

**MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF OCTOBER 26, 2015**

A regular meeting of the Board of Supervisors of King William County, Virginia, was held on the 26th day of October, 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 7:15 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; motion was seconded by C. T. Redd III 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.

1. Bob Ehrhart, of the 5th District, mentioned there are a number of overhanging trees and also the need for undercutting on Dorrell Road. He suggested VDOT look in to this. He is interested in hearing the status of the listed item on the agenda that pertains to the implementation of the agreements with RCI and how this will impact the future budget of King William County.

There being no other 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 S. K. Greenwood.

Chair Stone called for any discussion.

There being no 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 September 28, 2015

b. Claims against the County for the month of October, 2015, in the amount of \$1,562,008.11 as follows:

(1) General Fund Warrants #81441-81538 in the amount of \$430,879.49; ACH Direct Payments #6906-7028 in the amount of \$664,496.15; Direct Deposits #21224-21335 in the amount of \$196,694.85; and Electronic Tax Payment in the amount of \$121,703.14.

(2) For informational purposes, Social Services expenditures for the month of October, 2015, Warrants #310673-310688 in the amount of \$7,557.34 and Warrants #310713-310736 in the amount of \$15,613.97; ACH Direct Payments #1562-1580 in the amount of \$10,872.39; Direct Deposits #3588-3608 in the amount of \$31,332.06; and Electronic Tax Payment in the amount of \$18,152.58.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of October, 2015, Warrants #81539-81551 in the amount of \$21,206.13; and ACH Direct Payments #6985-7000 in the amount of \$41,936.80.

(4) Tax refunds for the month of October, 2015 in the amount of \$1,563.21.

c. Resolution 15-46 as follows:

RESOLUTION 15-46
AMENDING THE FISCAL YEAR 2015 BUDGET
BY \$50,265 TO APPROPRIATE ADDITIONAL NON LOCAL FUNDING AND
APPROVAL OF ADJUSTING AUDIT ENTRIES

WHEREAS, the Board of Supervisors is requested to provide supplemental appropriation at year end for the Asset Forfeiture and State Sales Tax Funds; and

WHEREAS, both of these funds exceeded revenue and expenditure projections collecting more revenue from seized assets and state sales tax than originally anticipated in FY 2015; and

WHEREAS, the Sheriff's Office used the asset forfeiture funding to purchase items that are eligible by the code of Virginia and the state sales tax dollars were passed on to the King William County Public School and the Town of West Point as prescribed by the code; and

WHEREAS, this resolution gives the Board of Supervisors approval for the Director of Financial Services to make adjusting entries to the budget in order to properly reflect the intent of the Board through its budget amendments throughout fiscal year 2015,

NOW, THEREFORE, BE IT RESOLVED by the King William County Board of Supervisors this 26th day of October, 2015, that FY 2015 budget is amended to reflect the changes summarized below:

Asset Forfeiture Fund

Source

State Revenue

Forfeited Assets Sheriff	\$ 6,630
Department Total	<u>\$ 6,630</u>

Total Source:	<u><u>\$ 6,630</u></u>
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Use

Forfeited Assets Sheriff

Other Operating Supplies	\$ 6,630
Department Total	<u>\$ 6,630</u>

Total Use:	<u><u>\$ 6,630</u></u>
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State Sales Tax Fund

Source

State Revenue

State Sales and Use Tax	\$ 43,635
Department Total	<u>\$ 43,635</u>

Total Source:	<u><u>\$ 43,635</u></u>
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Use

Transfers to Other Funds

Transfer to West Point	\$ 11,825
Transfer to School Fund	31,810
Department Total	<u>\$ 43,635</u>

Total Source:	<u><u>\$ 43,635</u></u>
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RE: BOARD PRESENTATIONS

a. Resolution 15-47 – A Resolution of appreciation to Mr. William Bryant Wilson, for his 20 years of serving on the King William County Board of Zoning Appeals – Chair Stone presented a resolution of appreciation to Mr. William Bryant Wilson for his years of serving on the King William County Board of Zoning Appeals.

