

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF MARCH 24, 2003

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 24TH DAY OF MARCH, 2003, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURTHOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

L. E. BYRUM, JR., CHAIRMAN
C. T. REDD, III, VICE-CHAIRMAN
R. S. DIGGS
E. P. STEROWSKI
D. L. WRIGHT

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

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with one addition – added #a to Item 9, Homeland Security/Emergency Preparedness – Adoption of Resolution in Support of the United States Armed Forces and the Nation's Leaders during Operation Iraqi Freedom.

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

No one appeared to speak.

RE: CONSENT AGENDA

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

a. Minutes of the regular meeting of February 24, 2003, as written and an amendment to the Minutes of the December 16, 2002, meeting concerning a discussion in the Public Comment Period regarding the posting of Circuit Court records on the Internet

b. Claims against the County for March, 2003, in the amount of \$1,110,086.99 as follows:

(1) General Fund Warrants #53154-53309 and manual checks #13942-13945 in the amounts of \$926,697.89 and \$3,388.14; Direct Deposits #4392-4583 in the amount of \$134,128.46; and Electronic Tax Payment in the amount of \$45,872.50

(2) For informational purposes, Social Services expenditures for the month of February, 2003, Warrants #302292-302350 in the amount of \$29,631.35; Direct Deposits #748-762 in the amount of \$20,106.12; and Electronic Tax Payment in the amount of \$7,436.97

(3) For informational purposes, Circuit Court expenditures for the month of February, 2003, Warrants #523126-53135 in the amount of \$6,199.13; and Direct Deposits #72-75 in the amount of \$6,592.22

(4) For informational purposes, Comprehensive Services Act Fund expenditures for February, 2003, Warrants #53137-53152 in the amount of \$30,210.15

(5) Tax Refunds for the month of February, 2003, in the amount of \$927.37

c. Authorized advertisement of a public hearing rescheduled to be held during the Board's April 28, 2003, meeting to consider a boundary line adjustment on a publicly held property, the Deaton Tract, owned by King William County. Said meeting will begin at 7:00 p.m. in the Board Room of the County Administration Building.

d. Adopted the following document proclaiming the week of May 11-17, 2003, as Business Appreciation Week in King William County:

**BUSINESS APPRECIATION WEEK 2003
PROCLAMATION**

WHEREAS, King William County is pleased to have a thriving base of business and industry to support the local economy; and,

WHEREAS, these businesses provide essential employment opportunities for the citizens of King William County; and,

WHEREAS, the businesses provide local revenues from which the entire local citizenry benefit; and,

WHEREAS, these businesses also make significant contributions in our communities to promote educational opportunities for our children and promote a variety of activities which increase the quality of life of the area; and,

WHEREAS, we recognize and appreciate these businesses.

NOW, THEREFORE, BE IT PROCLAIMED, that King William County hereby recognizes our existing businesses, and by virtue of this proclamation, gives notice to our citizens that the businesses of King William County are exemplifying this year's theme of "Success Starts Here".

BE IT FURTHER PROCLAIMED, that the week of May 11 – 17, 2003, is Business Appreciation Week in King William County.

e. Authorized advertisement of a public hearing to be held during the Board's April 28, 2003, meeting to consider Zoning Case #Z-01-03, Request for Rezoning, Applicant: Wakema, Inc. as represented by Peter Glubiak

f. Authorized advertisement of a public hearing to be held during the Board's April 28, 2003, meeting to consider Zoning Case #Z-02-03, Request for Rezoning, Applicant: Mapledale, LLC, as represented by Cary E. Longest, President

g. Authorized advertisement of a public hearing to be held during the Board's April 28, 2003, meeting to receive comments on the proposed FY-04 Proffer Methodology

RE: VDOT MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER

Charlie Stunkle updated the Board on items discussed in previous meetings including the following:

a. Route 360 and Route 605 Intersection – Traffic Signal Study - Mr. Stunkle indicated that he referred this matter to the District Engineer for a traffic signal study and they are not going to recommend placement of a traffic signal at this time, however, the intersection did meet one of the warrants needed for a signal. Close attention will be paid to this intersection for when the traffic load increases.

