

MINUTES

KING WILLIAM COUNTY

BOARD OF SUPERVISORS

MEETING OF FEBRUARY 22, 2010

AT A MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 22ND DAY OF FEBRUARY, 2010, 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 PRESENT:

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

**WILLIAM H. HEFTY, ACTING COUNTY ATTORNEY
FRANK A. PLEVA, COUNTY ADMINISTRATOR**

INVOCATION – DEAN COLLINGS, PASTOR – FREEDOM FELLOWSHIP

MINISTRIES

At the Board's January 25, 2010, regular meeting, it was requested by a citizen to have a moment of invocation at the beginning of each monthly Board of Supervisors meeting, and this procedure was adopted by the Board.

Dean Collings, Pastor of Freedom Fellowship Ministries in Aylett, delivered the opening invocation.

RE: APPROVAL OF MEETING AGENDA

On motion by D. L. Wright, seconded by O. O. Williams and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the addition of two items as follows: Under Item 7, Consent Agenda, 7(e) Adoption of Revised FY 2010-11 Budget Schedule; and 7(f) Appointment of Attorney William H. Hefty as Acting County Attorney for this meeting.

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

a. Leon Brooks, President of the King William NAACP, and resident of Mt. Olive in the Second Election District, expressed appreciation to the Board and to Frank

Pleva, County Administrator, for support of the Mt. Olive Improvement Project and all that has been accomplished on the project for the Mt. Olive community. He also thanked Sheriff Walton for his Department's enforcement of the drug laws in this community, which has erased about 97% of the drug activity there, and made the area a much better and safer place in which to live.

b. Stephen Tupponce, Vice-Chairman of the King William School Board, addressed the Board to express appreciation on behalf of the School Board for allowing the delay of the joint budget work session. With the budget crisis going on in the General Assembly, the data they are receiving changes daily, so the School Board is desirous of providing the Supervisors with a clear picture of where they are headed and the cuts they will have to make. He stated that it is his understanding that the School Board administration and the County administration are working together, and hopefully when the two boards meet in joint session, there will be no surprises.

RE: CONSENT AGENDA

On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board approved the following items on its Consent Agenda:

a. Minutes of the Joint Work Session of January 13, 2010, with the Board of Zoning Appeals and the Planning Commission, and the Regular Meeting of January 25, 2010

b. Claims against the County for February, 2010, in the amount of \$618,890.86, as follows:

(1) General Fund Warrants #72054-72207 in the amount of \$355,499.50; ACH Direct Payments #1-21 in the amount of \$10,900.57; Direct Deposits #13624-13728 in the amount of \$191,272.57; and Electronic Tax Payment in the amount of \$61,218.22

(2) For informational purposes, Social Services expenditures for the month of January, 2010, Warrants #30791-308017 in the amount of \$59,316.80; Direct Deposits #2250-2266 in the amount of \$31,306.38; and Electronic Tax Payment in the amount of \$10,262.98

(3) For informational purposes, Circuit Court expenditures for the month of January, 2010, Warrants #72027-72034 in the amount of \$5,071.65; Direct

Deposits #364-366 in the amount of \$8,701.84; and Electronic Tax Payment in the amount of \$2,962.70

(4) For informational purposes, Comprehensive Services Act Fund expenditures for the month of January, 2010, Warrants #72036-72052 in the amount of \$48,800.49

(5) Tax Refunds for the month of January, 2010, in the amount of \$2,144.29

c. Approved a Supplemental Appropriation in the amount of \$25,550.00 for a State Grant received by the Emergency Services Department. The Emergency Services Department received a grant from the Virginia Department of Emergency Management (VDEM) for 7 Toughbook laptops that have been allocated to County volunteer fire and rescue departments.

d. Adopted a Policy to provide random employee testing for drugs and/or alcohol abuse

e. Adopted a Revised FY 2010-11 Budget Preparation Schedule

f. Appointed William H. Hefty of the firm, Hefty & Wiley, P.C. of Richmond, to serve as Acting County Attorney for this Board meeting.

ADOPTION AND PRESENTATION OF RESOLUTION OF APPRECIATION TO THE KING WILLIAM HIGH SCHOOL 2009 STATE CHAMPION CHEERLEADING SQUAD

On motion by T. G. Smiley, seconded by D. L. Wright and carried unanimously, the following Resolution of Appreciation was adopted and presented to the King William High School 2009 Cheerleading Squad.

