

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF JANUARY 29, 2004

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 29TH DAY OF JANUARY, 2004, BEGINNING AT 7:30 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURTHOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT: (Note: Due to snow/inclement weather, the regularly scheduled Board meeting for Monday, January 26, 2004, was postponed to this date.)

C. T. REDD, III, CHAIRMAN
W. F. ADAMS, VICE-CHAIRMAN
L. E. BYRUM, JR.
T. G. SMILEY
O. O. WILLIAMS

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

RE: ELECTION OF CHAIRMAN FOR 2004 – COUNTY ADMINISTRATOR

PRESIDING

Frank Pleva, County Administrator, opened the meeting and stated that this is an organizational meeting of the Board.

He then called for nominations for Chairman of the Board for 2004. Mr. T. G. Smiley nominated Mr. C. T. Redd, III. This nomination was seconded by Mr. W. F. Adams.

There being no further nominations, by general consensus, nominations were declared closed.

Mr. C. T. Redd, III was duly elected Chairman of the Board for the year, 2004. Mr. Redd then assumed the Chair.

RE: ELECTION OF VICE-CHAIRMAN FOR 2004

The Chairman declared the floor open for nominations for Vice-Chairman. Mr. O. O. Williams nominated Mr. W. F. Adams. This nomination was seconded by Mr. T. G. Smiley.

There being no further nominations, by general consensus, nominations were declared closed.

Mr. W. F. Adams was duly elected Vice-Chairman of the Board for 2004.

RE: ADOPTION OF REGULAR MEETING CALENDAR FOR 2004

A regular monthly meeting schedule for the year, 2004, was presented by the County Administrator. He indicated that this proposed schedule continues with the Board's current meeting date of the 4th Monday night each month, with the exception of the month of December, due to the holiday. This monthly meeting is proposed to be held on the 3rd Monday. All meetings shall begin at 7:00 p.m. and are to be held in the Board Meeting Room of the King William County Administration Building.

A motion was made by L. E. Byrum, Jr., seconded by W. F. Adams and carried unanimously, to adopt the proposed regular monthly meeting schedule for the year, 2004, as presented by the County Administrator.

RE: ADOPTION OF FISCAL YEAR 2004-05 BUDGET ADOPTION SCHEDULE

On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the Board adopted the FY 2004-05 Budget Schedule as presented by the County Administrator.

RE: APPROVAL OF MEETING AGENDA

On motion by T. G. Smiley, seconded by W. F. Adams and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with two additions. Add Item 10f – Consent Agenda – Approval of Request for Extension of Deadline to Amend Land Use Ordinances for Compliance with New Chesapeake Bay Local Assistance Department Regulations to July 31, 2004; and Add Item 10g – Consent Agenda – Approval of Employment of Environmental Codes Compliance Officer/Zoning Officer, Charles A. LeFon.

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

Cheryl Schools, a resident of Oak Springs Subdivision, addressed the Board regarding response time of emergency services to the call for her husband's heart

attack. She indicated that it took 37 minutes for an emergency crew to respond and that her husband died. She stated that the County should provide full time, trained Emergency Medical Technicians at all rescue squads twenty four hours a day.

RE: CONSENT AGENDA

On motion by T. G. Smiley, seconded by L. E. Byrum, Jr. and carried unanimously, the Board approved the following items on its consent agenda:

- a. Minutes of the regular meeting of December 15, 2003, as written
- b. Claims against the County for January, 2004, in the amount of \$1,632,144.86
 - (1) General Fund Warrants #55282-55477 in the amount of \$1,052,817.23; Manual Checks #13982-13986 in the amount of \$396,381.89; Direct Deposits #5549-5637 in the amount of \$138,336.95; and Electronic Tax Payment in the amount of \$44,608.79
 - (2) For informational purposes, Social Services expenditures for the month of December, 2003, Warrants #302953-303026 in the amount of \$34,260.90; Direct Deposits #920-937 in the amount of \$22,091.21; and Electronic Tax Payment in the amount of \$7,329.83
 - (3) For informational purposes, Circuit Court expenditures for the month of December, 2003, Warrants #55257-55265 in the amount of \$6,143.57; and Direct Deposits #102-104 in the amount of \$6,950.23
 - (4) For informational purposes, Comprehensive Services Act Fund expenditures for December, 2003, Warrants #55267-55280 in the amount of \$38,369.18
 - (5) Tax Refunds for the month of December, 2003, in the amount of \$2,056.99
- c. Approved supplemental appropriations for the current fiscal year ending June 30, 2004, for two departments in the total amount of up to \$6,100.00 – (1) Registrar’s Office - \$4,500.00 to supplement the part-time workers needed to update voter records and work the precincts on election day and to fund part-time workers and supplies necessary to complete duties mandated by the State Board of Elections; -- (2) Magistrate - \$1,600 for mileage and a cell phone

d. Authorized advertisement of a public hearing for February 23, 2004, during the Board's regular meeting, to receive comments on an application for Federal T-21 Grant Funds for Phase I Improvements included in the King William Court House Mobility Management and Master Plan

e. Authorized advertisement of a public hearing for February 23, 2004, during the Board's regular meeting, to consider Zoning Case #Z-07-03, Request to Rezone 2 Acres from A-C to B-2; Applicant: Store-More, Inc.

f. Approved submission of a request to the Chesapeake Bay Local Assistance Department (CBLAD) for extension of deadline to amend Land Use Ordinances for compliance with new Chesapeake Bay Local Assistance Department Regulations to July 31, 2004.

g. Approved the employment of Charles A. LeFon for the position of Environmental Codes Compliance Officer/Zoning Officer. Mr. LeFon will begin his duties with the County February 2, 2004.