Supervisor Moskalski read the following resolution:

Resolution 15-47
KING WILLIAM COUNTY
RESOLUTION OF APPRECIATION
BOARD OF ZONING APPEALS MEMBER
WILLIAM BRYANT WILSON

WHEREAS, Mr. William Bryant Wilson has served on the Board of Zoning Appeals for King William County for 20 years and in doing so has given selflessly of his time, talent and wisdom to serve his fellow King William County citizens; and

WHEREAS, Mr. Wilson has been an active and highly contributory member of the King William Ruritan Club since 1986, has served as a Director, as Vice President and twice served as its President; and now serves Governor of the Chesapeake District, which includes 20 Ruritan Clubs; and

WHEREAS, Mr. Wilson was a most valued and productive employee for Miller Manufacturing for 50 years; and

WHEREAS, Mr. Wilson has been an involved citizen of King William County since 1973, contributing his time talents and energy to the benefit of his fellow citizens,

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors with much respect and gratitude extends its appreciation and recognition to Mr. William Bryant Wilson for his years of continuing service that have been given so generously to his fellow King William County citizens.

BE IT FURTHER RESOLVED, that a copy of this Resolution expressing the sense of this Board of Supervisors on this matter shall be conveyed to Mr. William Bryant Wilson and shall be spread upon the meeting minutes of said Board of Supervisors.

T. J. Moskalski moved for approval of Resolution 15-47, motion was seconded by T. S. Stone and 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

Mr. Wilson thanked the Board for allowing him to serve as a member on the Board of Zoning Appeals. He said it was a pleasure to work with his fellow Board of Zoning Appeals members and also with county staff.

b. VDOT Updates – Joyce McGowan, Saluda Residency Administrator – Ms. McGowan was unable to attend the meeting. Staff was directed to follow up with her and reschedule.

RE: OLD BUSINESS

a. Update on implementation of the agreements with RCI – County Administrator, K. Charles Griffin – Mr. Griffin focused attention on the most recent developments that have brought this project to a successful conclusion. He said the county signed a series of agreements with the developer, RCI, and as a part of the agreements the developer agreed to oversize a number of the main water and sewer lines for the benefit of the county for years to come. He explained that the way the county gave credit to the developer for these oversized lines in the typical way, giving them connection fee credits, by reimbursing the developer a portion of the connection fee once paid by the developer. He noted it was discovered in 2012 that the developer had not completed installing a second well in the McCauley Park subdivision as was the developer's responsibility. The county took measures and the burden of ensuring that the installation of the second well was completed and is operational. To repay the county for the expense of completing the second well the County Attorney negotiated an agreement where very substantial capacity and connection credits that the developer had in place would be dramatically reduced. He said all of the sewer credits were eliminated and a substantial amount of the water credits were eliminated. During this period of time the county did not rebate any fees to the developer, the full amount of the connection fees paid by the developer were held by the county, so more was being retained than needed to be. As part of the final agreement the county agreed to return that portion.

Continuing, he said with the complete execution of the agreement, the county returned a portion of these held connection fees and retained a final portion that would be held in escrow until much needed improvements were made to the two major access roads to the pump stations. Staff has inspected these road improvements and the developer did an outstanding job designing and construction of the improvements. The county made inspections throughout the construction process to make sure the vegetation was very well established and all the storm water improvements were functioning. The system was tested with a very heavy rain that occurred recently

hitting the project just as it was finished, the system stood up to the test and the improvements functioned exactly as designed. The county gave full release to the developer for the work that the agreement required them to do and the balance of held capacity fee credits was returned.

He concluded his update saying that HRSD, who we hope will take over full operation and ownership of the wastewater system, is also well pleased with the work.

Chair Stone clarified that to the extent the county took immediate action on the second well is because it was mandated by DEQ and there would have been fines associated if action not been taken. The process of legal negotiations with the developer was necessary to make recovery.

