

**MINUTES  
KING WILLIAM COUNTY  
BOARD OF SUPERVISORS  
MEETING OF JUNE 22, 2015**

A regular meeting of the Board of Supervisors of King William County, Virginia, was held on the 22<sup>nd</sup> day of June, 2015, beginning at 7:00 p.m. in the Conference Room of the County Administration Building, with the following present:

Terry S. Stone, Chairman  
Stephen K. Greenwood, Vice-Chairman  
C. Thomas Redd III  
Travis J. Moskalski  
Otto O. Williams

K. Charles Griffin, County Administrator  
Daniel M. Stuck, County Attorney

**RE: CALL TO ORDER**

The Chairman called the Board of Supervisors meeting to order at 7:00 p.m. and asked for a roll call vote.

C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye
T. S. Stone	Aye

**RE: REVIEW OF MEETING AGENDA**

There was general discussion of the meeting agenda items.

The Board recessed and moved to the Board Meeting Room of the County Administration Building to continue the meeting.

The Chairman called the meeting back to order at 7:25 p.m.

**RE: ADOPTION OF MEETING AGENDA**

T. J. Moskalski moved for the adoption of the agenda for this meeting as presented by the County Administrator with the following changes: under Board Presentations, item 9c, Introduction of the new Director of Financial Services was added, under New Business, item 11a, should read "A resolution *approving* Conditional Use Permit 04-14" and item 11b should read "A resolution *approving* Conditional Use Permit 01-15", Board of Supervisors' Comments was moved and now becomes item 13, Closed Meeting now becomes item 14, and Appointments now becomes item 15; motion was seconded by O. O. Williams and approved by the following roll call vote:

T. J. Moskalski	Aye
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S. K. Greenwood Aye  
O. O. Williams Aye  
C. T. Redd III Aye  
T. S. Stone Aye

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

Chair Stone opened the Public Comment Period.

1. Reverend Douglas Rilee, from Third Union Baptist Church, invited anyone interested in attending a prayer vigil scheduled for Thursday, June 25, 2015 at 7:00 p.m. at the church. The prayer topic will be for unity, healing and forgiveness in our community in memory of those that lost their lives in the recent tragedy in Charleston, SC.

There being no other persons to appear before the Board Chair Stone closed the Public Comment Period.

**RE: CONSENT AGENDA**

C. T. Redd III moved for approval of the following items on the Consent Agenda, motion was seconded by T. J. Moskalski.

Chair Stone called for any discussion.

There being no discussions the meeting agenda was approved by the following roll call vote:

S. K. Greenwood Aye  
O. O. Williams Aye  
C. T. Redd III Aye  
T. J. Moskalski Aye  
T. S. Stone Aye

a. Minutes:

- i. Regular Meeting of April 27, 2015
- ii. Work Session of May 4, 2015

b. Claims against the County for the month of June, 2015, in the amount of \$1,052,276.42 as follows:

(1) General Fund Warrants #80991-81082 in the amount of \$260,099.98; ACH Direct Payments #6453-6551 in the amount of \$217,942.05; Direct Deposits #20785-20893 in the amount of \$187,439.10; and Electronic Tax Payment in the amount of \$113,976.46.

(2) For informational purposes, Social Services expenditures for the month of June, 2015, Warrants #310563-310589 in the amount of \$14,664.27; ACH Direct Payments #1481-1501 in the amount of \$12,029.84; Direct Deposits #6504-3527 in the amount of \$29,251.03; and Electronic Tax Payment in the amount of \$16,951.59.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of June, 2015, Warrants #81083-81093 in the amount of \$108,140.94; and ACH Direct Payments #6552-6565 in the amount of \$79,284.10.

(4) Tax refunds for the month of June, 2015 in the amount of \$12,500.06.

c. Resolution 15-20 as follows:

RESOLUTION 15-20  
A Resolution Authorizing a Community Event  
and the Establishment of  
Fees and Charges within the  
King William County  
Parks and Recreation Department

WHEREAS, the County of King William Provides a comprehensive park and recreation program which includes recreation and community activities; and

WHEREAS, it is necessary for the Board of Supervisors of King William County to authorize the establishment of a community event and the fees associated with it; and

WHEREAS, the Code of Virginia §15.2-1806 provides that the governing body of a county authorize the establishment of fees for programs,

NOW, THEREFORE, BE IT RESOLVED, the King William County Board of Supervisors this 22<sup>nd</sup> day of June, 2015, hereby authorizes the Parks and Recreation Manager to take all necessary steps to properly administer a community event to be held on Saturday, August 22, 2015.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby establishes fees and charges for said event as attached to and made a part of this resolution.

King William Country Fest Vendor Fees				
Options	Non- Food Vendor	Non- Food Vendor with Electrical Hook-up	Food Vendor	Food Vendor with Electrical Hook-up
1 Space reserved by July 15	\$35.00	\$50.00	\$50.00	\$65.00
1 Space reserved: July 16 or Later	\$50.00	\$65.00	\$65.00	\$80.00
2 Spaces reserved by July 15	\$55.00	\$70.00	\$70.00	\$85.00
2 Spaces reserved: July 16 or Later	\$70.00	\$85.00	\$85.00	\$100.00
3 Spaces reserved by July 15	\$70.00	\$85.00	\$85.00	\$100.00
3 Spaces reserved: July 16 or Later	\$85.00	\$100.00	\$100	\$115.00

King William Country Fest Cornhole Tournament Fee	
Teams of 2 may register	
Dates	Amounts
Registered by August 1	\$15
Registered by August 2 or Later	\$20

**KW Country Fest Sponsorship Options and Benefits**

Benefit	Friend \$75	Supporter \$150	Gold \$300	KW Country Fest Title Sponsor \$500
Reserved space to showcase your product or service	10x10	10x10	10x10	10x10 - includes tent, table and 2 chairs
Business identified as sponsor in event press releases and on event banner	•	•	•	•
Sponsor items in event goodie bags	•	•	•	•
Verbal acknowledgement at event		•	•	•
Business logo included on event banner		•	•	•
Business identified as sponsor on Parks and Recreation web page		•	•	•
Sponsor parking passes			•	•
Company banner displayed on band stage			•	•
Company banner displayed at Cornhole Tournament event area			•	•
Company banner displayed at event welcome tent				•
Exclusive rights to display or sell business products				•

KW Country Fest Community Partner Fees	
Type of services	Amount
Less Involved Activity	\$20
More Involved Activity	\$10
Very Involved Activity	\$0

**RE: BOARD PRESENTATIONS**

- a. Presentation of Resolution of Appreciation to Ms. Anita H. Overman, outgoing member of the Social Services Board – Anne Mitchell, Director of Social

Services – Ms. Mitchell introduced Ms. Brenda Clements, Social Services Board member, to read the following resolution of appreciation for Ms. Overman.

KING WILLIAM COUNTY  
BOARD OF SOCIAL SERVICES  
RESOLUTION FOR ANITA H. OVERMAN

WHEREAS, Anita H. Overman was appointed to serve on the King William County Board of Social Services by the King William Board of Supervisors beginning July 2007 and has been an active member of the Board for eight years; and

WHEREAS, Mrs. Overman has served in the positions of Chair and Vice Chair of the King William County Board of Social Services; and

WHEREAS, Mrs. Overman has been a faithful advocate for meeting the needs of those in this community; and

WHEREAS, Mrs. Overman has been diligent in her commitment to the staff and administration of the King William County Department of Social Services; and

WHEREAS, Mrs. Overman has sought solutions for those who are underserved without wanting recognition; and

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Social Services expresses its appreciation to Anita H. Overman for her valuable contributions to the well-being of the citizens of King William County and the Administration and Staff of the King William County Department of Social Services,

BE IT FURTHER RESOLVED, that a copy of this Resolution expressing the sense of this Board of Social Services on this matter shall be conveyed to Mrs. Overman, and shall be spread upon the meeting minutes of said Board of Social Services.

Adopted this 22<sup>nd</sup> day of June 2015

Brenda H. Clements, Chair  
Thasia B. Bradley, Vice Chair  
Mary P. Washington  
Charles T. Redd, III

Board of Supervisor members thanked Ms. Overman for her services.

b. Presentation of Government Finance Officers Association Certificate of Achievement to the King William County Finance Department Staff – Presented by Terry S. Stone, Chairman of the Board of Supervisors – Chair Stone presented the certificate of achievement for financing reporting for FY2014 to staff members of the King William County Finance Department. She said it takes a lot of hard work to accomplish this achievement and that very few localities in the state of Virginia are recognized by this organization.

The staff members present from the Finance Department to receive the certificate were Rhoda Rose, Finance Officer; Sandra Conley, Finance Specialist; and Beth Dandridge, Finance Specialist.

Board of Supervisor members thanked the Finance Department staff for their hard work and efforts in achieving this certificate.

c. Introduction of Newly Hired Director of Financial Services – The County Administrator introduced Ms. Amanda Six the newly hired Director of Financial Services. He noted Ms. Six will begin employment with King William County on July 1, 2015.

Board of Supervisor members welcomed Ms. Six to King William County and said they look forward to working with her.

**RE: OLD BUSINESS**

a. Resolution 15-17(R) – FY16 Appropriations Resolution – Mr. Stuck briefly reviewed Resolution 15-17(R) and stated an appropriations resolution has to be adopted by June 30<sup>th</sup>, before the fiscal year begins. He explained this document appropriates the money and sets in place the policy for financial controls for the next fiscal year. He said this resolution is similar to what has been used in the past with a few changes; a good portion of those significant changes are related to the completion of the first year with a special tax district for the school system. He said the dollar values in this document are the same as those approved by the Board in April in the budget document.

C. T. Redd III proposed changing the language in SECTION 13 and on page 9 of this document to read ...“Should total receipts from the sources listed in this section be less than the amount estimated above, the Board will appropriate additional funds from *special tax district* sources designated in a future resolution as necessary to cover any gap in local funding.”

Chair Stone called for a motion to include the proposed change by Mr. Redd.

T. J. Moskalski moved for approval of Resolution 15-17(R); motion was seconded by C. T. Redd III.

Chair Stone called for any discussion.

There being no discussions Resolution 15-17(R) was approved by the following roll call vote:

O. O. Williams	Aye
C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye

R E S O L U T I O N 15-17(R)  
A RESOLUTION APPROPRIATING FUNDS FOR  
THE FISCAL YEAR BUDGET  
BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016  
FOR KING WILLIAM COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of King William County, Virginia, has heretofore prepared and, on April 27, 2015, adopted a budget for informative and fiscal planning purposes for the fiscal year beginning July 1, 2015; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures contained in the Budget and to set forth the Board's desired administration of those funds,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of King William County, Virginia, this 22<sup>nd</sup> day of June, 2015:

SECTION 1. GENERAL FUND. That the amounts herein named aggregating \$23,375,697 are hereby appropriated in the General Fund for the following functions subject to the conditions hereinafter set forth in this resolution for the fiscal year beginning July 1, 2015 and ending June 30, 2016, as follows:

General Fund:

Administration	\$	633,957
Financial Administration		879,775
Court Services		574,278
Public Safety		4,903,971
Public Works		1,772,447
Health & Welfare		904,799
Parks, Recreation & Cultural		730,382
Community Development		549,219
Education		10,787,511
Miscellaneous		595,572
Capital/Debt Service		1,043,786

Total General Fund: \$ 23,375,697

SECTION 2. SCHOOL OPERATING FUND. That a local appropriation to the School Operating Fund in the amount of \$8,382,039 is hereby made and an additional appropriation in the amount of \$13,633,540 is hereby made for the fiscal year beginning July 1, 2015 and ending June 30, 2016, subject to and contingent upon the availability of funding from the Federal government in the amount of \$892,470 and from the Commonwealth in the amount of \$12,579,792, and from other local revenues in the amount of \$161,278. All of such appropriations are subject to the conditions hereinafter set forth in this resolution.

SECTION 3. SCHOOL RESERVE FUND. That an appropriation to the School Reserve Fund in the amount of \$458,000 is hereby made for the fiscal year beginning July 1, 2015 and ending June 30, 2016, subject to and contingent upon the availability of funding from the school fund balance. Such appropriation is subject to the conditions hereinafter set forth in this resolution.

SECTION 4. SCHOOL CAFETERIA FUND. That an appropriation to the School Cafeteria Fund in the amount of \$973,040 is hereby made, subject to and contingent upon the availability of funding from the Federal government in the amount of \$482,900, and from the Commonwealth in the amount of \$14,570, and from charges for services in the amount of \$463,070, and from recovered costs in the amount of \$12,500. Such appropriation is subject to the conditions hereinafter set forth in this resolution.

