

MINUTES

KING WILLIAM COUNTY

BOARD OF SUPERVISORS

MEETING OF NOVEMBER 24, 2003

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 24TH DAY OF NOVEMBER, 2003, AT 7:00 P.M. AT THE KING WILLIAM COUNTY ADMINISTRATION BUILDING, THE MEETING WAS CALLED TO ORDER WITH THE FOLLOWING PRESENT:

L. E. BYRUM, JR., CHAIRMAN
C. T. REDD, III, VICE-CHAIRMAN
G. E. JENKINS
E. P. STEROWSKI – ABSENT
D. L. WRIGHT

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

RE: APPROVAL OF MEETING AGENDA

On motion by D. L. Wright, seconded by G. E. Jenkins and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with several additions. Additions included: Item 6e Consent Agenda – Employment of Miquel Johnson as Custodian in Public Works Department; Item 6f Consent Agenda – Adoption of Amendment to Board of Supervisors By-Laws, Article III, Agenda; Item 6g Consent Agenda – Appointment of D. L. Wright to King William County Industrial Development Authority; Item 6h Consent Agenda – Adoption of Law Enforcement Mutual Aid Agreement with Town of West Point; and Item 12c – Continued Acceptance of Debris Created by Hurricane Isabel at old Landfill Permit #153.

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

No persons appeared to speak.

RE: CONSENT AGENDA

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

- a. Minutes of the regular meeting of October 27, 2003, as written

b. Claims against the County for November, 2003, in the amount of \$1,377,785.93 as follows:

(1) General Fund Warrants #54883-55107 and manual checks #13975-13981 in the amounts of \$1,144,772.22 and \$56,170.63; Direct Deposits #5252-5363 in the amount of \$133,004.24; and Electronic Tax Payment in the amount of \$43,838.84

(2) For informational purposes, Social services expenditures for the month of October, 2003, Warrants #302828-302889 in the amount of \$37,584.73; Direct Deposits #875-895 in the amount of \$23,033.70; and Electronic Tax Payment in the amount of \$8,375.03

(3) For informational purposes, Circuit Court expenditures for the month of October, 2003, Warrants #54858-54867 in the amount of \$6,415.34; and Direct Deposits #96-98 in the amount of \$6,504.84

(4) For informational purposes, Comprehensive Services Act Fund expenditures for October, 2003, Warrants #54868-54891 in the amount of \$31,461.17

(5) Tax Refunds for the month of October, 2003, in the amount of \$1,154.18

c. Approved an emergency FY-04 supplemental appropriation in the amount of \$875.00 for the Tappahannock office of Rappahannock Legal Services, Inc.. This request for emergency supplemental funds represents 25% of RLS, Inc. current grant of \$3,500.00. The request stated that in response to recent unanticipated federal funding cuts and in an effort to minimize the loss of current staff and services, RLS, Inc. is submitting identical applications for 25% supplemental funding to all local government jurisdictions currently funding the RLS, Inc.

d. Appointed Alyson Cotton as Zoning Administrator to replace Tom Williams, who resigned effective November 1, 2003. This appointment is effective November 1, 2003. Ms. Cotton has been employed by the County in the position of Zoning/Environmental Compliance Officer.

e. Employed Miquel Johnson as Custodian in the Public Works Department to be effective immediately.

f. Approved an amendment to the Board's By-Laws – Article III. Agenda, which states as follows:

**By-Laws
Board of Supervisors
Of King William County**

Amendment to Article III. Agenda

III. Agenda

Any matter on the agenda shall be tabled until the next regular meeting at the request of any member present. However, no matter on the agenda shall be tabled until a meeting of a Board of Supervisors, which will take office on the first day of January following an election of said Board, except by a majority vote of those members present.

g. Appointed D. L. Wright to complete the unexpired term of Thomas G. Smiley as a member of the King William County Industrial Development Authority. Mr. Smiley has resigned effective December 31, 2003, to assume his duties as a newly elected member of the Board of Supervisors. Said term expires June 30, 2005.