RE: NEW BUSINESS

a. Public Hearing on Proposed Ordinance 15-10 – An Ordinance to amend the King William County Code, Chapter 42. Offenses and Miscellaneous Provisions, Article I. In General, to add provisions to the County Code to Regulate the Removal of Structures Endangering Public Health or Safety –

i. Staff Presentation – Director of Community Development, Bret Schardein, gave a brief staff introduction of the proposed changes to the county code with regards to unsafe structures. He said the code adopted by King William County, almost thirty-years ago, has not kept up with state code, case law, and building code. The proposed amendments clarify and update the requirements of the county code. These updates are needed to make the process match the state code and building code, and also to put into place the correct legal mechanism to enforce dilapidated structures roughly as they are in the code now.

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 15-10.

1. Charles Piersa, of the 2nd District, asked if additional staff will need to be hired for the possible additional work related to these proposed changes.

Chair Stone explained primarily the extra workload would be based upon citizen calls with concerns and staff would likely go out to investigate.

The County Administrator confirmed Chair Stone's comments. He said there are not that many situations where this would be needed but a couple have

come up recently. We realized, in terms of responding to complaints, we really do not have the proper tools that is needed to be able to handle effectively. The County Attorney was asked to assist with drafting the changes to the ordinance.

Mr. Piersa asked who will be responsible for the cost of the demolition of these types of properties.

The County Administrator stated the wording of the ordinance puts the burden ultimately on the property owner.

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

iii. Consideration – Ordinance 15-10

Chair Stone called for any discussion.

There was a lengthy discussion between the Board members and the County Attorney on the language of the proposed ordinance.

Supervisor Moskalski has received one telephone call on this subject. The concerns raised were the enforcement and what will prompt this ordinance to be brought into effect. He feels this has been covered and settled in the proposed ordinance. Another concern is the idea of recovering this cost and how these liens are going to be enforced. In his opinion, the expectation of recovering these county expenses is potentially not going to happen.

The County Attorney explained the expense recovery process and gave details of the steps needed to be taken in order to take action. He said that the process in the proposed ordinance has been set out in state code all along.

Chair Stone said ultimately these are dealt with on a case by case basis.

Supervisor Moskalski agrees that this authorizes the Board of Supervisors to deal with cases on a case by case basis. He asked for clarification if a civil penalty is necessary in addition to a lien.

The County Attorney said a civil penalty is not necessary and added that this is a fairly new addition to state code. The reason for this addition is to allow the county to cover some of the administrative costs of dealing with these issues. He explained that under the current ordinance any failure to abide by the provisions is a class one misdemeanor, in theory it is a criminal offense, this provides an alternative for a civil issue rather than a criminal.

Supervisor Williams asked whether this enforcement is for old barn structures and asked for clarification.

Supervisor Redd said the purpose of the ordinance is to bring county code up to state code. The intention is not for the county to go around looking for structures to target. He said an eyesore does not constitute a public safety, common sense is involved in this process.

The County Attorney said he classifies this as a process ordinance and takes what is in the county code and puts a process in place. This does not change what is already in the ordinance directing staff what to do in terms of dealing with unsafe structures. He stressed that no structure deemed unsafe in the county would be taken down without prior Board approval. He added that no appropriations have been made for this purpose in the budget and suggested that the Board may consider making appropriations in the future.

Supervisor Moskalski asked for any specific state code section that could be cited to reference these structures to be a public safety hazard.

The County Attorney does not recall a definition in the state code specifically for public safety hazard.

Chair Stone noted the Board currently has authority to take action, this proposed ordinance establishes the process in order to take action.

Supervisor Moskalski stated he wants to make sure this process does not cause added work on staff due to citizens reporting structures they feel are unsafe throughout the county, nor does he want property owners to be unduly burdened by this process. He is not in agreement with imposing fines for these structures on property owners that do not have the means to pay them.

Chair Stone does not feel that is the intent. She said there are several partially burned homes in the county. She feels these structures could impact the sales of neighboring homes.

Supervisor Greenwood asked what a reasonable amount of time is for a property owner to take care of an unsafe structure after notification. In his opinion, the reasonable amount of time is very vague.

The County Attorney clarified the steps of the notification process from start to finish which equates to forty-five days as a reasonable amount of time. He said this is new to the state code which spells out a reasonable amount of time.

