

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF OCTOBER 24, 2005

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 24TH DAY OF OCTOBER, 2005, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

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

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

RE: APPROVAL OF MEETING AGENDA

On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with one addition.

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

No persons appeared to speak.

RE: CONSENT AGENDA

On motion by O. O. Williams, seconded by L. E. Byrum, Jr. and carried unanimously by those present, the Board added one item, Item #6i, Adoption of Resolution Requesting the Governor of Virginia to Designate King William County as a Drought Disaster Area, and adopted this item and the following items on the remainder on its consent agenda:

- a. Minutes of the September, 2005, Regular Meeting were approved as written
- b. Claims against the County for October, 2005, in the amount of \$1,080,383.40 as follows:

(1) General Fund Warrants #60163-60363 in the amount of \$606,408.58; Manual Checks #14073-14075 in the amount of \$146,427.36; Direct Deposits #7705-7810 in the amount of \$175,395.35; and Electronic Tax Payment in the amount of \$57,966.85

(2) For informational purposes, Social Services expenditures for the month of September, 2005, Warrants #304523-304585 in the amount of \$41,359.50; Direct Deposits #1286-1307 in the amount of \$25,423.34; and Electronic Tax Payment in the amount of \$8,469.35

(3) For informational purposes, Circuit Court expenditures for the month of September, 2005, Warrants #60152-60157 in the amount of \$3,186.35; Direct Deposits #171-173 in the amount of \$7,773.06; and Electronic Tax Payment in the amount of \$2,697.09

(4) For informational purposes, Comprehensive Services Act Fund expenditures for September, 2005, Warrants #60159-60161 in the amount of \$4,915.00

(5) Tax Refunds for September, 2005, in the amount of \$331.47

c. Authorized that a Letter of Support for the proposed Regional Career and Technical Education Center be sent to Dr. Rebecca Gates at the King William County School Board Office on behalf of the Board

d. Adopted the following Resolution Supporting a VDOT Recreational Access Grant for a Second Entrance to the King William County Recreational Park

RECREATIONAL ACCESS ROAD RESOLUTION

WHEREAS, the King William County Recreational Park is owned and is to be developed by the County of King William as a recreational facility serving the residents of King William County and adjoining localities; and,

WHEREAS, the facility is in need of adequate access; and,

WHEREAS, the procedures governing the allocation of recreational access funds as set forth in Section 33.1-223 of the Code of Virginia requires joint action by the Director of the Department of Conservation and Recreation and the Commonwealth Transportation Board; and,

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access roads to publicly-owned recreational; areas or historical sites; and,

WHEREAS, it appears to the Board that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to

designate the King William County Recreational Park as a public recreational facility and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation area in accordance with Section 33.1-223 of the Code of Virginia; and,

WHEREAS, the right of way of the proposed access road is provided by the County at no cost to the Recreational Access Fund; and,

WHEREAS, the Board of Supervisors recommends the Commonwealth Transportation Board, in cooperation with the Director of the Department of Conservation and Recreation, take the appropriate action to implement this designation. Further, the Board of Supervisors agrees, in keeping with the intent of Section 33.1-63 of the Code of Virginia, to use its good offices to reasonably protect the aesthetic or cultural value of this road.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of King William County, Virginia, hereby requests the Director of the Department of Conservation and Recreation to designate the King William County Recreational Park as a public recreational area and to recommend to the Commonwealth Transportation Board that recreational access funds be allocated for an access road to serve said Park; and,

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road as hereinbefore described.

e. Approved FY-05 Year-End Supplemental Appropriations in the total amount of \$1,319,189.25 as follows:

Additional local funds	\$278,920.72
State/Federal funds	176,458.57
Offsetting revenue	863,809.96

f. Authorized a public hearing be advertised to be held during the Board's November 21, 2005, regular meeting to consider a proposed amendment to the King William County Code to add Section 74-84, entitled "Reimbursement of Expenses Incurred in Responding to DUI Incidents and Other Traffic Incidents", to Article III of Chapter 74. Said meeting is to begin at 7:00 p.m. in the Board Room of the King William County Administration Building.

g. Authorized a public hearing be advertised to be held during the Board's November 21, 2005, regular meeting to consider adding Section 42-4, entitled "Reimbursement of Expenses Incurred in Responding to Terrorism Hoax" to Article I of Section 42 of the King William County Code. This meeting will begin at 7:00 p.m. in the Board Room of the King William County Administration Building.

h. Set a public hearing to be held during the Board's regular November 21, 2005, meeting to consider zoning case #Z-07-05, Request to Rezone 5 acres from an A-C (Agricultural-Conservation) District to a B-2 (General Business) District

(Conditional), Applicant: Old Church Developers, LLC, Owner, William M. Pohlig, III, Applicant

i. Adopted the following Resolution Requesting Drought Relief for King William County Farmers

RESOLUTION

DROUGHT RELIEF FOR KING WILLIAM COUNTY FARMERS

WHEREAS, the industry of agriculture annually contributes over 14 million dollars to the economy of King William County; and,

WHEREAS, drought conditions from late August through early October in the County of King William have severely affected farmers; and,

WHEREAS, during that time period much of the County received almost no rainfall while experiencing unseasonably high temperatures; and,

WHEREAS, the yields of soybeans, pasture, and hay crops produced in King William County have been seriously reduced.

