

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF APRIL 26, 2010

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 26TH DAY OF APRIL, 2010, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

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

WILLIAM H. HEFTY, INTERIM COUNTY ATTORNEY
FRANK A. PLEVA, COUNTY ADMINISTRATOR

INVOCATION – REV. DR. LEO WAGNER, PASTOR, MT. NEBO BAPTIST

CHURCH

The opening invocation was delivered by Rev. Dr. Leo Wagner, Pastor of Mt. Nebo Baptist Church.

RE: APPROVAL OF MEETING AGENDA

On motion by C. L. Schools, seconded by D. L. Wright and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the following changes: Under Item 7, Consent Agenda, 7(a) Approval of Minutes of Reconvened Meeting of March 25, 2010 with the King William School Board and of the Work Session of April 2, 2010 on the Draft FY-11 Budget were deleted from this Agenda and are to be added to the Board's agenda for a future meeting; 7(f) Mileage Approval for King William County representative to attend Regional Airport Authority meetings was added; 7(g) Authorization to Chairman of the Board to sign documents during the absence of a County Administrator was added; Item 9, VDOT Matters, was deleted and replaced with Item 9(a), Discussion of Proposed Ordinance Regulating the Discharge of Firearms and Arrows from Bows in Certain Residential and Commercial Subdivisions; Item 12 Budget Matters, Item (b) Announcement of Date, Time and Place for Consideration of Adoption of Proposed

FY-11 Budget, Including Tax Levies was added; and Item 15 (d) Announcement of a Free Prescription Discount Card being offered in a joint effort by King William County and the National Association of Counties was added.

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

Jeanette Wagner of the Fifth Election District, thanked outgoing County Administrator, Frank A. Pleva, for his years of service to King William County, and wished him all the best for the future.

Dr. Donald Longest of 6773 King William Road, discussed a recent news article in the Country Courier relating to the removal of signs from properties. He stated that the news story reported that a “No Motorcross” sign was removed, but the story did not report that a “God Bless Our Troops” sign was also removed at the same time from the same property. He further stated his opinion that any story being reported should be reported in its entirety and not leave out or skip something for convenience or some other purpose. Dr. Longest indicated that having served in the U.S. Military, he is very upset about the removal of this sign, as he is very proud of this sign and feels all Veterans/Americans should be proud as well. He questioned why this sign was removed, and why was it done on the complaint on any one person. He felt that any complaints regarding such matters should be submitted in the form of a registered letter giving each name and address, and it should be available for public knowledge.

C. T. Redd III asked Interim County Attorney, William H. Hefty, to comment on this matter. Mr. Hefty advised that the County’s sign ordinance is being reviewed as far as political signs are concerned, to determine if signs of that nature are allowed. He will bring back to the Board at a future meeting for its review, a proposed ordinance that would allow this type of sign to remain.

Thomas Jasinowski of 1056 Millwood Road in Aylett, addressed the Board regarding the condition of Route 607 (Millwood Road). He expressed his appreciation to the King William Sheriff’s Dept. and to VDOT for the prompt removal of a large tree which was completely blocking Route 607 (Millwood Road) on Sunday, April 4, 2010.

He further discussed emergency road repairs for Route 607 (Millwood Road), and indicated there should be two ways to get in and out of Route 607. He is a State Police Sergeant and has to be able to first respond on a moment's notice when called. Any time that he can't get out because of a road situation, it keeps him from doing his job. He is asking that Route 607 be maintained and repaired and also that plans be drawn for the repair of Route 643 (Millwood Court) which would serve as a second means of ingress and egress.

