

**MINUTES**  
**KING WILLIAM COUNTY**  
**BOARD OF SUPERVISORS**  
**MEETING OF APRIL 25, 2005**

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 25<sup>TH</sup> DAY OF APRIL, 2005, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:**

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

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

**RE: APPROVAL OF MEETING AGENDA**

On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with one deletion and three additions.

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

a. Jim Beahr, a resident of The Woods at Herring Creek Subdivision, asked for information on the timeframe of VDOT restoring the Herring Creek Mill Dam that was destroyed in Tropical Storm Gaston. He indicated that the subdivision Homeowner's Association met on Sunday and delegated him to seek information on their behalf. The Chairman stated that this information will be requested from Mr. Charles Stunkle, the VDOT Resident Engineer, during a later agenda item in this meeting.

b. Sheriff Jeff Walton addressed the issue of Mud Bogs in the County. He requested the Board to investigate the possibility of enacting an ordinance regulating these events, similar to what the County now has in place for outdoor festivals.

**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 March 22, 2005, Regular Meeting were approved as written

b. Claims against the County for April, 2005, in the amount of \$872,892.17 as follows:

(1) General Fund Warrants #56801-58831 in the amount of \$597,150.97; Manual Checks #14051-14052 in the amount of \$71,271.96; Direct Deposits #7041-7149 in the amount of \$154,853.83 and Electronic Tax Payment in the amount of \$49,615.41

(2) For informational purposes, Social Services expenditures for the month of March, 2005, Warrants #304080-304149 in the amount of \$38,593.69; Direct Deposits #1177-1198 in the amount of \$23,466.53; and Electronic Tax Payment in the amount of \$7,729.55

(3) For informational purposes, Circuit Court expenditures for the month of March, 2005, Warrants #58583-58590 in the amount of \$5,561.06; Direct Deposits #153-155 in the amount of \$7,585.29

(4) For informational purposes, Comprehensive Services Act Fund expenditures for March, 2005, Warrants #58592-58599 in the amount of \$19,740.60

(5) Tax Refunds for March, 2005, in the amount of \$1,799.53

c. Approved the following Resolution recognizing the week of May 15 – 21, 2005, as Business Appreciation Week in King William County:

**RESOLUTION OF APPRECIATION**

**WHEREAS**, King William County is pleased to have a thriving base of business 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 benefits; 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 RESOLVED**, that King William County hereby recognizes our existing businesses, and by virtue of this proclamation, gives notice to our citizens that businesses of King William County are exemplifying this year's theme of "Planting Opportunity – Harvesting Success"; and,

**BE IT FURTHER RESOLVED**, that the week of May 15 – 21, 2005, is Business Appreciation Week in King William County.

d. Adopted the following Proclamation declaring the month of May, 2005, as Older Adult Month and Recognizing May 8 – 14, 2005, as Senior Center Week:

**PROCLAMATION  
OLDER AMERICANS MONTH – MAY, 2005  
Senior Center Week – May 8-14, 2005**

**CELEBRATE LONG-TERM LIVING**

More than 60 million Americans are 60 years old or older. In King William County we have 2,069 citizens who are 60 years old or older. During Older Americans Month, we honor our senior citizens for enriching and strengthening our community, and we pledge to continue working to enhance their quality of life.

This year's theme, **Celebrate Long-Term Living**, reflects that seniors are healthier and living longer, are working beyond traditional retirement age, volunteer their time toward worthy community causes, and are striving to live independently longer.

Older Americans help others to understand the past. They teach us the meaning of courage, selflessness, respect, endurance, family, community, responsibility, patriotism, service and love. Older Americans serve as our role models.

