

**MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF NOVEMBER 23, 2015**

A regular meeting of the Board of Supervisors of King William County, Virginia, was held on the 23rd day of November, 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 7:30 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 change: under item 15 a Closed Meeting was added; motion was seconded by S. K. Greenwood and 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

**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.

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

RE: CONSENT AGENDA

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

Chair Stone called for any discussion.

Supervisor Redd noted that item 8c, Resolution 15-50 – Amending the fiscal year 2016 budget by \$12,600 to accept grant funding in order to purchase supplies for emergency shelters, is 100% grant money and no local funding.

There being no other discussions the consent 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 October 26, 2015

b. Claims against the County for the month of November, 2015, in the amount of \$883,438.19 as follows:

(1) General Fund Warrants #81552-81600 in the amount of \$123,364.80 and #81605-81639 in the amount of \$86,750.89; ACH Direct Payments #7001-7060 in the amount of \$83,362.62 and #7065-7102 in the amount of \$111,361.65; Direct Deposits #21336-21469 in the amount of \$199,612.97; and Electronic Tax Payment in the amount of \$121,448.35.

(2) For informational purposes, Social Services expenditures for the month of November, 2015, Warrants #310737-310764 in the amount of \$19,951.30; ACH Direct Payments #1581-1602 in the amount of \$10,861.55; Direct Deposits #3609-3628 in the amount of \$30,144.25; and Electronic Tax Payment in the amount of \$17,606.88.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of November, 2015, Warrants #81601-81604 in the amount of \$18,775.34; and ACH Direct Payments #7061-7064 in the amount of \$59,400.16.

(4) Tax refunds for the month of November, 2015 in the amount of \$797.43.

c. Resolution 15-50 as follows:

RESOLUTION 15-50
AMENDING THE FISCAL YEAR 2016 BUDGET
BY \$12,600 TO ACCEPT GRANT FUNDING IN ORDER TO
PURCHASE SUPPLIES FOR EMERGENCY SHELTERS

WHEREAS, the Central Virginia Region applied for an emergency management grant through the Department of Emergency Management in order to purchase supplies for emergency shelters; and

WHEREAS, the entire region was awarded a total of \$88,448 to enhance shelters around the region; and

WHEREAS, King William County was allocated \$12,600 to purchase two shelter supply carts and a trailer to store and transport the carts. As well as to purchase a third cart for the West Point Shelter. The carts will provide cots, blankets, pillows and personal care items; and

WHEREAS, the funding source for this budget amendment is funding from the Virginia Department of Emergency Management and no local match is required,

NOW, THEREFORE, BE IT RESOLVED by the King William County Board of Supervisors this 23rd day of November, 2015, that FY 2016 budget is amended to reflect the changes summarized below:

GENERAL FUND

Source

Categorical State Aid

VDEM Shelter Grant	\$ 12,600
Department Total	<u>\$ 12,600</u>

Total Source: \$ 12,600

Use

Emergency Management

Tools and Equipment	\$ 12,600
Department Total	<u>\$ 12,600</u>

Total Use: \$ 12,600

RE: BOARD PRESENTATIONS

a. VDOT Updates – Joyce McGowan, Saluda Residency Administrator –

Ms. McGowan gave an update of the recent VDOT activities in the county. She noted the next VDOT quarterly update for King William County will occur in March 2016, when the secondary six year plan process will begin.

Paving and Resurfacing: Advertisements for plant mix will go out next month.

Paving has been submitted for Route 30 from outside of West Point to Black Gum Road, for approximately eleven miles, and the second part of the overlay project will be from Route 360 up to the Carolina County line. She asked citizens to be patient

while paving is going on as there will be traffic delays and work zones, but in the end the road surface will be better.

Maintenance Operations: Surface treatments are being done on several roads throughout the county and this process will continue for the remainder of the year. Ditching is being done in the southern end of the county. Pipe washing will be performed next week and focus will be on the areas where ditching has been done. Boom axing is also being done to clean up brush behind guardrails and in the rights-of-way. Dirt roads are being beefed up for the winter, this should help with the extra traffic on them due to hunting.

Mr. Griffin asked Ms. McGowan to briefly review the upcoming forum and application with VDOT for intersection improvements at the Route 360 corridor.

Ms. McGowan gave a brief overview of House Bill 2 (HB2) that was approved in the last General Assembly session and essentially changes the way projects are added to the six year plan for construction. She reviewed details of the application process for projects to be considered for funding. She noted this district was the only one in the State to have all projects applied for make it to the validation stage of the approval process.

Supervisor Williams commented on the issue of pipes being installed under roadways in the Mangohick district that tend to go nowhere.

Supervisor Moskalski asked for clarification that his email was received several weeks ago regarding a draining issue on Moorefield Road. Ms. McGowan stated the email was received and the issue will be addressed during the ditching that is taking place in that area now.

Supervisor Moskalski also noted an issue with a culvert in the 2nd District and said the citizen that reported the issue is present and will share details with Ms. McGowan after the meeting.