RE: CONSENT AGENDA

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

a. Minutes of the Regular Meeting of March 22, 2010, as presented

b. Claims against the County for April, 2010, in the amount of \$938,844.10

(1) General Fund Warrants # 72388-72544 in the amount of \$585,185.19; ACH Direct Payments #62-105 in the amount of \$85,587.77; Direct Deposits #13841-13951 in the amount of \$201,271.54; and Electronic Tax Payment in the amount of \$66,799.60

(2) For information purposes, Social Services expenditures for the month of March, 2010, Warrants #308081-308152 in the amount of \$52,298.43; Direct Deposits #2285-2302 in the amount of \$31,246.53; and Electronic Tax Payment in the amount of \$10,263.44

(3) For informational purposes, Circuit Court expenditures for the month of March, 2010, Warrants #72368-72375 in the amount of \$5,146.65; Direct Deposits #370-372 in the amount of \$8,626.84; and Electronic Tax Payment in the amount of \$2,962.70

(4) For informational purposes, Comprehensive Services Act Fund expenditures for the month of March, 2010, Warrants 72377-72386 in the amount of \$17,611.65

(5) There were no tax refunds for the month of March, 2010

c. Authorized advertisement of a Public Hearing to be held during the Board's May, 2010, regular monthly meeting beginning at 7:00 p.m. in the Board

Room of the King William County Administration Building, to consider Amendment of the Planning Department Fee Schedule

d. Adopted Revised Utility Standards as presented. The County adopted the current utility standard in 2002, and since that time a number of standards and Health Department requirements have changed. In addition, the County has desired to specify additional items that benefit the County such as a County standard for meters and items such as location wire to be installed on all pipes. These items have been updated in the Revised Utility Standards.

e. Adopted the following Proclamation celebrating “Older Virginians Month” during May, 2010, in King William County

**PROCLAMATION CELEBRATING THE MONTH OF MAY, 2010, AS
OLDER VIRGINIANS MONTH**

Since 1963, the month of May has been designated by the U. S. Administration on Aging as America’s special time to honor and recognize its older citizens. This year’s theme is *“Live Strong! Live Long!”* which recognizes the diversity and vitality of today’s older Americans who span several generations.

According to the U. S. Census Bureau, one out of every nine baby boomers will live to be at least age 90. In King William County, the Census Bureau estimates that by the year, 2020, the 65 and older set will increase to 3,675 people and to over 5,220 by 2030.

Healthy lifestyle choices can prevent or control many of the region’s leading causes of death linked to smoking, physical inactivity, poor diet, chronic diseases, and alcohol abuse.

There is now strong scientific evidence that it is never too late for healthy lifestyle choices to positively impact the physical, emotional and mental health of older persons. Older Virginians are encouraged to make healthy lifestyle choices that will help them live strong and long in order to maintain their independence in their homes and communities and avoid institutionalization.

For the above reasons I am asking all citizens of King William County to join us in celebrating this May as Old Virginians Month. The *“Live Strong! Live Long!”* theme encourages us all to educate one another about the advantages of a healthy lifestyle and to access available resources in our communities and online.

The U. S. Administration on Aging, Virginia Department for the Aging, Bay Aging and the King William County Board of Supervisors welcome your participation in and, call upon this community to observe Old Virginians Month and to *“Live Strong! Live Long!”*.

f. Approved payment of mileage for the County representative to attend meetings of the Middle Peninsula Regional Airport Authority.

RE: ADOPTION AND PRESENTATION OF RESOLUTIONS

a. Recognition of EVB on the Occasion of its 100th Anniversary – Ed Jones, Tom Newman and Joe James - On motion by D. L. Wright, seconded by O. O.

Williams and carried unanimously, the Board adopted the following Resolution recognizing EVB on the occasion of its 100th anniversary.