**NOW, THEREFORE, WE, THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA**, by virtue of the authority vested in us by the By-Laws and Constitution of King William County, do hereby proclaim May, 2005, as **Older Americans Month** and the week of May 8-14, 2005, as **Senior Center Week**. We commend older Americans for the contributions they make to our communities. We further commend those agencies, organizations, care providers, caregivers, and volunteers who work on behalf of our senior citizens. We encourage all to honor their elders and publicly reaffirm our commitment to older Americans during this month and throughout the year.

e. Authorized a public hearing to be held during the Board's regular May 23, 2005, meeting to consider Zoning Case Z-02-05, Request to Rezone 5.6 Acres from Agriculture-Conservation District to General Business District, Applicants: Woodrow W. and Francesca Kellum

f. Authorized a public hearing to be held during the Board's regular May 23, 2005, meeting to consider Zoning Case #Z-04-05, Request to Rezone 7.82 Acres from Suburban-Residential District to General Business District, Applicant: Central Crossing, LLC

g. Approved the employment of Brenda Fletcher as Custodian in the Public Works Department

h. Approved the employment of Tammy Martin, Kasey Reed, Ericka Rockwell, Lori Thomas, Joshua Myers, Whitney Wilson, Brandon Shearin, Jordan McIntire and Tracy Harvey for the Summer Playground Program 2005 season with the Parks and Recreation Department

**RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENT ENGINEER**

VDOT Resident Engineer, Charles Stunkle, appeared before the Board to provide an update on transportation matters in King William County.

a. Herring Creek Mill Pond Dam on Route 607 – In response to the inquiry made earlier in this meeting regarding the restoration of the Herring Creek Mill Pond Dam, Mr. Stunkle reported that the cost estimate for restoring the earthen portion of the dam, in accordance with the formula outlined in the Code of Virginia, has been provided by VDOT to the Homeowners Association of The Woods at Herring Creek subdivision, and to the Franco family, all owners of the dam. VDOT will need signed Agreements from both of these parties. In addition, VDOT is waiting for the final environmental permits. A contractor has been lined up for the work, and currently, VDOT is looking for a local source of good bar material to put back in the dam. He explained that VDOT had located a nearby pit, but has found out that it is tied up in a family situation so they cannot have the use of it. There is another pit located across the river in King & Queen County, but it is a good distance to travel. These are the issues that have to be worked through before the restoration can begin.

b. Mitchell's Mill Pond Dam on Route 610 - Mr. Stunkle reported that the property owners are investigating the possibility of putting back a smaller impoundment than the original one, to minimize the cost of the spillway work for which they will be entirely responsible for.

c. Moncuin Creek Bridge on Route 618 - Mr. Stunkle reported that the plans for this project are complete, all the environmental permits have been applied for, and VDOT anticipates receipt of these permits sometime in June. VDOT is working on securing a contractor so the work can begin as soon as the permits are received.

d. Route 604 - Mr. Stunkle indicated that the contractor is in full operation putting in culverts and cutting ditches on Route 604.

e. Route 611 - The Speed Study that was requested by the Board approximately two months ago on Route 611 for the section between Midway and Route 30, currently posted for 45 MPH, to determine if the speed warranted being changed. The Study has been completed by the Traffic Engineers and, at this time, there is good compliance with the 45 MPH speed limit, and they do not recommend lowering it anymore. This issue could be restudied in a year or two, particularly, if the nature of the traffic changes significantly.

f. Additional Federal Bridge Funds to be Received - Mr. Stunkle made the Board aware that some additional federal bridge funds will be available for primary and secondary road projects around the State, and one of the bridges near the top of the list is the Route 600 bridge over Herring Creek, north of Aylett. The way this program is anticipated to work is that 80% would be federal bridge funds and 20% would have to come out of the Six-Year Plan funding. This will be discussed in more detail during the update on the Six-Year Plan. These funds would be for the fiscal year, 2010-2011, before they come on line, but the possibility does exist.

g. River Road in West Point - C. T. Redd III expressed appreciation on behalf of the citizens of River Road for the overlay work done in the past few days on this street.

