County, Pennsylvania; and,

WHEREAS, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders; and,

WHEREAS, these cowardly acts were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve; and,

WHEREAS, these horrific events have affected all Americans. It is important that we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American people, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall and proud.

THEREFORE, BE IT RESOLVED, that the governing Board of King William County supports the President of the United States, as he works with his national security team to defend against additional attacks, and find the perpetrators to bring them to justice; and,

BE IT STILL FURTHER RESOLVED, that the governing Board of King William County recommends to its citizens to support relief efforts by giving blood at the nearest available blood donation center.

RE: MIDDLE PENINSULA REGIONAL AIRPORT AUTHORITY, GEORGE ZAHN, CHAIRMAN – CONSIDERATION OF RESTATED AGREEMENT

George Zahn, MP Regional Airport Authority Chairman, and Dan Kavanagh, Executive Director of the MP Planning District Commission, appeared before the Board seeking adoption of a Resolution approving the Middle Peninsula Regional Airport Authority Amended and Restated Agreement. Mr. Kavanagh indicated that the changes made to the Agreement are of a clarifying nature and do not change any terms that the localities have previously agreed to.

On motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the following resolution approving the Middle Peninsula Regional Airport Authority Amended and Restated Agreement:

RESOLUTION

BE IT RESOLVED by the King William County Board of Supervisors, that the Middle Peninsula Regional Airport Authority Amended and Restated Agreement, in substantially the form submitted to this meeting and attached hereto is approved, and the County Administrator is authorized and directed to execute and deliver the same, and to take the necessary actions to carry out the obligations of the County of King William thereunder.

RE: MIDDLE PENINSULA-NORTHERN NECK COMMUNITY SERVICES BOARD – FRANK TETRICK, EXECUTIVE DIRECTOR – CONSIDERATION OF APPROVAL OF THE FY-03 PERFORMANCE CONTRACT AND OPERATING BUDGET

Mr. Frank Tetrick, Executive Director of the MP-NN Community Services Board, presented

the Fiscal Year, 2003, Performance Contract and Operating Budget for the Board's review.

On motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the following resolution approving the MP-NN Community Services Board Performance Contract for FY-03:

**RESOLUTION
APPROVING MP-NN COMMUNITY SERVICES BOARD
PERFORMANCE CONTRACT FOR FY-03**

WHEREAS, Section 37.1-198 of the Code of Virginia, 1950, as amended, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, an annual performance contract for community mental health, mental retardation and substance abuse services, for its approval prior to submission of the contract to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services; and,

WHEREAS, the Middle Peninsula-Northern Neck Community Services Board has put forward its proposed Performance Contract for Fiscal year, 2003, for approval by the Boards of Supervisors of its governing counties of Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that the Performance Contract prepared by the Middle Peninsula-Northern Neck Community Services Board for Fiscal Year, 2003, and presented to the Board is hereby approved, and may be forwarded to the Department of Mental Health, Mental Retardation and Substance Abuse Services as further required.

RE: VDOT MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER

Charlie Stunkle, VDOT Resident Engineer, was present to report on the following:

- a. Route 644 – Old Foot Path Road – Mr. Stunkle reported that construction on this route is now completed.
- b. Route 671 – Mangohick Circle - It was also reported by Mr. Stunkle that the paving project on this route has been completed.
- c. House Bill #659 – Rural Rustic Road Program - Mr. Stunkle briefly informed the Board of House Bill #659, the Rural Rustic Road Program, which mandates VDOT to establish such a Program, meeting certain specifications and guide lines. He indicated that King William County probably has no roads that fit into this category.
- d. Setting of Date for Joint Work Session with Board on the FY, 2004, Six Year Plan for Secondary Roads - By general consensus, the Board set a joint work session with VDOT to be held during the Board's regular monthly meeting of September 23, 2002, to review the FY-2004 Six Year Plan for Secondary Roads in King William County

RE: BUSINESS TAX ORDINANCES

- a. Public Hearing – Proposed Business, Professional, Occupational License (BPOL) Tax Ordinance and Rates - Frank Pleva, County Administrator, and Terri Hale, Assistant County Administrator, reviewed for the Board the proposed BPOL Tax Ordinance and proposed rate alternatives, and indicated that if, after the public hearing is completed, the Board chooses to adopt the proposed BPOL Ordinance and rates, then the existing Merchants' Capital Tax Ordinance would have to be repealed. If adopted, the BPOL Tax will become effective January 1, 2003, with taxes

being due March 1 of each year. The first tax/license year beginning January 1, 2003, would be based on gross receipts for calendar year, 2002.