RE: DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Due to the snowstorm on January 25 and 26, 2004, and the Board's meeting being postponed from January 26 to January 29, the Board requested that all scheduled public hearings for the three zoning cases on its January 26 agenda be deferred to either February or March, 2004, regular meetings. Applicants did not oppose these deferrals.

a. **Deferral of Public Hearing on Zoning Case #Z-03-03, Request to Rezone with Proffers Parcels 22-20, 22-20E and 22-20F from A-C to R-1 and B-2; Applicant: Rogers-Chenault, Inc. (Kennington Place, LLC)** - On motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, the Board deferred public hearing on this application and ordered that it be readvertised for public hearing at the Board's March 22, 2004, regular meeting.

b. **Deferral of Public Hearing on Zoning Case #CUP-02-03, Request for Conditional Use Permit for 172 Multi-Family Dwelling Units; Applicant: Rogers-Chenault, Inc. (Kennington Place, LLC)** - On motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, the Board deferred public hearing on this

application and ordered that it be readvertised for public hearing at the Board's March 22, 2004, regular meeting.

c. **Deferral of Public Hearing on Zoning Case #Z-04-03, Request to Rezone with Proffers Parcel 30-46C from A-C to B-2; Applicant: D. W. Kellum**

On motion by L. E. Byrum, Jr., seconded by W. F. Adams and carried unanimously, the Board deferred public hearing on this application and ordered that it be readvertised for public hearing at the Board's February 23, 2004, regular meeting.

RE: APPOINTMENTS

a. **Middle Peninsula Regional Security Jail Board – Term of D. L. Wright Expired December 21, 2003 – Four Year Term Coincides with Elected Office Term –**

On motion by T. G. Smiley, seconded by L. E. Byrum, Jr. and carried unanimously, the Board appointed W. F. Adams to represent the County on the Middle Peninsula Regional Security Jail Board. Said term will expire December 31, 2007.

b. **Historic Preservation & Architectural Review Board – Term of E. P. Sterowski Expires on June 30, 2006 – Five Year Term** - On motion by T. G. Smiley,

seconded by L. E. Byrum, Jr. and carried unanimously, the Board appointed C. T. Redd, III to fill the vacated, unexpired term on the Historic Preservation and Architectural Review Board. Said term will expire June 30, 2006.

c. **Recreation Commission – Term of D. L. Wright Expires on June 30, 2005, - Three Year Term** - On motion by W. F. Adams, seconded by O. O. Williams

and carried unanimously, the Board appointed T. G. Smiley to fill the vacated, unexpired term on the King William County Recreation Commission. Said term will expire June 30, 2005.

d. **Social Services Board – Term of E. P. Sterowski Expires on June 30, 2005, - Four Year Term** - On motion by T. G. Smiley, seconded by W. F. Adams and

carried unanimously, the Board appointed O. O. Williams to fill the vacated, unexpired term on the King William County Social Services Board. Said term will expire June 30, 2005.

e. **Planning Commission – Term of L.E. Byrum, Jr. Expired on December 31, 2003 – Four Year Term Coincides with Elected Office Term** - At the request of O.

O. Williams, action on this appointment was tabled to the Board's February 23, 2004, meeting.

f. Middle Peninsula Planning District Commission – Terms of L. E. Byrum, Jr. and E. P. Sterowski Expired on December 31, 2003 – Four Year Terms Coincide with Elected Office Terms - A motion was made by O. O. Williams, seconded by W. F. Adams and carried unanimously to appoint L. E. Byrum, Jr. to serve a four year term representing King William County on the Middle Peninsula Planning District Commission. Said term will expire December 31, 2007.

A motion was made by T. G. Smiley, seconded by W. F. Adams and carried unanimously to appoint O. O. Williams to also serve a four year term representing King William County on the Middle Peninsula Planning District Commission. Said term will expire December 31, 2007.

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

No persons appeared to speak.

RE: BOARD OF SUPERVISORS' COMMENTS

Each of the newly elected and re-elected members expressed appreciation for the support received in the recent election and indicated it to be an honor to serve the County as a member of the Board.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711A(7), CODE OF VIRGINIA, 1950, AS AMENDED FOR CONSULTATION WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION ENTITLED JACKIE H. BAILEY AND VIVIAN B. BAILEY V. BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, AND THE COURTHOUSE WALL RESTORATION PROJECT DISCUSSION

On motion by W. F. Adams, seconded by T. G. Smiley and carried unanimously, the Board entered Closed Meeting pursuant to Section 2.2-3711A(7), Code of Virginia, 1950, as amended, for Consultation with Legal Counsel Regarding Actual Litigation entitled Jackie H. Bailey and Vivian B. Bailey v. Board of Supervisors of King William County, and the Courthouse Wall Restoration Project Discussion.

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 2.2-3711B of the Code of Virginia, 1950, as amended, T. G. Smiley 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 2.2-3711B 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 the best of each member's knowledge:

1. Only such 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; and,
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.

The Chairman announced that no action would be taken by the Board at this time as a result of the closed meeting.

RE: ADJOURNMENT

There being no other business to come before this Board, on motion by W. F. Adams, seconded by T. G. Smiley and carried unanimously, the meeting was adjourned.

COPY TESTE:

C. T. Redd, III, Chairman

Frank A. Pleva, County Administrator