h. Cleaning of Ditches - Chairman, W. F. Adams, questioned Mr. Stunkle about why VDOT no longer cleans out the roadside ditches and offers the removed dirt to residents. Mr. Stunkle responded that VDOT has not stopped this work, but probably do not do as much as should be done because of several reasons, (1) when VDOT ditches, that is pretty much the only thing that VDOT will be doing in the County during that period of time because it takes up the entire crew to man this type of operation. Mr. Stunkle indicated that VDOT is seeing their surface maintenance costs going up and part of the reason is the fact that they have not kept up with their ditching, so they are taking a good, hard look at this. When ditching, there are also environmental considerations now that must be dealt with, in terms of the disturbance in the ditch itself, and in terms of what has to be done to dispose of the spoil that is

pulled out. Due to these concerns, VDOT cannot give the removed dirt to residents any more, as was done in the past. Now VDOT has to obtain approved disposal areas, the same way a contractor would. They would be responsible for putting the material in, leveling it out, seeding it, etc.

**RE: PLANNING AND COMMUNITY DEVELOPMENT – LEE YOLTON,  
DIRECTOR**

a. Public Hearing - Zoning Case #Z-01-05, Request to Rezone 10.5 Acres from Agricultural-Conservation District to General Business District, With Proffered Conditions, Applicant: Howard Townsend - Lee Yolton, Director of Planning and Community Development for the County, presented and reviewed the application of Howard Townsend for a change in zoning classification from an A-C (Agricultural-Conservation) District to a B-1 (Local Business) District, with proffered conditions, on a 10.5 acre parcel located on the north side of Route 360, approximately one mile east of Route 604, and 0.8 mile west of Route 605. This parcel is further described as Parcel 33-9 on the King William County Tax Maps. The existing use of this parcel is an undeveloped, vacant, former quarry. The eventual user of this property is not known at this time.

Mr. Yolton explained that this request for rezoning was submitted on January 11, 2005, by the property owner/applicant, and that on January 12, 2005, his office received a letter from the applicant indicating that he would be represented on this request by an attorney, Peter Glubiak. Mr. Yolton continued, stating that shortly after the filing of this application, the request was discussed with Mr. Glubiak, and that staff urged the case to be strengthened with the addition of proffered conditions to address such elements as buffering, landscaping, lighting, limitation of uses, etc. Prior to the Planning Commission's hearing, no such proffered conditions were offered. Following the Planning Commission's recommendation for denial of this application, staff again recommended a detailed set of appropriate proffered conditions for this site. The suggested proffered conditions were then considered, signed and submitted by the applicant.

In presenting the staff overview of this application, Mr. Yolton reported that the site is appropriate for commercial development as reflected by the commercial

designation on the Land Use Plan Map, and with the recent addition of proffered conditions, the request adequately responds to the goals and policies for appropriate development within the Route 360 corridor.

Mr. Yolton reviewed the set of eight (8) proffered conditions which were presented in an appropriate format that address quality standards for development in the Route 360 corridor. Proffer #1 eliminates certain uses otherwise permitted in the B-1 Zoning District. This proffer would prevent the site from being used for temporary sales stands, an indoor flea market, or other inappropriate activities, and more significantly, prevents an automobile service station from locating on the property. The proffers also address the design of the site by restricting the type of signage with Proffer #2, lighting with Proffer #5, provide for paved parking areas with Proffer #6, and provide for a perimeter buffer strip along the frontage, and all other sides of the property with Proffer #4. In addition, with Proffer # 7, any stormwater detention ponds on the site must be landscaped and buffered. Proffer # 3 addresses permissible building materials that can be used. Even though the eventual user of the site is unknown as this time, this Proffer # 3 helps ensure that there will be quality materials and design by eliminating metal exterior finishes and providing for brick or other finished masonry foundations. Proffer # 8 addresses the unusual circumstance of having this property being the site of a former quarry operation. It ensures that the site will be certified as safe for development by conducting a geotechnical analysis as part of the site plan approval.

Mr. Yolton further advised that staff recommends approval of this application to the Board of Supervisors with the submitted list of 8 proffered conditions. Staff feels the application now meets the goals and objectives for development in the Route 360 corridor, with the list of proffered conditions, and is in accord with the Land Use Map recommendation for this property.