h. Approved a Law Enforcement Mutual Aid Agreement with the Town of West Point

RE: VDOT MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER

Charlie Stunkle, VDOT Resident Engineer, was present to discuss transportation issues with the Board including the following:

a. Requested School Zone Signs at Route 629 School Complex: - Mr. Stunkle reported that the VDOT Traffic Engineers did a study of the school zone located on Route 629 at Acquinton Elementary School and their report was sent to the County Administrator. The report indicates that an additional "School Speed Limit 25 When Flashing" sign needs to be installed by the school system as you enter Route 629 headed south. This would alert motorists of the 25 MPH school zone. Currently, the speed limit on Route 629 is 25 MPH in one direction and 40 MPH in the other.

b. Route 360 at Central Garage – Speed Limit - Mr. Stunkle reported that the requested speed study on Route 360 at Central Garage is still pending. It will be forwarded to the County as soon as it is completed.

c. Lord Delaware Bridge over the Mattaponi River - Mr. Stunkle also indicated that the bidding process on this project will begin in January, 2004, and that construction should begin in the spring of 2004.

d. Route 604 - The Resident Engineer reported that the two curve projects on Route 604 between Route 360 and Dabneys Mill Road are ready for scoping.

e. Route 607 - L. E. Byrum, Jr. stated that some time ago VDOT had removed a large oak tree from the Route 607 intersection due to concerns of local residents regarding traffic sight clearance, and Mr. Byrum further indicated that the residents still have concerns about sight distance problems in this area. He requested Mr. Stunkle to investigate this concern and report back to the Board at a later date.

In addition, Mr. Byrum also indicated that a resident along Route 607 who has a child care business in her home has requested that a "Slow – Watch for Children" sign be placed in the

area along Route 607. Mr. Stunkle indicated that it would be necessary for the Board to adopt a resolution requesting such a sign be placed at a specific address and the VDOT engineers will look at it after that for the proper location of the sign. Mr. Byrum indicated he would obtain the specific address and contact the County Administrator.

A motion was made by D. L. Wright and seconded by G. E. Jenkins to authorize the County Administrator to prepare a resolution requesting VDOT to place a "Slow – Watch for Children" sign on Route 607 as discussed above. No action was taken on this motion as it was requested by C. T. Redd, III to table this matter until such time as Mr. Byrum has the exact address and Mr. Stunkle is notified.

RE: RESOLUTION OF APPRECIATION, 25 YEARS SERVICE – BAY AGING, INC.

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted the following resolution congratulating Bay Aging, Inc. Board and staff for their continued commitment and support of older persons for the past 25 years.

RESOLUTION OF APPRECIATION

WHEREAS, in 2003, Bay Aging celebrates 25 years of services to senior citizens in the Middle Peninsula and Northern Neck regions; and,

WHEREAS, Bay Aging is a private, non-profit organization that aims to assure the delivery of efficient and appropriate services to older persons; and,

WHEREAS, the goal of Bay Aging is to provide the support needed to help senior citizens remain as independent as possible, for as long as possible; and,

WHEREAS, some of the services Bay Aging provides include home-delivered meals, home repairs and weatherization, in-home assistance arrangements, among others; and,

WHEREAS, Bay Aging also operates Bay Transit, a public transportation service available to people of all ages, for all purposes.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors appreciates the services that Bay Aging has provided for the past 25 years bettering the lives of area senior citizens; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors congratulates the Board and staff of Bay Aging for their continued commitment and support of older persons; 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 Bay Aging and shall be spread upon the meeting minutes of said Board of Supervisors.

RE: PLANNING MATTERS – MATT WALKER, COMMUNITY DEVELOPMENT

DIRECTOR

- a. Requests for Deferral of Public Hearings

(1) Case #Z-03-03 – Zoning Map Amendment Application – Kennington Tract - Matt Walker, Community Development Director, presented a written statement from Mr. Duffy Myrtetus, an attorney with the firm of Kaufman & Canoles, who is representing the applicant in Zoning Case Z-03-03, requesting that this case be deferred from the Board's November agenda for public hearing until the Board's January, 2004, agenda for public hearing.

The Board discussed this request, and upon motion by C. T. Redd, III, seconded by G. E. Jenkins and carried unanimously by those present, accepted the request of Mr. Myrtetus and deferred this case for public hearing before the Board until its January, 2004, meeting, based on the fact that this is the first time the applicant has requested such a deferral on this case.