NOW, THEREFORE, BE IT RESOLVED, that it is incumbent upon the King William County Board of Supervisors that the County Administrator is hereby instructed to file with the Governor of Virginia a request that the County of King William, Virginia, be designated as a Drought Disaster Area.

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY

ADMINISTRATOR

a. Work Session – Six Year Secondary Road Plan (2007-2012) and Construction Priority List (2006-2007) and Authorization for Public Hearing - Charles Stunkle, VDOT Residency Administrator, presented and reviewed the draft 2007-2012, Six Year Secondary Road Improvement Plan. He indicated that this Plan is presented in a new format, which is very different from years past. Mr. Stunkle explained that the Plan includes the breakdown of the anticipated funding over the six year period as well as one new addition which is a line for Federal bridge replacement, a statewide Federal bridge replacement program. This program is additional money and does not require any match from the secondary system Six Year funds. The funding is shown in the years 2010 and 2011 with the funding going to the Route 600 bridge over (Fox Mill Run) or Herring Creek as it is more familiarly known. This is a new project

included in the Six Year Plan but will not take any of the Six Year Plan funds to construct. Mr. Stunkle continued, reviewing the proposed Plan with the Board, and suggested that Route 618 (Acquinton Church Road) be considered as the plant mix overlay candidate for next year. This is the one small section of that whole corridor that has not received the plant mix overlay. He asked the Board what routes, if any, it wishes to add as unpaved road candidates, and reviewed the list of unpaved roads in the County which currently meet the criteria necessary for hard surfacing. However, he indicated that no funding is planned for unpaved roads until FY-09.

The Board discussed these issues and upon motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, added Route 618 (Acquinton Church Road) as the plant mix overlay candidate for FY-07, and did not add any unpaved road candidate at this time, as no additional funding is available. This same motion authorized a public hearing be advertised for the Board's November 21, 2005, regular meeting beginning at 7:00 p.m. to consider this Six-Year Plan (FY07-FY12) and Construction Priority List (FY06-07).

b. Route 618 Manquin Creek Bridge - Mr. Stunkle reported that this bridge replacement project will be advertised for bids in November.

c. Route 600 – Through Truck Traffic Restriction - The District Traffic Engineer has made a recommendation to the Traffic Engineering Division in Richmond that the through truck traffic restriction be supported.

d. Choctaw Ridge Improvements - Mr. Stunkle advised that VDOT has done the initial surface patching, that pipe delivery is scheduled for later this week, and the environmental clearance for the work has been received in his office. The contractor should be working there within the next two weeks to begin re-establishing the ditch lines and installing the culverts, as required. Due to winter approaching, the streets in Choctaw may not be overlaid this fall, but, if not, VDOT will keep the streets patched out until the work is completed in the spring.

e. Route 604 - O. O. Williams reported that the Route 604 project just completed by VDOT already has several potholes. Mr. Stunkle advised that these areas will be cut out again and patched before the final overlay is put down.

f. Adoption of Resolution Requesting Acceptance of Streets in Parkwood Estates, Sections I and II, into VDOT Secondary System - On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously by those present, the Board adopted the following resolution requesting VDOT to add the streets in Section I and Section II of Parkwood Estates Subdivision located on Route 608 to the State's Secondary System.

RESOLUTION

WHEREAS, the streets described on the attached Additions Form LA-5(A), (Section I and Section II of Parkwood Estates Subdivision) fully incorporated by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of King William County; and,

WHEREAS, the representative for the Virginia Department of Transportation has advised this Board that the streets meet the requirements established by the Virginia Department of Transportation's Subdivision Street Requirements.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described on the attached Additions Form LA-5(A) (Section I and Section II of Parkwood Estates Subdivision) to the secondary system of State highways pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements after receiving a copy of this Resolution and all outstanding fees and documents required of the developer, whichever occurs last in time.

BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and,

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

**RE: PRESENTATION OF MASTER OF COMMISSIONER OF THE REVENUE
CERTIFICATE TO SALLY W. PEARSON – T. SCOTT HARRIS, HANOVER COUNTY
COMMISSIONER OF THE REVENUE AND PRESIDENT OF THE TIDEWATER
DISTRICT COMMISSIONER OF THE REVENUE ASSOCIATION**

Mr. T. Scott Harris, President of the Tidewater District Commissioner of the Revenue Association, presented the Master Commissioner of the Revenue Certificate to Sally W. Pearson. The Master Designation Program is administered by the University of Virginia's Weldon Cooper Center for Public Service and the School of Continuing and Professional Studies. This program, which takes a minimum of three years to complete, requires a combination of extensive education and governmental experience. Every four years after initial certification, the recipient must complete an additional forty hours of continuing education in order to remain certified.

RE: PLANNING AND COMMUNITY DEVELOPMENT – LEE YOLTON,

DIRECTOR

a. Public Hearing – Proposed Amendment of Subdivision Ordinance, Article II, Section 66-22B(c), to Allow Additional Time, Upon Request, to Submit a Final Subdivision Plat - Lee Yolton, Director of Planning and Community Development, presented the proposal to adopt and reenact Chapter 66, Article II, Section 228(c) of the Code of King William County entitled "Final Plat". The proposed amendment adds a clause to the existing language to allow for additional time to submit a final plat.

Mr. Yolton explained that under the existing Code, a developer of a major residential subdivision is permitted one year to submit a final plat, after receiving approval of the preliminary plat. The Code anticipates that during that one-year period, the developer will be able to prepare and receive approval of construction plans, and either install, or provide a surety bond, for all public improvements. The proposed amendment would enable a developer to apply for an extension of the one-year time period if that becomes necessary. If enacted, the County Subdivision Agent could grant an initial one-year extension, and the Board of Supervisors could grant an additional one-year extension.

Further, Mr. Yolton advised that the Planning Commission considered this proposed amendment in public hearing, and forwarded it to the Board of Supervisors with a recommendation for approval. It was also the recommendation of Staff to approve this proposed amendment.

Thereupon, the public hearing was declared open for comments on this proposed amendment.

There being no persons appearing to speak for or against the proposed amendment, the public hearing was declared closed.

b. Consideration of Action - On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously by those present, the Board adopted and reenacted Chapter 66, Article II, Section 228(c) of the King William County Code entitled "Final Plat" as presented in public hearing.

RE: MIDDLE PENINSULA NATURAL HAZARD MITIGATION PLAN – STEVE PUCKETT, EMERGENCY MANAGEMENT ADMINISTRATOR

Emergency Management Administrator, Steve Puckett, reported that the Middle Peninsula Natural Hazard Plan has been approved by the Federal Emergency Management Agency (FEMA). The Disaster Mitigation Act of 2000 directed all local governments to develop a mitigation plan to address natural hazard within each jurisdiction. At the direction of each Middle Peninsula locality, the MPPDC in cooperation with the natural hazard representative, developed the MP Natural Hazard Mitigation Plan. This Plan has been submitted to the Virginia Department of Emergency Management as well as the Federal Emergency Management Agency (FEMA) for review and approval. On August 2, 2005, confirmation was received of this Plan meeting the 322 FEMA review requirements. This Plan outlines the mitigation actions recommended for the County of King William and the Town of West Point.

On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously by those present, the Board adopted the following resolution approving the Middle Peninsula Natural Hazard Plan for King William County:

RESOLUTION

WHEREAS, the County of King William has experienced severe damage from hurricanes, flooding, earthquakes, wildfires, landslides, and tornadoes on many occasions in the past century, resulting in property loss, loss of life, economic hardship, and threats to public health and safety, and,

WHEREAS, the Middle Peninsula Natural Hazard Mitigation Plan (the Plan) has been developed after more than one year of research and work; and,

WHEREAS, the Plan recommends many hazard mitigation actions that will protect the people and property affected by the natural hazards that face King William County; and,

WHEREAS, the Plan was reviewed in a meeting of the Board of Supervisors held on October 24, 2005, as required by law.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that:

1. The Middle Peninsula Natural Hazard Plan is hereby adopted as the official Plan for King William County.
2. The respective officials identified in the strategy of the Plan are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments, and progress to the Board of Supervisors.
3. The respective officials identified in the strategy of the Plan will provide annual progress reports on the status of implementation of the Plan to the Board of Supervisors. This report shall be submitted to the Board of Supervisors by February 28th of each year.

RE: PROCUREMENT MATTERS – TERRI HALE, ASSISTANT COUNTY

ADMINISTRATOR

- a. Administration Building Renovations – Presentation of Apparent Low Bid

Terri E. Hale, Assistant County Administrator, reported that a Request for Proposals (RFP) was issued in August for the turnkey renovations in several areas of the Administration Building, primarily a result of the transfer of department locations to the Courts and Public Safety Building. Three proposals were received in response to the RFP. The project will include the renovation of the former Sheriff's Office for the Division of Community Development, and the renovation of the current Division of Community Development offices for the Voter Registrar and Electoral Board and General Properties. The Public Information Office will move to the current Voter Registrar's office once it is vacated.

