

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF JANUARY 28, 2008

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 28TH DAY OF JANUARY, 2008, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PERSONS PRESENT:

C. T. REDD III, CHAIRMAN
O. O. WILLIAMS, VICE-CHAIRMAN
D. L. WRIGHT
C. L. SCHOOLS
T. G. SMILEY

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

RE: APPROVAL OF MEETING AGENDA

On motion by T. G. Smiley, seconded by D. L. Wright and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator.

Prior to opening the public comment period, the Chairman announced that the County Administrator would like to clarify a statement made at the Board's December 17, 2007, meeting.

Thereupon, Frank A. Pleva, County Administrator, indicated that in commenting on the Revenue Anticipation Notes (RANs) for 2008, which the Board authorized, he made mention that these funds for cash flow purposes are borrowed in anticipation of monies coming into the County, and that the County can invest this money and earn interest until they are fully expended, and that the interest generated fully funds the interest paid on the note. This is not accurate. The County does get a higher interest rate on the note when it is invested, than the interest rate paid on the borrowing, but, it is not sufficient to cover the whole cost of the note itself.

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

Gary Rouse thanked the Board for its decision made at the November, 2007, meeting to forgo funding for the purchase of land for the reservoir. He also expressed appreciation to the current Board members, the former Board members and the County Administrator for their time spent listening to him regarding the Reservoir Project Development Agreement and related documents.

Kitty Cox thanked the Board for listening to the citizens' concerns regarding the reservoir and for taking action at the November, 2007, meeting to delay funding for the purchase of land for the reservoir. She asked that the Board continue to be open with County citizens about the reservoir project.

Terry Stone from the Fourth Election District, addressed the Board regarding the potential upcoming Conditional Use Permit application to allow a motor cross track to come into the upper part of King William County. She stated that the community overwhelmingly objects to this proposal. Continuing, she reviewed some of the financial aspects, from her point of view, relating to this proposed business and stated that the community is anxiously awaiting staff reports and recommendations on this potential project.

Robert Barrack, a resident of Cherry Hill Subdivision, discussed how this proposed motor cross track would impact the County subdivisions. He compared such a project to that of the Fair Grounds and the impact made on the surrounding neighborhood.

Bob Hubbard, a resident of Herring Creek Road, stated that he lives 10 miles from the proposed motor cross track site, but supports denial of this project based on his opinion that the County's image will be damaged. King William County has a unique history, which should not be marred.

Shirley Jones stated that she lives less than 1 mile from the proposed site and fears the noise level that will be emitted. She feels nothing good can come from this project.

Tim Adams spoke in opposition to this proposal, and asked the Board to vote "No" on the application when it is before them. He discussed the added strain that this project will impose on the volunteer fire and rescue services and law enforcement for the County.

John Augustino of Cherry Hill Subdivision, discussed the sound effect on the environment. He also indicated his opinion that the number of emergency medical personnel and security guards being proposed for a project of this size and nature is ridiculous. Just two emergency medical persons and two security guards for a crowd the size that will be drawn is just not enough.

David Chenault of 2120 Enfield Road, stated that his 600 acre farm is in close proximity to the proposed motor cross site and he discussed the possibility of a fire breaking out at the track and not enough fire personnel for control.

Leon Brooks, a resident of the Mt. Olive community, stated that his community is trying to raise the level of humanity in their neighborhood, and he feels this proposed motor cross track would be a detriment to the County, and questioned why it is even necessary.

Steve Graves, an adjacent farm owner to the proposed motor cross site, indicated his opposition to this project.

Jason Fox stated his opinion that the County will be negatively affected by the proposed motor cross track.

Eleanor Fox felt the motor cross track would be a deterrent to the County rural lifestyle by the increased traffic and litter. She cited other reasons including alcohol consumption, air pollution, and possible well water contamination as reasons for her opposition.