Thereupon, the Chairman declared the public hearing open for comments and the following persons appeared to speak:

Attorney, Peter Glubiak, representing the applicant, Howard Townsend, addressed the Board indicating that his client is willing to comply with whatever is

necessary for this application. He stated that he and his client has been in contact with the Planning Staff and are willing to meet all the necessary requirements.

He asked the Board of Supervisors to approve the rezoning on this request.

No other persons appeared to speak for or against this proposal. Thereupon, the public hearing was declared closed by the Chairman.

b. Consideration of Zoning Case Z-01-05 - On motion by C. T. Redd III, seconded by T. G. Smiley and carried with the following roll call vote, the application of Howard Townsend for a change in zoning classification from A-C to B-1 on 10.5 acres of land located on the north side of Route 360 approximately one mile east of Route 604, and 0.8 mile west of Route 605, was approved as requested, with the list of eight (8) proffered conditions. These proffered conditions follow:

1. Limit on Uses: Uses of the Property shall be limited to those permitted by right in the B-1 (Local Business) District (Article V of the Zoning Ordinance) with the following exceptions:  
Temporary stands, or outdoor areas for sale of Christmas trees, and the like;  
Temporary or open air stands for sale of fireworks or seasonal products;  
Indoor flea markets;  
Automobile service station;  
Billiard or pool hall, electronic game center, and similar;  
Public solid waste transfer site;
2. Signs: Entrance signage for the Property shall be constructed of brick, based on the ground and landscaped with ornamental plantings, which landscaping shall be maintained in a healthy state.
3. Building Materials: At a minimum, all buildings shall be constructed of brick, finished masonry, dryvit or stucco, or a combination thereof, with all buildings featuring a brick or finished masonry façade for foundations. Building material and design will comply with any adopted applicable standards for the Route 360 Overlay District.
4. Landscaping/buffering: Frontage of the property along Route 360 (Richmond/Tappahannock Highway) shall be designed with a landscaped buffer strip, a minimum of 50 feet. Such buffer strip to be planted with a combination of ornamental trees, shrubs, flower beds and the like, which landscape material to be maintained in a healthy condition at all times. In addition, there shall be a buffer area, a minimum, of 50 feet in width maintained along the perimeter of the Property along the remaining three sides. This buffer to be maintained in a natural, undisturbed state. All buffer areas may be supplemented with low, ornamental fencing.
5. Lighting: On site lighting shall be provided with "shoe-box" style lighting fixtures, or equivalent, to conceal the lighting source and minimize spillover or glare on adjoining properties. Lighting shall be reduced to no more than a security level following close of daily operations.
6. Parking Areas: All parking areas shall be paved and striped with wheel stops for each parking space provided. There shall be adequate handicapped parking spaces provided and all parking areas shall be designed with landscaped median islands at regular intervals. Adequate travel aisles within the parking areas will be provided and clearly marked to help ensure safe traffic flow.

7. Stormwater Management Facilities: Any on site detention ponds provided for stormwater management shall be landscaped around the perimeter and there shall be a minimum 15-foot perimeter provided around each pond for this purpose.

8. Land Suitability: A geotechnical analysis shall be prepared and submitted at the time of site plan review to indicate the suitability for development of any formerly mined/quarried areas of the property.

W. F. Adams	Nay
L. E. Byrum, Jr.	Nay
C. T. Redd III	Aye
T. G. Smiley	Aye
O. O. Williams	Aye

c. Public Hearing – Zoning Case #CUP-01-05, Request for Conditional Use Permit for Airport and Landing Field in the Agriculture-Conservation District, Applicant:

Charles Elis Olsson - Lee Yolton, Director of Planning and Community Development for the County, presented and reviewed the application of Charles Elis Olsson for a Conditional Use Permit to operate an airport and landing field at Romancoke Farm on 3.4 acres of the property located at the terminus of Route 701 (W. Euclid Blvd.). This property is described on the King William County Tax Maps as Parcel 62-36. Mr. Yolton advised that this property, owned by the Estate of Elis Olsson, is a large farm known as Romancoke, which contains a total of 3,000+ acres, and is located just outside of the Town of West Point. It has a significant amount of frontage along the Pamunkey River. This property was previously used as a commercial and military airport call “Thompson Field” prior to World War II. The applicant, Charles Elis Olsson, is the grandson of Elis Olsson and a pilot for a charter air service based in Richmond.