**SECTION 5. SPECIAL REVENUE FUNDS.** That the amounts hereinafter named aggregating \$2,147,742, or so much thereof as may be necessary, are hereby appropriated to the various Special Revenue Funds subject to the conditions hereinafter set forth in this resolution, and subject to and contingent upon the availability of funding from the sources hereinafter shown for each fund, for the fiscal year beginning July 1, 2015 and ending June 30, 2016, as follows:

Special Revenue Funds:

	Source of Funds	Appropriation
Virginia Public Assistance Fund:		
Recovered Cost	\$ 3,705	
State Support	255,868	
Federal Support	540,114	
Local Support (Transfer from General Fund)	<u>270,890</u>	
Total VPA Fund:		\$ <u>1,070,577</u>
Regional Animal Shelter Fund:		
Charges for Services	\$ 8,500	
Donations	23,574	
Recovered Cost (King and Queen County/Restitution)	120,091	
State Support	5,200	
Local Support (Transfer from General Fund)	<u>120,091</u>	
Total RAS Fund:		\$ <u>277,456</u>
Asset Forfeiture Funds:		
State Support	\$ <u>6,000</u>	
Total AF Fund:		\$ <u>6,000</u>
Victim Witness Fund:		
Recovered Cost (King and Queen County)	\$ 3,302	
State Support	53,105	
Local Support (Transfer from General Fund)	<u>3,302</u>	
Total VW Fund:		\$ <u>59,709</u>
Comprehensive Services Act Fund:		
Charges for Services	\$ 20,000	
State Support	285,600	
Local Support (Transfer from General Fund)	<u>428,400</u>	
Total CSA Fund:		\$ <u>734,000</u>
Total Special Revenue Funds:		\$ <u>2,147,742</u>

**SECTION 6. CAPITAL PROJECTS FUND.** That the amounts herein named aggregating \$275,000 or so much thereof as may be necessary, are hereby appropriated to the Capital Project Fund subject to the conditions hereinafter set forth in this resolution for the purposes hereinafter mentioned for the fiscal year beginning July 1, 2015 and ending June 30, 2016, as follows:

Capital Project Funds:

	Source of Funds	Appropriation
Capital Improvement Plan:		
Transfer from General Fund	\$ <u>275,000</u>	
Total CIP Fund:		\$ <u>275,000</u>



Total Capital Project Funds: \$ 275,000

**SECTION 7. DEBT SERVICE FUND.** That the amounts herein named aggregating \$3,286,998 or so much thereof as may be necessary, are hereby appropriated to the Debt Service Fund subject to the conditions hereinafter set forth in this resolution for the purposes hereinafter mentioned for the fiscal year beginning July 1, 2015 and ending June 30, 2016, as follows:

Debt Service Fund:	Source of Funds	Appropriation
Gen. Gov. Debt transfer from General Fund	\$ 768,786	
Utility Debt transfer from Utility Funds	232,321	
School Debt transfer from General Fund	<u>2,285,891</u>	
Total Debt Service Fund:		\$ <u>3,286,998</u>

**SECTION 8. PROPRIETARY FUNDS.** That the amounts herein named aggregating \$1,097,696 or so much thereof as may be necessary, are hereby appropriated to the Proprietary Funds subject to the conditions hereinafter set forth in this resolution for the purposes hereinafter mentioned for the fiscal year beginning July 1, 2015 and ending June 30, 2016, as follows:

Proprietary Funds:

Water Utility Fund:	Source of Funds	Appropriation
Charges for Services	\$ 163,200	
Permits, Privilege Fees & Regulatory Licenses	45,054	
Local Support (Transfer from County)	<u>48,413</u>	
Total WU Fund:		\$ <u>256,667</u>
Sewer Utility Fund:	Source of Funds	Appropriation
Permits, Privilege Fees & Regulatory Licenses	\$ 50,000	
Local Support (Transfer from County)	<u>147,907</u>	
Total SU Fund:		\$ <u>198,907</u>
Internal Service Fund:	Source of Funds	Appropriation
Internal Charges for Services	\$ <u>642,122</u>	
Total Internal Service Fund		\$ <u>642,122</u>
Total Proprietary Funds:		\$ <u>1,097,696</u>

**SECTION 9.** Monies are hereby appropriated for the fiscal year 2016 in the various funds for the purpose of liquidating encumbered purchase transactions and for continuing capital and special projects as of June 30, 2015, not to exceed the applicable fund balance/net assets/net position as recorded in the County's audited accounting records. The County Administrator shall advise the Board of Supervisors in writing of the allocation of all such appropriations.

**SECTION 10.** Additional funds received for the following items are hereby appropriated for the purposes and to the programs for which received:

- a) Insurance recoveries and other payments received for damage to County vehicles or property;
- b) Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement;
- c) Contributions and donations received for specific programs or purposes.

SECTION 11. All of the monies appropriated as shown by the items contained in Section 1 through Section 10 are appropriated upon the following terms, conditions and provisions:

(A) All appropriations are declared to be maximum, conditional and proportionate appropriations, the purpose being to make the appropriations payable in full in the amounts named herein only in the event the revenues collected from the anticipated non-local sources are sufficient to pay the appropriations in full; otherwise, said appropriation shall be deemed to be payable only in an amount equal to actual non-local revenue received. The County Administrator is authorized to make transfers to the various funds for which there are transfers budgeted. The County Administrator shall transfer funds only as needed up to the amounts budgeted, or in accordance with any existing bond resolutions that specify the manner in which transfers are to be made.

(B) No department, agency or individual receiving an allocation of the appropriations made by this resolution shall exceed the amount of such allocation except with the prior consent and approval of the Board of Supervisors or, as set forth in paragraph (D) of this Section 11, the County Administrator where so authorized.

(C) Nothing in this resolution shall be construed as authorizing any reduction to be made in the amount appropriated in this resolution for the payment of interest on or the retirement of any debt of King William County, including debt incurred for school purposes.

(D) The County Administrator is authorized to redistribute appropriations within, but not between, the several funds under the control of the Board of Supervisors as may be necessary to best meet the needs and interests of King William County, except that transfers of funds from payroll items to non-payroll items or vice versa and transfers of capital projects funds between individual projects as set forth in the approved Capital Improvements Program may only be made by the Board of Supervisors.

(E) Annual appropriated contributions to non-governmental entities in excess of \$25,000 shall be disbursed on a quarterly basis in July, October, January, and April with the amount disbursed not to exceed one-quarter of the total appropriation unless otherwise agreed by the Board.

(F) The County Treasurer, upon receipt of a written order from the County Administrator, is authorized to advance monies between the several County Funds under his custody provided, however, that the total advanced to any particular fund, plus the amount of monies disbursed from that fund, does not exceed the annual appropriation for said fund.

(G) To the extent such authorization is required, the County School Board is authorized to create such additional funds as it may deem necessary to account for its operations and to transfer the monies appropriated by this resolution for school purposes to such additional funds. Any such transfers shall not affect the status of such monies at year end or the reversion thereof as otherwise provided by law.

SECTION 12. The County Administrator and specific employees designated by him in writing are hereby authorized as signers of drafts on the Petty Cash account available to allow for emergency/immediate expenditures, not to exceed \$5,000, necessary in daily County operations.

SECTION 13. In accordance with the provisions of Senate Bill 488 which was adopted by the General Assembly of the Commonwealth of Virginia during the 2014 regular session and signed by the Governor of Virginia which created a special school tax district and established the taxing and appropriation authority of the King William County Board of Supervisors with respect to such special tax district and the county school division, the Board of Supervisors hereby designates the following local sources and amounts for the support of county school division operations and debt for the fiscal year beginning July 1, 2015 and ending June 30, 2016:

Special school tax district property tax levies (including penalties and interest)	\$ 8,224,490
Prior year fund balance from property levies	0
County share of Local 1% Sales Tax	775,015
Motor vehicle license tax	370,000
Communication services sales taxes	360,000
Rolling Stock taxes	18,685
Bank net capital taxes	80,200
Business license taxes	301,200
Food and beverage taxes	250,000
Consumer Utility Tax	230,000
Utilities Gross Receipts	45,050
Total school appropriation (Includes school debt transfer from Gen. Fund)	\$10,654,640

The designation of these specific revenue sources for FY 2016 shall in no way restrict the Board of Supervisors in future appropriations. The appropriation of prior year funds to the King William School Division derived from property taxes in the special tax district is not a part of the current year appropriation unless an amount from such source is specifically shown in the above listing. Should total receipts from the sources listed in this section exceed the amount estimated above, the excess shall be deemed to be property tax receipts. Such revenues shall be retained as fund balance for the special tax district and will be available for future appropriation by the Board of Supervisors for school operation or capital purposes. Should total receipts from the sources listed in this section be less than the amount estimated above, the Board will appropriate additional funds from special tax district sources designated in a future resolution as necessary to cover any gap in local funding. The appropriation of state or federal revenue is not addressed as such revenues are not local revenues covered by Senate Bill 488.

SECTION 14. Notwithstanding any other provision of this resolution, the County Administrator is authorized to allocate the monies set aside in the approved FY 2016 budget and appropriated in the General Fund for employee pay adjustments to those departments, agencies, functions or funds as necessary to carry out the plan of adjustment presented to this Board.

SECTION 15. All resolutions and parts of resolutions inconsistent with the provisions of this resolution are hereby repealed.

This resolution shall be effective on and after July 1, 2015.

b. Resolution 15-18 – FY16 Capital Improvement Program – Mr. Stuck briefly reviewed Resolution 15-18. He stated the County has not formally adopted a Capital Improvement Program. However, there has been a document inserted in the front of the budget document indicating a plan but was not incorporated in a resolution. He said the Board has already approved funding for the CIP for FY2016, that is fixed to the extent these projects are not funded. He clarified this is a planning document, an idea of future needs, and a first attempt to try to assess some future needs of the county. Capital projects are those defined as having a useful life of three years or

more and have a total cost of at least \$25,000. He said this is an important planning tool to have in place for future funding of projects.

O. O. Williams moved for approval of Resolution 15-18; motion was seconded by T. J. Moskalski.

Chair Stone called for any discussion.

There being no discussions Resolution 15-18 was approved by the following roll call vote:

C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye
T. S. Stone	Aye

RESOLUTION 15-18  
A RESOLUTION ADOPTING THE FISCAL YEAR 2016-2020  
CAPITAL IMPROVEMENTS PROGRAM AS A LONG RANGE PLANNING  
DOCUMENT FOR KING WILLIAM COUNTY, VIRGINIA

WHEREAS, in consideration of information received from the departments and agencies of the County and direction from the Board of Supervisors, the County Administrator has developed a Proposed Fiscal Year 2016-2020 Capital Improvements Program; and

WHEREAS, the Capital Improvements Program serves as a long range planning document, subject each year to review and approval of funding by the King William County Board of Supervisors; and

WHEREAS, such review has been completed for the Fiscal Year 2016-2020 Capital Improvements Program,

NOW, THEREFORE, BE IT RESOLVED by the King William County Board of Supervisors this 22<sup>nd</sup> day of June, 2015, that there is hereby adopted for planning purposes only (except for those projects specifically approved and funded in the FY 2016 budget and appropriation process), the County Administrator's Proposed Fiscal Year 2016-2020 Capital Improvements Program as previously presented to the Board and included in the agenda materials of this meeting.

c. Resolution 15-19 – FY16 Pay and Classification Plan – Mr. Stuck briefly reviewed Resolution 15-19 and said a recommendation was made that compression and inconsistency issues in the county pay system be addressed. He said a sum of money was approved and appropriated to address these issues across the county workforce. He noted 40 to 50% of the workforce will receive a raise of \$400 or less, with the balance of the approved funds will go to offset and fix compression issues. This effort was not to reclassify the pay system but merely to try and get it back to being more balanced. He said the reason for the imbalance is that in a number of years; across the board increases were provided with no merit increases, or any other kinds of increases within the pay grades. He said the resolution for consideration also

approves a pay scale, positions, and the grades they are assigned to, with changes from FY2015.

Chair Stone called for any discussion.

Mr. Moskalski feels comfortable with the recommendations made. He has reviewed the plan and said this was a tall task to undertake given the funding constraints. He feels that has been accomplished and this is a fair plan.

T. J. Moskalski moved to approve Resolution 15-19; motion was seconded by C. T. Redd III.

Chair Stone called for any further discussions.

Mr. Williams asked for clarification if this adjustment is to cover a portion of the cost employees incurred in health insurance premiums.

Mr. Stuck explained employees have to contribute to the health insurance premiums offered this fiscal year. The adjustment was an attempt to partially offsets the increase for those employees on the health insurance plan.

T. J. Moskalski moved for approval of Resolution 15-19; motion was seconded by C. T. Redd III.

Chair Stone called for any further discussions.

There being no other discussions Resolution 15-19 was approved by the following roll call vote:

T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye
C. T. Redd III	Aye
T. S. Stone	Aye

RESOLUTION 15-19  
A RESOLUTION APPROVING A PAY AND CLASSIFICATION AND SALARY  
ADJUSTMENT PLAN FOR FISCAL YEAR 2016

WHEREAS, on the 27<sup>th</sup> of April, 2015, the King William County Board of Supervisors approved the annual budget for 2016 that included funding for adjustments to the County's pay and classification system and employee compensation to address compression issues and other pay discrepancies to the extent feasible; and

WHEREAS, the Board directed the Interim County Administrator to develop and submit a proposed plan to implement adjustments within the available funding; and

WHEREAS, the recommendations of the Interim County Administrator have now been presented to and reviewed by the Board, all as included in the agenda material for this meeting,

NOW, THEREFORE, BE IT RESOLVED by the King William County Board of Supervisors this 22<sup>nd</sup> day of June, 2015, that the FY 2016 Pay Plan showing the pay grades and pay ranges in the county pay system is approved; that the FY 2015

position classifications in the pay system are modified as shown on the FY 2016 Job Classification List of Current Allocated Positions; and that the County Administrator is authorized to implement the Plan of Adjustment in substantially the form as presented to this Board.

d. Resolution 15-21 – Proposed FY16 Fire – Rescue Budget Allocation –

Mr. Griffin said staff was directed to come up with allocations for the funds made available through the budget for fire and rescue. In the meantime, staff has attempted to address the concerns the Board has expressed regarding the quality and timeliness of rescue service, especially during working hours Monday through Friday. He said staff will move ahead with a contract immediately for Monday through Friday, 6 a.m. to 6 p.m. coverage. A contract has been negotiated he feels is a fair rate and will improve dramatically the services to the citizens served in the King William Volunteer Fire & Rescue service area.

Chris Bruce, Emergency Management Coordinator, briefly reviewed the staff recommendations for allocations made to fire and rescue in the FY16 budget. He noted the proposed allocations fund Mangohick VFD, Mattaponi VRS and Walkerton CFA at the same levels as FY15; West Point VFR receives a slight increase in funding; while King William VF&R funds are decreased from FY15. He said the volunteer fire department funding increase from FY15, along with EMS billing revenue, will be used to pay for contract EMS staffing. He said as a condition of the funding he is working with each of the departments to develop goals and expectations for each quarter of FY16. Each department will also be asked to submit a financial audit of how funding supplied by the county is utilized.

Mr. Griffin said one of those expectations is working with the dispatchers in the Sheriff's office to improve the quality of information received, regarding dispatching and response times.

Chair Stone asked for clarification of what area the contracted services will cover.

Mr. Bruce stated the contracted services will originate from the King William VF&R station, in Aylett, to cover the upper end of the county.

Chair Stone called for any discussion.

Mr. Redd asked if the goals and expectations are not met after the first quarterly payment is made will the Board be notified for further consideration.

Mr. Griffin clarified any that issues will be reported to the Board with recommendations for consideration.

Mr. Williams asked for clarification the goals and expectations require fire services to set goals for rescue services.

Mr. Bruce explained not directly, we are asking fire departments that have rescue service capabilities to assist when needed and possibly add that service in the future as a long term goal to help cover underserved areas of the county.

Mr. Greenwood speculated that if this service works well then the county could recoup some funds, along with EMS billing, and based on an increase in response calls answered.