Proposals were received from the following contractors:

Grand Metro Builders, Inc., Quinton, VA	\$154,200
NDI, Inc., Mechanicsville, VA	\$ 99,996
Rish Equipment Co., Chester, VA	no bid

It was the recommendation of the Assistant County Administrator to award the contract for the Administration Building renovations to NDI, Inc. at a firm, fixed price of \$99,996.00.

On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously by those present, the Board awarded the contract for the Administration Building renovations to NDI, Inc. of Mechanicsville, VA at a firm, fixed price of \$99,996.00, and authorized execution of contract documents by the County Administrator on behalf of the Board.

b. Staff Award of Contract to Resource International, Ltd. for Zoning Ordinance Amendments - Assistant County Administrator, Terri E. Hale, reported that a signed contract was received in her office today from Resource International, Ltd. for the zoning updates and revisions. Because of the amount of the contract, the staff or the evaluation committee, comprised of L. E. Byrum, Jr., Frank A. Pleva, Terri E. Hale, and Lee Yolton, could make an administrative decision and award the contract.

Mr. Pleva indicated that the representatives from Resource International, Ltd. who will be working with the County on this project will be in attendance either at the Board's November or December meeting.

RE: PROPOSED TELECOMMUNICATIONS LEGISLATION – TERRI E. HALE, ASSISTANT COUNTY ADMINISTRATOR

Assistant County Administrator, Terri E. Hale, advised the Board that during the 2005 General Assembly, HB2880 was approved, which tasks the Commonwealth's Auditor of Public Accounts with determining how much revenue localities receive from local taxes and fees collected by the service providers. For King William County, that involves the Consumer Utility Tax, 911 Fees and the Cable Franchise Fee.

Continuing, Ms. Hale stated that as the legislation currently reads, the Commonwealth will collect for the locality these local taxes and fees and remit them monthly to each locality based on rates adopted on or before July 1, 2003. Ms. Hale indicated that this is a huge concern because it takes the levying of these taxes and fees from the locality. In addition, the Commonwealth, through this legislation, plans on collecting all taxes and fees relating to telecommunications allowed by the Code of Virginia, but, remitting to the locality only the tax or fee adopted by the locality on or before July 1, 2003. As you will recall, several years ago, the Board of Supervisors discussed levying a consumer utility tax on cell phones, as it does on landlines, but, determined not to do it at that time. The Commonwealth proposes to levy the tax itself and keep the revenue, remitting only to the County those levies previously adopted.

Ms. Hale suggested that the Board may wish to consider the authorization for a public hearing during the November 21, 2005, meeting to adopt a local Consumer Utility Tax on cell phones, in the hope that affected localities can get legislation passed in the upcoming General Assembly session to amend the baseline date. Further, Ms.

Hale requested support from the Board in contacting the state legislators to have the baseline date extended so that the County would realize this locally generated revenue instead of the Commonwealth.

By general consensus of the Board, authorization was given for the staff to prepare a letter to the County's state legislators stating the Board's non-support of HB2880, and seeking their support in passing legislation to amend the baseline date to a date sometime in the future.

On motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously by those present, the Board authorized a public hearing be advertised for its November 21, 2005, meeting to consider adoption of a local Consumer Utility Tax on cell phones at a rate of five percent of the individual's total bill with a maximum charge of \$3.00.

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

a. Regional Animal Shelter - The County Administrator indicated that a mandatory pre-bid conference was held on October 12, 2005, and several contractors were present. The bids are due on October 31, 2005, and the architect will review these and make a recommendation to both this Board and to the King and Queen Board at the November meetings.

RE: APPOINTMENTS

a. Wetlands Board – One Member, Five Year Term, Term of William Perritt Expired 9/30/05 – (NOTE: Mr. Perritt is no longer a King William County Resident) - On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried with the following vote, the Board appointed Mr. Carl Custalow to serve a five year term on the King William County Wetlands Board. Said term will expire September 30, 2010.

W. F. Adams	Abstain (Stated, Family Member)
L. E. Byrum, Jr.	Aye
C. T. Redd III	Absent
T. G. Smiley	Aye
O. O. Williams	Aye

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

No persons appeared to speak.

RE: BOARD OF SUPERVISORS' COMMENTS

L. E. Byrum, Jr. and other Board members thanked citizens in the audience for their participation.

RE: ADJOURNMENT

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

COPY TESTE:

W. F. Adams
Chairman

Frank A. Pleva
County Administrator