C. T. Redd III moved for approval of Ordinance 15-10 as presented; motion was seconded by T. S. Stone.

There being no other discussions the following Ordinance 15-10 was adopted by the following roll call vote:

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

ORDINANCE 15-10
An Ordinance to
Amend the King William County Code, Chapter 42.
Offenses and Miscellaneous Provisions, Article I. In General,
to Add Provisions to the County Code to Regulate the Removal of Structures
Endangering Public Health or Safety

WHEREAS, Pursuant to the Virginia Code Section 15.2-906 the King William County Board of Supervisors is authorized to adopt an ordinance to require the removal or repair of buildings and other structures deemed to be unsafe; and

WHEREAS, current county code provisions are not sufficient to address unsafe situations which have arisen and which may arise in the future 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 26th day of October, 2015, amend the King William County Code by adding Section 42-6 to read as follows:

Sec. 42-6. Removal of structures endangering public health or safety.

(a) The county administrator or the county administrator's designee may order the removal, repair or securing of any building, wall, or any other structure which might endanger the public health or safety of other residents of the county. Repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings.

(b) The county administrator or the county administrator's designee may remove, repair or secure any building, wall or any other structure which may endanger the public health or safety of other residents of the county when the owner, and lien holder if any, of such property, after reasonable notice and a reasonable time to do so, have failed to remove, repair or secure said building, wall or other structure.

(c) For purposes of this section, reasonable notice shall include a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published in a newspaper once a week for two successive weeks in a newspaper having general circulation in the county. No action shall be taken to remove, repair or secure any building, wall or other structure for at least thirty days following the later of the return of the receipt or newspaper publication except that action may be taken to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice.

(d) In the event the county, through its own agents or employees, removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected as taxes are collected.

(e) Every charge and cost authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia. In order to facilitate the sale of the property, such liens may be waived by the governing body, but only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(f) Any owner failing to comply with orders of the county administrator or his designee given pursuant to the provisions of this section shall be assessed a civil penalty of one thousand dollars (\$1,000.00), such sum to be collected from the owner or added to any lien imposed by Section (e) of this section.

b. Public Hearing on Proposed Ordinance 15-12 – 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 –

i. Staff Presentation – Director of Community Development, Bret Schardein, summarized the details of proposed Ordinance 15-12. He said the proposed amendments update the requirements of the County Code to match current State Code requirements. These changes should improve administration and enforcement of the program. Unlike dilapidated structures county staff receives many more concerns for motor vehicles.

He noted one suggested change to the ordinance version presented. On page 30 under section (a) requires that any abandoned inoperable vehicles either be enclosed in a building or screened from view. He said the question came up of what is the definition of a view as referenced. To limit this to what he sees as the intent and how this has been enforced previously is to add the language “from any adjacent property line or public right of way at ground level”.

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 15-12.

1. Bob Ehrhart, of the 5th District, said he asked staff for the definition of “view”, adding that he is a big advocate of property rights. He suggested that item (c) in this same section should better define what an inoperative motor vehicle, specifically referencing small trailers. He also suggested the fees in item (f) should reference a deduction in the fees charged with any funds received should the item be taken to a salvage yard.

2. Jeanette Wagner, of the Mangohick District, suggested the complainant’s property be checked for violations at the same time the property complained about is being checked. She also made the suggestion of working with property owners for solutions to rid of inoperable vehicles such as donating to charity organizations in need.

3. Charles Piersa, of the 2nd District, has concerns as to whether semi-trailers used on farms for storage, that are not inspected or licensed, are in violation.

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

iii. Consideration – Ordinance 15-12

Chair Stone called for any discussion.

There was a lengthy discussion between the Board members and the County Attorney on the language of the proposed ordinance.

The County Attorney sited some of the language in the current county ordinance which relates to inoperable vehicles. He noted this includes all of King William County except for the Town of West Point. He said this proposed ordinance defines any motor vehicle that is not in operating condition for 60 days or more and is partially or totally disassembled by the removal of tires and wheels the engine or other essential parts required for the operation of the vehicle or on which are displayed. These are the exact provisions in the proposed ordinance but just worded a little differently. The ordinance drafted allows a person to have as many vehicles as

they want in an enclosed building. The code says you can restrict to just one inoperable vehicle.

