

MINUTES

KING WILLIAM COUNTY

BOARD OF SUPERVISORS

MEETING OF FEBRUARY 23, 2009

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 23RD DAY OF FEBRUARY, 2009, 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:

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

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

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd III, seconded by C. L. Schools and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the following addition: Under Item 12, Appointments, add 12 b – All Hazards Emergency Planning Committee – One Member, District #5 – Joe Clark.

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: CONSENT AGENDA

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

- a. Minutes of the Regular Meeting of January 26, 2009, as written
- b. Claims against the County for February, 2009, in the amount of

\$886,486.00 as follows:

- (1) General Fund Warrants #69550-69714 in the amount of \$622,255.53; Manual Check #14190 in the amount of \$2,279.12; Direct Deposits

#12249-12361 in the amount of \$196,753.62; and Electronic Tax Payment in the amount of \$65,197.73

(2) For informational purposes, Social Services expenditures for the month of January, 2009, Warrants #307213-307278 in the amount of \$54,896.67; Direct Deposits #2035-2052 in the amount of \$29,524.13; and Electronic Tax Payment in the amount of \$10,475.53

(3) For informational purposes, Circuit Court expenditures for the month of January, 2009, Warrants #69523-69530 in the amount of \$5,672.71; Direct Deposits #320-323 in the amount of \$10,282.91; and Electronic Tax Payment in the amount of \$3,607.91

(4) For informational purposes, Comprehensive Services Act Fund expenditures for January, 2009, Warrants #69532-69548 in the amount of \$60,956.35

(5) Tax Refunds for the month of January, 2009, in the amount of \$4,435.66

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY

ADMINISTRATOR

VDOT Residency Administrator, Charles E. Stunkle, addressed the Board relaying information concerning a February 19th Press Release issued by VDOT. This document announced that VDOT would be laying off 450 of its hourly employees and would be closing 29 of its 44 Residency offices. He indicated that this Press Release is available on line and contains many pages of information. He encouraged the Board to visit the website and take a look at this document as it is much more beyond the scope of what he can relay at this meeting.

Continuing, Mr. Stunkle explained that the Press Release covers the VDOT reorganization which calls for VDOT to be moving from 44 residency offices statewide down to 29. One of those proposed to be closed is the Bowling Green Residency. The proposal for the realignment would put King William County in the Saluda Residency. Basically, Saluda Residency would cover the whole Middle Peninsula Planning District. The Plan also would reduce the number of equipment repair facilities from 73 down to 37, and ultimately reduce the work force statewide down to 7500 by July 1, 2010.

Another part of the Plan deals with the VDOT maintenance service standards. In order to keep the VDOT maintenance program going forward and to address its main assets, which are paving and bridges, it will be necessary to change their approach on how things are done. Maintenance policies will be reviewed and adjustments made that apply to emergency safety response, roadway surfaces, traffic control, and facility services.

The third part of the Plan focuses on reducing spending on VDOT's programs and services, including reducing rest areas and welcome centers, ferry services, interstate maintenance services, and vegetation management.

The Six-Year Plan for Secondary Roads in the County will also be affected by the cutbacks. Mr. Stunkle advised that some roads scheduled to be paved will have to be eliminated rather than adding any new ones this year.

b. 13th Street in West Point Town – C. T. Redd III indicated that there is a proposal coming forward to close 13th Street in West Point and asked if a traffic count could possibly be done on this street before this proposal comes to the Board. Mr. Stunkle indicated he would pass this request to the Traffic Engineers to do a special count on this street.

c. St. John's Church Road - D. L. Wright advised that "School Bus Stop Ahead" signs are needed on Route 30 near St. John's Church Road in a curve where some new homes have recently been built, and requested Mr. Stunkle to investigate this possibility. Mr. Stunkle asked that the Board request the County School Transportation Manager to provide a formal request by letter or e-mail to VDOT stating exact addresses where these signs are needed.

d. Questions Concerning Effect on Local VDOT Office at Rumford in King William County by the Closing of the Bowling Green Residency - D. L. Wright questioned what effect the closing of the Bowling Green Residency office will have on the local King William VDOT office at Rumford and Mr. Stunkle indicated the probable change will be that some of the administrative functions done out of the area headquarters now will no longer be done. He indicated that VDOT is looking to implement a statewide calling number through one of five call centers throughout the

state. Any call about maintenance will go through a call center and be forwarded back to the Superintendent.