Mr. Griffin agreed and said staff has been conservative in the estimates and hopefully that will be the case.

Mr. Moskalski hopes anyone that has EMT capabilities in the county sees the condition of services would be more than willing to help the condition. He said this is a problem that has been worked on for well over two years. He said this is a first real step out of the box that has been taken, as far as, how we are going to address this problem. He agrees firm goals should be established and holding to them, if they are not being met then we will have to find alternatives quickly. He applauds staff for coming up with some good competitive bids and for getting this work done so quickly. He hopes this approach works.

T. J. Moskalski moved for approval of Resolution 15-21; motion was seconded by S. K. Greenwood.

Chair Stone called for any further discussions.

Mr. Redd agreed if this new entity answers half of the 200 missed calls a lot of revenue will be brought in to the county that we are not seeing now. He feels this will be a win-win for everybody.

Chair Stone agrees there is an opportunity to recoup some of the unrealized revenue. In addition, with regards to the high number of missed calls, she said this is a severe issue in the county and feels this is a true movement in the right direction. She also thanked staff for all of their efforts.

There being no other discussions Resolution 15-21 was approved by the following roll call vote:

S. K. Greenwood     Aye  
 O. O. Williams      Aye  
 C. T. Redd III        Aye  
 T. J. Moskalski      Aye  
 T. S. Stone            Aye

R E S O L U T I O N 15-21  
 A RESOLUTION ALLOCATING FUNDS TO THE  
 FIRE AND RESCUE DEPARTMENTS  
 BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016  
 FOR KING WILLIAM COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of King William County, Virginia, has heretofore prepared and, on April 27, 2015, adopted a budget for informative and fiscal planning purposes for the fiscal year beginning July 1, 2015; which included \$625,830 to fund Fire and Recuse service for King William County and,

WHEREAS, it is now necessary to allocate those funds between the agencies which provide Fire and Rescue services to King William County.

NOW, THEREFORE, BE IT RESOLVED that the funds budgeted for Fire and Rescue services shall be allocated as shown in the following table by the Board of Supervisors of King William County, Virginia, this 22<sup>nd</sup> day of June, 2015:

Fire & Rescue Budgeted	\$625,830.00
King William VFR	\$190,000.00
Mangohick VFD	\$82,890.00
West Point VFR	\$115,440.00
Mattaponi VRS	\$35,630.00
Walkerton CFA	\$33,030.00
Contract Staffing	\$168,840.00

This resolution shall be effective on and after July 1, 2015.

**RE: NEW BUSINESS**

a. Public Hearing on proposed Resolution 15-23 – A resolution approving Conditional Use Permit 04-14 – Gregory N. Packett owners of 3PC, LLC, requests a conditional use permit to allow for twelve (12) single-family attached unit townhouses and eleven (11) multi-family buildings containing a total of 208 units -

i. Staff Presentation – Bret Schardein, Director of Community Development, summarized the request for Conditional Use Permit 04-14. He said the applicant has requested a conditional use permit to allow the construction of 12 townhomes and 208 multiple-family dwellings on the above reference property. The site plan also includes 8 detached single-family homes, which are a by-right use. The property is known as parcel 28-41, containing 21.64 acres, which is on the north east side of King William Road (Rt. 30) zoned R-1 Suburban Residential. He reviewed the impacts the proposed development would have on public utilities; schools; transportation; stormwater; and emergency services.



He stated at the applicant's community meeting staff received comments of general support for the proposal from several in attendance. At the Planning Commission's public hearing on August 5, 2014, one person spoke and stated they like the proposed layout and design, but had concerns with the traffic impact, availability of water, and impact on the county's tax base. Staff met with two property owners who had concerns over the lack of cash proffers with the property's existing zoning and the impact the development may have on county services. Staff has received three inquiries from persons interested in living in the proposed development. Staff has received two inquiries from firms performing research for potential commercial developers interested in building in the Central Garage area, who stated the project, among other factors, is an indicator that the area may now or soon be viable for their commercial projects.

He noted the Planning Commission at their meeting of October 4, 2014 voted 4 to 1 (with one member absent) to recommend the Board of Supervisors approve the Conditional Use Permit, with conditions, as proposed. He said since the Planning Commission's recommendation, staff has revised the conditions to further mitigate impacts and ensure a quality development. Assuming no comments are received which require revisions to the conditions, staff recommends approval as proposed.

Applicant Presentation – Ms. Nancy Herman-Thompson, Land Surveyor for the project, and Mr. Gregory Packett, developer and owner of property, appeared before the Board to give a brief presentation on the proposed development known as Pine Crest. Ms. Thompson gave details of Mr. Packett's experience in general contracting and land development. She also reviewed details of the proposed development property noting that the location is next door to the County owned parks and recreation property. Details of the proposed homes and apartments were given which included dimensions and placement of the structures. She said the developer uses local contractors and retailers whenever possible. She reviewed area rental rates and said this development is proposed to be within this range. She reviewed projected revenues in water and sewer, real estate, and property taxes expected to be collected for this project.

In summary, she said Mr. Packett has a good track record with very good references. She said this development is designed to provide maintenance free living for the apartments, and most of all options for all demographics for a place to live.

ii. Public Comments (3 minutes per individual; 5 minutes if representing an organization or group) – Chair Stone declared the public hearing open to receive comments on proposed Resolution 15-23.

1. Don Wagner, of the Mangohick District, expressed his concerns of the availability of water and traffic impacts at the Planning Commission public hearing on this proposed development. He commends staff on their efforts in working with the developer, VDOT and the DEQ to mitigate these concerns. For the most part, he feels those concerns have been adequately addressed. He still has concerns of the long term impact of this development.

2. Trent Funkhouser, of the 1<sup>st</sup> District, spoke very highly of Mr. Packett and supports this development. He feels density is what is needed in this area and not homes spread out. He encouraged the Board to approve the request.

There being no other persons to appear for or against this matter Chair Stone closed the public comment period.

iii. Consideration – Resolution 15-23 – Chair Stone called for any discussion.

There was a lengthy discussion among Board members and Mr. Schardein that included a proposed playground, clubhouse, and ample parking spaces

Mr. Greenwood questioned why a clubhouse is not included in the proposed development and commented on the number of parking spaces per unit.

Mr. Schardein explained an element of the conceptual plan includes a park. He said the current zoning ordinance only requires one parking space per unit; the developer proposes more than the requirement, which is more in line with other localities. He further stated parking spaces is something that could be engineered to be raised a bit if needed.

Mr. Williams has concerns with the amount of traffic in this development and concerns with exiting the development should the main entrance be blocked for any reason.

Mr. Schardein explained unlike the county park entrance, which is much narrower, this entrance will be constructed to current VDOT standards. He said it would be extremely unlikely both sides of the entrance would be blocked.

Mr. Williams voiced his concerns of fire and rescue access to the proposed three story buildings as current equipment is not equipped to handle.

Mr. Schardein explained this is a preliminary design and that an initial meeting was held with the respective fire chiefs and recommendations were made. He further explained emergency services staff will be involved in the review of the formal site plan submittal.

Mr. Moskalski commented on previous discussions had during work sessions regarding the impacts on law enforcement, fire and rescue, and parking concerns for this project. He said the level of density for this project is not as much as was approved in the UDA. He feels this is a message to commercial customers that King William is serious about providing a customer base needed to establish in the community. He said from talks he has had with VDOT this is the direction they would like to go, driveways that are not on the highway.

Mr. Schardein agreed and stated the whole state of Virginia is under a new funding mechanism with VDOT, which encourages density for projects to be financially feasible.

Continuing, Mr. Moskalski said as far as demands for water and sewer, and the mention of the system being underutilized, we also have pressure from the state, as much as, when we renew the current water permit. He said the county has already been put on notice the usage is such that they may cut it if we don't increase usage under the current permit. He is comfortable with the plan and does not see a need for too many changes, already discussed leading up to this public hearing.

Mr. Redd also feels this type of project at the Route 360 corridor will be a big boost for commercial business in that area. He said there are concerns of the added traffic, but traffic brings business.

Chair Stone feels this project will have an impact on the county economically and being able to attract some of those businesses and retail that are of interest to some residents. She asked for clarification of the access from the project to

the county park. She has concerns about access from the site being available all the time because the park is somewhat isolated.

Mr. Schardein explained that a proposed condition was included and access to the park would be blocked from vehicular access, but nothing that would restrict pedestrian access. He feels an onsite manager at the complex will help with this concern.

Chair Stone also has concerns about sufficient parking.

Ms. Thompson noted that the parking design is of such that the parking lots can be shuffled around to accommodate more parking.

Mr. Schardein stated that during the initial construction, if parking appears to be an issue, future phases will be reviewed and the push for adequate parking would be made for current and additional phases.

S. K. Greenwood moved for approval of Resolution 15-23(A); motion was seconded by C. T. Redd III.

Chair Stone called for additional discussions.

The County Attorney suggested the Board make any conditions to the conditional use permit at this time.

S. K. Greenwood amended his motion to include a condition to the permit that requires the first forty-eight (48) multiple-family dwellings shall be constructed with a minimum of one and four tenths (1.4) parking spaces per dwelling unit and that the Zoning Administrator shall analyze the parking demand of the first forty-eight (48) as well as future units and require adequate parking for all future units based on the demand evidenced by previous construction; amended motion was seconded by C. T. Redd III.

Chair Stone called for any further discussions.

There being no other discussions Resolution 15-23(A)(R) was approved by the following roll call vote:

O. O. Williams	Nay
C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye

RESOLUTION 15-23(A)(R)  
A RESOLUTION APPROVING CONDITIONAL USE PERMIT CUP-04-14  
3PC, LLC TOWNHOUSE AND MULTIFAMILY DEVELOPMENT

WHEREAS, Section 86-171 of the King William County Code provides for the development of single-family attached dwellings (“townhouses”) and multiple-family dwellings in R-R Rural Residential and R-1 Suburban Residential zoning districts following review and approval of a Conditional Use Permit; and

WHEREAS, Gregory Packett submitted a Conditional Use Permit application, CUP-04-14 proposing to construct twelve (12) townhouses and two-hundred and eight (208) multiple-family dwellings on Tax Map Parcel 28-41; and

WHEREAS, the Planning Commission conducted a public hearing on the application on August 5<sup>th</sup> 2014 and following such public hearing deferred action requesting additional information on water supply and traffic analysis; and

WHEREAS, the Planning Commission on October 7<sup>th</sup> 2014 voted 4-1, with one member absent, to recommend the Board of Supervisors approve such application as proposed with conditions; and

WHEREAS, staff have recommended revisions to the proposed conditions to further mitigate potential impacts of the use on the public; and

WHEREAS, the Board of Supervisors conducted a public hearing on June 22<sup>nd</sup>, 2015 to consider CUP-01-15;

NOW, THEREFORE, BE IT RESOLVED, the King William County Board of Supervisors this 22<sup>nd</sup> day of June, 2015, hereby approves CUP-01-15, with the following sixteen (16) conditions:

1. Conceptual Plan. The Property shall be developed in substantial conformity with the conceptual plan attached titled “Preliminary Site Plan for Gregory Packett” prepared by “Anthony Scott Thompson, P.L.S.” dated “7/11/14” last revised “5/8/15” provided the Property Owner may adjust road and lot lines, and other engineering details subject to the approval of the Zoning Administrator, which adjustments are necessary to effectively design the Property based on final engineering.
2. Protective Covenants. Prior to or concurrent with the final approval of the site plan and/or subdivision plat, the Owner shall record in the Clerk’s Office of the Circuit Court of King William County, Virginia a document setting forth controls on the development and maintenance of the property. The Covenants shall provide for high standards of uniform maintenance (consistent with high end residential projects) of individual sites, common areas, open space, landscaping, recreational amenities, sidewalks, parking areas, private streets and shall contain regulations pertaining to the keeping of animals, home-based businesses, design approval of new construction (to include re-construction, substantial repairs and accessory structures), trash, junk and the keeping of inoperable vehicles, recreational vehicles, boats and trailers. The Covenants shall be enforced by lease agreements and/or an owners’ association.
3. On-site Management. An on-site manager, who shall have responsibility for inspecting the property and enforcing the Covenants shall be on-site, no less than five days per week.
4. Transportation Improvements. To provide for an adequate roadway system, the Owner shall be responsible for on and off-site road improvements in accordance with Virginia Department of Transportation (“VDOT”) standards. All improvements shall be bonded, with development agreements approved as to form by the County Attorney.
  - a. Roads. The main interior road(s) serving the project shall be designed and constructed in accordance with VDOT Secondary Street Acceptance standards and the VDOT Road Design Manual.
  - b. Right Turn Lane. The Owner shall provide a right turn lane on Rt. 30 for traffic entering the property from the south.
  - c. Left Turn lane. The Owner shall restripe Rt. 30 to provide a left turn lane for traffic entering the property from the north.
  - d. Entrance. The entrance shall consist of a landscaped boulevard-style entrance 150’ in length.