A RESOLUTION COMMENDING KING WILLIAM HIGH SCHOOL'S 2009 STATE CHAMPION CHEERLEADING SQUAD

WHEREAS, the King William High School Cheerleading Squad brought honor and credit to the team, the school and the community by winning the Virginia High School League Group A State Cheerleading Competition for 2009; and

WHEREAS, the team won both the district and regional competitions and advanced to the state level where they competed against 11 teams and placed first; and

WHEREAS, the team's competitive routine is between two and a half and three minutes in length and consists of cheering, stunting, tumbling and dancing; and

WHEREAS, these young athletes demonstrated exceptional ability, enthusiasm, dedication and teamwork in this competitive sport in order to achieve this goal; and

WHEREAS, the King William High School cheerleading team and its coaches have earned four state titles – 1999, 2005, 2007 and 2009 – and are the only sport in Cavalier history to hold more than one state title; and

WHEREAS, the team consists of 20 young women in grades 10-12 who are: Seniors - Captains Amber Balderson and Rachael Lipscomb, Sara Brooks, Crystal Camp, Katelyn Coleman, Pam Dinh, Chelsen McCurry, Brittany Mosley, Stephanie Parker, Jessica Payne, Lacey Reeves; Juniors – Megan Ancarrow, Shaunkia Branch, Ashlee Harless, Taylor Jefferson, Tynesha Weeden; Sophomores – Amber Collins, Kasey Jones, Kendall Lipscomb, and Katie Walter; and are coached by Head Coach Jennifer Longest and Assistant Coach Gail Cassidy;

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors commends these athletes' discipline, motivation and drive; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors congratulates the team on their achievement of winning the Group A state title and extends their best wishes for continued success; and,

BE IT FINALLY RESOLVED, that a copy of this Resolution expressing the sense of this Board of Supervisors on this matter shall be conveyed to the King William High School Cheerleading team and shall be spread upon the meeting minutes of said Board of Supervisors.

Upon its adoption, the Resolution was presented to the Captains of the King William High School 2009 Champion Cheerleading Squad by Board Chairman, T. G. Smiley.

RE: PRESENTATION OF FY-09 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) – ANDREW P. GROSSNICKLE, AUDIT MANAGER, ROBINSON, FARMER, COX ASSOCIATES

Andrew P. Grossnickle, Audit Manager with Robinson, Farmer, Cox Associates, presented and reviewed the County's FY-09 Comprehensive Annual Financial Report.

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY ADMINISTRATOR

VDOT Residency Administrator, Charles E. Stunkle, addressed the Board to provide an update on VDOT issues in the County.

a. Snow Removal - Mr. Stunkle reported that while they are still tabulating all the costs for snow removal this winter, everything points to the remainder of this year being very austere as far as the maintenance program is concerned. If they can patch the potholes and keep stone on the unpaved roads, they will be doing good. They are looking at all the items that were planned to be done for this year, and questioning whether they have to be done, or can they be deferred for 3 or 4 months and be done on next year's budget. He reported that some of the planned projects included pipe replacements and heavy pavement repairs such as the section on Route

360. VDOT will be evaluating the guardrail on Route 662 (Sharon Road) and a decision will be made whether or not it has to be done now or later. Hopefully, by next month, he will have more information available and will be better able to know what is going to happen.

b. Emergency Contract to Locate Utilities - Mr. Stunkle further reported that VDOT is going out with an emergency contract to relocate the utilities that are attached to the West Point Creek Bridge. Hampton Roads Sanitation District (HRSD) has a 12 inch force main, the Town of West Point has a 10 inch water line, and both are under extreme stress because of the settlement getting in the fill there. While the fix for this problem is being engineered, which hopefully will go out to bid in fall, the utilities will not wait. Therefore, they are going out with a contract for this part of the work ahead of time.

c. Work Session on FY-11 Six-Year Secondary Road Plan - Mr. Stunkle, presented and reviewed the proposed FY-11 Six Year Plan for Secondary Roads in King William County with the Board. He reported anticipation of the County receiving \$318,000.00 over the next six years, which will only be \$53,000.00 per year. In his review of the Plan, Mr. Stunkle called the Board's attention to the first line item, Dabney's Mill Road, on which he had previously indicated that funding for this project was gone. He, however, pointed out that because this is a federal project, it has been submitted as part of a Fredericksburg District wish list as a potential ARRA Phase II project. It is unknown now whether this project will receive any funding, however, it is still contained in the Six Year Plan.