Frank A. Pleva, County Administrator inquired about the landscape maintenance, stating that the past several years because of budget cutbacks, grass mowing has been cut back somewhat, and asked how this will be further affected. Mr. Stunkle gave an example of the Route 360 median where VDOT typically mows, they will probably continue to mow the shoulders but the median may be mowed once every four years, just to keep it from growing up in trees.

D. L. Wright inquired about critical areas along Route 360, like in front of the Aylett Post Office at the intersection of Route 647. This is a very dangerous crossover. Mr. Stunkle responded that regardless of the system, whether it's the primary system or the secondary system, when its mowing for site distance or mowing for safety, VDOT will mow it.

The County Administrator indicated that this is all being driven by finances and the failure to be able to generate funds for the Department of Transportation

Mr. Stunkle announced that VDOT will be conducting public meetings across the state in March and April to receive public input on the Comprehensive Plan to address long term funding reductions. The Fredericksburg District, which includes King William County, will conduct two meetings: the first general meeting on March 30 at 6:00 p.m. at the Caroline Community Center located on Route 301, and the second meeting on the topic of ferries on March 31 at 6:00 p.m. at the Lancaster County Library in Kilmarnock.

**RE: KING WILLIAM VOLUNTEER FIRE & RESCUE SQUAD –
PRESENTATION, MRS. LYNN BARBOUR**

Mrs. Lynn Barbour, on behalf of the King William County Volunteer Fire Department and Rescue Squad, Inc. appeared before the Board to express appreciation for the Board's support and funding over the years to the Department. She advised that, during 2008, the Department celebrated its 45th anniversary of service to the citizens of King William County, and presented a video depicting some events of the early years of the Department and of current day fire and rescue activities.

RE: PLANNING MATTERS – SCOTT LUCCHESI, COMMUNITY

DEVELOPMENT DIRECTOR

a. Public Hearing – Zoning Case #Z-01-08, Request to Rezone 2.52 Acres from Agricultural-Conservation (A-C) to General Business (B-2), Tax Map #11-73A; Applicant/Owner: Michael K. Snyder - Community Development Director, Scott Lucchesi, presented and reviewed the application of Michael K. Snyder to rezone 2.52 acres from an Agricultural-Conservation (A-C) District to a General Business (B-2) District on property located at the intersection of Route 30 (King William Road) and Route 638 (Mangohick Church Road). This property is further described as Map Parcel #11-73A on the King William County Tax Maps. Mr. Lucchesi explained that the applicant is proposing to add 2.52 acres from an existing 17.92 acre A-C (Tax Map #11-73A) parcel to the existing Tax Map Parcel 11-68 zoned B-2. The primary reason is to have the well and septic all located on the same parcel and not be accessed via an easement. The remainder of the 17.92 acre parcel may be divided in the future by right but is not part of this proposal. The commercial (B-2) property would gain the 2.52 acres. The addition of the commercial land will not impact the existing use or ingress/egress to the site.

Continuing, Mr. Lucchesi advised that this parcel is located in the Mangohick Church Historic District and that the King William Historic Preservation and Architectural Review Board (HPARB) has reviewed this application. The HPARB, as a rule, does not like a business to be located in a Historic District such as the Mangohick Church Historic District, but has no objection to the proposal with the circumstances present. The circumstances being the possible by-right land division and the grandfathering involved. (The sign predates the Mangohick Church Historic District and therefore is grandfathered.) The 2.52 acres will be added to the existing Tax Map parcel 11-68, but no new structures are proposed.