- e. Park Access. The Property Owner shall provide a hard-surface access to the King William County park property, known as Tax Map Parcels 21-50A and 21-52. The access shall be of sufficient width and construction to accommodate emergency services vehicles. The access shall be secured by a gate or bollards at all times, with keys to the lock provided to the County Administrator and their approved emergency services staff and/or agencies.
5. Transportation Analysis. Prior to or concurrent with submittal of a site plan providing for construction of the one-hundred and tenth (110th) dwelling unit, the Property Owner shall perform a queuing analysis for the Rt. 30 and Rt. 360 intersection. The Property Owner shall make any improvements recommended by VDOT upon their review of the analysis.
6. Building Materials. Exterior wall materials (exclusive of windows and doors) shall be brick, stone, cultured stone, high-grade vinyl (a minimum of .042" nominal thickness as evidenced by manufacturer's printed literature), engineered wood (e.g. LP Smartside), cementitious siding (e.g. Hardiplank) or a combination of the foregoing, unless different architectural treatment and/or materials are approved by the Zoning Administrator. Roof materials shall be 30 year architectural/dimensional asphalt composition shingle, unless otherwise approved by the Zoning Administrator.
7. Lighting. All lighting shall be residential in character and non-glare, concealed-source units to minimize light pollution and glare on public roads and adjacent properties, further subject to the following:
  - a. Parking lot lights shall not exceed twenty (20') feet in height as measured from the grade at the base of the lighting standard.
  - b. Street and sidewalk lights shall not exceed sixteen (16') feet in height as measured from the grade at the base of the lighting standard.
8. Utilities. All utilities serving the development shall be located underground, unless prohibited by the agencies regulating those utilities. All units within the development shall be connected to public water and sewer systems.
9. Natural Buffer. A fifty (50') foot wide buffer consisting of natural trees and vegetation shall be maintained around the perimeter of the property. Any portions of the buffer damaged shall be re-established during the next planting season, using natural trees and vegetation to achieve screening equivalent to the existing vegetation. No structures or land disturbance may take place within the buffer area except that the entrance, adjoining property access, access to the County park and utilities shall be permitted to encroach within the buffer, provided they cross the buffer as near a right angle as possible, with disturbance to be the minimum amount necessary.
10. Screening. All dumpsters, heating and air conditioning units shall be fully screened from view by plantings, a fence or wall.
11. Land Disturbance. Land disturbance shall be limited to the minimum amount necessary for the proposed development.
12. LID. Development of the property shall incorporate standards of Low-Impact Development ("LID") to the maximum extent possible.
13. Landscaping. All landscaping on the property shall utilize plants native to Virginia, appropriately selected so as to be drought resistant. Any dead, dying or damaged landscaping shall be replaced no later than the next planting season.
14. Total Number of Dwelling Units. The number of individual multiple-family units shall not exceed two-hundred and eight (208). The combined number of individual multiple-family units, single-family attached townhome and single-family detached units shall not exceed two-hundred and twenty eight (228).
15. Age-Targeted Units. At least thirty-two (32) of the total number of dwelling units shall provide accessible living accommodations designed for persons fifty-five (55) years of age or older.
16. Expiration. This CUP shall permit dwellings for which a valid and current building permit is issued within ten (10) years of conditional use permit approval. For any dwellings which do not have a valid and current building permit on June 22<sup>nd</sup> 2025, the end of the initial ten (10) year period; the applicant may seek an extension for the deadline of construction of any remaining dwellings from the Zoning Administrator until June 22<sup>nd</sup>, 2030. A request for an extension shall be submitted in writing to the Zoning

Administrator, no earlier than June 22<sup>nd</sup> 2024 but no later than December 31<sup>st</sup>, 2024. The Zoning Administrator shall consider the compliance history with these conditions and the Code of King William County, the capacity of existing utilities, road and school facilities to serve the remaining units in the decision to grant the request. If the Zoning Administrator does not grant the extension, the request shall be forwarded to the Board of Supervisors for consideration and action, following a public hearing, advertised as required by State Code § 15.2-2204.

17. Parking. The first forty-eight (48) multiple-family dwellings shall be constructed with a minimum of one and four tenths (1.4) parking spaces per dwelling unit. Units constructed after the first forty-eight (48) shall have adequate parking spaces provided as required by the Zoning Administrator based upon the parking demand analysis of previous units. Parking for single-family attached townhomes and single-family detached dwellings shall be provided for as required by the Zoning Ordinance.

b. Public Hearing on Proposed Resolution 15-24 – A resolution approving Conditional Use Permit 01-15 – Owner, David R. Nelson, requests a conditional use permit to allow for a pet crematory as an accessory use to a dwelling -

i. Staff Presentation – Bret Schardein, Director of Community Development, summarized the request for Resolution 15-24 – A resolution approving conditional use permit 01-15. The applicant proposes to locate a small pet crematory unit on their property and operate it as a business alongside their use of the property as a residence. The applicant would pick up animals for cremation and deliver the ashes. The use should not generate traffic discernable from a traditional dwelling and the accessory uses permitted by-right. The applicant proposes to house the unit inside a typical-looking residential accessory structure such as a shed, so that from the outside, the property would appear strictly residential.

Staff received comments from a citizen, outside of the neighborhood, stating concern over the ability of the private road to handle additional traffic. If the use included drop-off and pick-up by individuals at the property, staff believes the suitability of the road should be further considered. However, as the applicant is proposing that the majority of pick-ups and deliveries will be done by the property owners themselves, the additional vehicle trips should be minimal, and will likely be less than the traffic other by-right home occupation uses may generate.

He noted at the Planning Commission's public hearing, three citizens living in the neighborhood spoke with concerns that the use is not appropriate in a residential area; specific concerns were the notification procedures, traffic and fire. Staff believes traffic and noise have been addressed as stated above. The structure will be required to meet building and fire code requirements. Staff has received one letter of support

from a local veterinary office that would be looking for local options for these services. The applicant has provided twenty signed statements from property owners in the neighborhood stating they have no concerns or that they support the proposal. He briefly summarized the conditions for this proposed use.

The Planning Commission voted unanimously 6-0, at their regular meeting of May 5, 2015, that the Board of Supervisors approves the conditional use permit with the conditions as proposed. Assuming no comments are received which require revisions to the conditions, staff recommends approval as proposed.

ii. Public Comments (3 minutes per individual; 5 minutes if representing an organization or group) – Chair Stone declared the public hearing open to receive comments on proposed Resolution 15-24.

1. James Tibbs, of 102 Jack Pen Lane and business owner in King William County, spoke against permitting a pet crematory being operated in his neighborhood. He has concerns with the proposed building location; power supply; state or local regulations; and additional traffic on a private road. He stated he owns the road in front of his property that will be used for access to the proposed business location. He stressed the proposed property is zoned residential, not industrial. He stated if this type of business is approved he will explore his legal options of having it removed. In his opinion, he feels this type of business will diminish his property value.

2. Anne Mason, of 154 Jack Pen Lane, spoke against approving this type of business in a residential area. She feels the equipment used for this service should be located in an industrial park and not in someone's backyard. She requested the conditional use permit be rejected.

3. Michelle Nelson, spouse of the applicant, defended the shed that is currently situated on their property is not the planned location for this crematory. She noted their property has a commercial standby generator to provide power to this business in the event of an outage. She noted a business is already being operated in the neighborhood that uses the road for access.

4. Nathan Blackstock, with U.S. Cremation Equipment, stated he has visited the proposed site and met with the applicant to review plans for this proposed business. He stressed the building and equipment will not be visible from the road and added that the equipment does not produce visible emissions or odor. He noted the



machine used for this service is UL listed and is safe in terms of concerns of a fire hazard. He said the cremation business is growing exponentially across the country as an alternative to burial and landfills. He supports this business and said it is a good way to bring a good business to communities and provide a much needed service.

There being no other persons to appear for or against this matter Chair Stone closed the public comment period.

iii. Consideration – Resolution 15-24 – Chair Stone called for any discussion.

Mr. Greenwood asked if there is a site plan for this proposed business that shows the proposed location of the building.

Mr. Schardein feels a formalized site plan is not necessary for this type of proposal. If approved and a zoning permit is applied for a two scale sketch of the property will be required showing setbacks.

Mr. Williams noted his concerns of a possible right of way and access problem.

Mr. Stuck said it is appropriate for the county to look at the ownership of the right of way, as well as any restrictive covenants that may exist in the neighborhood. However, granting the use permit does not grant the property owner any rights in the right of way that they don't already have.

Chair Stone asked for clarification if the ownership and covenants have been reviewed.

Mr. Schardein said he has researched records at the courthouse, and the records of the subdivision, and has not found any recorded restrictive covenants. He said the property owner provided him with a copy of the road maintenance agreement. He said his research did not show the road maintenance agreement was ever recorded.

Chair Stone asked for the County Attorney's opinion on this subject.

Mr. Stuck suggested the road maintenance agreement may answer the questions of the Board. He said the Board can certainly table the item for additional information.

C. T. Redd III motioned to deny CUP 01-15; motion died for the lack of a second.

T. J. Moskalski moved to table action on Resolution 15-24; motion was seconded by S. K. Greenwood.

Chair Stone called for any further discussions.

Mr. Moskalski feels while there is supporting evidence from the applicant that speaks to the fact that a majority of the members in this community, at the very least, are not opposed to this proposed idea. He feels there are some concerns brought before the Board tonight that warrant further research by staff.

Mr. Redd stated the reason he motioned to deny the request is because he is concerned with ever putting this type of operation in a residential neighborhood.

There being no other discussions Resolution 15-24 was tabled by the following roll call vote:

T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye
C. T. Redd III	Nay
T. S. Stone	Aye

c. Public Hearing on Proposed Ordinance 15-05(R) – An Ordinance to amend the King William County Code, Chapter 70. Taxation, Article II. Real Property Tax, Division 2. Special Assessment for Land Preservation, to update the County Code to conform to the Code of Virginia, to Eliminate Open Space and Horticultural Uses as Uses Qualifying for the Program, to Specify Increased Application and Revalidation Requirements, to Require Annual Revalidation in 2015 and Further Years, and to Increase Application and Revalidation Fees -

i. Staff Presentation – Mr. Stuck explained for Board consideration is a slightly revised draft of proposed Ordinance 15-05(R) as approved for advertising. The initial amendments were presented to the Board in October 2014 after several work sessions and revisions to incorporate the changes discussed. He feels the amendments are ready for a public hearing and final consideration. He said the proposed amendments update the requirements of the County Code, which was last amended regarding this subject in 1996, to incorporate changes to state law and to substantially increase application and revalidation filing requirements and the associated fees. Detailed requirements for adherence to state regulations and for specific documentation have been added. Requirements imposed or implied by state regulations have been written into the ordinance. He gave a brief description of the

state requirements. The documentation that must be filed and retained by the Commissioner for each applicant is listed. Annual revalidation is required. These changes will increase the administrative burden substantially but will allow the program to be monitored and audited for compliance more closely in the future. Open space and horticultural uses are no longer included in this program.

Chair Stone called for any discussion.

Mr. Redd feels everyone should be aware that a lot of these changes came from suggestions received from members of the agricultural community who attended the Board work session earlier in June.

ii. Public Comments (3 minutes per individual; 5 minutes if representing an organization or group) – Chair Stone declared the public hearing open to receive comments on proposed Ordinance 15-05(R).

1. Charles Piersa, of the 2<sup>nd</sup> District and speaking as President of King William Farm Bureau, asked for clarification if the FSA form presented at the Board work session in June meets the requirements for applying to the program. He argued that meeting all stated nine requirements is ridiculous.

Mr. Stuck stated he has reviewed this form and it covers several of the requirements but a few more items will need to be added. He said the county will need to modify the application documents required. He said most people that are engaged in farming will have to meet two or three, at most, of the requirements to qualify. He noted some of the requirements listed are only required if applicable. The documents will be reviewed by the Commissioner of the Revenue to verify qualification.

Chair Stone explained a landowner who rents their property to a farmer is required to obtain the proper documentation from the farmer to submit for qualification in the program. She noted during the budget work session the land use topic was discussed at length, including discussions of eliminating the program all together. She said some constituents have expressed wanting the program eliminated. She said the intent of this process is to ensure those that are participating in land use are qualified; protecting the program; and participants are complying with state regulations.

Mr. Piersa asked for clarification if an applicant can write their own forest plan to participate in the program.

Mr. Stuck stated there is an opportunity an applicant can qualify under forestry under state regulations by doing one of two things; by submitting a plan written by a professional forester or certifying certain very specific things. He said the ordinance for consideration proposes a professional forester prepare a written plan, assuming it is easier and cleaner than having an individual certify certain things. He noted the Board has the option to amend or modify this requirement.

Chair Stone asked for clarification of how long a typical forestal plan is valid.

Mr. Piersa stated after the initial thinning of timber the next thinning occurs usually in twenty years.

Chair Stone explained after the initial validation only revalidation is required every year after.

The County Attorney clarified the application fee is only due every six years.

Mr. Piersa asked for clarification if land that is currently participating in the land use program is deemed to not qualify if the land considered for a five year rollback.

Mr. Stuck explained if a parcel of land is currently qualified in the program and then no longer qualifies it basically comes out of the program and going forward taxes are paid on the property.

Chair Stone stated there is no rollback penalty, the slate is wiped clean.

In closing, Mr. Piersa said he feels having too many requirements is too tough and that a \$300 application fee is a little steep. Also, he does not feel a professional forestry plan should be required if the applicant is capable to write their own plan.

1. Edward Michael Prince, of the 2<sup>nd</sup> District, questions what part the State Forestry Department plays in this program. In his opinion, no one at the county can read and understand a written forestry plan. He stated the State Forestry Department has to be notified of any timber cut, qualified loggers will not cut trees from

a parcel without notifying the Forestry Department first. He said a State Forester provides guidelines that are required when cutting timber, state tax dollars pays for this service. He does not agree with the county in requiring a forestal report when the state forester already provides this service. He understands the need for changes to the agricultural program.

Board members and Mr. Prince discussed the process he follows when contacting the State Forester before cutting timber from parcels qualified in the land use program.

Mr. Prince said he does not understand what the Board is asking for from applicants in order to participate in the forestal plan of the land use program and why when it is already being managed by the State Forest Department.

Mr. Moskalski said where he feels the disconnect is finding the right documentation. He said it was brought to his attention tonight that the provision in State Code for a forestal plan prepared by a professional forester, or a plan that sufficiently demonstrates and is certified silviculture use. Since the two speakers are already active in the management of forest tracts they personally are able to demonstrate and certify to the State Code that they are managing it per something that would be certified a forestal for silviculture use. He asked why the manager can't submit a plan that can be certified. This is something he can get onboard with. The fee is already being raised to something that he believes erroneous and far too high. Then this plan requires the applicant to pay for an expense forestal plan that is essentially already being paid for, through tax dollars, to the Forestry Department for a plan that lasts for twenty years but produces no revenue for twenty years.

Chair Stone asked for clarification of how the Forester knows to go to the property to inspect. She said there has to be some type of registration filed with the State of Virginia.

Mr. Moskalski said he has been unable to pin down any alternative documentation. He pointed out it has been brought to light tonight that the State Code does in fact allow for a plan.

2. Bill Latney, property owner of 2471 West River Road, spoke in favor of retaining the land use program in King William. He feels this is a valuable tool to keep farm and forest land in the County. He said his property has both

agriculture and forestal land. He cautioned the Board to be very careful if tax and income data is required for the documents for this program and are stored in the Commissioner of the Revenue's office, because many of the files in this office are open to the public. He has a professional forestal plan that was written for his property and advised the plan consists of numerous pages and was not cheap; he feels it would not be appropriate to make this a requirement for smaller tracts of land. He recommends either accepting a professional written plan or allowing a simpler plan, written by the land owner, which includes the required documentation. He further suggested the county adopt a form landowners can use to base their documents off of.