Chair Stone stated that due to the recent paving the drop-offs from some driveways onto Route 30 is significant. Ms. McGowan asked that specific addresses be forwarded to her so that she can share with the paving engineers to have them investigated.

RE: OLD BUSINESS

a. Consideration of Proposed Ordinance 15-12(R) – An Ordinance to amend the King William County Code, Chapter 74. Traffic and Vehicles, Article IV. Inoperable Motor Vehicles, to Repeal Sections 74-201, Definitions and 74-202, Restriction on Keeping, and to Add Section 74-201.1, Keeping of Inoperative Motor Vehicles, Trailers or Semitrailers on Property Zoned for Residential, Commercial or Agricultural Purposes – Director of Community Development, Bret Schardein, summarized the details of the revised proposed Ordinance 15-12(R) which addresses the input received from the Board following the public hearing on October 26, 2015. He explained as drafted, Sec. 74-201.1(b) would allow only one inoperable vehicle, even if screened from view by trees and/or fencing. Staff received comment from a citizen that this number should be increased for a rural locality to allow additional vehicles be kept if screened by trees and/or fencing.

Chair Stone called for any discussion.

There was a lengthy discussion between the Board members, the County Attorney and the Director of Community Development on the enclosure requirement and how many inoperable screened vehicles are allowed to be kept.

Supervisor Redd asked Mr. Schardein how many times he has enforced the current ordinance.

Mr. Schardein stated in his time here, coming up on three years, the current ordinance has been enforced maybe a dozen times; generally for two to six unscreened cars.

The County Attorney cautioned the Board that removing the limitation of screened inoperable vehicles could become an issue in subdivisions and gave the example of using tarps for screening. He stated an ordinance can be drafted for different zoning classifications.

By consensus, the Board agreed the language in paragraph (b) in the proposed ordinance should be revised to read "...any property zoned R-C Rural Conservation, R-R Rural Residential or R-1 Suburban Residential..." thereby removing "for residential, commercial or agricultural purposes".

Chair Stone called for any additional discussion.

C. T. Redd III moved for approval of Ordinance 15-12(R)(1) as revised; motion was seconded by T. J. Moskalski.

Chair Stone called for any additional discussion.

There being no other discussions the following Ordinance 15-12(R)(1) 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 15-12(R)(1)

An Ordinance to

Amend the King William County Code, Chapter 74. Traffic and Vehicles, Article IV. Inoperable Motor Vehicles, To Repeal Sections 74-201, Definitions and 74-202, Restriction on Keeping, and to Add Section 74-201.1, Keeping of Inoperative Motor Vehicles, Trailers or Semitrailers on Property Zoned for Residential, Commercial or Agricultural Purposes.

WHEREAS, Pursuant to the Virginia Code Section 15.2-904 the King William County Board of Supervisors is authorized to adopt an ordinance restricting the keeping of inoperable vehicles; and

WHEREAS, current county code provisions were adopted prior to 1987 and are in need of amendment to conform to current provisions of state law and the Board finds it appropriate to amend the County Code to adjust to changes in state law and to meet the changing needs of the County,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 23rd day of November, 2015, amend the King William County Code by repealing Sections 74-201 and 74-202 as designated by the stricken language shown below:

~~Sec. 74-201. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Inoperative motor vehicle means any motor vehicle which is not in operating condition, or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal.~~

~~Motor vehicle, trailer and semitrailer means as set forth in Code of Virginia, § 46.1-1.~~

~~Sec. 74-202. Restriction on keeping.~~

~~(a) It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from public view, in the unincorporated portion of the county, any motor vehicle, trailer or semitrailer that is inoperable. The provisions of this section shall not apply, however, to a licensed business which on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.~~

~~(b) The provisions of Code of Virginia, § 15.2-904, shall apply to this section.~~

BE IT FURTHER ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 23rd day of November, 2015, amend the King William County Code by adding Section 74-201.1 to read as follows:

Sec. 74 - 201.1 - Keeping of inoperative motor vehicles on property zoned for residential, commercial or agricultural purposes.