Chair Stone asked for clarification if the current ordinance has been used to remove any inoperable vehicles to date.

Mr. Schardein stated, since 2013 when he started with the county, no vehicles have been forcibly removed by the county. He said this code section has been cited in notices sent to citizens who have removed the vehicle voluntarily. He understands prior to him starting with the county staff was dedicated to code enforcement and following through with court proceedings, that staff since has been eliminated.

Chair Stone asked for clarification of any expected increase in any activity over what has been seen.

Mr. Schardein expects no increase in activity in this type of enforcement.

Chair Stone noted research determined this ordinance should be updated in order for the county to be consist with state code. She said this is a housekeeping item. She added that the county is not staffed to deal with all of the potential calls. Business is probably not going to be done significantly different than what is already being done.

Mr. Schardein briefly gave details of the process currently practiced when enforcing this code section. He said as far as trailers go those reported are not regularly used on farms, but are commonly used for other purposes, and he does not see pursuing that enforcement.

Supervisor Moskalski would like to see agricultural removed from this ordinance altogether. He feels the ordinance should just cover residential and commercial regulations.

Mr. Stuck pointed out there are several agricultural classifications. Zoning should be specified.

Mr. Schardein said given the complaints received the vast majority are technically agriculturally zoned properties. He said about 95% of the county is agriculturally zoned; removing this from the ordinance would remove about 90% or more of the complaints received. He suggested adding language such as no working

farms or part of an agricultural operation and tying it to zoning would be a way to do this.

Supervisor Redd suggested clarifying working storage trailers in the language of the ordinance.

Upon completion of discussions T. J. Moskalski moved to table Ordinance 15-10 until next month; motion was seconded by O. O. Williams.

Chair Stone called for any other discussions.

There being no other discussions Ordinance 15-12 was tabled 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: ADMINISTRATIVE MATTERS – K. CHARLES GRIFFIN, COUNTY

ADMINISTRATOR

a. Update of the King William County Economic Development Authority – Mr. Griffin noted the Economic Development Authority has been reactivated and a meeting was held recently. Currently, staff is working on a list of priority properties that are ready to be developed and invested in for the creation of jobs. He said Victoria Rowsey was recently hired and one of her rolls is to work with the Authority. He said she is doing an excellent job at coming up to speed very quickly.

b. Resolution 15-48 – A resolution authorizing an application for federal funding assistance from the Federal Highway Administration (FHWA) to Virginia Department of Transportation (VDOT) under the Transportation Alternate Program (TAP) for the Courthouse Trail Project – Mr. Griffin said the source of these funds is from the Federal Highway Administration which has allocated a much larger pot of grant funds to VDOT under the Transportation Alternative Program (TAP). Staff recommends the application for a \$200,000 grant (\$250,000 project cost) for the Courthouse Trail Project through this program.

Chair Stone asked for clarification that if a grant is awarded for this project this Board would have final approval. She stated this request is simply to make an application for the grant and that if the grant were offered, staff would come back to the Board for acceptance.

Supervisor Redd referred to the previous \$200,000 grant application that was approved by the Board recently. He feels this is an opportunity to clear up any misinformation or false information floating around regarding this matter. He explained that a grant was applied for and to date no funds have been received for a grant. The county is under no obligation to accept any funds from the grant applied for, so therefore there is no out of pocket cost to the county except for staff time for completing the application. Lastly, until further Board approval there is no obligation to accept any funds for a grant.

Supervisor Moskalski feels this is a worthwhile project for members of the community, as well as county staff for commuting between buildings, and for the viability of this continuing historic site drawing in visitors and giving people a safe place to move about among the historic sites.

T. J. Moskalski moved for approval of Resolution 15-48 as presented; motion was seconded by O. O. Williams.

Chair Stone called for any additional discussions.

Supervisor Greenwood asked for clarification if this request is for an additional 20% for the in-kind portion if a grant is awarded.

Mr. Griffin stated the Board would only be asked to accept one grant if awarded both applied for.