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

Ralph Jones, President of the King William Business Association, indicated that many of the Association members have questions as to how the proposed Ordinance will affect them individually.

Wesley Walker, owner of Abbott Truck Sales in Aylett, stated his opinion that small businesses will suffer if this proposed BPOL Tax is adopted.

Joan McKeever, a resident of King William County for 25 years, indicated that her husband's business is located in King William County, but he does work in several counties. She questioned how the County, by using his gross receipts as a base, will determine the tax amounts due for work done only in King William County.

Tom Hardyman, a surveyor in the County, stated that the proposed tax rates are too high, that it may cause him to move his business out of the County.

Ralph Jones, speaking as a local business person, stated he has a problem with not knowing what the tax amount will be. He questioned why the tax rate revenue was not included in the FY-02 Budget.

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

In discussing this proposed BPOL Tax Ordinance and Rate, C. T. Redd, III indicated that it will generate about the same amount of revenue that the existing Merchants' Capital Tax now does, but the money will be coming from more tax payers than the Merchants' Capital is, so it will spread the tax burden out.

b. Public Hearing – Proposed Appeal of Merchants' Capital Tax Ordinance Frank Pleva, County Administrator, indicated to the Board that pursuant to the Code of Virginia, 1950, as amended, localities are prohibited from imposing both a Merchants' Capital tax and a BPOL tax on the same businesses, therefore, the Board must appeal the existing Merchants' Capital tax if a BPOL tax is adopted.

Thereupon, the Chairman declared the public hearing open for comments. No persons appeared to speak. On motion by L. E. Byrum, Jr., seconded by C. T. Redd, III and carried unanimously, the public hearing was declared closed.

c. Consideration of Adoption of BPOL Tax Ordinance and Rates - On motion by C. T. Redd, III, seconded by R. S. Diggs and carried with the following roll call vote, the Board adopted the Business, Professional, Occupational License Tax Ordinance as presented in public hearing, to be effective January 1, 2003, based on gross receipts for businesses for the year, 2002, with the following rates per \$100.00 of gross receipts:

<u>Type of Business</u>	<u>Tax Rate Per \$100 Of Gross Receipts</u>
Retail Sales	\$0.20
Contractors	\$0.16
Financial Services, Real Estate & Professional Services	\$0.25
Repair, Personal and Business Services	\$0.20
Wholesalers	\$0.05

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

d. Consideration of Repeal of Merchants' Capital Tax Ordinance - On motion by L. E. Byrum, Jr., seconded by R. S. Diggs and carried with the following roll call vote, the Board repealed the existing Merchants' Capital Tax in King William County effective December 31, 2002. (Article III, Division 1. and Division 2. Of the Code of King William County, Virginia)

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

RE: COUNTY PROJECTS AND ACTIVITIES

a. Prepared Food and Beverage Tax Ordinance & Consideration of Resolution to Place on November Ballot – L. M. Chenault, County Attorney - On motion by L. E. Byrum, Jr., seconded by C. T. Redd, III and carried unanimously, the Board adopted the following resolution requesting the Circuit Court of King William County to have a referendum question placed on the November, 2002, ballot for a food and beverage tax:

**RESOLUTION TO IMPOSE A FOOD AND BEVERAGE TAX AND TO
REQUEST A PUBLIC REFERENDUM**

WHEREAS, the King William County Board of Supervisors has discussed the possibility of including a referendum question for a food and beverage tax on the Fall, 2002, ballot; and,