In addition, Mr. Lucchesi indicated that the Planning Commission has also considered this application in public hearing and voted to forward it to the Board of Supervisors with a recommendation of approval with the following proposed conditions:

- (1) Install screening to the garage building to shield a dedicated storage area from public view for the facility. The screening should be of a solid

fencing material or evergreen landscaping that will provide adequate screening year round.

- (2) Revise and submit a new sign application to be more compatible with the Historic District. (Any sign application in the Mangohick Church Historic District will require Historic Preservation and Architectural Review Board approval.)

The staff also concurs with the recommendation of approval from the Planning Commission.

Mr. W. Rand Cook, attorney representing the applicant, Michael K. Snyder, addressed the Board stating that the application has been considered by the King William Historic Preservation and Architectural Review Board and the Planning Commission and both have recommended approval. He advised that the applicant agrees to the two conditions (stated above) that have been recommended by the Planning Commission and the planning staff. He indicated that this is a cleanup rezoning as Mr. Snyder plans to subdivide the 17.52 acre parcel into 3 five acre tracts and the residual of 2.52 acres is proposed to be added onto the existing commercial property (Tax Map Parcel 11-68). The reason for this cleanup is that the well and drain field that currently serve the commercial parcel are located on this 2.52 acres. It only makes good planning sense to add this 2.52 acres onto the commercial parcel so that it is self-contained in one parcel of land. This parcel has been zoned commercial for quite some time, and the sign on this property predates the Mangohick Historic District designation. This sign has been in place long before the designation and is grandfathered and completely legal.

Continuing, Mr. Cook stated that Mr. Snyder agrees to the recommended condition to screen the rear of the existing parcel from view either by a hard fence or by evergreen trees as recommend by the planning staff.

The applicant, Mr. Michael Snyder, was not present at this meeting.

Thereupon, the Chairman declared the public hearing open to receive comments on zoning case #Z-01-08 and the following appeared to speak:

Don Wagner a resident of the Mangohick District stated that he had submitted written comments to the Director of Community Development to be distributed to all the Board members. He stated that he has some serious concerns about this proposed rezoning including the fact that this parcel lies in the Mangohick Church

Historic District and he does not believe the KW Historic Preservation and Architectural Review Board has had the opportunity to review apparent exterior modifications to the building and sign as required by the County Zoning Ordinance. He feels the proposed rezoning of the 2.52 Acres of Parcel 11-73A to B-2 to incorporate an existing drain field for the day care facility on Parcel 11-68 does involve Parcel 11-68 as part of this transaction and therefore the buildings on Parcel 11-68 should be subject to review by the KW Historic Preservation and Architectural Review Board.

Further, he has concerns about rezoning 2.52 acres of Parcel 11-73A to B-2 as it is not in keeping with the intent of B-2 zoning. He feels sufficient proffers should have been made by the applicant to make the building more compatible with the surrounding historic district and to bring the signs into compliance with the intent of the historic zoning ordinance. He feels this application should be denied or deferred until such time as the applicant applies for a certificate of approval and complies with Section 86-343 and Section 86-344 regarding application and procedure for a certificate of approval by the Historic Preservation and Architectural Review Board.

There being no other persons appearing to speak for or against this application, the public hearing was declared closed by the Chairman.

b. Consideration of Action - During the Board's discussion of the application, C. T. Redd III asked what Condition #2 - "Revise and submit a new sign application to be more compatible with the Historic District. (Any sign application in the Mangohick Church Historic District will require HPARB approval.)" means. Mr. Lucchesi responded that this is a proposed condition and it would be up to the Board of Supervisors to place this condition on this case. Mr. Redd questioned if the Board could require that this sign be placed. County Attorney, L. M. Chenault, stated that the Board could require that the sign be in compliance with the current zoning ordinance covering signs.