Finally, he said he understands from discussions there is a need to increase revenues and furnish services and that the revenues do not always match the service requirements. He said in some minds the proposal has been we will match it up by taking away land use and generating more revenue. He feels what this is going to do is change this county by pushing people out of agriculture land, out of forestry land, and in to residential land. He said this is particularly critical when you have fairly weak controls over people converting land in large lot subdivisions without going through the planning process. He speculated that about half the lots on West River Road has a for sale sign out in front of them; if all converts you are looking at schools you really don't want to pay for. He asked that the Board keep land use assessment, make the paperwork as simple as possible, and also begin to control subdivision growth in the county; which is costing the county money and costing all tax payers increased tax rates. He shared a suggested list of documentation and a suggested form for forestry use. He thanked the Board for making the proposed changes to the program and hopes more change will be looked at to make it a little easier on the forestry land owners.

3. Sybil Rose, of the 2<sup>nd</sup> District, said she has been in the land use program for forestry for the past eight years. She said this program has helped to develop her forest in a way she feels enhances wildlife, as well as, the community. She has not viewed a copy of the proposed ordinance. She does not understand how to validate forest use on an annual basis when a lot of the time there is no activity for years. She is also unclear of how you can be required to revalidate a property when the deadline has passed.

The County Attorney clarified the revalidation has to be made in 2015 but is for the year 2016.

Continuing, Ms. Rose said when she harvests timber she works with the State Forester and then she receives a letter certifying they have been notified. She is glad the land use program is still offered for forest. She offered to provide input to assist with the requirements that the county is trying to develop to regulate the land use program.

There being no other persons to appear for or against this matter Chair Stone closed the public comment period.

iii. Consideration – Ordinance 15-05(R) – Chair Stone called for any discussion.

Chair Stone asked, with regards to the forestry plan, if it is possible to add an acreage based requirement. She said you could prepare yourself for a smaller, versus a larger, tract of land where it is cost prohibitive but meets all the documentation requirements.

The County Attorney clarified the minimum is 20 acres for forestry in the State Code. He said less documentation could be required for smaller parcels.

Mr. Redd would like to review the information provided by Mr. Latney before he considers.

Chair Stone clarified the information provided is general information and lists the certification required for all the state code sections. She read some of the information aloud.

There was some discussion among Board members and the County Attorney of the submitted information to be included in the required documentation.

Mr. Moskalski voiced his concerns of the jump in the application fee from \$25 to \$300 is far too high. He suggested the application fee be set at \$100 and keep the fee for contiguous lots at \$25.

There was some discussion among the Board members on the suggestion.

The County Attorney asked for clarification as to whether as a result of the Board's discussion the fee should be amended to \$150 rather than the \$300 as

previously proposed for application and revalidation fees; all other fees to remain as proposed.

T. J. Moskalski moved to adopted Ordinance 15-05(R); motion was seconded by S. K. Greenwood.

Mr. Redd thank all that have been involved through this process. He said some good information and suggestions have been provided by many.

There being no other discussions Ordinance 15-05(R) was adopted by the following roll call vote:

S. K. Greenwood	Aye
O. O. Williams	Aye
C. T. Redd III	Aye
T. J. Moskalski	Aye
T. S. Stone	Aye

#### ORDINANCE 15-05(R)

An Ordinance to

Amend the King William County Code, Chapter 70. Taxation, Article II. Real Property Tax, Division 2. Special Assessment for Land Preservation, To Update the County Code to Conform to the Code of Virginia, To Eliminate Open Space and Horticultural Uses as Uses Qualifying for the Program, To Specify Increased Application and Revalidation Requirements, To Require Annual Revalidation in 2015 and Future Years, and to Increase Application and Revalidation Fees.

WHEREAS, Pursuant to the Virginia Code Section 58.1-3231 the King William County Board of Supervisors is authorized to adopt an ordinance to provide for a program of use value assessment and taxation of certain qualifying real estate; and

WHEREAS, the County has had such a program in effect since at least 1987 and now the Board finds it necessary to modify the County Code to adjust to changes in state law, to meet the changing needs of the County, and to ensure the continued integrity of the land use program,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 22<sup>nd</sup> day of June, 2015, amend Division 2, Special Assessment for Land Preservation, of the King William County Code by repealing current Sections 70-71 to 70-77, inclusive (indicated by strikethroughs) and adopting revised and new Sections numbered 70-71 through 70-83 (indicated by italics), all as set forth herein:

#### DIVISION 2. SPECIAL ASSESSMENT FOR LAND PRESERVATION

~~Sec. 70-71. Purpose.~~

~~Sec. 70-72. Application.~~

~~Sec. 70-73. Determination by assessing officer.~~

~~Sec. 70-74. Use value and fair market value; entry in land book.~~

~~Sec. 70-75. Roll-back tax imposed.~~

~~Sec. 70-76. Owner to report change in use, pay roll-back; penalties for failure to do so.~~

~~Sec. 70-77. Roll-back considered deferred real estate taxes.~~

~~Secs. 70-78—70-100. Reserved.~~

~~Sec. 70-71. Purpose.~~



The Board of Supervisors finds that the preservation of real estate devoted to agricultural, horticultural, forest and open space uses is in the public interest and, having adopted a land use plan, such real estate shall be taxed in accordance with provisions of Article 4 of ~~Chapter 32~~ of Title 58.1 of the Code of Virginia (Code of Virginia, § 58.1-3229 et seq.) and of this division.

~~Sec. 70-72. Application.~~

- ~~(a) The owner of any real estate meeting the criteria set forth in Code of Virginia, §§ 58.1-3230 and 58.1-3233(2) may, at least 60 days preceding the tax year for which such taxation is sought, apply to the local assessing officer for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use, under the procedures set forth in Code of Virginia, § 58.1-3236. Such application shall be on forms provided by the state department of taxation and supplied by the local assessing officer and shall include such additional schedules, photographs and drawings as may be required by the local assessing officer, together with a nonrefundable fee of \$25.00 plus \$0.10 per acre for which qualification is sought.~~
- ~~(b) A separate application shall be filed for each use and tract of land for which qualification is sought.~~
- ~~(c) In order to retain land use taxation for subsequent years, in the sixth year following acceptance of land into the classification, and each successive six-year period, the owner shall file an application pursuant to subsection (a) of this section, together with a nonrefundable fee of \$25.00, plus \$0.10 per acre for which revalidation is sought. Applications for revalidation will be accepted up to 60 days after the due date by payment of a late fee in the amount of \$25.00 in addition to the normal fee.~~

~~Sec. 70-73. Determination by assessing officer.~~

- ~~(a) Promptly upon receipt of any application, the local assessing officer shall determine whether the subject property meets the criteria for taxation under this division. If the local assessing officer shall determine that the subject property does meet such criteria, he shall determine the value of such property for its qualifying use, as well as its fair market value.~~
- ~~(b) In determining whether the subject property meets the criteria set forth in Code of Virginia, § 58.1-3230 to qualify for one of the classifications set forth therein, the local assessing officer may request an opinion from the director of the state department of conservation and recreation, the state forester or the state commissioner of agriculture and consumer services.~~

~~Sec. 70-74. Use value and fair market value; entry in land book.~~

~~The use value and fair market value of any qualifying property shall be placed on the land book before delivery to the treasurer and the tax for the next succeeding tax year shall be extended from the use value.~~

~~Sec. 70-75. Roll-back tax imposed.~~

~~There is hereby imposed a roll-back tax, in such amount as may be determined under Code of Virginia, § 58.1-3237, upon any property as to which the use changes to a nonqualifying use or the zoning thereof is changed to a more intensive use at the request of the owner or his agent. Simple interest at the same rate applicable to delinquent taxes in the county shall be added to such roll-back tax.~~

~~Sec. 70-76. Owner to report change in use, pay roll-back; penalties for failure to do so.~~

- ~~(a) The owner of any real estate liable for roll-back taxes shall report to the commissioner of the revenue, on forms to be prescribed, any change in the use of such property to a nonqualifying use, or any applicable change in zoning to a more intensive use, and shall pay the roll-back then due. On failure to so report and pay within 60 days following such change in use, such owner shall be liable for an additional penalty equal to ten percent of the amount of the roll-back tax, which penalty shall be collected as a part of the tax. In addition to such penalty, there is hereby imposed interest of eight percent of the amount of the roll-back tax, or fraction thereof, for the period during which the failure continues.~~
- ~~(b) Any person making a material misstatement of fact in any application filed pursuant hereto shall be liable for all taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the taxing jurisdiction, together with interest and penalties thereon. He shall be further assessed with an additional penalty of 100 percent of such unpaid taxes as provided by law if the misstatement was made with the intent to defraud the county.~~

~~Sec. 70-77. Roll-back considered deferred real estate taxes.~~

~~The provisions of Code of Virginia, title 58.1 applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation hereunder mutatis mutandis including, without limitation, provisions relating to tax liens, boards of equalization and the correction of erroneous assessments, and for such purposes the roll-back taxes shall be considered to be deferred real estate taxes.~~

Sec. 70-71. Purpose.

Sec. 70-72. Initial application, revalidation, qualification and valuation generally; fees.

Sec. 70-73. Qualification requirements for agricultural uses

Sec. 70-74. Qualification requirements for forest uses

Sec. 70-75. Documentation required

Sec. 70-76. Application not to be accepted or approved if tax on affected land delinquent.

Sec. 70-77. Use value and fair market value; entry in land book.

Sec. 70-78. Prerequisites to continuation of status.

Sec. 70-79. Removal of parcel from program if taxes delinquent.

Sec. 70-80. Roll-back tax imposed.

Sec. 70-81. Owner to report change in use, pay roll-back; penalties for failure to do so.

Sec. 70-82. Penalty for material misstatements.

Sec. 70-83. Roll-back considered deferred real estate taxes.

Secs. 70-84-70-100. Reserved.

*Sec. 70-71. Purpose.*

*The Board of Supervisors finds that the preservation of real estate devoted to agricultural, and forest uses is in the public interest and, having adopted a land use plan, such real estate shall be taxed in accordance with provisions of Article 4 of Chapter 32 of Title 58.1 of the Code of Virginia (Code of Virginia, § 58.1-3229 et seq.) and of this division.*

*Sec. 70-72. Initial application, revalidation, qualification and valuation generally; fees*

- (a) The owner of any real estate devoted to agricultural or forest use and meeting the criteria set forth in, §§ 58.1-3230 and 58.1-3233(2) of the Code of Virginia may, not later than November 1 of the year immediately preceding the tax year for which such taxation is sought, apply to the Commissioner of Revenue for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use. In any year in which a general reassessment is being made, the property owner may submit such application until thirty (30) days have elapsed after his notice of increase in assessment is mailed in accordance with § 58.1-3330 of the Code of Virginia or November 1 of the year immediately preceding the tax year for which such taxation is sought, whichever is later. No application shall be accepted after the dates specified in this section. The Commissioner of Revenue shall determine whether the statutory criteria have been met by the use of the real estate and if so, shall value the qualifying property using the methodology set forth in § 58.1-3236 of the Code of Virginia. In valuing the property the Commissioner shall specifically consider available evidence of the agricultural or forest capability of the real estate and the recommendations of value of such real estate as made by the State Land Evaluation Advisory Council.*
- (b) In determining whether the subject property meets the criteria set forth in this division and in Code of Virginia, § 58.1-3230 to qualify for agricultural or forest use, the Commissioner of Revenue may request an opinion from the Commissioner of Agriculture and Consumer Services or the State Forester.*
- (c) A separate application shall be filed for each parcel of land for which qualification is sought together with a nonrefundable application fee of \$150.00 plus \$0.10 per acre for each parcel. Contiguous parcels under the same ownership shall pay the application fee specified in the preceding sentence for the first parcel and a nonrefundable application fee of \$25.00 plus \$0.10 per acre for each additional contiguous parcel for which qualification is sought.*
- (d) An individual who is owner of an undivided interest in a parcel may apply under this section on behalf of himself and the other owners of such parcel, upon submitting an affidavit that such other owners are minors or cannot be located.*
- (e) A new application shall be submitted under this section whenever the use or acreage of the land previously approved changes, except when a change in acreage occurs solely as a result of a conveyance necessitated by governmental action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment.*
- (f) In order to retain land use taxation for subsequent years, in 2015 and annually thereafter, all owners shall file an application for revalidation on or before December 5<sup>th</sup>. No application for*

revalidation shall be accepted after such date. Revalidations shall require the same documentation as initial applications, provided that if information and documentation previously provided to, and on file with, the Commissioner of Revenue remains current, valid, and sufficient to meet all requirements of this division, the Commissioner may permit revalidation without duplication of existing information. In every sixth year a nonrefundable fee as specified in paragraph (c) of this section for initial applications, shall be paid and all required documentation must be updated for each revalidation sought. Contiguous parcels under the same ownership and use shall pay a revalidation fee in the same manner and amount as specified in paragraph (c) of this section. Parcels that have previously been applied for and qualified for the program in 2015 must revalidate in 2015 and annually thereafter. Revalidation fees as set forth herein shall not be due until the sixth anniversary of the most recent application or revalidation fee paid for the parcel.