Mr. Yolton continued, explaining that the proposed sod landing strip, would be approximately 2,000 feet long by 675 feet wide, and would be for personal use and limited to daytime use only. The applicant estimates that no more than ten takeoffs/landings per week are likely. There would be no lighting associated with the landing field, and the sod landing strip could only accommodate light, general aviation aircraft. The landing field must receive permitting from the Federal Aviation Administration (FAA) and must comply with any applicable rules and regulations of the (FAA). The applicant proposes to build a hanger for his personal aircraft at some point in the future, which would accommodate no more than two aircraft, and may have an above ground storage tank for about 500 gallons of aviation fuel, for personal use only.

Mr. Yolton made the Board aware that staff has proposed four basic conditions for issuance of the Conditional Use Permit, and with those conditions, recommends approval of this request. The Planning Commission considered this application in public hearing on March 21, 2005, and voted to recommend approval of the request to the Board of Supervisors, subject to the proposed four conditions as proposed by the Staff. The four proposed conditions are as follows:

1. The landing field shall be a sod landing strip, approximately 2,000 feet long by 75 feet wide located as noted in the diagram(s) accompanying the application, approximately 400 feet north of the Romancoke manor house and aligned generally in an east/west orientation.
2. The landing field shall be for personal use only, and shall be used at all times in compliance with rules and regulations promulgated by the Federal Aviation Administration and/or other applicable aircraft rules and regulations.
3. There shall be no lighting installed to facilitate nighttime use; the landing field shall be used only during daytime hours. The owner may construct a hangar as an accessory to the landing field in accord with an approved building permit.
4. The sod landing field shall be kept in good repair at all times. If, for any reason, the landing field shall cease to be used for a period exceeding one year, this Conditional Use Permit shall become null and void.

The Chairman declared the public hearing open for comments and the following persons appeared to speak:

David Robinson, Jr., representing the applicant, offered a video presentation depicting aerial views of the proposed site to explain the application, the way the proposed sod airstrip will operate, and to demonstrate that this is a use that will not affect anyone in the area in any negative way. He explained that the proposed landing field will be located about 400 feet to the north of the Romancoke manor house and aligned generally in an east/west direction to take advantage of the prevailing wind direction. Some nearby trees, to the east of the landing strip would have to be cut to accommodate takeoffs and landings. The proposed location is well removed from any nearby homes, with the nearest home being about 5,000 feet distant. Mr. Robinson stated that the incoming planes would be approaching over the Pamunkey River and flying a downwind leg over the top of the trees and Romancoke Farm, turning and going back. The planes would not be flying over the top of the residential area of West Point Town or over the adjoining property to the side. Further, Mr. Robinson reported that at the public hearing before the King William County Planning Commission, the

question was asked if the planes would be overflying any homes or day care centers, etc., and Mr. Robinson advised the Board that there will be no overflying of any residential areas or day care centers. The site was previously the location of an active commercial and military landing field in the 1920's prior to World War II. It is relatively flat to accommodate landings and takeoffs. Construction of the field will require a land disturbance permit. There are plans for the future construction of a hangar on the site which will require a building permit. Mr. Robinson indicated that the applicant would have a fuel storage tank, capacity of 500 gallons, with a standard double wall/containment center, and that most likely, the storage tank will be inside a building to prevent contamination and control any spills if that should ever happen. Mr. Robinson stated that all FAA rules and regulations, which are quite substantial, would be complied with.