WHEREAS, the King William County Board of Supervisors has also discussed designating any potential revenues from this tax for school and/or general government capital projects or debt services on such projects.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 58.1-3833 of the Code of Virginia, 1950, as amended, the Board of Supervisors shall request the Circuit Court of this County to have a referendum placed on the Fall, 2002, ballot to determine if the voters of King William County are in agreement with the following question:

SHALL THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY PASS AN ORDINANCE REQUIRING THE COUNTY OF KING WILLIAM TO LEVY A TAX ON FOOD AND BEVERAGES SOLD, FOR HUMAN CONSUMPTION, BY A RESTAURANT AND GROCERY STORES AND CONVENIENCE STORES SELLING PREPARED FOODS FOR HUMAN CONSUMPTION AT A DELICATESSEN COUNTER, AS SUCH TERM IS DEFINED IN SUBDIVISION 9 OF SECTION 35.1-1 OF THE CODE OF VIRGINIA, WHEN SUCH TAX REVENUES WOULD BE USED FOR SCHOOL AND/OR GENERAL GOVERNMENT CAPITAL PROJECTS OR THE DEBT SERVICE ON SUCH PROJECTS?

b. Court House Wall Renovations – Marion Jones of the King William County Historical Society - Mrs. Marion Jones reported that in 1997 the King William County Historical Society formed a Committee to make suggestions on the improvement of the Courthouse grounds, and that these recommendations were carried out. Mrs. Jones has served as the Chairman of this Committee. Following this, with approval of the Board of Supervisors, plans were made to restore and repair the brick walls surrounding the Court yard. Mrs. Jones briefly reviewed events the Committee has encountered in carrying out this project. She indicated that with the guidance of the Virginia Department of Historic Resources, the Committee began to secure funding for this project, including State and County funds as well as monies from private individuals, businesses, and foundations. Due to its condition, the recommendation was made to begin restoration with the east wall. An Architect and a Contractor were hired. It was determined that the east wall would have to be dismantled and rebuilt. This work began in the summer of 1999 and was completed on November 5th of the same year. She further reported that on November 25, 1999, the County sustained a hard freeze, and during the Spring of 2000, the wall began to experience mortar failure over 75 to 85 percent of its area. Mrs. Jones indicated that several factors contributed to this failure, including the weather freezing and thawing before the mortar had completely cured, incorrect formula for the mortar, improper mixing, etc. Since this time, four different experts have looked at the wall, and all have agreed that the entire wall will have to be dismantled and rebuilt, as the only sure solution. The Committee turned this problem over to the County Attorney for resolution, and proceeded to have the other 3 remaining walls repaired. A new Architect and Contractor were hired. This contractor's approach was one of stabilizing, repairing, cleaning, and restoring the walls, both outside the Courtyard and inside. The old mortar, particularly Portland concrete, was removed when it did not endanger the surrounding bricks, and since the walls already had several shades of mortar due to different repairs throughout the years, a shade of mortar to match the oldest was chosen for this repair work. Mrs. Jones reported that this work is now 95% finished, and that this concludes the work of the Committee at this time. She thanked the Board of Supervisors for funds made available for the past four years, and for the assistance provided by the previous County Administrator, the current County Administrator, and the Assistant County Administrator to the Committee in this endeavor. She indicated it is her understanding that, at this point, no resolution has been made by the attorneys representing the previous architect, contractors, and the County, therefore, there is no money to rebuild the east wall. Mrs. Jones advised that at this point, the Committee is retiring from this project, and the work of getting the east wall corrected is now in the hands of the County. On behalf of the Committee, she expressed appreciation to the Board of Supervisors for its support and assistance with this project.

c. Status Report – Courts Facility Project - Frank A. Pleva - The County Administrator, Frank Pleva, reviewed the timeframe for project design, bid, construction, and financing on the Courts Facility project. He indicated that bids are due and will be opened on September 5, 2002, and will

be presented to the Board, for award, at its September 23rd meeting.