*Sec. 70-73. Qualification requirements for agricultural uses*

*In accordance with standards promulgated by the Commissioner of Agriculture and Consumer Services the following criteria shall be used to qualify real estate as an agricultural use devoted to the bona fide production for sale of plants and animals useful to man:*

- (a) A minimum of 5 acres must be actually devoted to the use.*
- (b) The real estate must have been devoted for at least five consecutive years previous to the production for sale of plants or animals, or to the production for sale of plant or animal products useful to man, or devoted to another qualifying use. If a tract of real estate is converted from nonproduction to agricultural production the property may qualify without a five year history of use only if the change expands or replaces production enterprises existing on other tracts of real estate owned by the applicant.*
- (c) The real estate must be currently devoted to production for sale of plants or animals. No real estate devoted to the production of timber products may qualify unless it is less than 20 acres, it meets the technical standards prescribed by the state Forester, and it is producing tree or timber products incidental to other farm operations.*
- (d) The five year history is not necessary if the real estate is converted by a farm operator who is expanding or replacing production enterprises existing on other tracts owned by the applicant. If real estate is converted from a qualifying use (forestry or open space) the five year history is not required.*
- (e) The applicant shall demonstrate and certify that the land is being used in a planned program of practices that is intended to reduce or prevent soil erosion and improve water quality by best management practices, to the extent best management practices exist for that use. With respect to property devoted to crops grown in the soil, it must be demonstrated and certified that the program is intended to maintain soil nutrients by the application of soil nutrients needed to produce average yields of such crops as recommended by soil tests. Demonstration and certification that the planned program is intended to control brush, woody growth, and noxious weeds on row crops, hay, and pasture is required if applicable.*
- (f) The applicant shall demonstrate that the real estate is being used in a planned program of management and production. Field crop production shall be primarily for commercial use. Proof shall be submitted that the average crop yield per acre for each crop grown on the real estate during the immediate three previous years has been equal to at least one half of the county average for the past three years.*
- (g) Livestock, dairy, or poultry production shall be primarily for commercial sale of livestock, dairy, or poultry products. Livestock dairy and poultry shall have a minimum of 12 animal unit months of commercial livestock or poultry per 5 acres of open land in the previous year. One animal unit to be one cow, one horse, five sheep, five swine, 100 chickens, 66 turkeys, or 100 other fowl. An animal unit month means one mature cow or the equivalent on 5 acres of land for one month; therefore 12 animal unit months means the maintenance of one mature cow or the equivalent on each 5 acres for 12 months or any combination that would equal 12 animal unit months.*
- (h) Timber production in addition to crop, livestock, dairy, and poultry production on the real estate must be incidental to the farm operation, be less than 20 acres and meet the standards prescribed by the Department of Forestry for forest areas to qualify under an agricultural designation and to be assessed at use value for forestry purposes.*

*Sec. 70-74. Qualification requirements for forest uses*

*In accordance with standards prescribed by the State Forester the following criteria shall be used to qualify real estate as land devoted to tree growth in such quantity and so spaced and maintained as to constitute a forest area (forest use):*

- (a) *A minimum of 20 acres must be actually devoted to the use.*
- (b) *The real estate shall have existent on it, and well distributed, commercially valuable trees of any size sufficient to compose at least 40% normal stocking of forest trees as determined by reference to standards of the State Forester. Recently harvested property that is being regenerated into a new forest and not currently developed for non-forest use is eligible. The land must be growing a commercial forest crop that is physically accessible for harvesting when mature.*
- (c) *Land devoted to forest use that is not capable of growing a crop of industrial wood because of inaccessibility or adverse site conditions which prohibit the growth and harvesting of a crop of trees suitable for commercial use shall be considered and valued as "nonproductive forest land".*
- (d) *"Stocking" is the number of trees 3 inches and larger in diameter breast high required to equal a total basal area of 75 ft.<sup>2</sup> per acre, or where such trees are not present, tree seedlings or tree seedlings and trees in a combination sufficient to meet the 40% stocking requirement. As an example of required stocking using trees 15 inches or more in diameter, 21 trees per acre would be required to meet the stocking requirement. For trees 3 to 5 inches in diameter 400 trees would be required per acre to meet the standard. The Commissioner must consult the State Forester's stocking standards.*
- (e) *The owner shall demonstrate and certify that the property is being used in a planned program of timber management and soil conservation practices which are intended to enhance the growth of commercially desirable species through generally accepted silvicultural practices and to reduce or prevent soil erosion by best management practices. The owner shall submit a plan prepared by professional forester that delineates the programs and practices used and to be used on the property or a landowner written management plan which includes i) a description of the land including legal boundaries of the parcel and designation of the land devoted to forest use; ii) a statement of goals and intent for the property which may include harvest income, wildlife goals, or other conservation goals; iii) a history of at least the previous five years of forest management activities including dates of harvest, site preparation, stand management and planting; iv) a plan of future forest management activities including planned harvest timetable, designation of proposed harvest tracts, site preparation or management activities, sustainability practices, reforestation etc., and v) a sworn affidavit by the landowner that the plan is an accurate statement of the management plan intended to be implemented by the owner.*

*Sec. 70-75. Documentation required*

- (a) *Applications and revalidations shall be on forms provided by the state Department of Taxation and supplied by the Commissioner of Revenue. Except as provided in Section 70-72(f), applications and revalidations shall be accompanied by the following documentation for the applicable use type at a minimum:*
  - i. *Aerial photograph(s) of the property of recent date and of sufficient clarity to show the boundaries of the property and the areas in use.*
  - ii. *For forest use, a forest management plan documenting land use objectives, methods of resource management, and soil and water protection prepared by a professional forester or a landowner written management plan which includes 1) a description of the land including legal boundaries of the parcel and designation of the land devoted to forest use; 2) a statement of goals and intent for the property which may include harvest income, wildlife goals, or other conservation goals; 3) a history of at least the previous five years of forest management activities including dates of harvest, site preparation, stand management and planting; 4) a plan of future forest management activities including planned harvest timetable, designation of proposed harvest tracts, site preparation or management activities, sustainability practices, reforestation etc., and 5) a sworn affidavit by the landowner that the plan is an accurate statement of the management plan intended to be implemented by the owner.*
  - iii. *For agricultural use, income tax forms for the past five years (IRS forms 4835, Sch. F, Sch. C, Schedule E or comparable partnership or corporate filings). For revalidations, only the most recent year's forms must be supplied.*
  - iv. *For agricultural use, the assigned USDA/Farm Service Agency farm number and evidence of participation in a federal farm program, if applicable.*
  - v. *For agricultural use, proof of gross sales averaging more than \$1,000 annually over the previous three years. (This requirement may be satisfied by documentation submitted in response to subparagraph iii.)*

- vi. For agricultural use, in lieu of documents referenced in subparagraph iii, evidence of payment of crop insurance or Farm Service Agency crop reports for the past five years may be supplied.
  - vii. For agricultural use where the property is leased to another, a lease certification, in a form prescribed by the Commissioner of Revenue, signed by the lessee.
  - viii. Proof of the crops grown and the area devoted to each and/or the specific animals and number of each raised on the property and the area devoted to that purpose.
- (b) The Commissioner of Revenue may require any additional schedules, photographs, drawings, or documents deemed necessary to properly evaluate the property. All documentation required by or under the authority of this section shall be retained in the application file to ensure that qualification is properly documented and capable of audit.

*Sec. 70-76. Application not to be accepted or approved if tax on affected land delinquent.*

No application (including applications for revalidation) for assessment based on use shall be accepted or approved, if at the time the application is filed, the tax on the land affected is delinquent. Upon the payment of all delinquent taxes, including penalties and interest, the application shall be treated in accordance with the provisions of this division.

*Sec. 70-77. Use value and fair market value; entry in land book.*

The use value determined by the Commissioner of Revenue and the fair market value of any qualifying property shall be placed on the land book before delivery to the treasurer and the tax for the next succeeding tax year shall be extended from the use value.

*Sec. 70-78. Prerequisites to continuation of status.*

Continuation of valuation, assessment and taxation under this division shall depend on continuance of the real estate in a qualifying use, timely payment of taxes due as set forth in this division, and compliance with the requirements of this division and applicable statutes, and not upon continuance in the same owner of title to the land.

*Sec. 70-79. Removal of parcel from program if taxes delinquent.*

If on April 1 of any year, the taxes for any prior year on any parcel of real property which has a use value assessment are delinquent, the Treasurer shall immediately send notice of that fact along with a copy of this section to the property owner by first class mail. If, after sending such notice, such delinquent taxes remain unpaid on June 1, the Treasurer shall notify the Commissioner of Revenue, who shall remove such parcel from the land use program. Such removal shall become effective for the current tax year.

*Sec. 70-80. Roll-back tax imposed.*

There is hereby imposed a roll-back tax, in such amount as may be determined under Code of Virginia, § 58.1-3237, upon any property as to which the use changes to a non-qualifying use or the zoning thereof is changed to a more intensive use at the request of the owner or his agent. Simple interest for each of the tax years at the same rate applicable to delinquent taxes in the county shall be included as part of such roll-back tax.

*Sec. 70-81. Owner to report change in use, pay roll-back; penalties for failure to do so.*

The owner of any real estate liable for roll-back taxes shall report to the Commissioner of the Revenue, on forms to be prescribed, any change in the use of such property to a non-qualifying use, or any applicable change in zoning to a more intensive use, and shall pay the roll-back then due. On failure to so report within 60 days following such change in use, such owner shall be liable for an additional penalty equal to ten percent of the amount of the roll-back tax, which penalty shall be collected as a part of the tax. Upon receiving notice from the owner or by other means of a change in use or zoning that results in liability for a roll-back tax, the Commissioner shall forthwith determine and assess the roll-back tax, which shall be assessed against and paid by the owner of the property at the time the disqualifying change in use or rezoning occurs. The roll-back taxes due shall be paid to the Treasurer within thirty (30) days of the assessment. If the amount due is not paid by the due date there is hereby imposed a penalty in the amount of ten percent of the total amount due and interest at the same rate applicable to delinquent taxes in the county shall be added to the amount due for the period during which the failure to pay continues.

*Sec. 70-82. Penalty for material misstatements.*

Any person making a material misstatement of fact in any application filed pursuant hereto shall be liable for all taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the county, together with interest and penalties thereon. He shall be further assessed with an additional penalty of 100 percent of such unpaid taxes as provided by law if the misstatement was made with the intent to defraud the county.

Sec. 70-83. Roll-back considered deferred real estate taxes.

The provisions of Code of Virginia, title 58.1 applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation hereunder mutatis mutandis including, without limitation, provisions relating to tax liens, boards of equalization and the correction of erroneous assessments, and for such purposes the roll-back taxes shall be considered to be deferred real estate taxes.

Sec. 70-84 - 70-100. Reserved.

d. Public Hearing on Proposed Ordinance 15-06 – An Ordinance to amend the King William County code, Chapter 70. Taxation, Article III. Tax on Tangible Personal Property, etc., Section 70-141. Exemption, to add to the County Code Provisions for the Exemption of Farm Animals, Products, and certain Farm Equipment

i. Staff Presentation – Chair Stone clarified the proposed ordinance for Board consideration is to bring the County Code in line with actual current taxation practice in regards to certain farm equipment and animals.

The County Attorney confirmed this has been done for many years; this simply codifies how the taxation is handled.

ii. Public Comments (3 minutes per individual; 5 minutes if representing an organization or group) – Chair Stone declared the public hearing open to receive comments on proposed Ordinance 15-06.

There being no persons to appear for or against this matter Chair Stone closed the public comment period.

iii. Consideration – Ordinance 15-06 – Chair Stone called for any discussion.

C. T. Redd III moved to adopt Ordinance 15-06; motion was seconded by O. O. Williams.

Chair Stone called for any further discussions.

There being no other discussions Ordinance 15-06 was adopted by the following roll call vote:

O. O. Williams	Aye
C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye

ORDINANCE 15-06

An Ordinance to  
Amend the King William County Code, Chapter 70. Taxation, Article III. Tax  
on Tangible Personal Property, Etc., Section 70-141. Exemption, To Add to  
the County Code Provisions for the Exemption of Farm Animals, Products,  
and Certain Farm Equipment

WHEREAS, pursuant to Virginia Code Section 58.1-3505 the King William County Board of Supervisors is authorized to exempt specified farm animals, products, equipment, and vehicles from taxation in whole or in part; and

WHEREAS, the County has had such an exemption in effect for many years and now the Board finds it appropriate to codify such exemption in the County Code to properly define the intended scope of the exemption and provide direction to the Commissioner of Revenue,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 22<sup>nd</sup> day of June, 2015, amend Section 70-141, Exemption, to read as follows:

Sec. 70-141. - Exemption.

~~Household goods and personal effects as defined in Code of Virginia, § 58.1-3504 are hereby exempted in whole from taxation.~~

*The following classes of personal property shall be exempt from personal property taxation:*

- (a) *Household goods and personal effects as set forth in Section 58.1-3504 of the Code of Virginia;*
- (b) *Farm animals, grains and feeds used for the nurture of farm animals, tobacco, wine produced by farm wineries, other agricultural products in the hands of a producer, farm machinery, farm implements and privately owned trailers used in farming, all as set forth in Section 58.1-3505(A), 1-11 of the Code of Virginia.*

*For purposes of this subsection (b), the terms farm machinery, farm implements, and privately owned trailers used in farming shall mean those items which are predominately used by a farmer as herein defined. A farmer for purposes of this subparagraph is a person who files with the Internal Revenue Service, for purposes of reporting income and expenses from farming operations, IRS Form 1040, Schedule F or other Schedule for that purpose, or a similar tax return if the entity is incorporated and/or files as a Partnership.*

e. Public Hearing on Proposed Ordinance 15-07 – An Ordinance to adopt

Utility Rate Increases -

i. Staff Presentation – Bret Schardein, Director of Community Development, stated the Finance Department developed the proposed fee schedule which would bring the County in line with utility fees.

ii. Public Comments (3 minutes per individual; 5 minutes if representing an organization or group) – Chair Stone declared the public hearing open to receive comments on proposed Ordinance 15-07.

There being no persons to appear for or against this matter Chair Stone closed the public comment period.

iii. Consideration – Ordinance 15-07 – Chair Stone called for any discussion.

There being no discussions Chair Stone called for a motion.

C. T. Redd III moved to adopt Ordinance 15-07; motion was seconded by O. O. Williams.

Chair Stone called for any further discussions.

Mr. Williams reminded staff when adding meters without sewer service water withdrawal should be looked at in the future.

There being no other discussions Ordinance 15-07 was adopted by the following roll call vote:

C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye
T. S. Stone	Aye

#### ORDINANCE 15-07

#### An Ordinance to Amend Chapter 78 “Utilities” Division 2 “Fees” and Adopt Utility Fee Increases

WHEREAS, on October 25, 2010 King William County adopted Sec. 78-244 *Restoration of Utility Service* which established fees for reconnecting terminated water and sewer service and 78-245 *Fee Schedule* which established facilities and minimum monthly charges for water and sewer service; and

WHEREAS, the costs of providing certain utility services are greater than the fees currently charged; and

WHEREAS, increased fees as adopted herein are found to be fair and reasonable by the Board to cover a larger portion of the cost of providing such services; and

WHEREAS, the proposed increases have been advertised by the Board pursuant to § 15.2-107 and a public hearing was conducted on June 22, 2015 on the proposed amendments; and

WHEREAS, the Board believes it appropriate to amend Sec. 78-244 and 78-245 as recommended by staff; and

WHEREAS, the amended fee schedule shall be effective July 1, 2015.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 22<sup>nd</sup> day of June, 2015, amends and re-enacts Sec. 78-244 and 78-245 to read as follows:

Sec. 78-244. - Restoration of utility service.