b. Thompson Avenue Project in Front of the School– Town of West Point - This project has been put out for bids and the bids are due in April.

c. Route 662 – Sharon Road – Guard Rail - Mr. Stunkle reported that Verizon is in the process of removing their underground cable in this area so that the guard rail can be installed. The contractor will be in as soon as possible after Verizon has finished.

d. Route 604 – Herring Creek Road - VDOT is in the process of obtaining rights-of-way on this project, which is scheduled for advertisement in July of 2004. These acquisitions are on target.

e. Route 33 Project – First Section of Project - Mr. Stunkle indicated that the first section of this project is to be advertised in January, 2004. Currently, VDOT is in the process of obtaining rights-of-way and is thus far on target, as far as the right-of-way acquisitions.

f. Route 647 – Mill Road - It was also indicated by Mr. Stunkle that the new turn lane onto Route 647 off of Route 360 in front of the new Aylett Post Office should be completed by the contractor very shortly.

g. Unpaved Roads – Rural Rustic Program - Mr. Stunkle noted that at the Board's April meeting, he will be reporting on the number of unpaved roads in the County and will discuss with the Board whether or not any of them will qualify for the Rural Rustic Road Program. He thinks there are some which will qualify, and this will be a cost savings by using this Program.

h. VFW Road – C. T. Redd, III informed Mr. Stunkle that the VFW Road, near the Transfer Site, is filled with litter, either caused by trash blowing out of the containers when they are moved, or by individuals dumping, and asked if VDOT could help with this problem, or maybe a crew from the Middle Peninsula Regional Security Center could help. He reported that this needs to be done before grass cutting time.

The County Administrator indicated that he has already spoken with personnel at the MP Regional Security Center and they will be sending a crew out to take care of this matter.

i. Route 648 - D. L. Wright inquired about the status of the paving of the section of Route 648 out next to Route 30. Right-of-way is needed to do this, and one land owner would not donate. Mr. Wright also indicated that he has received information that the trust or land owners, which would not previously donate, is now down to one individual/owner, and suggested that VDOT contact this individual again concerning this possibility.

Further, Mr. Wright reported that an existing drainpipe on this section of road is damaged and caved in, and badly needs replacement, even if nothing else is done, as the road has been under water from the recent weather events. Water is running down this road from Route 30 and

the existing drainpipe can no longer take care of it.

j. Route 620 – D. L. Wright discussed a drainage problem on this route and requested VDOT to install some type of drainage on one side of this route to get the water off the road. Recently, VDOT did clean out the ditches, but something further needs to be done.

k. Walkerton Road – Route 629 - Mr. Wright made the Board aware that he has received several requests from residents along Route 629, Walkerton Road, for a speed study to be done to determine the feasibility of lowering the speed limit on this route to 45 MPH on the section from Route 30 to meet the existing 35 MPH zone. Mr. Stunkle indicated that a study will be done.

l. Poplar Road in Venter Heights Subdivision - E. P. Sterowski requested an update on Poplar Road and Mr. Stunkle reported that David Cooper and Leon Custalow with VDOT met with Mr. Lipscomb and his contractor, the developer of this subdivision, on site and reviewed the items that need to be done to bring this street up to standard. If these repairs are performed, it can be taken into the State Secondary Road System.

m. Routes 600 & 607 Intersection - L. E. Byrum, Jr. questioned Mr. Stunkle regarding the status of the possibility of lowering the speed limit from 55 MPH to 45 MPH on Route 600 beginning at its intersection with Route 607 and extending for one mile west, and the relocation of a “School Bus Stop” sign to the corner of Route 600 and Route 607. Mr. Stunkle responded that a speed study has been requested on this route, but no response has been received as yet. He also indicated that he has been in contact with Mr. Michael Ashby, the School Board Transportation Director.

n. Request to Send Letter to Leon Custalow & VDOT Employees - L. E. Byrum, Jr. requested the County Administrator to prepare a letter to Leon Custalow, Superintendent of the local Rumford VDOT office and his staff members, thanking them for the excellent job they all did in clearing the roadways during the winter’s snow, ice, and freezing rain storms.