T. G. Smiley questioned why this was being brought up again and C. T. Redd III stated that since one of the conditions recommended, requires that the applicant revise and submit a new sign application, he is assuming this means the applicant is willing to give up his grandfathered right and is willing to revise and submit a new sign

application to be more compatible. The County Attorney stated that he did not think this is what Mr. Cook, attorney for the applicant, said. Mr. Cook said that he felt this sign is grandfathered as it was put up prior to the zoning. Mr. Redd stated that this is his question, that if this is one of the conditions, then the Board can hold the applicant to this condition, no matter what Mr. Cook said.

The County Attorney advised the Board that it has 3 options – make a motion to approve the application; make a motion to deny the application; or make a motion to defer action until the next meeting so the Board can discuss with the applicant his position as to the sign.

Thereupon, at the request of C. T. Redd III, action on this application was tabled until the Board's next meeting so that the applicant can be present and answer questions regarding the signage.

c. Public Hearing – Zoning Case #CUP-04-08, Request for Conditional Use Permit to Construct and Operate a Heliport and Landing Field, Tax Map #27-7-8, Applicant: David S. Robinson, Jr., Owner of Fontainebleau Farm, Inc. - Scott Lucchesi, Director of Community Development, presented and reviewed the application of David S. Robinson, Jr. for a Conditional Use Permit, Case #CUP-04-08 in accord with Article X of the Zoning Ordinance to construct and operate a heliport and landing field on 2.58 acres of land located in the Fontainebleau Industrial Park on Fontainebleau Park Road approximately 600 feet from State Route 613 (Dunluce Road) (Lot 8). This property is further described as Parcel 28-7-8 on the King William County tax maps.

In reviewing the application, Mr. Lucchesi indicated that the proposed facility stems from an accident that took place at the existing Purina plant. Once the injury occurred it was determined that Med Flight would be needed to air lift the injured individual to the hospital. A substantial amount of time was lost waiting for the landing area to be prepared for a landing and take off. Upon review of the incident it was determined that the Purina plant would require a landing pad located at or near the plant that would be flight ready in case of an emergency. The Purina plant staff contacted Mr. Robinson, the applicant, to explore the landing pad request. Mr. Robinson, having an aviation background, determined the required pad would not fit

on the land held by Purina and turned to the Industrial Park for the location. The applicant worked with the Planning staff to determine the necessary requirements for a heliport and determined an FAA compliant facility could be supported versus a non-FAA facility.

Continuing, Mr. Lucchesi advised that if approved, the facility will be private, allowing only pre-approved landings and takeoffs. Emergency services and all med flights will have use of the facility as needed. The facility will not be open to the general public to use at will. All flights in and out will be controlled via the owner of the facility unless emergency in nature. Mr. Lucchesi also stated that the facility will not house any helicopters but will provide for the landing and take off only. It is possible that a hangar facility that would house helicopters would come later and would be a "by right" permitted use in the Industrial Park on a separate parcel.

Mr. Lucchesi also reported that the heliport has been designed to operate as an unmanned facility with the pilots able to control the necessary lighting from the air via radio frequency equipment. The heliport will be available for landings and takeoffs 24 hours a day. Telecommunication devices will be in place that will allow information to transmit without the need for personnel on a routine basis. The site will not be home to any cellular or telecommunication towers but will have an antenna and wind sock in place to handle the wireless communications required. The windsock will be illuminated with a LED source within the sock itself. The site will have lighting only when the facility is being used or serviced and will automatically be shut on and off as required. No lighting will be utilized on a permanent basis.

The following proposed conditions were reviewed by Mr. Lucchesi.

1. The site shall be developed in substantial conformance with the approved plan.
2. The heliport shall be compliant with FAA Advisory Circular 150/5390-2B.
3. All construction on surrounding lots 1, 2, 7 and 9 will be compliant with FAA regulations for height and distance (FAA Advisory Circular 150/5390-2B).
4. A landscaping and lighting plan shall be submitted and approved by the Planning Office prior to final site plan approval.