RESOLUTION OF APPRECIATION

WHEREAS, Eastern Virginia Bankshares (EVB) was founded in 1910 and has since grown to encompass 25 branches with a current employment of over 300 Eastern Virginians; and

WHEREAS, EVB is a local community bank dedicated to helping its customers achieve their financial dreams, and has done so over the decades by working on a personal level with families and local businesses; and

WHEREAS, EVB continues to strive for excellence by continually innovating with new products and services, while staying true to its community values and trusted relationships; and

WHEREAS, EVB has made it a priority to perform charitable work in the local community. EVB and its employees willingly donate their time and money to support the King William County community in efforts such as the King William Volunteer Fire Department & Rescue Squad, King William Little League & Youth Football, King William Parks & Recreation, King William County Schools and various local churches and non-profit fundraisers; and

WHEREAS, EVB is a local business celebrating a century of community banking this year and will continue to seek to foster a vibrant, prosperous Eastern Virginia for its employees and their families;

NOW, THEREFORE BE IT RESOLVED, that the King William County Board of Supervisors recognizes EVB for its steadfast dedication to economic growth and community service; and

BE IT FURTHER RESOLVED, that May 1, 2010 is hereby proclaimed to be EVB Day in King William County; and

BE IT FINALLY RESOLVED, that a copy of this resolution expressing the sense of this Board of Supervisors on this matter shall be spread upon the meeting minutes of said Board of Supervisors.

Following adoption of this Resolution of Appreciation, it was presented to EVB Officers, Mr. Tom Newman, Mr. Joe James, and Mr. Ed Jones by the Chairman, T. G. Smiley.

b. Recognition of "Be Kind to Animals" Week – Phyllis Jones, Indian Rivers Humane Society and Lauri Betts, Manager, Regional Animal Shelter - On motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board adopted the following Resolution in recognition of "Be Kind to Animals" Week , May 2nd through May 8th, 2010, in King William County.

RESOLUTION RECOGNIZING "BE KIND TO ANIMALS" WEEK

WHEREAS, we have been endowed not only with the blessings and benefits of our animal friends who give us companionship and great pleasure in our daily lives, but also with a firm responsibility to protect these fellow creatures, with whom we share the Earth, from pain and suffering; and

WHEREAS, we recognize that instilling attitudes of kindness, consideration and respect for all living things through humane education in the schools and the community helps provide basic values on which a humane and civilized society is built; and

WHEREAS, the people in King William County, Virginia are deeply indebted to the animal care and control agencies and humane societies for their invaluable contribution in caring for lost and unwanted animals and promoting a true spirit of kindness and consideration for animals in the minds and hearts of all people; and

WHEREAS, the first full week of May has been established as the annual national celebration of the philosophy of kindness to animals;

NOW, THEREFORE, BE IT RESOLVED, the King William County Board of Supervisors does hereby proclaim and pronounce the week of May 2nd through the 8th, 2010 as "Be Kind to Animals Week" and do heartily encourage full participation to all our citizens in events related thereto in this community; and

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors greatly thanks its animal shelter staff, animal control officers and community volunteers for their work in providing forever homes and loving care to stray and unwanted animals; and

BE IT FINALLY RESOLVED, that a copy of this resolution expressing the sense of this Board of Supervisors on this matter shall be spread upon the meeting minutes of said Board of Supervisors.

Lauri Betts, Manager of the Regional Animal Shelter, along with volunteer members of the Shelter Staff, and Phyllis Jones with the Indian Rivers Humane Society, were present and received this Resolution from Board Chairman, T. G. Smiley.

c. Appreciation to Frank A. Pleva for his Service to King William County -

On motion by C. L. Schools, seconded by C. T. Redd III and carried unanimously, the Board adopted the following Resolution of Appreciation to Frank A. Pleva upon his resignation as County Administrator. Mr. Pleva served as King William County Administrator from 2000 to 2010.