Continuing review of the Plan, Mr. Stunkle advised that the Route 600 Bridge over Herring Creek is still included because it is federal bridge money, not Six Year Plan monies.

He indicated that Custis Mill Pond Road is the unpaved road that was in the previous Plan. With the previously proposed funding in the Plan, VDOT could only do about 1 mile of this road so he has suggested some additional Six Year Plan funding be applied to this project to extend the length that can be hard surfaced. It still will not be enough to do the full 2.4 miles.

Mr. Stunkle reported that VDOT is getting out of the business of installing private entrance pipes/culverts. The balance on this line item in the Plan for driveway culverts/pipes will probably be transferred to one of the other County-wide engineering items such as traffic engineering, because there will still be the need for new signs and signals.

Chairman Smiley asked for information on the culvert/pipe installation process at private entrances. Mr. Stunkle responded that the property owner is to contact VDOT for a permit for the installation, and post surety for the work. VDOT will advise on appropriate height that is needed, and the property owner will secure a contractor to do the work. Upon completion of the work, VDOT will do an inspection prior to releasing the surety.

d. Authorization of Public Hearing on FY-11 Six Year Secondary Road Plan

On motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board will conduct a joint public hearing with VDOT to receive comments on the proposed FY-11 Six Year Plan for Secondary Roads in King William County. The public hearing is to be held on March 22, 2010, during the Board's regular monthly meeting beginning at 7:00 p.m. in the Board Room of the County Administration Building.

RE: ARTS ALIVE ANNUAL REPORT – BETSY MOUNTCASTLE AND BETH

DANDRIDGE

Betsy Mountcastle, Arts Alive Director and Vice-President, along with Beth Dandridge, Coordinator, thanked the Board for its past support and funding, and provided the Board with an update on programs, art showings and other services being provided by Arts Alive. They explained that currently Arts Alive has 401 subscribers, the most ever, and 238 of them are from King William County.

Mrs. Dandridge made the Board aware that following the death last year in August of Mr. Herb Brown, Founder and the first President of Arts Alive, many donations were received in Mr. Brown's honor. Because of these contributions, Arts Alive has begun a Scholarship Fund for a graduating high school senior from King William County, King and Queen County or New Kent County in the amount of

\$1,000.00, to be awarded to a student planning to major in performing arts or music education.

RE: REPORT BY THE ALL-HAZARDS EMERGENCY PLANNING COMMITTEE, SEAN ELLIS, CHAIRMAN

Mr. Sean Ellis, Chairman of the King William All-Hazards Emergency Planning Committee, addressed the Board to provide an overview of the work being done by the Committee. He also discussed the Virginia Fire Services Board Study that recommends a strategic plan be created to allow for centralized organization management, and a consolidated budget to include recommendations for cost saving initiatives. In addition, Mr. Ellis indicated that the Committee would like to meet jointly in a workshop with the Board of Supervisors to discuss objectives and expectations from the Board.

Following Mr. Ellis' presentation, T. G. Smiley suggested that the Committee prepare objectives and sometime after April, a work session date for the Board to meet with the Committee will be set.

RE: CONSIDERATION OF DRAFT SHOOTING ORDINANCE

County Administrator, Frank Pleva, reviewed the proposed amendment to Chapter 42 of the King William County Code to add Article V entitled "Discharge of Firearms", also known as the Shooting Ordinance. The proposed amendment would: prohibit the outdoor shooting of firearms and arrows from bows within 100 yards of any dwelling, or place where the public gathers, in certain residential and commercial subdivisions that may be designated in the future by the Board of Supervisors, following an advertised public hearing; provide exemptions to the ordinance, including the hunting of deer in certain situations, shooting within 100 yards of a person's own dwelling, and self-defense; establish a procedure, including an advertised public hearing, whereby residents or property owners within residential or commercial subdivisions may petition the Board of Supervisors to have such subdivisions become subject to the provisions of the ordinance; and provide penalties for violations of the ordinance.