5. All landscaping shall be kept healthy and replaced in a timely manner if diseased, dying or dead.
6. Signage shall be posted at the site including owner and emergency contact information. All signage shall be in accordance with the King William County Zoning Ordinance.
7. The site shall be kept clean of trash and debris and maintained on a routine basis.
8. The site will be unmanned and not used for the storage of equipment or supplies unless housed inside an enclosed facility that is shown on the approved site plan as storage use.
9. The heliport will at all times be available for Emergency Services, Medi-Vac, Disaster Relief and Police as needed.
10. Stormwater Management shall be handled offsite with existing basins serving Fountainebleau Industrial Park. A maintenance contract and agreement shall be filed with the Division of Community Development for the facilities used to provide storm water runoff control measures.
11. Any incidents involving safety or improper operating methods shall be reported to King William County within ten working days of such incident happening or knowledge thereof.
12. Any inspections required by the FAA, or similar institute, shall be forwarded to King William County within ten days of receipt of said information.
13. A detailed log shall be maintained for the heliport/landing field, indicating all flights into and out of the facility. Information such as aircraft type and size, landing and take off times, weather conditions, etc. should be kept and reported to King William County in an annual report.

Mr. Lucchesi advised that the Planning Commission has considered this application in public hearing and recommends approval with the stated conditions to the Board of Supervisors, and that the Planning staff, in consideration of all the factors involved, and with the conditions of approval noted above, concurs with the

recommendation of approval of the requested Conditional Use Permit to the Board of Supervisors.

Mr. W. Rand Cook, attorney representing the applicant/owner, David S. Robinson, Jr. Fontainebleau Farm, Inc. delivered a power point presentation to provide details of the application. He stated that the applicant accepts all the conditions as heretofore presented by the County Planning staff. This private heliport will not be open to the general public. It will be private, with permission required, for the exclusive use of Fontainebleau Industrial Park, Inc. and anyone who uses it will have to be authorized by the owner of the property. It will, however, be available at all times for emergency services such as the volunteer fire and rescue squads, police and disaster relief, and would available at no cost.

Mr. Cook advised that once this heliport is in place, manufacturers will be attracted to this facility because they will be able to own lots that are adjacent to the heliport and invest substantially in a location at that site as opposed to heliports being at an airport where the buildings are owned by an airport authority.

He reviewed Phase I of this project which is the construction of the landing pad and Phase II which includes additional taxiways and parking pads for helicopters. He indicated that being in an industrial park, there is probably no better spot to put a use such as this.

In explaining the lighting for this facility, he advised that the touch down and lifting landing pad will be lit by flood lights that are about 12 inches in height, point downwards to the site, and are pilot activated, staying on for an average of 3 to 5 minutes. All of these will be in compliance with FAA regulations.

He described the noise level involved during a landing or takeoff. A landing approach or takeoff only takes about one minute which minimizes the time where any surrounding people would be subjected to the noise from the landing.

Continuing, Mr. Cook stated that this facility will provide benefit for emergency services needs in King William County and will also address the economic needs in the County. This could be an economic development engine for the County and generate significant revenue for the County.

C. L. Schools and T. G. Smiley posed several questions to Mr. Cook and to Mr. Robinson, applicant, concerning Phase I and Phase II of this facility.

C. T. Redd III asked for clarification from Mr. Lucchesi of a statement in his report to the Board – “The facility will not house any helicopters but will provide for the landing and take off only. It is possible that a hangar facility that would house helicopters would come later and would be a “by right” permitted use in the Industrial Park on a separate parcel.” Mr. Redd asked if this means that the Board would have no control over what comes into there if they approve the CUP on the heliport itself. Mr. Lucchesi responded that the hangars would be allowed “by right” and could be handled administratively, but, a site plan would be needed.

C. T. Redd III further discussed with Mr. Lucchesi the fact that a citizen posed a question to the Planning Commission during its public hearing concerning the number of flights allowed per day, and that the applicant suggested the number of flights could be 2 or 3 a day totaling 100 or so on a monthly basis. Mr. Redd indicated his opinion that this would be a lot of emergencies. Mr. Lucchesi responded that the Planning Commission discussed this and determined that the industrial zoning is appropriate.