County Attorney, L. M. Chenault, stated that the fuel storage tank is not listed in the four proposed conditions, and clarified with Mr. Robinson that the storage capacity is limited to 500 gallons and will be in a double wall tank.

Mr. Chenault also questioned the fact that the owner of this property is the Elis Olsson Estate and the applicant is Charles Elis Olsson. He questioned the relationship of the applicant to the Estate and if the family or the heirs of the Estate are in agreement with this application. Mr. Olsson responded that he is a grandson and that Sun Trust Bank is the administrator of the Estate, and they are fully aware of this application.

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

d. Consideration of Zoning Case #CUP-01-05, Request for Conditional Use Permit for Airport and Landing Field in the Agriculture-Conservation District, Applicant: Charles Elis Olsson - On motion by L. E. Byrum, Jr., seconded by C. T. Redd III and carried unanimously, the Board approved the request of Charles Elis Olsson for a Conditional Use Permit for an airport and landing field in an Agriculture-Conservation District at Romancoke Farm (Tax Map Parcel 62-36) on 3.4 acres of the property located at the terminus of Route 701 (W. Euclid Blvd.), with the submitted list of four

conditions plus the additional condition for the provision of a double-walled aircraft fuel storage tank with a capacity of up to 500 gallons. These conditions follow:

1. The landing field shall be a sod landing strip, approximately 2,000 feet long by 75 feet wide located as noted in the diagram(s) accompanying the application, approximately 400- feet north of the Romancoke manor house and aligned generally in an east/west orientation.
2. The landing field shall be for personal use only, and shall be used at all times in compliance with rules and procedures promulgated by the Federal Aviation Administration and/or other applicable aircraft rules and regulations.
3. There shall be no lighting installed to facilitate nighttime use; the landing field shall be used only during daytime hours. The owner may construct a hangar as an accessory to the landing field in accord with an approved building permit. Up to 500 gallons of aircraft fuel, in a double-walled storage container, also may be kept on the site as an accessory use.
4. The sod landing field shall be kept in good repair at all times. If, for any reason, the landing field shall cease to be used for a period exceeding one year, this Conditional Use Permit shall become null and void.

**RE: PROPOSED FY-06 BUDGET**

a. Consideration of Fees for Contracted Emergency Medical Services (EMS) - At the request of L. E. Byrum, Jr., this matter was tabled for discussion until the Board's May, 2005, meeting.

b. Consideration of Amendment of Building Permit Fees - County Administrator, Frank A. Pleva, reported that during the Board's Budget Work Sessions, a discussion was had concerning amending the County's Building Permit Fees, as this has not been done in a number of years. It was suggested that a comparison be made between King William County fees and fees of surrounding localities. The fees offset part of the cost of operating the Building Department. Mr. Pleva presented information regarding fees from neighboring localities of a similar size. He made the Board aware that any proposed amendment to the fee schedule would have to be advertised and a public hearing conducted by the Board.

It was determined by the Board that a report detailing proposed amendments to the Building Permit Fees would be received by the Board from the Building Official at the Board's May, 2005, meeting, with a public hearing to be conducted at the June, 2005, meeting.

c. Adoption of Proposed FY-06 Budget - A request was put forth by C. T. Redd III to table adoption of the proposed FY-06 Budget until the May, 2005, meeting.

He stated that he would like to have a Board discussion concerning Emergency Medical Services for the County prior to adoption of the FY-06 Budget, and this item was tabled until the May, 2005, meeting.

Thereupon, the County Administrator advised the Board that under State Statute, the School Operating Fund portion of the Budget has to be adopted by May 1.

Whereupon, C. T. Redd III requested that action on the adoption of the proposed School Operating Fund portion of the FY-06 Budget be considered by the Board at this meeting, and requested that consideration of all other portions of the proposed FY-06 Budget be tabled until the May, 2005, meeting.