There being no other discussions the following Resolution 15-48 was approved by the following roll call vote:

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

RESOLUTION 15-48
A RESOLUTION AUTHORIZING AN APPLICATION
FOR FEDERAL FUNDING ASSISTANCE FROM THE
TRANSPORTATION ALTERNATIVES PROGRAM (TAP)
TO THE VIRGINIA DEPARTMENT OF
TRANSPORTATION (VDOT)

WHEREAS, under the provisions of TAP, federal funding assistance is requested to aid in financing the cost of trail, trailhead and trailside construction within the King William County, Virginia Administration Complex; and

WHEREAS, the King William County Board of Supervisors considers it in the best public interest to complete the project described in the TAP application,

NOW, THEREFORE, BE IT RESOLVED that:

1. Dr. K. Charles Griffin, PE, PhD, King William County Administrator be authorized to make formal application to VDOT for funding assistance;
2. Any fund assistance received be used for implementation and completion of trails, trailheads and trailside amenities within the specified time frame;
3. We hereby certify that project funding is currently available and is committed for the completion of this project while seeking periodic reimbursement through TAP;
4. We are aware that the TAP funding, if approved, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to VDOT;
5. We acknowledge that the assisted trail project will have an assigned life expectancy assigned to it and that the facility must be maintained to standards suitable for public use.
6. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act, Executive Orders 11988 and 11990 (Floodplain Management and Wetlands Protection) and all other applicable state and federal laws;
7. We acknowledge that appropriate opportunity for public comment will be provided on this application and evidence of such is a required component for approval;
8. This resolution becomes part of a formal application to VDOT.

This resolution was adopted by the King William County Board of Supervisors during a meeting held on the 28th day of October 2015 at the Board of Supervisors Meeting Room at 180 Horse landing Road, King William, Virginia 23086.

c. Resolution 15-49 – A resolution supporting retention of the “Opt-Out” in the Virginia Stormwater Management Program – The County Administrator said in summary that Middle Peninsula localities, as well as dozens of other rural localities, have passed or are currently considering, resolutions similar to proposed Resolution 15-49. This resolution expresses the concerns of rural localities, particularly Chesapeake Bay Preservation Act (CBPA) localities, in this unfunded mandate and requests that the Stormwater Advisory Group (SAG) make a recommendation that includes an option for localities to fully opt out and resolve long-term liability concerns. Staff does not necessarily believe “opt out” is the best option for King William County. There are advantages to maintaining some level of control over local development review which opt out would give up to the State. However, this should be a local decision after the pros and cons of all options are weighed, and opt out should remain on the table as an option.

Chair Stone called for any discussions.

Supervisor Moskalski elaborated on why this is important and gave a good example given by Delegate Hodges. He said if you have a land disturbance project, currently under the Virginia Stormwater Management Plan regulations, without opt out the locality would be in charge of maintaining the stormwater management systems in

perpetuity forever and ever until the end of heaven and earth. This would handcuff and cripple any economic development growth on the Middle Peninsula; including King William County. In his opinion, this is not something that we can allow to happen. He feels maintaining opt out is one eye opening example, among many reasons, that we need to fight strongly to maintain our ability to opt out of the current Virginia Stormwater Management Plan regulations. He encouraged his fellow board members to support this resolution.

T. J. Moskalski moved for approval of Resolution 15-49 as presented; motion was seconded by C. T. Redd III.

Chair Stone called for any additional discussions.

Supervisor Williams noted only one representative on this committee was appointed for the Middle Peninsula and he said we are lucky to have representation. He said even though we are in the Chesapeake Bay Act we are the most impacted.