RESOLUTION OF APPRECIATION

WHEREAS, Frank A. Pleva was born in Norfolk, Virginia on December 30, 1951 to Mary Perry and Ted W. Pleva; and

WHEREAS, Mr. Pleva received a Bachelor of Arts in Urban Affairs from Virginia Polytechnic Institute & State University in June 1975; and

WHEREAS, Mr. Pleva has served 32 exemplary years in local government, 26 as county administrator; and

WHEREAS, Mr. Pleva's tenure in King William County extends from March 6, 2000 to April 30, 2010; and

WHEREAS, Mr. Pleva is very well loved and respected by his staff; and

WHEREAS, Mr. Pleva has served on numerous boards and commissions during his tenure in King William, including the chairman of the Middle Peninsula Regional Jail Authority; the

Virginia Association of Counties (VACo) Insurance Programs Board of Directors; the Middle Peninsula Planning District Commission; the Virginia Peninsulas Public Service Authority (VPPSA); the Middle Peninsula Regional Airport; the Middle Peninsula Chesapeake Bay Public Access Authority; and the Merrimac Juvenile Detention Center; and

WHEREAS, Mr. Pleva actively participated in many significant projects for the King William community, including the construction of the Courts & Public Safety Building; the expansion of Augusta Lumber; the completion of the Mt. Olive Community Improvement Project; the construction of the Central Garage utilities system; the construction of the Regional Animal Shelter; and, most recently, the expansion of natural gas lines into the County;

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors expresses its deep appreciation to Mr. Pleva for his career in public service, specifically in King William County; and

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors wishes Mr. Pleva a happy and prosperous future; and

BE IT FINALLY RESOLVED, that a copy of this resolution expressing the sense of this Board of Supervisors on this matter shall be spread upon the meeting minutes of said Board of Supervisors.

Upon adoption of this Resolution, it was presented to Mr. Pleva by members of the Board.

**RE: AUTHORIZATION OF CHAIRMAN OF THE BOARD TO SIGN DOCUMENTS
ON BEHALF OF THE BOARD IN THE ABSENCE OF A COUNTY ADMINISTRATOR**

By general consensus, the Board authorized its Chairman, T. G. Smiley, to sign documents on behalf of the Board in the absence of a County Administrator.

**RE: DISCUSSION ON PROPOSED ORDINANCE REGULATING THE DISCHARGE
OF FIREARMS AND ARROWS FROM BOWS IN CERTAIN RESIDENTIAL AND
COMMERCIAL SUBDIVISIONS**

On motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board tabled action indefinitely on the consideration of a proposed ordinance regulating the discharge of firearms and arrows from bows in certain residential and commercial subdivisions.

**RE: TIDEWATER RESOURCE CONSERVATION & DEVELOPMENT
COUNCIL (RC&D) – RICHARD PORTERFIELD – PRESENTATION OF BIO-MASS
ENERGY STUDY**

Dr. Richard Porterfield, a Tidewater RC&D Council member who serves on the RC&D Forestry Committee, gave a very informative presentation regarding a recent Biomass Energy Study performed by the Tidewater RC&D Council. This study is an analysis of the potential waste wood on forested acreage in non-industrial private ownership within a 50 mile radius of Aylett, Virginia, that could have an economic value if used to produce bio-fuels. He stated that approximately 20% of the volume of

wood product is left on site after the harvesting of timber. This analysis assumes an average of 4.0 green tons of chips per acre to be recoverable through the use of a small chipper added to the equipment of a final harvest operation. This volume would come from tops and limbs severed from the boles of the merchantable trees. In this Study done by the Tidewater RC&D Council Forestry Committee, it is being proposed to establish a wood pellet plant of minimum size within a 50 mile radius of Aylett. He explained that a wood pellet plant takes wood material and forces it under pressure through a machine and makes pellets that are used as an energy and heating source. This proposed plant would employ 15 new employees in the plant and in the woods.

**RE: PRESENTATION OF VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA)
SCHOOL CONSTRUCTION BONDS – DR. MARK JONES, SUPERINTENDENT**

Dr. Mark Jones, Superintendent of King William County Public Schools, addressed the Board seeking approval of a Resolution authorizing the issuance of a not to exceed \$287,000.00 General Obligation School Bond, Series 2010, of the County of King William, Virginia, to be sold to the Virginia Public School Authority and providing for the form and details thereof. This funding will be used for the purpose of financing capital projects for public school purposes, including energy efficiency improvements and renovation, as well as renewable energy projects, for various public school buildings within the County, each of which constitutes a capital project for school purposes.