RE: PLANNING MATTERS – MATT WALKER, COMMUNITY DEVELOPMENT DIRECTOR

a. Public Hearing – Zoning Case CUP-01-03, Request for Conditional Use Permit to Construct 36 Multi-Family Units – Applicant: Fidelity Management Group as Represented by Greg Baka of Resource International

Greg Baka of Resource International, representing the applicant, John Hubbard/Fidelity Management Group, presented this application for a Conditional Use Permit, Case CUP-01-03, and indicated that this is a request to allow the construction of 36 units of attached housing for rent at Colonial Square on property located at the intersection of Venter Road (Route 611) and Route 30 in Central Garage. The owner of the existing Colonial Square development seeks to build an additional eighteen (18) units (three buildings with six units in each building) in Phase II of the development and to add another eighteen (18) units (three buildings with six units in each

building) in Phase III. Three detached garages to be used for storage purposes will be built. One garage unit will be built prior to the completion of Phase II and at least one additional garage unit will be built prior to the completion of Phase III. The timing for the construction of the third garage unit would remain undetermined and would be based upon the actual usage of the first two garages. In addition, an office with maintenance/storage space would be built as part of Phase III. This property is described as Parcel 21D, A and B on the King William County Tax Maps. The project lies outside the County's water and sewer service area, and, therefore, the applicant is not requesting County water and sewer service. The applicant will serve the new development with a private central water system and drainfields. This property is zoned R-1, which allows multi-family housing with a Conditional Use Permit.

Mr. Baka also explained that the proposed 36 units would be accessed from an entrance onto Route 611 (Venter Road). VDOT has reviewed this entrance location on Route 611 and has recommended the installation of a tapered entrance for right-hand turning movements. The applicant will comply with all VDOT entrance standards.

Further, Mr. Baka indicated that the applicant will plant one evergreen tree (approximately four to five feet in height, when planted) every ten to twelve feet depending on field conditions along Maple Road and along Route 611 (Venter Road) where no trees currently exist. These trees will be staggered to enhance their use in screening.

Thereupon, the Chairman declared the public hearing open for comments. Herb White, a resident of 1186 Mill Road, spoke, indicating that he was neither in favor of or in opposition of this application, but, wanted to make the Board aware that emergency medical services (EMS) are not sufficient in this area now, and with additional living units being built, the need will increase. He compared this growth situation with a similar situation, which occurred in the Town of West Point and the need for EMS services increased by approximately 20%. He urged the Board to think about this increase when making a decision on this application, and in addition, to look at the EMS needs for the entire County as a whole.

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

Matt Walker, Director of Community Development, advised the Board that the Planning Commission considered this application in public hearing and recommends to the Board that this application be approved with the following conditions:

1. The applicant shall develop the project in accordance with their conceptual layout and application.
2. The applicant shall develop a preliminary site plan in accordance with all applicable County regulations to be submitted to the King William County Planning Commission for approval.

b. Consideration of Case CUP-01-03

On motion by R. S. Diggs, seconded by D. L. and carried with the following roll call vote, the Board approved Zoning Case CUP-01-03, Applicant: Fidelity Management Group/John

Hubbard, for a Conditional Use Permit, with the two conditions as stated above.

L. E. Byrum, Jr.	Aye
R. S. Diggs	Aye
C. T. Redd, III	Nay
E. P. Sterowski	Nay
D. L. Wright	Aye

c. Public Hearing – Capital Improvements Plan – 2004 Update

Matt Walker, Community Development Director, presented and reviewed the proposed 2004 update to the Capital Improvements Plan (CIP) for King William County, indicating that this is a general guide to the governing body in preparing for and measuring the cost of potential future capital infrastructure needs.

Thereupon, the Chairman declared the public hearing open for comments.

No persons appeared to speak for or against the proposed updated CIP, and the public hearing was declared closed.

d. Consideration of Capital Improvements Plan – 2004 Update

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board approved the 2004 Update of the Capital Improvements Plan as presented in public hearing by Matt Walker, Community Development Director.