Kelly Place, a resident of York County, and Director of Research and Policy for the Coastal Watermen's Association, addressed the Board concerning issues with Newport News and the proposed Reservoir. He cited two legislative Bills, House Bill 3113 and Senate Bill 1403, which were adopted, with reenactment clauses by the General Assembly during its 2007 session. These two Bills consolidate the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board into one 11-member citizen board, the Virginia Board of Environmental Quality, with the authority to adopt regulations, including general permit regulations. All other responsibilities of the existing boards, including the authority to issue licenses and permits, are transferred to the Department of Environmental Quality. These Bills passed the 2007 Virginia General Assembly with enactment clauses, requiring re-

consideration during the 2008 session. He indicated that he wanted to make the Board aware of this information.

Miles Baker, a building contractor doing business in the County, indicated his knowledge that two positions are vacant in the Building Department and that a new Inspector is being considered for employment. He stated his opinion that instead of hiring a second individual, that the funds for this position should be divided among the existing personnel. He felt that the salaries in this Department are too low and this has caused many good workers to leave and go elsewhere. He felt the salaries should be increased in order to retain the employees.

Kevin Overstreet thanked Scott Lucchesi for his assistance with the drainage problem he is experiencing at his home which he has discussed with the Board previously.

The County Administrator presented and read written comments regarding opposition to the proposed motor cross application from Bob Ehrhart. These comments also included remarks commending the Board's action not to obligate for funding for the purchase of land for the proposed reservoir.

RE: CONSENT AGENDA

Prior to any action on this matter, the Chairman requested the County Administrator to discuss Item 6c – Approval of Employment of Building Inspector – Richard Pugliese.

The County Administrator responded that there are currently two positions open for Inspectors in the Building Department and it is being proposed by the Director of Community Development Department to employ one Inspector and to use the funds allocated for the second position to upgrade salaries of the other Inspectors in the Building Department.

D. L. Wright asked for an explanation of some of the expenses incurred by the County and being presented for authorization for payment including the following:

An expense item of \$4,000 plus for tickets by the Recreation and Parks Department. -- This was explained as being an expense to purchase theme park tickets that are resold to County residents.

Another expense questioned was an amount of \$28,000 for litigation -- This was explained as being attorney fees for various legal suits involving the County.

Thereupon, on motion by T. G. Smiley, seconded by C. L. Schools and carried with the following vote, the Board adopted the following items on its Consent Agenda:

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|----------------|-----|
| C. T. Redd III | Aye |
| O. O. Williams | Nay |
| D. L. Wright | Aye |
| C. C. Schools | Aye |
| T. G. Smiley | Aye |

a. Minutes of the Regular Meeting of December 17, 2007, Special Called Meeting of January 7, 2008, and Continued Special Called Meeting of January 8, 2008

b. Claims against the County for January, 2008, in the amount of \$1,200,319.67 as follows:

(1) General Fund Warrants #66541-667652 in the amount of \$931,356.44; Manual Checks #14159-14160 in the amount of \$10,418.37; Direct Deposits #10655-10778 in the amount of \$194,221.37; and Electronic Tax Payment in the amount of \$64,323.49

(2) For informational purposes, Social Services expenditures for the month of December, 2007, Warrants #306409-306470 in the amount of \$46,621.33; Direct Deposits #1793-1814 in the amount of \$27,611.18; and Electronic Tax Payment in the amount of \$9,305.23

(3) For informational purposes, Circuit Court expenditures for the month of December, 2007, Warrants #66519-66526 in the amount of \$5,129.92; Direct Deposits #268-271 in the amount of \$10,179.00; and Electronic Tax Payment in the amount of \$3,573.91

(4) For informational purposes, Comprehensive Services Act Fund expenditures for December, 2007, Warrants #66342-66356 in the amount of \$32,061.31

(5) Tax Refunds for the month of December, 2007, in the amount of \$2,181.32

c. Approved the employment of Richard Pugliese for the position of Building Inspector in the Building Department

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY

ADMINISTRATOR

VDOT Residency Administrator, Charles E. Stunkle, addressed the Board to conduct a joint work session with the Board on the proposed Six Year Plan for Secondary Roads, FY 2009-2014. Mr. Stunkle presented and reviewed the proposed draft Plan as well as a list of unpaved roads in the County.