Thereupon, on motion by D. L. Wright, seconded by O. O. Williams and carried unanimously, the Board authorized advertisement of a public hearing to be held on

March 22, 2010, at the Board's regular monthly meeting beginning at 7:00 p.m. in the Board Room of the King William County Administration Building, to consider this proposed amendment.

RE: PLANNING MATTERS – SCOTT LUCCHESI, COMMUNITY DEVELOPMENT DIRECTOR

a. Request for Exception to the Transportation Corridor Overlay (TCO) Guidelines; Applicant: The Bailey Living Trust (formerly known as Bailey and Bailey, Inc.) – Jack Bailey

Community Development Director, Scott Lucchesi, presented and reviewed the application providing case history and staff findings and recommendations on the application. He indicated that the King William Business Park, zoned B-2, is located between Route 662 (Sharon Road) and Route 360 (Richmond-Tappahannock Highway) and is shown as Tax Map numbers 28-51 A-K. Currently, the applicant owns the lots shown as Tax Map numbers 28-51D, 51ECA, 51E, 51F, 51J, and 51K. The EVA Bank is located on Tax Map number 28-51G-H and the Dollar General Store is located on Tax Map number 28-51C. The Business Park is located in the Transportation Corridor Overlay District (TCO), which contains development standards that include, but not limited to, landscape buffers, sidewalks, and side and rear yard requirements for sites developed within this district. The applicant, Mr. Jack Bailey, maintains that these development standards restrict the use of his lots and is asking for an exception to some of the development standards.

Continuing, Mr. Lucchesi advised that in 1995, the King William Board of Supervisors adopted the TCO regulations for the properties adjacent to and within 1,000 feet of Route 360 and Route 30 corridors. The TCO was adopted to provide for the general development within the corridor to help achieve the economic and physical development goals and policies of the County. These development standards were amended in 2005 to include landscape buffers, sidewalks, and side and rear yard requirements. The amendment also added that property within the TCO that had not been developed was required to comply with these standards. This included the lots in the Business Park. The lots were recorded in 1986 and the only plans that had been submitted and approved were a set of storm water management and grading

plans, and a set of subdivision construction plans which included street and utility designs.

In addition, Mr. Lucchesi stated that Mr. Bailey, the applicant, purchased the lots in 1999. The only developments that have occurred since then are the EVB Bank in 2001-02, and the Dollar General Store in 2008-09. Both of these developments complied with the applicable TCO standards at the time of development.

According to the applicant, this lack of development in the King William Business Park is partially due to the TCO development standards adopted in 2005. The increased landscape buffers/yard depth that only allows utilities have reduced the size of the useable part of the lots, especially for parking. The reduction in area for parking can affect the square footage of a proposed building, since the two are functions of each other. Therefore, the applicant is requesting the following exceptions:

1. Reduction of the 35 foot streetscape along Route 360 to match the width of the streetscape in front of the Bank, which is 16 feet
2. Waiving the requirement to locate a sidewalk in Route 360 streetscape area
3. Eliminate the buffer/yard requirements along the internal lot lines within the subdivision, along the pump station lot and common areas and replace them with 10 foot buffers along the internal streets measured from the curb.
4. Reduce the 30 foot buffer/yard along the southwestern most property line of Lot 4 to 10 feet.
5. Reduce the 15 foot buffer/yard along the lot lines adjacent to Route 622 to 8 feet.

Mr. Lucchesi reported that these requests for exceptions are the result of several meetings and correspondence between the staff, the applicant and his counsel, and that during these meetings, the applicant was informed that requesting these exceptions prior to site plan submittal could be viewed as premature by the Board, that enhancing the landscaping in the buffers on these sites would be a compromise to the reduction in the area, and that any applicable code regulations, setbacks required by the Zoning Code, etc. would be part of this request.

Continuing, Mr. Lucchesi indicated that the Code provides for the Board to allow deviation from the development standards if there are extenuating circumstances, and that staff feels that if the Board approves these exceptions, the intent of the TCO

regulations to improve the quality and aesthetics of commercial development within the County will not be compromised. Staff would suggest that the applicant submit a detailed site plan clearly identifying the exceptions requested for the Board to review.