RE: HOMELAND SECURITY/EMERGENCY PREPAREDNESS – LEWIS HEATH, PUBLIC SAFETY MANGER

Lewis Heath, Public Safety Manager for the County, addressed the Board indicating that he is currently in the process of updating public safety plans. The update on the Radiological Emergency Response Plan for the County was completed several months ago and has been approved by the Virginia Department of Emergency Management.

In discussing homeland security, Mr. Heath reported that King William County has received a \$30,000 Federal Equipment Preparedness Grant to be used for gas hoods and suits and gas detection devices, etc. This equipment will largely be distributed to the Sheriff's Dept. as they will probably be the first ones responding to a scene, and some will be provided to fire and rescue services as well.

In addition, Mr. Heath reported that a non-matching State Grant in the amount of \$7,500 for the development of a citizens management team has been approved for King William County. He then introduced Ms. Pat Pitts, a resident of Manquin Farms to the Board. Mr. Heath advised of Ms. Pitts' interest in assisting the County in emergencies and indicated he supported her to receive the necessary training, through the Governor's Council, to become a CERT (Community Emergency Response Team) Coordinator. She is now in the process of getting interested County residents involved. Ms. Pitts informed the Board on issues related to the CERT Program which is a network of neighborhood teams made up of citizens, trained by emergency service professionals to respond to local disaster situations. CERT has been in existence since the 1980's.

Lewis Heath informed the Board that he has plans to combine the Local Emergency Planning Committee and the CERT Program as one, and eliminate the old Public Safety Committee.

The new committee will be comprised of individuals from Social Services, the Health Dept., the Schools, the Extension Office, the Sheriff's Department, local citizens, and business people. Mr. Heath clarified that one thing, the CERT Program does not do – It does not replace the fire and EMS people. It is merely a system to do whatever is needed in an emergency.

RE: ADOPTION OF RESOLUTION – SUPPORT OF TROOPS

On motion by D. L. Wright, seconded by E. P. Sterowski and carried unanimously, the Board adopted the following resolution, presented by C. T. Redd, III, supporting the Armed Forces and our Nation's leaders as they fulfill their duties to protect the citizens of the United States.

RESOLUTION OF SUPPORT

WHEREAS, hundreds of men and women from Virginia have been called to active duty, joining hundreds of thousands of military personnel from across the United States and other allied nations, to protect our nation and our world; and

WHEREAS, the families of these brave soldiers provide support to them and remind us of the bravery and importance of our Armed Forces; and

WHEREAS, the King William County Board of Supervisors gives our unconditional and unyielding support to our courageous young men and women serving in our nation's military; and

WHEREAS, the King William County Board of Supervisors understands the difficult decisions that President George W. Bush and the United States Congress have to make in their efforts to protect the citizens of the United States; and

NOW, THEREFORE, BE IT RESOLVED, the King William County Board of Supervisors strongly supports the Armed Forces and our nation's leaders as they fulfill their duties with bravery and professionalism; and

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors takes great pride in proclaiming our wholehearted praise of our Armed Forces, and wishes to protect them from danger and death; 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 President George W. Bush and Secretary of Defense Donald H. Rumsfeld and shall be spread upon the meeting minutes of said Board of Supervisors.

RE: UPDATE ON COUNTY PROJECTS – FRANK A. PLEVA

a. Courts Facility Project - Frank Pleva, County Administrator, informed the Board that due to all of the recent bad weather, the project is about 2 weeks behind schedule, but the contractor feels this time will be made up. The pad is completed and the footings are being dug, and will be poured either within this week or the next.

b. Animal Shelter – The County Administrator advised that bids on the tri-county (King William, King and Queen, and Middlesex Counties) animal shelter are due and are to be opened on April 4th. Results of these bids will be presented to the Board at its April meeting.

c. Mt. Olive Community Improvement Project - The Board was advised by the County Administrator that this project will be funded largely with federal Community Development Block Grant funds, if the application is approved. A public hearing on this project is scheduled to be held on March 26, 2003, at 9:00 a.m. at King William Courthouse. The grant application is to be submitted to the Department of Housing and Community Development in Richmond by 4:30 p.m. on Wednesday, March 26th, and within 45 to 60 days, notification should be received as to whether or not the construction funding is approved. The application is for over a million dollars in construction monies, and the Board has previously given approval to provide \$75,000.00 in either cash or in-kind services. This project will last at least two years and will be a multi-phase project. Bay Aging, Inc. based in Urbanna, Virginia, will be administering this project on behalf of King William County.