In addition, Mr. Pleva reported that advertisements have been placed in area newspapers for the position of Clerk-of-the-Works on this project, with a return deadline for receipt of applications of September 11, 2002.

d. Update on Regional Animal Shelter & Consideration of Regional Agreement – Frank Pleva, County Administrator - The County Administrator, Frank Pleva, reported that in September, the bid plans and specifications will be finalized by the architect and the invitation to bid will be published. Bids will be due, and opened in October, with construction beginning in November, 2002, and an anticipated completion date of May, 2003.

The County Administrator also presented a “Middle Peninsula Regional Animal Shelter Agreement”, as prepared by the County Attorney for King and Queen County, and reviewed, as to form, by L. M. Chenault, County Attorney for King William County.

On motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the Middle Peninsula Regional Animal Shelter Agreement as presented.

RE: TREASURER’S OFFICE – HARRY WHITT, TREASURER

a. Harry Whitt, Treasurer, appeared before the Board questioning whether or not the Board would like him to publish the list of delinquent real estate tax payers for the tax year, 2000, in the local newspaper. This has been the practice in past years.

On motion by L. E. Byrum, Jr., seconded by R. S. Diggs and carried unanimously, the Board authorized the publication of the list of delinquent tax payers for the tax year, 2000.

RE: SUPERVISORS’ RETREAT – DISCUSSION OF PROPOSALS

Terri Hale, Assistant County Administrator, presented two proposals received for the conduct of a Retreat for the Board of Supervisors, as follows:

Michael Chandler, Virginia Tech Professor & Extension Specialist
Agricultural & Applied Economics
\$500.00 + Travel Expenses

Tom Davidson, Kinesis International, Aylett, VA
\$25.00 each for Materials + Honorarium

A motion was made by L. E. Byrum, Jr. to accept the proposal of Michael Chandler for the conduct of the Supervisors’ Retreat. This motion died for the lack of a second.

The Board discussed further the need for the Board to hold a Retreat in order to set some short and long term goals for the County. Several Board members indicated it to be very necessary for the Board to establish goals and objectives as a guide for the County, and this cannot be done during the Board’s regular monthly meeting.

Thereupon, a second motion was offered by L. E. Byrum, Jr. to accept the proposal of Tom Davidson for the conduct of the Retreat. This motion was seconded by C. T. Redd, III and carried. A date for the Retreat will be established at a later time.

RE: APPOINTMENTS

a. Industrial Development Authority Board of Directors – One Member to Complete a Vacated, Unexpired Term Ending June 30, 2004 - On motion by R. S. Diggs, seconded by E. P. Sterowski and carried with the following vote, the Board appointed Mr. Herbert B. Milby, Jr. to complete the vacated, unexpired term on the King William County Industrial Development Authority Board of Directors, ending June 30, 2004.

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

b. Bay Aging Board of Directors – One Member, Three Year Term, Term of Mrs. Elizabeth McAllister Expires 9/30/02 – Mrs. McAllister is eligible for Reappointment - On motion by L. E. Byrum, Jr., seconded by R. S. Diggs and carried unanimously, the Board reappointed Mrs. Elizabeth McAllister to serve a three year term representing King William County on the Bay Aging Board of Directors. Said term will expire September 30, 2005.

c. Tri-River Alcohol Safety Action Program (ASAP) Board of Directors – One Member – Three Year Term – Term of Stephen Palmer Expires 12/31/02 – Mr. Palmer is not Seeking Reappointment - Action on this appointment was tabled.

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

a. Harry Whitt spoke in favor of the Board's action to employ Mr. Tom Davidson to conduct the Board's Retreat, indicating that he is a County resident.

b. Tom Newman of Aylett, indicated his opinion that the County, the same as an individual, needs to live within its means, and not increase taxes, which will drive citizens and businesses away.

RE: BOARD OF SUPERVISORS' COMMENTS

L. E. Byrum, Jr. thanked persons in the public who had come out to participate and take part in the Board's meeting.

RE: ADJOURNMENT

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