Following Mr. Lucchesi's review of this application, Mr. Danny Stuck, of the law firm., Dueswicz and Soberick, P.C. in Gloucester, representing Mr. Jack Bailey addressed the Board on behalf of the applicant. He summarized the requested exceptions as follows: Section 86-374(4)(a) of the King William County Code requires a 35 foot streetscape buffer along Route 360; landscaping requirements; and sidewalk installation. Mr. Bailey is requesting an exception to eliminate the requirement for sidewalk installation on Lots 4 and 7, and to reduce the 35 feet streetscape buffer along Route 360 to a 16 feet landscaped buffer matching the existing buffer on Lots 5 & 6, where the EVA Bank is located. Also being requested is an exception to Code Section 86-374(4)(b) which requires side/rear yard buffer areas; front yard buffers on Route 662 and internal streets. Mr. Bailey's request is to eliminate buffer/yard requirements along internal lot lines within the subdivision and along the pump station lot and detention pond/common area (not building setbacks) and to provide for a 10 feet "grass only" width to be measured from the existing curb; to reduce the buffer along the southwestern most property line of Lot 4 to 10 feet; and to reduce the buffer requirement along Route 662 to 8 feet (not building setbacks). Mr. Stuck indicated that the applicant is proposing to double the landscaping in the buffers along the roads, and that no metal roof structures will be visible from along Route 360 or Route 30. On behalf of the applicant, Mr. Stuck also requested that an additional site plan not be required at this time. The lot lines are surveyed in and the curb line of the streets are there. When an individual site is submitted for building development, a site plan will have to be submitted at that time, and all of these requirements will have to be shown in detail on this individual site plan.

Mr. Stuck explained that the effect of the 2005 TCO amendments, if applied without exception, on the remaining lots in the Business Park is substantial. The increased side and rear yard building setbacks and the imposition of "no build" buffer zones greatly reduce the permissible building footprints. This results from the small size of the lots in this previously approved subdivision, and the fact that parking and

drive lanes can no longer be constructed within the buffer areas created by the TCO amendments. The reduction in area available for parking and vehicular circulation from what was previously allowed, reduces the square footage of any proposed building. An examination of the ordinance impact indicates useable area reduction on each lot ranging from 20 to 40 percent. The reduction in useable area has significantly impacted the owner's ability to attract larger retail uses to the site and specifically, national chains with pre-established floor plan requirements. The applicant feels the end result to the County of a strict application of the TCO in the Business Park will be a lower quality of development, less varied shopping opportunities to local residents, and less tax revenue.

Following this presentation, Board members questioned Mr. Stuck regarding several issues.

O. O. Williams stated that the sketches/plans presented tonight by Mr. Stuck show all flat land on this site, but the actual land is nothing near flat. It is very steep. The site plan should show the dropoff and the erosion problems. There is a big dug out pit on this property, which looks like a hazard. Some of these issues need to be addressed. Mr. Stuck stated that the grading plans for this site are more detailed and they have been approved by the County. He indicated that Mr. Bailey has been reluctant to finish the grading on this site because at this point, he does not know how the setbacks will apply. It makes a difference whether you have to put 15 feet along the road or 8 feet along the road (Route 662) or go up to the road right of way, which he had at the beginning when the grading plans were approved. The grading plan was approved based on the ordinance requirements at that time. There is an approved grading plan, but it just has not been implemented.

T. G. Smiley also indicated his opinion that this grading plan needs to be implemented as the deep pit and the big mound of dirt on this site are not pleasing to the eye at all.

C. L. Schools asked that this application be tabled for consideration until the Board's March 22, 2010, meeting, and that staff meet with the applicant and his attorney.

b. Presentation of Mud Bog Procedures from Ad Hoc Committee Appointed by the Board of Supervisors - Director of Community Development, Scott Lucchessi, reported that due to the recent activity at events, and the increasing number of events, the Board had requested guidelines be drafted to assist the Board of Zoning Appeals in the review of a proposed application. The guidelines to be put in place were to ensure the safety of anyone in attendance at an event and to protect property owners as well.