A motion was made by L. E. Byrum, Jr. to adopt the School Operating Fund portion of the FY-06 Budget as presented in public hearing held on April 11, 2005, to adopt the Resolution setting levies for the School Operating Fund portion of the FY-06 Budget for tax year, 2005, and to adopt the Resolution appropriating funds for the School Operating Fund portion of the FY-06 Budget. This motion was seconded by C. T. Redd III and carried with a unanimous roll call vote.

**RE: DISCUSSION OF KING WILLIAM COUNTY CODE, CHAPTER 18  
BUSINESS, SECTION 18-114; PEDDLERS, ITINERANT MERCHANTS**

The County Administrator addressed the request made to the Board at a recent meeting by a citizen to lower the fee assessed on individuals purchasing a Peddlers License. Currently, the flat fee is \$500.00, which is contained in the BPOL Ordinance. Information was presented to the Board on the fees assessed by other Virginia localities similar in size. Mr. Pleva further indicated that in checking with the office of the Commissioner of the Revenue, it was determined that six (6) Peddlers Licenses in were issued in 2004 in King William County.

In discussing the information presented, various Board members questioned the legal definition of "perishable items" and "non-perishable items" as used by Gloucester County in assessing Peddlers License fees, and also questioned the meaning of a \$500.00 fee "Maximum" as used by the Town of West Point.

At the request of C. T. Redd III, action on this matter was tabled until the Board's May meeting. At that meeting, additional information is to be presented concerning the above stated Board questions.

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

a. Regional Animal Shelter - The County Administrator reported that the site plan for the regional animal shelter has been received in the Planning Department and will be on the Planning Commission's agenda for its May 16, 2005, meeting. If the plan is approved by the Planning Commission, after conducting its public hearing, bids for the project can go out in June, and completion should be in approximately six months.

b. Mt. Olive Community Improvement Project - Mr. Pleva indicated that the "Self Help" portion of the project has been started. This is where the neighbors, under the auspices of the Project Engineer and representatives of the Department of Housing & Community Development, put in the water and sewer lines, not the main water and sewer treatment facilities, but the lines. This work started last week and there were several good days to work, but, even after several weeks of dry weather, the ditch was still wet. Work was stopped due to the rain at the end of the week, but, plans are, to begin the line work again in the next few days.

**RE: APPOINTMENTS**

a. Rappahannock Community College – One Member, Four Year Term, Term of James E. Mickens Expires June 30, 2005 – (Mr. Mickens is Eligible for a Second Term, but is Not Seeking Reappointment) - The Chairman requested that this appointment be tabled until the Board's May meeting.

**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**

L. E. Byrum, Jr. questioned the staff regarding how to handle the situation if an item on the proposed budget needs to be changed, amended, or removed. The County Administrator indicated that this matter could be done in the motion to adopt the budget.

**RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(A)(7), CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH LEGAL COUNSEL REGARDING SPECIFIC LEGAL MATTERS AND PROBABLE LITIGATION PERTAINING TO THE KING WILLIAM COUNTY COURTS AND PUBLIC SAFETY BUILDING**

On motion by T. G. Smiley, seconded by L. E. Byrum, Jr. and carried unanimously, the Board entered closed meeting pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, as amended, for consultation with legal counsel regarding potential litigation pertaining to new Courts and Public Safety Building.

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

In accordance with Section 2.2-3711B of the Code of Virginia, 1950, as amended, L. E. Byrum, Jr. 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 Freedom of Information Act; and

**WHEREAS**, Section 2.2-3711B of the Code of Virginia, 1950, as amended requires a certification by the King William County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

**NOW, THEREFORE, BE IT RESOLVED**, that the King William County Board of Supervisors hereby certifies that, to the best of each member's knowledge:

1. Only such business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were heard, discussed, or considered in the closed meeting to which this certification resolution applies, by the King William County Board of Supervisors.
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 ON MATTER HEARD IN CLOSED MEETING**

The Chairman announced that no action would be taken as a result of the closed meeting discussion.

**RE: ADJOURNMENT OF MEETING**

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

COPY TESTE:

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W. F. Adams  
Chairman

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Frank A. Pleva  
County Administrator