C. L. Schools inquired of Mr. Lucchesi about a renewal time period on the Conditional use Permit. Mr. Lucchesi indicated that there is no renewal for the Conditional Use Permit unless the Board places such a condition on the permit for renewal.

Thereupon, the Chairman declared the public hearing open for comments on this application, and the following persons addressed the Board.

Don Wagner of the Mangohick District, representing the Citizens for King William County, a non-profit organization, stated support of this application indicating their feeling that it is a great opportunity for future industry and could become a significant revenue source. Continuing, he expressed the feeling that this facility would be a substantial contribution to King William County and its emergency services.

Herb White of 101 Bea’s Lane endorsed this facility being in King William County indicating that several of the surrounding counties have an airport. King William County does not. He sees this as an opportunity to attract businesses to come into the County, which is so badly needed to help with the County’s tax base. The

company that has requested this proposed heliport, Nestle Purina, has always been a very good corporate neighbor in the community and continues to be. He indicated his feeling that it would be very beneficial to the emergency services, police, and disaster relief services for King William County.

Bonnie Stokes of 648 Pampatike Road, addressed the Board stating opposition to this facility expressing concerns about noise levels, and is greatly disturbed by effects on wildlife, especially geese, eagles, and heron. She questioned why there has to be one central location for medical evacuation flights.

Laura Ann Brooks of 762 Dunluce Road also spoke in opposition. She expressed concerns about Phase II of the project as there are so many unknowns at this time. The plans are indefinite and questions need to be answered. She feels the industrial plans need to be looked at more carefully.

Frank A. Pleva, County Administrator, presented two statements received regarding this application. An e-mail from Bob Ehrhart of the Manoghick District speaking in support of the application, however, he feels the County school complexes should be designated as “no fly zones” and a letter from Joseph Hamel of Pampatike Road opposing the heliport expressing concern about the noise levels and the frequency of flights. He asked that restrictions be placed on fly times, particularly, at night.

There being no other persons appearing to speak for or against this application, the public hearing was declared closed by the Chairman.

d. Consideration of Action - T. G. Smiley indicated the need for more information on this application for a Conditional Use Permit regarding the impact on the County and expressed concern about eagles nesting approximately 5 miles from the proposed site of the heliport.

He requested that this application be tabled for consideration until the Board’s next monthly meeting in March.

**RE: KING WILLIAM COUNTY CODE MATTERS – FRANK A. PLEVA,
COUNTY ADMINISTRATOR**

a. Public Hearing – Proposed Amendments to King William County Code, Chapter 10, entitled “Animals” - County Administrator, Frank A. Pleva, advised that

this is a public hearing to consider the repeal and reenactment of Chapter 10, entitled "Animals" of the King William County Code. The proposed code amendments include, but are not limited to: the renumbering of various Chapter 10 references for conformance with Title 3.2, entitled "Agriculture, Animal Care, and Food", of the Code of Virginia, 1950, as amended; the addition of provisions regarding the authorities of the regional animal shelter, the addition of provisions regarding the handling of nuisance animals, and the addition of Section 10-69 (b)(15) which adds the area of Indian Fields Subdivision to the list of subdivisions in which it shall be unlawful for the owner or custodian of any dog to permit the dog to go upon any public street, sidewalk, or right-of-way or upon the property of another within Indian Fields Subdivision, unless it is kept secured by a leash or lead or other means of restraint not harmful or injurious to the dog, and under the control of a responsible person capable of physically restraining the dog.

Ms. Lauri Betts, Animal Shelter Manager, presented and reviewed the proposed amendments to Chapter 10 of the King William County Code entitled "Animals". She advised that these proposed amendments are being brought about mainly because of the opening of the regional animal shelter, and recognizing the animal shelter as far as redemption and adoption of animals as required by State law. This amendment also addresses the re-codification of the State law that occurred in October, 2008. There are new provisions for handling animal nuisances under the Animal Control Authority.