Mr. Stunkle advised the Board that approximately \$340,000 would be funded for unpaved roads, which will provide hard surfacing for approximately 1.3 mile, and of the need to select the unpaved roads for funding. In discussions, the Board considered Route 625 (Custis Millpond Road) with a vehicle count per day of 96; Route 631 (Marl Hill Road) with a vehicle count per day of 71 and the fact that 26 new homes are under construction at this time; Route 608 (Hazelgrove Road) with a vehicle count per day of 86; and Route 621 (Green Level Road) with a vehicle count per day of 55, and many new homes being built there. Mr. Stunkle indicated that if Marl Hill Road (Route 631) is paved, it should also be realigned and come straight out

Mr. Stunkle indicated that several roadways might be selected for unpaved road funding if desired by the Board.

By general consensus, the Board tabled action on selecting roadways to be included in the Plan for unpaved road funding until the Board's February meeting, to allow more time for review.

The date for conduct of a public hearing on the proposed Six Year Plan, FY 09-14, is to be set at the Board's February meeting.

b. Request to Close Route 666 (Chericoke Road) 0.68 Mile - A request was presented from Alice H. Siegel and the Siegel Family asking the Board to close Route 666 (Chericoke Road).

The Board received the request and advised Mr. Via, Caretaker for the Siegel Family property, who was present at this meeting, that Mrs. Alice Siegel will need to petition the Board to abandon this roadway providing a full description of the proposed abandonment. This matter will then be considered in public hearing by the Board.

c. Route 30 Near Indian View Church – Need for Patchwork - D. L. Wright mentioned the need for some patchwork on Route 30 in the area of the Indian View Church.

d. Route 30 and Route 360 Intersection – Need for Repair - C. L. Schools made Mr. Stunkle and the Board aware of a large pothole on the north side of Route 30 at its intersection with Route 360 at Central Garage that needs to be repaired.

RE: CONSIDERATION OF REQUEST FOR FY-08 SUPPLEMENTAL APPROPRIATION – THREE RIVERS HEALTH DISTRICT

A request was presented from the Three Rivers Health District for a supplemental appropriation for FY-08 in the amount of \$4,052.00. The request indicated that King William County allocated \$101,200.00 to the local health department for FY-08, but this was \$4,052.00 below the prescribed contribution level based on state funding which has now been finalized at \$174,310.00.

Three Rivers Health District is requesting that a supplemental appropriation in the amount of \$4,052.00 be made or they will lose not only that amount, but also \$6,711.00 of state matching funds.

The Board considered this request, and upon motion by T. G. Smiley, seconded by D. L. Wright and carried unanimously, approved the supplemental appropriation of \$4,052.00 in FY-08 to the Three Rivers Health District.

RE: APPOINTMENTS

a. Planning Commission – One Member, Four Year Term, Term of Willie T. Carter Expired 12/31/07 - On motion by O. O. Williams, seconded by D. L. Wright and carried unanimously, the Board reappointed Willie T. Carter to serve a four year term on the King William County Planning Commission. Said term will expire December 31, 2011.

b. Middle Peninsula Disability Services Board – Terms of Primary Member, Frank A. Pleva, and Alternate Member, Terri E. Hale, Expired 12/31/07 – Two Year Terms - On motion by T. G. Smiley, seconded by C. L. Schools and carried unanimously, the Board appointed Frank A. Pleva as Primary Member and Terri E. Hale as Alternate Member representing King William County on the Middle Peninsula

Disability Services Board, each for a term of two years. Said terms will expire December 31, 2009.

RE: DISCUSSION OF ELIMINATION OF POSITION OF CLERK OF THE WORKS FOR ANIMAL SHELTER PROJECT

D. L. Wright motioned that the position of Clerk of the Works for the Regional Animal Shelter be terminated, and the County Building Inspectors perform this service for the County. This motion was seconded by O. O. Williams.