There being no other discussions the following Resolution 15-49 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 15-49
A RESOLUTION SUPPORTING RETENTION OF THE
“OPT-OUT” OPTION IN THE
VIRGINIA STORMWATER MANAGEMENT PROGRAM

WHEREAS, King William County being bounded on two sides by the Pamunkey and Mattaponi Rivers which join at the Town of West Point to form the York River, has a long heritage of protecting and preserving our precious natural waters; and

WHEREAS, many localities are increasingly concerned over the Commonwealth of Virginia’s expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

WHEREAS, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

WHEREAS, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth’s expanded Stormwater Management Program and other environmental regulations at the local level; and

WHEREAS, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned

stormwater facilities required or implied through the expanded Stormwater Management Program; and

WHEREAS, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173/Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to “Opt Out”, leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

WHEREAS, the Governor of the Commonwealth of Virginia signed House Bill 1173/Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

WHEREAS, upon enactment, the Commonwealth of Virginia’s lead environmental regulatory agency, the DEQ was established as the Commonwealth’s VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth’s environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

WHEREAS, the Board of Supervisors of King William County, along with 54 other localities in Virginia, voted in 2014 to “Opt Out” of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

WHEREAS, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia’s Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

WHEREAS, the Stormwater Advisory Group, until recently, lacked sufficient representation from Virginia’s “Opt Out” localities and Chesapeake Bay Act localities; and

WHEREAS, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to “Opt Out” receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

WHEREAS, projects between 2,500 square feet and 1 acre make up the majority of projects for smaller rural localities thus nullifying most of the relief intended by House Bill 1173/Senate Bill 423 and creating a significant competitive disadvantage to these localities,

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Supervisors of King William County **STRONGLY OPPOSES** any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia’s counties and cities the statutory right to “Opt Out” of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Board of Supervisors of King William County respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to “Opt Out” be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

BE IT FURTHER RESOLVED that the Board of Supervisors of King William County strongly recommends that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant "Opt Out" alternatives to all localities equally.

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.

Chair Stone welcomed Supervisor Redd back after his recent illness and said we are all pleased he is back.

Supervisor Redd announced he had a liver transplant six weeks ago and because of that he was unable to attend some of the scheduled political organization debates. He thanked his wife for appearing and making a statement for him at several of those events. He stated he is an active candidate for the 1st District Board of Supervisors seat and looks forward to retaining that seat and to continue to represent the citizens of the 1st District. On a final note, he said if you are not signed up to be an organ donor he urged all to do so because your donation will save a life.

Supervisor Williams also welcomed Supervisor Redd back. He encouraged everyone to go out and vote on November 3rd.

Supervisor Moskalski echoed the welcome back to Supervisor Redd and said he has been sorely missed. He noted on the proposed ordinances' for derelict properties and junk vehicle disposal that he supports having standard in the county. This is not about wanting to enforce measures that bring about good public safety, for him it is about making sure the ordinances that we do adopt are as specific as possible and aren't broad in interpretation and leave people to unjust enforcement and is the reason for his actions tonight. He said it has been a pleasure working with his fellow board members on this Board. He feels their work as a Board over the past four years has been exemplary and feels what they have done to move the county forward has

been something they all can be proud of. He said it has been a pleasure working with them all. He encouraged everyone to exercise their voting rights on November 3rd.

Supervisor Greenwood welcomed Supervisor Redd back and is glad he is doing well. He encouraged everyone to vote in the election because every vote counts. He cautioned everyone to be careful during the Halloween events.

Chair Stone said she is so impressed with how well Supervisor Redd is doing. She also is very proud and pleased with what this Board has accomplished in the past four years. She feels they were faced with some really difficult issues and had to make some tough decisions. She feels they worked well together.

She announced some upcoming meetings taking place in the 4th District. The proposed Mannfield communications tower balloon test is scheduled to be performed Wednesday, October 28th from 8:00 a.m. until noon; with a rain date scheduled for the following day. Also, a public meeting has been scheduled for this proposed tower for November 4th from 6:00 p.m. to 7:00 p.m. at the upper King William branch library on Sharon Road. Finally, a community meeting for the proposed Holly Field solar project will be held also on Wednesday, October 28th at 7:00 p.m. at the American Legion Post 314 on Richmond Tappahannock Turnpike.

RE: ADJOURNMENT

Chair Stone announced the consensus of the Board is to cancel the Board of Supervisors Work Session previously scheduled for November 9, 2015, and reschedule for November 30, 2015.

There being no other business to come before this board Chair Stone adjourned the meeting at 8:30 p.m.

COPY TESTE:

Terry S. Stone, Chair
Board of Supervisors

Bobbi L. Langston
Deputy Clerk to the Board