T. G. Smiley discussed a discrepancy in the numbering order of Section 10-68 "Special provision as to kennels" and County Attorney, L. M. Chenault advised that it actually should have been shown as Section 10-70, but there is no change to the language contained therein. It is simply an error in the numbering.

Thereupon, the Chairman declared the public hearing open for comments on this proposal, and the following persons appeared to speak.

Mike Dean of 111 Indian Fields Drive thanked the Board for the work done in the preparation of this ordinance, particularly Lauri Betts, and discussed a problem in his neighborhood with packs of dogs running loose. He expressed appreciation to the County for building the animal shelter and feels it is now necessary to establish laws to

protect the animals and the public, and urged the Board to accept these provisions as written.

Tina Gill of 334 Hidden Springs Lane in Aylett stated that she is in favor of the proposed ordinance but has some questions concerning Section 10-117 "Surrender of animals to the animal shelter" which states that the County may adopt policies and procedures regarding surrender of owned animals to the shelter at a later date. She felt these policies should be adopted before the Animal Shelter is opened to animal control. If the shelter will not be opened to owners to bring their animals in, then she feels Section 10-112 (f) which talks about "humane destruction and disposal of an animal that has been delivered voluntarily or released to the Animal Shelter, or animal control officer by the animal's rightful owner after the rightful owner has, in writing, surrendered all property rights in such animal", is, in fact, an owner surrender, and is not consistent with Section 10-117, and should be examined before the Shelter is opened.

Gary Horner of 100 Indian Fields Drive, spoke about animal owner responsibility and taking control of their animals. He is in favor of the proposed ordinance.

Gloria Dean of 111 Indian Fields Drive questioned Section 10-69 (b) "Dogs Running at Large" which states that it shall be unlawful for the owner or custodian of any dog to permit the dog to go upon any public street, sidewalk, or right-of-way or upon the property of another unless it is kept secured by a leash or lead and under the control of a responsible person capable of physically restraining the dog. Her property is located on Indian Fields Drive which is right off of Indian Church Road. The subdivision stops right at Indian Church Road. If she has her dogs on Indian Church Road and the dogs that live on this road attack her dogs, is this a violation or not, because they are not in our subdivision. The County Administrator responded that there are provisions in the State Code that deal with animals that attack other animals whether they are in a subdivision or not.

Rita Follett of 107 Indian Fields Drive spoke in favor of adoption of this proposed ordinance.

Brenda Cady of 22 Sweet Air Lane, King William, stated the Leash Law should be adopted County wide.

Veronica Morgan of 106 Indian Fields Road stated her support of the proposed Animal Ordinance.

Ronnie Helmick of 1359 Walkerton Road stated that he is not opposed to the leash law but reminded the Board that a recognition on hunting with dogs was passed about a year ago, and would not like to see this jeopardized.

The County Administrator responded that the so called "Leash Law" or dogs running at large just identifies specific subdivisions to which that applies. There are 14 on the books now and the proposal is for the revised animal control ordinance to add Indian Fields for 15 subdivisions. It is not a county wide "Leash Law".

There being no other persons appearing to speak, the public hearing was declared closed.

b. Consideration of Action – On motion by C. L. Schools, seconded by T. G. Smiley and carried unanimously, the Board repealed and re-enacted Chapter 10, entitled "Animals" of the King William County Code as presented in public hearing including the correction of miss-numbered sections. Said ordinance shall become effective February 24, 2009.

T. G. Smiley stated that the section of the adopted ordinance dealing with surrender of animals should be added as soon as possible.