Prior to the Board voting on this motion, C. T. Redd III tabled action until the Board's next meeting, thereby giving each Board member more time to investigate the legal issues involved with this animal shelter project.

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

Ann Jennings of 608 Lee Street in West Point, and an employee of the Chesapeake Bay Foundation, thanked the Board for listening to the concerns of the residents of King William County and taking action in its November meeting to delay land acquisition for the proposed Reservoir project.

Eugene L. Campbell, Jr. of 446 White Oak Landing Lane, asked the Board to consider allocating funds in the very near future for repair work on Route 604, particularly, right in front of the old Dabney's Mill site.

Ann Brummer, a resident of 504 Glendale Drive in Richmond, but who owns property in King William County, questioned the new reassessment values placed on properties.

She also stated her opinion that the proposed motor cross and the Reservoir will destroy the quality of life in King William County.

Herb White of 101 Bea's Lane in King William, addressed the Board concerning the issue of providing EMS and Fire Services for County residents. He stated that volunteers are no longer available to handle the calls, particularly during the day time hours, and he feels the County needs to face this subject and employ paid personnel.

RE: BOARD OF SUPERVISORS' COMMENTS

C. C. Schools thanked citizens for coming out and taking an interest in local government.

O. O. Williams indicated that he has received many letters from citizens concerning the proposed motor cross and has read and considered each of them.

D. L. Wright also thanked the County citizens for their presence at this meeting and stated that if the Board is going to do the right thing for County residents, it will need the support of the citizens. Taxpayers have the right to speak and be heard, and he expressed appreciation to everyone coming out tonight to voice their concerns.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711A(1) AND SECTION 2.2-3711A(7), OF THE CODE OF VIRGINIA, 1950, AS AMENDED FOR DISCUSSION OF PERSONNEL MATTERS IN THE BUILDING DEPARTMENT AND FOR CONSULTATION WITH LEGAL COUNSEL EMPLOYED AND RETAINED BY THE BOARD OF SUPERVISORS, REGARDING SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY SUCH COUNSEL PERTAINING TO: THE KING WILLIAM RESERVOIR PROJECT DEVELOPMENT AGREEMENT, AS AMENDED, AND RELATED PROJECT DEVELOPMENT DOCUMENTS; THE CONSTRUCTION OF THE KING WILLIAM COUNTY COURTS AND PUBLIC SAFETY BUILDING; AND THE CONSTRUCTION OF THE REGIONAL ANIMAL SHELTER

On motion by T. G. Smiley, seconded by O. O. Williams and carried unanimously, the Board entered Closed Meeting pursuant to Section 2.2-3711A(1) and Section 2.2-3711A(7) of the Code of Virginia, 1950, as amended, for the above stated.

Having completed the Closed Meeting, the Board reconvened in open meeting, on motion by T. G. Smiley, seconded by O. O. Williams and carried with a unanimous roll call vote.

In accordance with Section 2.2-3412D of the Code of Virginia, 1950, as amended, D. L. Wright moved that the King William County Board of Supervisors adopt the following resolution certifying that this closed meeting's procedures comply with the requirements of the Virginia Freedom of Information Act. This motion was seconded by O. O. Williams and carried with a unanimous roll call vote.

RESOLUTION

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 2.2-3712D of the Code of Virginia, 1950, as amended, 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 hereby certifies that, to 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 by which the Closed Meeting was convened, were heard, discussed, or considered in the Closed Meeting by the King William County Board of Supervisors.

RE: ACTION TAKEN REGARDING THE CONSTRUCTION OF THE KING WILLIAM COUNTY COURTS AND PUBLIC SAFETY BUILDING

A motion was made by D. L. Wright, seconded by O. O. Williams and carried unanimously, to accept and approve the mediated settlement agreement, by and between SEVAC Corporation and the County of King William, dated the 16th day of January, 2008, that settles and ends the controversy between the parties.

RE: ADJOURNMENT OF MEETING

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

COPY TESTE:

Frank A. Pleva
County Administrator