(a) Conditions for restoration. When it has been necessary to terminate utility service to any premises because of a violation of this division, or because of nonpayment of any utility bill, utility service shall be restored upon payment of the following charges:

(1) If service was terminated only by turning off of water that supplies the premises, the customer shall pay a ~~\$25.00~~ 50.00 reconnection fee for turning



on the water plus arrears in charges that may be due and payable to the utility by the customer.

(2) If service was terminated by sealing the building sewage drain, or by removal of the service connection to the public sewer, the customer shall pay a ~~\$50.00~~ 100.00 reconnection fee.

(b) Hours and days for restoration. Restoration of water service for nonpayment of a utility bill is made during working hours, 8:30 a.m. to 4:30 p.m., Monday through Friday, within 12 hours of the utility receipt of complete payment of the amount the nonpayment of which prompted the termination. Such payment shall not be considered a timely payment for purposes of this division.

(c) Deposit. Prior to restoration of service for nonpayment of a utility bill, the customer shall make a deposit as provided in section 78-235

(d) Other causes. Restoration of service for causes other than nonpayment of utility charges shall be made upon completion of the work necessitated by the termination of service.

Sec. 78-245. - Fee schedule.

The following are the fee charge and service rate schedules:

#### FACILITIES CHARGE SCHEDULES

Water Meter Size (in inches)	Water System Charge	Sewer System Charge
5/8	<del>\$3,500.00</del> <u>4,000.00</u>	<del>\$7,750.00</del> <u>8,000</u>
3/4	\$5,250.00	\$11,630.00
1	\$8,750.00	\$19,380.00
1½	\$15,310.00	\$33,890.00
2	\$28,000.00	\$62,000.00
3	\$56,000.00	\$124,000.00
4	\$87,500.00	\$193,750.00
6	\$175,000.00	\$387,500.00

#### SERVICE RATE SCHEDULES

##### Water System

Minimum monthly charge: ~~\$27.50~~ 30.00 for 0 to 3,000 gallons

Over 3,000 gallons: ~~\$5.50~~ 6.00 per 1,000 gallons

Number of billings per year: 6

Number of gallons for minimum monthly charges: 0 to 3,000

##### Sewer System

Minimum monthly charge: \$28.50 for 0 to 3,000 gallons

Over 3,000 gallons: \$7.00 per 1,000 gallons

Number of billings per year: 6

Number of gallons for minimum monthly charge: 0 to 3,000

f. Public Hearing on Proposed Ordinance 15-08 – An Ordinance to adopt Building Fee Increases -

i. Staff Presentation – The County Attorney clarified the current County Code sets out all of the building fees. The proposed ordinance repeals all of the fees from the Code and substitutes with a resolution to be adopted by the Board from time to time.

ii. Public Comments (3 minutes per individual; 5 minutes if representing an organization or group) – Chair Stone declared the public hearing open to receive comments on proposed Ordinance 15-08.

There being no persons to appear for or against this matter Chair Stone closed the public comment period.

iii. Consideration – Ordinance 15-08 – Chair Stone called for any discussion.

C. T. Redd III moved to adopt Ordinance 15-08; motion was seconded by O. O. Williams.

There being no other discussions Ordinance 15-08 was adopted by the following roll call vote:

T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye
C. T. Redd III	Aye
T. S. Stone	Aye

ORDINANCE 15-08  
An Ordinance to Amend  
Chapter 14 “Buildings and Building Regulations” Division 2 “Fees”

WHEREAS, King William County is authorized by Virginia Code § 36-105 to collect fees related to administering the building code; and

WHEREAS, on March 22, 2004 King William County adopted its current building fees in Section 14-60; and

WHEREAS, on June 27, 2005 King William County adopted its current building fees in Sections 14-54, 14-55, 14-56, 14-57, 14-58, 14-59 and 14-62; and

WHEREAS, on August 27, 2007 King William County adopted its current building fees in Sections 14-51, 14-52, 14-53, 14-61; and

WHEREAS, staff has recommended the Board revise the Code to adopt a Building Fee Schedule by resolution; and

WHEREAS, the King William County Board of Supervisors conducted a public hearing on June 22, 2015 on the proposed amendments; and

WHEREAS, the Board believes it appropriate to amend the Code as recommended by staff.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 22<sup>nd</sup> day of June, 2015, repeals sections 14-51, 14-52, 14-53, 14-54, 14-55, 14-56, 14-57, 14-58, 14-59, 14-60, 14-61 and 14-62 and enacts Sec. 14-51.1 as follows:

## DIVISION 2. - FEES

~~Sec. 14-51. - Minimum permit fee.~~

~~The minimum permit fee for any permit is \$70.00 with the exception of gas tank permit, which will be \$70.00.~~

~~Sec. 14-52. - Building fees.~~

~~This schedule of fees under this article for residential building fees including electrical, plumbing, mechanical, gas and building are as follows:~~

~~(1) The minimum fee for any permit: \$70.00.~~

~~(2) Building permit fees:~~

~~a. Residential—Includes dwellings, modular, manufactured .....\$500.00~~

~~b. Accessory structures, sheds, decks, porches, carports, barns and the like .....70.00~~

~~c. Renovations, plus \$0.08 sq. ft. ....70.00~~

~~(3) Electrical permit fees:~~

~~a. New residential and additions .....\$70.00~~

~~b. Temporary service .....75.00~~

~~c. Generator hook up .....100.00~~

~~(4) Plumbing and mechanical permit fees:~~

~~a. New residential and additions .....\$70.00~~

~~b. Gas, interior and exterior (tank), each .....70.00~~

~~c. Fire suppression .....75.00~~

~~d. Change appliance(s) .....50.00~~

~~(5) Miscellaneous permits/inspections:~~

~~a. Cellular tower, new .....\$1,500.00~~

~~b. Colocate .....750.00~~

~~c. Pool, in-ground .....100.00~~

~~c. Pool, above-ground .....50.00~~

~~d. Commercial/public .....200.00~~

~~e. Demolition permit .....50.00~~

~~f. Sign permit (an electrical permit may be required as well) .....100.00~~

~~g. Amusement ride, each .....50.00~~

~~h. Fuel storage tanks:~~

~~—up to 50,000 gallons .....100.00~~

~~—50,000 plus .....200.00~~

~~—Removal .....75.00~~

~~i. Special inspection .....125.00~~

~~j. Code modification .....50.00~~

~~k. First reinspection .....100.00~~

~~—Each additional .....125.00~~

~~l. Revision to submitted plans (approved or in review) .....100.00~~

~~m. Temporary C/O application or extension .....55.00~~

~~n. Building relocation .....100.00~~

~~o. Piers/docks/boat ramps .....100.00~~

~~p. After the fact permit, plus permit fee .....250.00~~

~~q. Building code appeals .....100.00~~

~~Sec. 14-53. - Commercial structures building permit fees.~~

~~The computation of permit fees for commercial structures including building, electrical, plumbing, mechanical, and gas shall be as follows:~~

~~Commercial and Industrial Fees~~

~~New Construction~~

~~Plan review under 5,000 square feet .....\$250.00~~

~~Plan review over 5,000 square feet .....350.00~~

~~Per square foot—All floor area .....0.10~~

~~Revisions to previously approved/reviewed plan .....100.00~~  
~~Addition or Alteration~~  
~~Plan review under 5,000 square feet .....\$125.00~~  
~~Plan review over 5,000 square feet .....200.00~~  
~~Per square foot—All floor area .....0.10~~

~~Sec. 14-54. - Industrial structures permit fees.~~

~~The computation of permits fees for industrial structures shall be computed from section 14-53.~~

~~Sec. 14-55. - Fee for removal of building or structure.~~

~~The fee for a building permit for the removal of a building or structure from one location to another shall be \$35.00.~~

~~Sec. 14-56. - Fee for demolition.~~

~~The fee for a demolition permit for a building or structure shall be \$35.00.~~

~~Sec. 14-57. - Fee for display structure permit.~~

~~The fee for signs, billboards and other display structures for which permits are required under the provisions of the Uniform Building Code shall be \$35.00.~~

~~Sec. 14-58. - Commencing construction prior to approval of application; penalty.~~

~~On any construction willfully commenced before application is approved and the permit fee is paid, a penalty of \$150.00 shall be added to fee due. Payment of such penalty is not in lieu of any fine, which may be imposed for violation of the Virginia Uniform Statewide Building Code.~~

~~Sec. 14-59. - Requesting inspection prematurely; fee.~~

~~In addition to the fees set out in the preceding sections, there shall be a fee of \$35.00 for each reinspection made necessary due to work not being complete for inspection or when request for reinspection is made before defects have been corrected.~~

~~Sec. 14-60. - Emergency exemptions from building and other land development fees.~~

~~(a) Demolition and/or construction permits. Permits required for demolition and/or construction activities necessitated by damage caused by Hurricane Isabel or the storm of September 23, 2003 shall be exempt from the fees listed in the county building and land development ordinances and regulations for the issuance of building permits, electrical permits, mechanical and plumbing permits, permits for moving of a building or structure, permits for demolition of a building or a structure, zoning clearances not requiring the advertisement and conduct of public hearings, wetlands permits not requiring the advertisement and conduct of public hearings, and erosion and sediment control permits. This exemption shall only apply to construction that does not result in an increased square footage of a structure. This exemption shall not apply to permits required for demolition and/or construction activities not necessitated by damage caused by Hurricane Isabel or the storm of September 23, 2003. This exemption shall not apply to any fee imposed by the commonwealth or the United States government.~~

~~(b) Substantiation. The applicants for any such permit shall provide all information and complete all forms required by the county division of community development to substantiate the timing and nature of the damage, providing the basis for the requested fee exemption.~~

~~(c) Compliance. The application, demolition and/or construction shall comply with all requirements of federal, state and local laws and regulations, including the county fees listed in subsection (a) of this section.~~

~~(d) Effective date. The ordinance from which this section is derived shall be effective retroactively to September 19, 2003 and shall be applicable to all qualifying applications filed on or after that date and prior to October 1, 2004.~~

~~(e) Expiration. The ordinance from which this section is derived shall be void on and after October 1, 2004, unless readopted by the board of supervisors following required notice and a public hearing.~~

~~(f) Authority. The ordinance from which this section is derived is adopted on an emergency basis pursuant to Code of Virginia, § 15.2-1427(F).~~

~~Sec. 14-61. - Plan review fees.~~

~~(1) The plan review for new dwellings, additions and attached garages shall be as follows:~~

~~0—1,000 square feet .....\$75.00  
1,001—2,000 square feet .....125.00  
2,001—over .....175.00~~

~~(2) Master plan(s) will require a one-time fee .....\$200.00~~

~~(3) Minor changes to an approved master plan .....25.00~~

~~(4) Detached garages:~~

~~0—1,000 square feet .....\$45.00  
1,001—2,000 square feet .....70.00  
2,001—over .....125.00~~

~~(5) Decks, sheds, pools, etc. (Not barns):~~

~~0—1,000 square feet .....\$45.00  
1,001—2,000 square feet .....70.00  
2,001—over .....\$100.00~~

~~Barns .....No fee~~

~~Plans with professional seals require a review fee of \$25.00. All commercial and industrial plans require a seal and will be charged the review fee of \$25.00.~~

~~Sec. 14-62. - Temporary certificates.~~

~~Temporary certificate of occupancy fee .....\$25.00~~

~~Temporary certificate of occupancy renewal fee .....\$50.00~~

~~Penalty of occupying structure before issuance of certificate of occupancy or temporary certificate of occupancy will result in utilities being disconnected. A fee of \$100.00 will be charged for reconnection of utilities.~~

Sec. 14-51.1. Fee Schedule.

Fees for administering the building code will be as established from time to time by resolution of the Board of Supervisors.

Secs. 14-6352—14-80. - Reserved.

iv. Consideration – Resolution 15-22 – Proposed Building Fees –

Chair Stone called for any discussion.

Mr. Greenwood feels we are not promoting business by increasing all of these fees.

Mr. Schardein explained there is some increases to the proposed fees. He said a slight increase in fees was proposed in 2010 but were never presented to the Board for consideration. He added that fees have not been increased in over 10 years. He gave some commercial and residential fee scenarios and also compared the fees to other localities.

Chair Stone called for a motion.

T. J. Moskalski moved for approval of Resolution 15-22; motion was seconded by C. T. Redd III.

Chair Stone called for any further discussions.

There being no other discussions Resolution 15-22 was approved by the following roll call vote:

S. K. Greenwood    Nay  
 O. O. Williams     Nay  
 C. T. Redd III      Aye  
 T. J. Moskalski     Aye  
 T. S. Stone          Aye

RESOLUTION 15-22  
 A Resolution Adopting the King William County  
 Building Fee Schedule to Increase Certain Fees

WHEREAS, King William County is authorized by Virginia Code §36-105 to collect fees related to administering the building code; and

WHEREAS, on June 22, 2015 the Board of Supervisors adopted Sec. 14-51.1 *Fee Schedule* to provide for a Building Fee Schedule to be adopted by resolution; and

WHEREAS, the costs of providing these services are greater than the fees currently charged; and

WHEREAS, increased fees as adopted herein are found to be fair and reasonable by the Board to cover a larger portion of the cost of providing such services; and

WHEREAS, the Board believes it appropriate to amend the Building Fee Schedule as recommended by staff; and

WHEREAS, the fee schedule shall be effective July 1, 2015.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 22<sup>nd</sup> day of June, 2015, adopt the proposed fees effective July 1, 2015 as shown below:

Residential Fees

Permits

Dwelling	500
Accessory Structures or Renovations \$0-\$15,000 in value	100
Accessory Structures or Renovations \$15,001+ in value	100 + 5/1,000 above 15,000
Generator	125
Plumbing, Mechanical, Electrical, Fire Suppression and Gas \$0-\$5,000 in value	100
Plumbing, Mechanical, Electrical, Fire Suppression and Gas \$5,000+ in value	100 + 4/1,000 above 5,000
Change Appliances	100

Plan Review

1-1,000 sq ft	100
1,001-2,000 sq ft	150
2,001+	250
Revisions to Approved Plans	100

Commercial Fees

Permits

Pool	350
Amusement Ride	100
Fuel Storage 1-50,000 gallons	150
Fuel Tank 50,001+ gallons	200
Fuel Tank Removal	100
Cell Tower New Construction	1,800
Cell Tower Collocation	1,000
Sign	100

Plan Review

New Construction or Addition	.18/sq ft
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Plumbing, Mechanical, Electrical, Fire Suppression and Gas Revisions	.05/sq ft .05/sq ft
<u>Misc. Fees</u>	
Minimum Fee	100
Demolition Permit	100
Code Modification	100
Temporary CO	100
Relocation	150
Code Appeal	250
Non-exempt Barn Permit	100
Non-exempt Barn Plan Review	100
Review Plans w/ Professional Seal	100
Special inspections	125
Permit After Starting Work	fee + 250

f. Public Hearing on Proposed Ordinance 15-11 – An Ordinance to adopt Planning and Zoning Fee Increases -

i. Staff Presentation – Chair Stone noted the proposed planning and zoning fees were shared with the Board during the June 8, 2015 work session and are included in the packet tonight.

ii. Public Comments (3 minutes per individual; 5 minutes if representing an organization or group) – Chair Stone declared the public hearing open to receive comments on proposed Ordinance 15-11.