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

a. Regional Animal Shelter - The County Administrator reported that work is progressing on the Shelter and that the contractor still intends to have the facility substantially complete by the end of this month.

b. Mt. Olive Community Improvement Project - The County Administrator reported that several funding sources have been approved but funds have not yet been received.

c. Regional Reassessment - The County Administrator stated that several times in the past counties in the area have reviewed the idea of creating a regional reassessment program in order to save costs and get a better quality reassessment of

property. There are several options that have been looked at, everything from getting regional bids to actually setting up a regional reassessment office. There have been some restrictions in the past with State law, but they have largely been corrected. Recently, some counties have expressed an interest in revisiting this approach, and the Planning District Commission is seeking information from each County as to whether or not they may be interested in participating. There is nothing binding at this time, but they would like to form a Steering Committee of 1 Supervisor, the County Administrator, and the Commissioner of the Revenue from each County. He asked for guidance as to the Board's interest in this regional approach and the forming of the Steering Committee. The first meeting of the Steering Committee is being planned for April.

By general consensus, the Board determined that it will participate in the Steering Committee and appointed C. L. Schools to represent King William County along with the County Administrator and the Commissioner of the Revenue.

d. Master Utility Plan – The County Administrator reported that by using some excess bond funds from the 2000 Water and Sewer Bond issue through the Virginia Resource Authority, a draft Master Public Utility Plan has been developed which deals with guidelines for the future extension and improvements to both our public water and sewer systems. He is proposing that the Board review this draft document over the next month or so and get comments on this document from Charlie Reidlinger, the county's engineer, and advertise and hold a public information meeting, and make any changes necessary. Once this is done, it can be approved by the Board and become a guide for the future extension and improvement to utilities. He announced that a copy of this draft document is available in his office for public inspection.

e. Well at New Courts Building - D. L. Wright requested the County Administrator to provide an update on the well at the new Courts Building. Mr. Pleva reported that most of the work has been done to complete the well. There is some piping, that requires shutting off the water to the building, to be done. This will probably be done one evening in the first week of March. Mr. Wright stated his

understanding that the water will be shut off for approximately 6 hours and therefore, asked the County Administrator to notify personnel in that building of this.

RE: APPOINTMENTS

a. All Hazards Emergency Planning Committee – Two Members, One From Election District #1 and One from Election District #5 A motion was made by C. T. Redd III, seconded by T. G. Smiley and carried unanimously to appoint Spencer Cheatham to represent Election District #1 and to appoint Joe Clark to represent District #5 on the All Hazards Emergency Planning Committee.

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

Various Board members thanked citizens for attending the Board meetings and participating in local government.

D. L. Wright commented on the well project at the new Courts Building stating that in order to make these improvements it is costing over \$18,000.00. He is sad to have that happen but it should have been caught four years ago, but unfortunately, it was not, and as a result, we have to spend this money.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(A)(7), CODE OF VIRGINIA, 1950, AS AMENDED, FOR DISCUSSION AND CONSIDERATION OF THE EMPLOYMENT AND PERFORMANCE OF: SPECIFIC PUBLIC OFFICERS AND EMPLOYEES IN THE COUNTY ADMINISTRATOR'S OFFICE AND FINANCE DEPARTMENT; AND SPECIFIC CONTRACT EMPLOYEES PROVIDING ECONOMIC DEVELOPMENT, LEGAL, AND ENGINEERING SERVICES

On motion by T. G. Smiley, seconded by D. L. Wright and carried unanimously, the Board entered Closed Meeting pursuant to Section 2.2-3711 (A)(7), Code of Virginia, 1950, as amended, for Discussion and Consideration of the Employment and Performance of: Specific Public Officers and Employees in the County Administrator's Office and Finance Department; and Specific Contract Employees Providing Economic Development, Legal, and Engineering Services.

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

In accordance with Section 2.2-3412D 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 C. T. Redd III, 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 2.2-3417D 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 IN CLOSED MEETING

On motion by C. T. Redd III, seconded by C. L. Schools and carried, the Board directed the County Administrator to forward a copy of the standard King William County Employee Evaluation Form to each Board member in preparation of an evaluation of the County Administrator at the Board's March 23, 2009, meeting.

RE: ADJOURNMENT OF MEETING

There being no further business to come before this Board, the meeting was adjourned at 10:25 p.m.

COPY TESTE:

Frank A. Pleva
County Administrator