- (a) It shall be unlawful for any person, firm, or corporation to keep, except within a fully enclosed building or structure, or otherwise shielded or screened from view from all adjacent properties and public rights-of-way by a person standing at ground level, on any property zoned for residential, commercial or agricultural purposes pursuant to Chapter 86, Zoning, of this Code, any motor vehicle, trailer or semitrailer as defined by Section 46.2-100 of the Code of Virginia, which is inoperative.
- (b) It shall be unlawful for any person, firm, or corporation on any property zoned R-C Rural Conservation, R-R Rural Residential or R-1 Suburban Residential pursuant to Chapter 86, Zoning, of this Code to keep more than one (1) inoperative motor vehicle, trailer or semitrailer even if shielded or screened from view by covers, unless they are kept within a fully enclosed building or structure. Notwithstanding the forgoing, however, if the owner of such vehicle shielded or screened from view but not within a fully enclosed building or structure, can demonstrate that he is actively restoring or repairing the vehicle, the vehicle and one additional inoperative motor vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.
- (c) As used in this section, an "inoperative motor vehicle" shall mean any motor vehicle, trailer or semitrailer which is not in operating condition, or, which for a period of sixty (60) days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle, or on which are displayed neither valid license plates nor a valid inspection decal.
- (d) The provisions of this section shall not apply to a business licensed by the county and regularly engaged in business as an automobile dealer, automobile repair facility, automobile salvage dealer, salvage dealer, or scrap processor, nor to trailers or semitrailers used for storage and located on property as accessory uses to active agricultural operations.
- (e) The owners of property zoned for residential, commercial or agricultural purposes shall, on and after the effective of the ordinance adopting this code section, comply with the requirements of this section.
- (f) The county administrator, or the county administrator's designee, may remove or cause to be removed any inoperative motor vehicle, trailer or semitrailer stored in violation of this section whenever the owner of the premises, after fifteen (15) days' written notice, has failed to do so. In the event that the county administrator has removed or caused such a removal, he may, after giving an additional fifteen (15) days' written notice to the owner of such a vehicle and the owner of the premises, dispose of the vehicle. The cost of any such removal and disposal shall be charged to the owner of the premises or to the owner of the vehicle, and the treasurer shall collect such charges as taxes and levies are collected.
- (g) Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle has been removed, the lien to continue until actual payment of such costs has been made to the county.
- (h) Failure to remove a vehicle when notified to do so within the time specified for removal shall constitute a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00), and each day that any such violation shall continue shall constitute a separate offense.

RE: NEW BUSINESS

No new business was brought before the Board.

RE: ADMINISTRATIVE MATTERS – K. CHARLES GRIFFIN, COUNTY

ADMINISTRATOR

a. Consideration of request from the Parent-Child Development Center (PCDC) for tax exemption status for its Head Start property in West Point, VA – Mr. Griffin reviewed the details of a request from the PCDC for the King William County Board of Supervisors to grant their head start facility in West Point, VA, tax exempt status which would forgive their 2015 tax bills. He explained a public hearing is required to be conducted by the Board to consider the request. He also noted a tax exemption cannot be granted retroactively, but alternatively the Board could make a contribution to the PCDC's head start program through a budget amendment process. He stated the Commissioner of the Revenue recently attended a training session that brought this matter to light.

The County Attorney noted this particular area of the Code of Virginia is extremely difficult to understand without knowing some of the history. He stated prior to 2002-2003 all exemptions of this kind were granted by state legislature. Many complaints were made by local governments that they did not have a say in whether organizations within their boundaries were granted tax exemption by the state. The General Assembly changed the law to have these types of requests heard by local Boards or Councils. During staff's research of the printed comprehensive listing of all the exemptions made by the state it appears the PCDC may already be tax exempt. He will verify the status of the research and report his findings to the Board.

There was a discussion among the Board members and the County Attorney regarding the qualifications an organization must meet in order to be granted tax exemption. Also discussed were penalties for late payments, refunds for payments made, and the possibility of donations being made to the organizations.

C. T. Redd III moved to have staff advertise for a public hearing, for the tax exemption requests made by certain charitable organizations, to be considered by the Board during their December 14, 2015, regular business meeting; motion was seconded by T. J. Moskalski.

Supervisor Redd pointed out that should the research staff is performing shows the PCDC is tax exempt then a public hearing would not be required for that organization.

Chair Stone is agreeable to a correction for the current tax year but feels it is inappropriate to change county code that has a long term fiscal impact. She feels it is appropriate for the next Board to take this into consideration.

Chair Stone clarified the County Attorney will verify the research regarding the potential tax exemption status of the PCDC and the various uses of the property and will report the findings to the Board during the work session of November 30, 2015.

Chair Stone called for any additional discussion.

There being no other discussions the motion 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	Nay

b. Consideration of request from the King William Historical Society for tax exempt status for two parcels – Chair Stone noted a more thorough review is being performed to verify tax exemption status for this organization. The Board will be advised with updated information during their November work session. She clarified the options of the Board are to advertise a public hearing to consider adopting a new ordinance and to consider granting a one time donation to the organization, or both.

Supervisor Greenwood asked for clarification from the King William Historical Society representative if this tax exemption request is for back or current year taxes. It was verified the request is for current year taxes.

RE: APPOINTMENTS

No appointments were considered

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 and wished everyone a Happy Thanksgiving.

Supervisor Redd reminded everyone to give thanks to those serving in the armed forces.

RE: CLOSED MEETING

Motion was made by C. T. Redd III, seconded by T. J. Moskalski, 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 performance of the County Administrator; and in accordance with § 2.2-3711(A)(7) of the Code of Virginia to consult with legal counsel on a matter of probable litigation related to the most recent general reassessment.

The members were polled:

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

S. K. Greenwood	Aye
O. O. Williams	Aye
C. T. Redd III	Aye
T. J. Moskalski	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 23rd day of November, 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: RECESS

There being no other business to come before this board Chair Stone recessed the meeting until November 30, 2015 at 7:00 p.m. when the Board of Supervisors will conduct a rescheduled work session.

COPY TESTE:

Terry S. Stone, Chair
Board of Supervisors

Bobbi L. Langston
Deputy Clerk to the Board