There being no persons to appear for or against this matter Chair Stone closed the public comment period.

Bret Schardein, Director of Community Development, summarized some of the proposed fees. He said staff is proposing to keep the current fixed land disturbance application fee of \$150, plus \$20 per inspection. Staff also proposes reducing the up fee to \$50 on the commercial fees. He said on rezoning and conditional use permit fees staff proposes fixed fees. He noted sign fees are not being incentivized in the commercial district and staff is proposing a flat \$150 fee.

iii. Consideration – Ordinance 15-11 – Chair Stone called for any discussion.

Mr. Greenwood has concerns with the commercial fees being so much higher and several are higher than some neighboring localities.

Mr. Schardein explained the increases in fees are due in part to the costs associated with required advertising and mailings, and staff time. He said this fee structure will align more of the costs on the shoulders of the applicant.

C. T. Redd III moved for adoption of Ordinance 15-11(R); motion was seconded by T. J. Moskalski.

Chair Stone called for any further discussions.

There being no other discussions Ordinance 15-11(R) was adopted by the following roll call vote:

O. O. Williams	Nay
C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Nay
T. S. Stone	Aye

**ORDINANCE 15-11(R)**

**An Ordinance Amending the King William County Planning and Zoning Fee Schedule to Increase Certain Fees**

WHEREAS, King William County is authorized by Virginia Code §15.2-2286(A)(6) to collect fees related to administering the zoning ordinance; and

WHEREAS, King William County is authorized by Virginia Code §15.2-2241(A)(9) to collect fees related to administering the subdivision ordinance; and

WHEREAS, on July 23<sup>rd</sup> 2007 King William County adopted its current Planning and Zoning Fee Schedule; and

WHEREAS, the costs of providing these services are greater than the fees currently charged; and

WHEREAS, increased fees as adopted herein are found to be fair and reasonable by the Board to cover a larger portion of the cost of providing such services; and

WHEREAS, the proposed increases have been advertised by the Board pursuant to § 15.2-107 and a public hearing was conducted on June 22<sup>nd</sup>, 2015 on the proposed amendments; and

WHEREAS, the Board believes it appropriate to amend the Planning and Zoning Fee Schedule as recommended by staff; and

WHEREAS, the amended fee schedule shall be effective July 1<sup>st</sup> 2015; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 22<sup>nd</sup> day of June, 2015, repeal the current fees and adopt the proposed fees effective July 1<sup>st</sup> 2015 as shown below:

**Zoning**

Comprehensive Plan Amendment	2,500
Zoning Text Amendment	2,500
Rezoning, inc. amendments	2,500
Conditional Use Permit - Cell Tower	3,500
Conditional Use Permit, inc. amendments	2,500
Zoning Permit - Residential	75
Zoning Permit - Commercial New Construction	100
Zoning Permit- Commercial Existing Change Use	50
Zoning Variance	1,000
Appeal Zoning Determination	1,000
Defer Public Hearing, By Applicant	Cost of Ad

**Site Plan**



Site Plan	1,500
Site Plan - Amend After Final Approval	300
Site Plan - Revision Review	500

**Subdivisions**

Single Lot	750
Minor	2,100
Major - Preliminary Plat	2,500
Major - Final Plat	500
Revisions	250
Construction Plan	500
Lot Line Adjustment, Vacation of Lot Line	150
Boundary Survey	25
Subdivision Exception	1,000

**Land Disturbance**

LD Permit Residential	150 + 20 per inspection
LD Permit Commercial	1,500
WQIA Minor	500
WQIA Major	1,000
E&S Plan Commercial	500
Wetland Board	1,000
Ches Bay Exception	1,000
Annual Land Disturbance Permit Renewal	Full Fee

**Signs**

**Proposed**

Sign Permit	150
Temporary Banner	25
Temp Sign for Charity/Non-Profit	No Charge

**Misc**

Historic Preservation Certification of Approval	1,000
Zoning Letter	150
Road Sign	Cost of Sign
8.5x11 color, 1-5 pages	No Charge
8.5x11 color, 6+ pages	2/page
11x17 color, 1-2 page	No Charge
11x17 color, 3+ pages	5/page
22x34 color	10/page
8.5x11 B&W, 1-5 pages	No Charge
8.5x11 B&W, 6+ pages	.50/page
11x17 B&W, 1-2 pages	No Charge
11x17 B&W, 3+ pages	1/page
22x34 B&W	5/page

**RE: ADMINISTRATIVE MATTERS – K. CHARLES GRIFFIN, COUNTY**

**ADMINISTRATOR**

The County Administrator had no additional information to report.

**RE: BOARD OF SUPERVISORS COMMENTS**

Chair Stone opened the Board of Supervisors comment period.

All Board members thanked citizens for attending and participating in the monthly meetings. They also wished everyone a safe 4<sup>th</sup> of July holiday.

Mr. Moskalski thanked everyone for coming to the meeting tonight.

Mr. Greenwood asked everyone to remember those in South Carolina during this tragic time. He also expressed his condolences and offered his support to Ms. Langston in the loss of both parents in the past month.

Mr. Williams does not see how business is being supported with what is being done here. He understands money has to be recouped and feels the county needs more businesses and fewer houses.

Mr. Redd reminded everyone to remember what the 4<sup>th</sup> of July really means.

Chair Stone thanked all who stayed at the meeting until the bitter end. She also offered her condolences to Ms. Langston.

**RE: CLOSED MEETING**

Motion was made by T. J. Moskalski, seconded by C. T. Redd III, that the Board enter Closed Meeting pursuant to § 2.2-3711(A)(1) of the Code of Virginia, to consider a personnel matter involving the appointment of individuals to the Historic Preservation and Architectural Review Board, the Social Services Board, the Middle Peninsula Planning District Commission, the Planning Commission, the Economic Development Authority and the Recreation Commission. The members were polled:

C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye
T. S. Stone	Aye

Having completed the closed meeting, Chair Stone called the meeting back to order in open session.

Chair Stone called for a motion to approve Standing Resolution 1 (SR-1). In accordance with Section 2.2-3717(D) of the Code of Virginia, 1950, as amended, C. T. Redd III moved that the King William County Board of Supervisors adopt the following SR-1 resolution certifying that the closed meeting was conducted in conformity with the requirements of the Virginia Freedom of Information Act; motion was seconded by O. O. Williams.

Chair Stone announced the motion was properly moved and properly seconded; she called for any discussion. There being no discussion among Board members the SR-1 was adopted. The members were polled:

T. J. Moskalski	Aye
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S. K. Greenwood Aye  
O. O. Williams Aye  
C. T. Redd III Aye  
T. S. Stone Aye

STANDING RESOLUTION – 1 (SR-1):

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

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 2.2-3711 of the Code of Virginia 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 on this 22<sup>nd</sup> day of June, 2015, hereby certifies that, to the best of 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 convening the closed meeting were heard, discussed, or considered by the King William County Board of Supervisors.

**RE: APPOINTMENTS**

a. Resolution 15-26 – Appointing Ms. Mandy Trainum as a member to the King William County Social Services Board, for a term to expire June 30, 2019, was approved by the following roll call vote:

S. K. Greenwood Aye  
O. O. Williams Aye  
C. T. Redd III Aye  
T. J. Moskalski Aye  
T. S. Stone Aye

RESOLUTION 15-26  
Resolution of Appointment  
King William County  
Social Services Board

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint a member to the King William County Social Services Board; and

WHEREAS, the term for Ms. Anita H. Webb will expire June 30, 2015; and

WHEREAS, the bylaws limit Social Services Board members to no more than two consecutive terms; and

WHEREAS, Ms. Webb is currently serving her second consecutive term and therefore is ineligible for reappointment and would not be eligible for a third consecutive term but would be eligible for future terms after a break in service.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Ms. Mandy Trainum, is hereby appointed to serve as a member of the King William County Social Services Board, for a term of four years, with said term expiring June 30, 2019.

b. Resolution 15-30 – Reappointing Mr. Travis W. Longest as a member and appointing Mr. Cecil L. Schools as a member to the King William County Economic Development Authority, each for a term expiring June 30, 2019, was approved by the following roll call vote:

O. O. Williams	Aye
C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye

RESOLUTION 15-30  
Resolution of Appointment  
King William County  
Economic Development Authority

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint two members to the King William County Economic Development Authority; and

WHEREAS, the terms of two citizen members, Mr. Travis W. Longest and Mr. W. Franklin Parker, expires June 30, 2015; and

WHEREAS, Mr. Longest has expressed interest in reappointment; and

WHEREAS, Mr. Parker is not interested in reappointment at this time.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Mr. Travis W. Longest and Mr. Cecil L. Schools, are hereby appointed to serve as members of the King William County Economic Development Authority, for a term of four years; said term expiring June 30, 2019.

c. Resolution 15-29 – Reappointing Mr. Charles W. Faulkner, Jr., Ms. Evelyn W. Martin, and Mr. Donald B. Longest, Jr., as members to the King William County Recreation Commission, each for a term expiring June 30, 2018, was approved by the following roll call vote:

C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye
T. S. Stone	Aye

RESOLUTION 15-29  
Resolution of Appointment  
King William County  
Recreation Commission

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint three members to the King William County Recreation Commission; and

WHEREAS, the term of one member from Election District #3; the member representing King William County Schools; and the at-large member expires on June 30, 2015; and

WHEREAS, Mr. Charles W. Faulkner, Jr., of Election District #3 and Ms. Evelyn W. Martin, at-large member, both have express interest in reappointment; and

WHEREAS, the King William County School Board conducted a meeting on Tuesday, June 16, 2015, and the Board voted to recommend the reappointment of Mr. Donald B. Longest, Jr., to serve as the King William County Schools representative; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Mr. Charles W. Faulkner, Jr. is hereby appointed to serve as a member of the King William County Recreation Commission, representing Election District #3, for a term of three years; said term to expire June 30, 2018.

BE IT FURTHER RESOLVED, by the Board of Supervisors of King William County, Virginia, that Ms. Evelyn W. Martin, is hereby appointed to serve as the at-large member of the King William County Recreation Commission, for a term of three years; said term to expire June 30, 2018.

BE IT FURTHER RESOLVED, by the Board of Supervisors of King William County, Virginia, that Mr. Donald B. Longest, Jr. is hereby appointed to serve as a member of the King William County Recreation Commission, representing King William County Public Schools, for a term of three years; said term to expire June 30, 2018.

d. Resolution 15-27 – Reappointing Mr. Eugene J. Rivara to serve as a citizen member on the Middle Peninsula Planning District Commission, for a term to expire June 30, 2016, was approved by the following roll call vote:

T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye
C. T. Redd III	Aye
T. S. Stone	Aye

RESOLUTION 15-27  
Resolution of Appointment  
Middle Peninsula Planning District Commission

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint one member to the Middle Peninsula Planning District Commission; and

WHEREAS, the term of one citizen member, Eugene J. Rivara, will expire June 30, 2015; and

WHEREAS, Article III, Section I of the bylaws of the Middle Peninsula Planning District Commission provides for the term of office of the citizen member shall be one year or until their successors are appointed; and

WHEREAS, Mr. Rivara has expressed interest in reappointment.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Mr. Eugene J. Rivara, is hereby appointed to serve as a citizen member on the Middle Peninsula Planning District Commission, for a term of one year; with said term expiring June 30, 2016.

e. Resolution 15-25 – Reappointing Mr. Robert H. Hubbard as a member to the King William Historic Preservation and Architectural Review Board, for a term to expire June 30, 2020, was approved by the following roll call vote:

S. K. Greenwood	Aye
O. O. Williams	Aye
C. T. Redd III	Aye
T. J. Moskalski	Aye
T. S. Stone	Aye

RESOLUTION 15-25  
Resolution of Appointment  
King William County  
Historic Preservation and Architectural Review Board

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint one member to the King William County Historic Preservation and Architectural Review Board; and

WHEREAS, the term for Mr. Robert Hubbard will expire June 30, 2015; and

WHEREAS, Mr. Hubbard has expressed interest in reappointment to this Board.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Mr. Robert H. Hubbard, is hereby appointed to serve as a member of the King William County Historic Preservation and Architectural Review Board, for a term of five years; said term to expire June 30, 2020.

f. Resolution 15-28 – Reappointing Ms. Bonnie J. Hite and Mr. David R. Ford as members to the King William County Planning Commission, each for a term expiring June 30, 2019, was approved by the following roll call vote:

O. O. Williams	Aye
C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye

RESOLUTION 15-28  
Resolution of Appointment  
King William County  
Planning Commission

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint two members to the King William County Planning Commission; and

WHEREAS, the term of two citizen members, Ms. Bonnie J. Hite and Mr. David R. Ford, expires on June 30, 2015; and

WHEREAS, Ms. Hite and Mr. Ford have both expressed interest in reappointment to the Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Ms. Bonnie J. Hite and Mr. David R. Ford are hereby appointed to serve as citizen members of the King William County Planning Commission, for a term of four years; said term expiring June 30, 2019.

**RE: ADJOURNMENT**

There being no other business to come before this board Chair Stone adjourned the meeting at 11:00 p.m.

COPY TESTE:

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Terry S. Stone, Chair  
Board of Supervisors

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Bobbi L. Langston  
Deputy Clerk to the Board