RE: TRICENTENNIAL COMMITTEE – EUGENE CAMPBELL, JR.

Eugene Campbell, on behalf of the Tricentennial Committee, presented to the Board a framed letter the Tricentennial Committee received from President George W. Bush, in recognition of the County's 300th Birthday.

RE: APPOINTMENTS

a. MP Disability Services Board – One Member – Two Year Term, Term of Lucille Minor Expired 12/31/02, (Mrs. Minor is not seeking reappointment) - On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board appointed Ms. Crystal Smith to a two year term representing the County on the Middle Peninsula Disability Services Board. Said term will expire March 31, 2005.

b. Historic Preservation & Architectural Review Board – One Member – To Fill Vacated, Unexpired Term Ending June 30, 2004 (This position to be filled by an Architect) - On motion by C. T. Redd, III, seconded by R. S. Diggs and carried unanimously, the Board appointed Ronald D. Driskill, an architect with the firm of Wiley & Wilson of Lynchburg, Virginia, to complete the vacated, unexpired term on the King William Historic Preservation and Architectural Review Board. Said term expires June 30, 2004.

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

Eugene Campbell, Jr. announced that the annual King William Ruritan Club Fish Fry will be held on Tuesday, April 8, 2003.

RE: BOARD OF SUPERVISORS' COMMENTS

D. L. Wright recognized Sally Pearson, Commissioner of the Revenue, and Harry Whitt, Treasurer, in the audience and requested them to come forward to give the Board an overview on the status of the BPOL Tax, and to answer any questions from the Board.

Sally Pearson reported that thus far, BPOL has gone well. Her office sent out 500 application forms, 260 were returned by the due date of March 1st, and approximately \$125,000 has been collected. She asked the Board for guidance in proceeding with collections from the non-

filers.

Harry Whitt also requested guidance from the Board in making these collections, as to how much money and staff time should be spent on this matter. The Board indicated that since this is the first year, a grace period of one month, to April 1, 2003, was given, with no interest charges, but, that this tax ordinance should be enforced in the same manner as any other tax ordinance is enforced. The BPOL Ordinance provides for a 10% penalty and a 10% interest charge for late filers.

The Treasurer indicated that the Ordinance stipulates that the Commissioner of the Revenue will report non-filers to the County Attorney and warrants will be issued, however, with other taxes, the assessment is made by the Commissioner and the bills are mailed out indicating the 10% late filing fee, and 10% interest.

By general consensus, the Board instructed the Commissioner and the Treasurer to follow this same procedure for late-filers of the BPOL Tax, as is followed with other taxes collected, and the Board will provide the necessary funding to accomplish this. If it becomes necessary to issue warrants for non-filers, the Treasurer will do this.

E. P. Sterowski suggested that businesses be reminded they are to display their BPOL License.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(7) OF THE CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH COUNTY ATTORNEY REGARDING COURTHOUSE WALL LITIGATION

On motion by C. T. Redd, III, seconded by E. P. Sterowski and carried unanimously, the Board entered closed meeting pursuant to Section 2.2-3711(7) of the Code of Virginia, 1950, as amended, for consultation with the County Attorney regarding Courthouse wall litigation.

Having completed the closed meeting, the Board reconvened in open meeting, on motion by C. T. Redd, III, seconded by R. S. Diggs and carried with a unanimous roll call vote.

In accordance with Section 2.2-3711B of the Code of Virginia, 1950, as amended, C. T. Redd, III 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 R. S. Diggs 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 2.2-3711.B 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 Supervi-

sors hereby certifies that, to the best of 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; 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 as a result of the closed meeting.

RE: ADJOURNMENT

There being no further business to come before this board, on motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the meeting was adjourned.

COPY TESTE:

L. E. Byrum, Jr.
Chairman

Frank A. Pleva
County Administrator