Thereupon, on motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board authorized a public hearing to be held on May 3, 2010, during a reconvened meeting beginning at 7:00 p.m. in the Board Room of the County Administration Building, on the issuance of the local school bond in accordance with the requirements of Section 15.2-2606, Code of Virginia, 1950, as amended.

RE: BUDGET MATTERS – FRANK A. PLEVA, COUNTY ADMINISTRATOR

a. Public Hearing – Proposed FY-11 Budget Including Tax Levies - Frank A. Pleva, County Administrator, presented and reviewed the proposed FY-11 Budget including tax levies for 2010. He stated that this proposed document has been duly advertised in the local newspapers for public hearing and is available on the King William County website. Continuing, he stated that in round numbers, the proposed

budget totals \$49 million, of which \$20.6 million is in the General Fund and \$22.6 million is in the School Fund, of which \$2.3 million is for debt service. The remainder is for such funds as the Cafeteria Fund at the Schools, which is basically a self-supporting operation, the Comprehensive Services Act (CSA) which provides services for children with emotional and other similar type problems. The Budget does not include any increases in real estate, personal property, or machinery and tools tax rates, however, it does include an increase of \$5.00 in the existing annual vehicle license fee from \$25.00 to \$30.00 per vehicle. If approved by the Board, this \$5.00 increase in the vehicle license fee will generate an additional approximate \$60,000.00 to fund County operations.

Mr. Pleva further explained that the proposed FY-11 Budget is down approximately 5% from FY-10 and the School Budget is also down significantly, addressing the cuts made in State funding for education and the reduction or loss of stimulus funds for secondary education. The County is level funding the schools, there is no decrease in County funds for schools, and there is no proposed increase in County funds either.

Thereupon, the public hearing was declared open by the Chairman to receive comments on the proposed FY-11 Budget including tax levies.

The following persons appeared to speak:

a. Phyllis Jones representing the Indian Rivers Humane Society (IRHS), expressed appreciation for the funding that the IRHS will receive in the proposed FY-11 Budget, and to remind the Board that all of the funds they do receive are devoted to their low cost spay/neuter programs for citizens of King William County. Spaying and neutering pets is the most cost effective and humane method to control animal overpopulation.

b. Herb White and Lloyd Huckstep, representing the King William County Historical Society addressed the Board concerning the "Old Jail Building" on the historic Courthouse green. Mr. White stated that the roof on this building is in very, very bad repair and upon his investigation again earlier this evening, the roof in the different sections of the building has now caved in, which wasn't the case a short time ago. The Historical Society has obtained three bids, all from local King William County

contractors, which range in price from \$34,000.00 to \$38,000.00 to restore and stabilize the outside of the building, the roof, the windows, and the doors. Mr. White explained that the Historical Society is in dire need of some money to restore this building to keep the weather out. If not, the building will just deteriorate more and more as time goes on. In addition, Mr. White stated he has received information from a reputable source that Judge Hoover, Circuit Court Judge of King William County, has indicated he will discontinue holding court this coming winter in the historic King William County Courthouse if this "Old Jail Building" is not restored so that he can continue to use space in that building to shelter his court witnesses and jurors on court days. If this happens, King William County will lose its national significance as having "the oldest Courthouse in the United States still in continuous use".

Mr. White felt it to be a disgrace to King William County that this "old Jail Building" has been allowed to get to the condition it now is in, with no one making any attempt to repair it. It is a part of the Courtyard and a part of the history of King William County. He repeated his request for some funding assistance from the County to help stabilize the outside of this building until decisions can be made regarding the inside of the structure.