Further, Mr. Lucchesi indicated that the Planning Commission was charged with drafting the guidelines and they formed a committee for the task. During the process a separate Joint Commission was formed with members of the Board, Planning Commission and the Board of Zoning Appeals. They were to review the draft guidelines assembled by the Commission and provide input.

The Planning Commission Sub Committee met in December, 2009, with the Joint Committee to review the Commission proposed guidelines for a Mud Bog to be approved via a Board of Zoning Appeals Special Exception.

The draft of the guidelines has been circulated to the Board, the Planning Commission and to the Board of Zoning Appeals, and revisions have been made to address the comments.

Mr. Lucchesi presented the draft of "Special Exception Review Guidelines for Mud Bogs, Truck & Tractor Pulls" that resulted, for the Board's review.

Various Board members indicated their need to have time to review this draft document and therefore, on request of C. L. Schools, will place this item on its agenda for the March 22, 2010, meeting to possibly set a public hearing to be held in April, 2010.

RE: UPDATE ON COUNTY PROJECTS – FRANK A. PLEVA, COUNTY ADMINISTRATOR

a. Broadband Federal Stimulus Grant - Frank A. Pleva, County Administrator, updated the Board on the status of the regional broadband federal stimulus grant proposal of approximately \$18M dollars, that would provide funding for a fiber optic cable backbone through major highways in the Northern Neck and Middle

Peninsula counties. He indicated that notice has been received that the application did not receive funding.

Mr. Pleva indicated that it is now being suggested to resubmit the application for a second round of stimulus funding with a submission deadline of March 15, 2010, and also to now adopt the Resolution Creating the Middle Peninsula Broadband Authority that was deferred earlier. That way, if funding is received in the second round, the mechanism will be in place to implement an Authority.

Thereupon, on motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board adopted the concurrent Resolution Creating the Middle Peninsula Broadband Authority, along with the counties of Essex, Gloucester, and Mathews.

RE: APPOINTMENTS

a. All-Hazards Emergency Planning Committee – Two Members, Four Year Terms – Terms of Mark S. Davis, Election District #1; and Joe Clark, Election District #5, Expired January 31,2010 – C. T. Redd III requested that the appointment from Election District #1 be tabled until the March 22, 2010, meeting, and the position be advertised on the County web site. O. O. Williams made the same request for the appointment from Election District #5.

b. Building and Code Appeals Board – Three Members, Five Year Terms, Term of Don Caskie (Engineer); W. Carnova Peterson (Architect); and Michael R. Porch, Jr. (Builder) All Expire March 1, 2010 - It was noted that Mr. Don Caskie has now retired. A motion was made by D. L. Wright, seconded by O. O. Williams and carried unanimously, that the Board reappoint Mr. W. Carnova Peterson (Architect) and Mr. Michael Porch, Jr. (Builder) to serve as members of the King William County Building and Code Appeals Board for a term of five years ending March 1, 2015. The appointment of the Engineer position was tabled until the Board's March 22, 2010, meeting.

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

Don Wagner, of the Mangohick District, addressed the Board relating to an item on the Board's agenda for this meeting that causes him concern, that of a Closed Meeting to discuss, among other things, consideration of personnel matters related to the employment contracts of the County Administrator and the County Attorney, He cautioned the Board to think carefully and to be certain they have all the facts before making a decision.

Jeanette Wagner, a resident of the Mangohick District, spoke to the Board questioning if there is a hidden agenda by deciding it is time to review the contracts of both the County Administrator and the County Attorney.

Bob Ehrhart, a resident of Edgar Road, discussed the proposed shooting ordinance suggesting that instead of using the term "self-defense", it should be replaced with the term "protection of life and property".

Donald Longest of Election District #5 indicated his opinion that when visuals are presented to the Board by various speakers, that the persons in the audience should be able to see them also, and not just the Board members.

Carroll Epps of Election District #2, stated that he is a small business owner who would like to see mud bogs allowed to operate in the County at least 4 times a year as a permanent business.

RE: BOARD OF SUPERVISORS' COMMENTS

Various Board members thanked everyone for their interest in County government and for their attendance at this meeting.