(2) Case #CUP-02-03 – Conditional Use Permit Application – Kennington Tract - Mr. Walker presented a written statement from Mr. Duffy Myrtetus, an attorney with the firm of Kaufman and Canoles, who is representing the applicant in Zoning Case CUP-02-03, requesting that this case be deferred from the Board's November meeting agenda for public hearing until its January, 2004, meeting agenda for public hearing..

The Board discussed this request, and upon motion by C. T. Redd, III, seconded by G. E. Jenkins and carried unanimously by those present, accepted the request of Mr. Myrtetus and deferred this case for public hearing before the Board until its January, 2004, meeting, based on the fact that this is the first time the applicant has requested such a deferral on this case.

(3) Case #CUP-03-03 – Conditional Use Permit Application – Jack Bailey - Matt Walker presented a written statement from Mr. Jack Bailey requesting that his application, Case #CUP-03-03, be deferred from the Board's November meeting for public hearing until the Board's January, 2004, meeting for public hearing.

The Board discussed this request, and upon motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously by those present, denied the request from Mr. Bailey to defer this case from the Board's November meeting agenda to its January, 2004, meeting agenda, based on the fact that this is the second request from Mr. Bailey to defer action on this zoning case. A public hearing is to be conducted by the Board at its December 15, 2003, meeting on this application.

(4) Case # Z-04-03 – Zoning Map Amendment - Application, Donald W. Kellum – Mr. Walker presented a statement from W. Rand Cook, an attorney with the firm of McCaul, Martin, Evans & Cook, who is representing applicant, D. W. Kellum, in Zoning Case #Z-04-03, requesting

that this case be deferred from the Board's November meeting agenda for public hearing until the Board's January, 2004, meeting agenda for public hearing.

The Board discussed this request, and upon motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously by those present, the Board accepted the request of Mr. Cook and deferred this case for public hearing before the Board until its January, 2004 meeting, based on the fact that this is the first time the applicant has requested such a deferral on this case.

RE: PUBLIC SAFETY MATTERS – FRANK PLEVA, COUNTY ADMINISTRATOR – PUBLIC HEARING – ORDINANCE PROVIDING EXEMPTIONS FROM BUILDING AND OTHER LAND DEVELOPMENT FEES FOR CONSTRUCTION NECESSITATED BY CERTAIN STORM-RELATED DAMAGE

The County Administrator stated that the Board adopted the proposed "Ordinance Providing Exemptions from Building and Other Land Development Fees for Construction Necessitated by Certain Storm-Related Damage" on an emergency basis at its September 29, 2003, meeting. The State Statute requires the Board to readopt the ordinance following a legally advertised public hearing in order for it to remain effective.

Thereupon, the Chairman indicated that the proposed Ordinance has been duly advertised as required by law, to be effective to April 1, 2004. Various Board members discussed the possibility of the need for the Ordinance to be extended in effect until June or July, 2004, due to settlement of insurance claims on properties, etc.

The public hearing was declared open for comments. No persons appeared to speak for or against the proposal. On motion by G. E. Jenkins, seconded by C. T. Redd, III and carried, the public hearing was declared closed.

b. Consideration of Ordinance

On motion by G. E. Jenkins, seconded by C. T. Redd, III and carried unanimously, the Board adopted the "Ordinance Providing Exemptions from Building and Other Land Development Fees for Construction Necessitated by Certain Storm-Related Damage" as presented in public hearing to be effective to April 1, 2004, with the proviso that the Board revisit this ordinance in February, 2004, to possibly consider extending its effective date to June or July, 2004.

RE: MIDDLE PENINSULA REGIONAL REASSESSMENT – TERRI HALE, ASSISTANT COUNTY ADMINISTRATOR – DISCUSSION OF CONCEPT AND PARTICIPATION

Terri Hale, Assistant County Administrator, reported that Dan Kavanagh, Executive Director of the MPPDC, has been working with the local county administrators, commissioners of the revenue, as well as representatives from the State Department of Taxation, for the past several years to determine the feasibility of a regional reassessment program. The purpose of this regional approach is to realize a greater accuracy and uniformity of assessment, because the same contractor would perform the work for at least two reassessment cycles; to provide a more consistent assessment staff because the contractor can better plan for this work load for the next two reassessments; and receive a more timely reassessment as a result of better staff planning. This process has been long and tedious, trying to determine how the Counties of King William, King and Queen, Essex, Mathews, and Gloucester can get a better quality reassessment while saving public funds through the regional and public procurement processes. Ms. Hale reported that the findings seem positive for the majority of the counties, however, the King William results are mixed. The primary reason is because King William County would be the only locality not to adjust their reassessment cycle. Gloucester will go from a four to a two-year reassessment and the remaining counties will all move to a four-year cycle from a five-year or a six-year cycle. The King William reassessment cycle would not change as we have been on a four-year cycle for the past three reassessments.