O. O. Williams expressed his appreciation for all the cards and support he received during his recent surgery.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(A)(7) OF THE CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION AND DISCUSSION WITH LEGAL COUNSEL EMPLOYED BY THE PUBLIC BODY AND BRIEFINGS BY STAFF MEMBERS REGARDING CONTRACTUAL OBLIGATIONS PERTAINING TO THE KING WILLAIM RESERVOIR PROJECT, THE REGIONAL ANIMAL SHELTER PROJECT AND THE ENFORCEMENT OF ZONING AND OTHER LAND DEVELOPMENT ORDINANCES RELATED TO SPECIFIC RESIDENTIAL PROJECTS; AND SECTION 2.2-3711(A)(1) FOR DISCUSSION AND

CONTRACTS FOR THE COUNTY ADMINISTRATOR AND THE COUNTY ATTORNEY

On motion by D. L. Wright, seconded by C. L. Schools and carried unanimously, the Board entered Closed Meeting pursuant to Section 2.2-3711A(7) of the Code of Virginia, 1950, as amended, for Consultation and Discussion with Legal Counsel Employed by the Public Body and Briefings by Staff Members Regarding Contractual Obligations Pertaining to the King William Reservoir Project, the Regional Animal Shelter Project and the Enforcement of Zoning and Other Land Development Ordinances Related to Specific Residential Projects; and Section 2.2-3711 A(1) for Discussion and Consideration of Personnel Matters Related to the Employment Contracts for the County Administrator and the County Attorney.

Having completed the Closed Meeting, the Board reconvened in open meeting, on motion by D. L. Wright, seconded by C. T. Redd III and carried with a unanimous roll call vote.

In accordance with Section 2.2-3412 D of the Code of Virginia, 1950, as amended, C. T. Redd 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 2.2-3416 D 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 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: KING WILLIAM RESERVOIR PROJECT

On motion by C. T. Redd III, seconded by D. L. Wright and carried with the following roll call vote, the Board voted to notify the City of Newport News pursuant to Section 4.0 of the King William Reservoir Interim Project Financing Agreement that the County of King William does not intend to retain ownership of any real properties acquired for the King William Reservoir project under Sections 1.0 and 1.1 of the Agreement and does intend to sell all such properties.

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

RE: RESIGNATION OF L. MCCAULEY CHENAULT, ESQ. AS COUNTY

ATTORNEY

On motion by T. G. Smiley, seconded by C. L. Schools and carried with the following roll call vote, the Board accepted the resignation of L. McCauley Chenault, Esq. as the King William County Attorney, effective immediately, and approved severance payment of \$71,893.84 to Mr. Chenault pursuant to his legal services agreement with the King William County Board of Supervisors.

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

Mr. Redd stated that the handling of the status of Mr. Chenault's legal services contract with the County by some members of the Board of Supervisors was improper, given Mr. Chenault's years of satisfactory service with the County, and the lack of full participation in the discussion and consideration of this matter by the entire Board of Supervisors prior to this meeting.

RE: APPOINTMENT OF ACTING OR INTERIM COUNTY ATTORNEY

On motion by C. L. Schools, seconded by C. T. Redd III and carried with a unanimous roll call vote, the Board appointed Mr. William H. Hefty of Richmond,

Virginia, as the Acting or Interim King William County Attorney effective February 22, 2010, through March 31, 2010.

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

RE: RETAINMENT OF CRAIG J. CURWOOD, ESQ., OF CURWOOD LAW

FIRM OF RICHMOND, VIRGINIA

On motion by C. L. Schools, seconded by D. L. Wright and carried with the following vote, the Board retained Craig J. Curwood, Esq. of Curwood Law Firm of Richmond, Virginia, for consultation with the King William County Board of Supervisors regarding legal matters pertaining to employment agreements between the Board of Supervisors and the County Administrator and the County Attorney.

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

Mr. Redd opposes retaining and utilizing this legal counsel without prior input from and a vote of the entire Board of Supervisors. He added that the retention of any legal counsel and the accrual of charges for such services by some members of the Board of Supervisors, without discussion and action by the full Board, are inappropriate and perhaps illegal.

RE: ADJOURNMENT

On motion by C. L. Schools, seconded by C. T. Redd III and carried unanimously, this meeting was adjourned at 11:40 P.M.

COPY TESTE:

Frank A. Pleva
County Administrator