Ms. Hale further indicated that the annual cost of a reassessment would increase in King William County by \$17,500, however, included in any Request for Proposals issued, would be the collection of new construction and property splits, where a parcel is subdivided for a family transaction or to sell/develop, etc. Currently, the Commissioner has a part-time employee who maintains new construction and several permanent employees maintain any property splits that occur between reassessments. It was Ms. Hale's estimate that the cost savings for these tasks would be two-thirds, or \$12,000, if completed by a regional reassessment staff, and any time saved by existing personnel could allow for more time on other office functions.

Ms. Hale continued that this Board's decision may be more difficult than those in neighboring localities, as the annual cost of the reassessment would be approximately \$5,500 more than the current reassessment contract, however, a regional approach would improve the quality and consistency of the product. To date, the Counties of Essex, Middlesex, and Mathews have elected to participate, and the other localities will be addressing the issue over the next month. Participation would obligate the County to two reassessment cycles, or eight years.

In the Board's discussion of this issue, it was questioned whether or not the plan is contingent upon all counties participating, and Ms. Hale responded that if Gloucester County chooses not to participate, it would kill the plan. She also indicated that New Kent County is interested in participating, but they are not in our region.

On motion by G. E. Jenkins, seconded by D. L. Wright and carried unanimously by those present, the Board elected to continue to pursue the possibility of participating in the regional reassessment and to have the Middle Peninsula Planning District Commission issue the Request for Proposals.

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

a. Mt. Olive Community Improvement Project - County Administrator, Frank Pleva, reported that in a meeting held last week, it was determined that the Mt. Olive Church does not own the well, that it is owned by a private corporation, and the Church has been doing the required testing. Currently, there is some question as to who the owner is. The Management Team for this project has been in contact with the Church's attorney, Mr. Richard Cocke. Mr. Pleva indicated that if a new well has to be set, the funds will come from the project's rehabilitation funding. He also reported that Resource International (engineering firm working with the project) has identified several on-site properties and the owners are now being contacted.

b. Courts and Public Safety Facility - The County Administrator reviewed the updated report prepared by Kevin Vaughan, Clerk of the Works on this project.

c. Continued Acceptance of Debris Created by Hurricane Isabel in Closed Landfill, Permit #153 - The County Administrator reported that VDOT contractors and private property owners continue to bring debris created by the recent Hurricane Isabel into the closed landfill #153 for disposal. He questioned the Board as to how long this facility should remain open for this type of disposal? He suggested that it remain open until June 1, 2004, and if necessary at that time, an extension could be requested. By general consensus, the Board was in agreement with this date of June 1, 2004.

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

Eugene Rivara questioned the Board concerning the amendment to the Board's By-Laws as was adopted under the Consent Agenda at the beginning of this meeting.

He also stated his opinion that the Board set a precedent at this meeting in granting deferrals for public hearings to zoning applicants until the January, 2004, meeting, and that this will put a hardship on the three new members coming onto the Board in January.

RE: BOARD OF SUPERVISORS' COMMENTS

C. T. Redd, III responded to the concern voiced by Mr. Rivara regarding the deferrals granted by the Board, stating that more information is needed on these applications and that this additional information will be favorable for the new Board members. He also indicated that the Board has up to one year from the date of application to take action.

D. L. Wright extended his congratulations to the three newly elected Board members, W. F. Adams, T. G. Smiley, and O. O. Williams. He also indicated that although he was not re-elected, he will continue to support this County and is proud to have been a part of the Board of Supervisors. He also thanked Mr. G. E. Jenkins for completing the last six months of the term of Mr. Robert S. Diggs, who retired in May of this year.

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

COPY TESTE:

L. E. Byrum, Jr.
Chairman

Frank A. Pleva
County Administrator