Lloyd Huckstep, President of the King William Historical Society, also addressed the Board concerning this matter. He thanked the Board for supporting the Historical Society's use of the old Circuit Court Clerk's Office which now houses the King William County Historical Museum. This museum has done much to attract tourism and bring people into the County. Regarding the "old Jail Building", over the past several days, there have been a total of 74 visitors, mostly out of County people visiting in the area for historic Garden Week, to come through the Museum, the historic Court House complex and to sit and eat on the Court House green. With this many people visiting, the Historical Society would like to find a solution to repairing the "old Jail Building" to at least make the portico safe. There is the possibility of visitors coming in and someone getting hurt in that area.

Mr. Huckstep indicated that he would like to ask the Historical Society membership to contribute or to participate in some type of fund-raising drive for these repairs, but he would really like the County to provide some funding first before he

asks the membership for funds to work on a public building. If the County could provide funding to stabilize the building and improve its appearance, perhaps the Historical Society could add to that. He added that if the County just lets this building continue to deteriorate, there will be a cost involved for demolition. He asked the County for some assistance in stabilizing this building.

JoAnn Dungee of 1300 Churchville Road, spoke in favor of the Parks and Recreation Summer Youth Program. The Board has funded this Program in the past and she asked that it be continued. Her daughter, Kristen Dungee, also thanked the Board for supporting the Summer Camp.

Kathy Morrison, resident of 19796 King William Road and representative of the Second District on the King William School Board, addressed the Board on behalf of the whole School Board. She thanked the Board for its support of the Budget presented by the School Board for FY-11 in March. She indicated that the two administrative staffs worked closely together this year. They got caught between an outgoing Governor's budget and an incoming Governor's budget, and the General Assembly, and the Board of Supervisors was able to allow her Board more time into March to make decisions. They lost almost \$2 million dollars in State funding so they had to make some tough decisions, just as the Supervisors did, but they were able to absorb those cuts, and brought a level funded budget to the Supervisors. She thanked the Board for its support and for including this amount in their budget.

Lauri Betts, Manager of the Regional Animal Shelter, also thanked the Board for supporting her FY-11 budget.

Sheriff Jeff Walton addressed the Board to also express his appreciation for their support of the Sheriff's Department budget. They too had to deal with the General Assembly and all the cuts they made, but he thanked the Board for its support.

Chairman, T. G. Smiley, commented that King William County is one of the few counties that didn't have to raise taxes, or have to cut employees, or cut school budgets, and the Board appreciates this.

D. L. Wright discussed the matter brought up regarding repair of the roof on the "old Jail Building". He indicated his opinion that the Board should give some

consideration to funding this project as he has spoken directly with Circuit Court Judge Hoover, and was told that Circuit Court would not be held in that historic building this winter unless repairs are made to the "old Jail Building", and he would not like to see the County lose this national significance. In addition, he feels it is a real safety hazard.

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

b. Announcement of Date, Time and Place for Consideration of Adoption of Proposed FY-11 Budget Including Tax Levies

The Board has set the date of May 3, 2010, at 7:00 p.m. in the Board Room of the King William County Administration Building to consider adoption of the Proposed FY-11 Budget including Tax Levies.

RE: PLANNING MATTERS – SCOTT LUCCHESI, DIRECTOR, COMMUNITY DEVELOPMENT

a. Request for Exception to the Transportation Corridor Overlay (TCO) District - Scott Lucchesi, Community Development Director, presented a request for an exception from the Transportation Corridor Overlay guidelines by the King William Business Park, owned by The Bailey Living Trust (formerly known as Bailey and Bailey, Inc.). He indicated that this request was before the Board at its February, 2010, meeting, but action was deferred at that time in order to provide more time for Board members to view the site.

He provided the case history on this application indicating that the King William Business Park, zoned B-2, is located between Route 662 (Sharon Road) and Route 360 (Richmond-Tappahannock Highway) and is shown as Tax Map Parcel Numbers 28-51 A-K. Currently, the applicant owns the lots shown as Tax Map Numbers 28-51D, 51ECA, 51E, 51F, 51J, and 51K. The EVB Bank is located on parcel 28-51G and the Dollar General Store is located on parcel 28-51C.

The Business Park is located in the Transportation Corridor Overlay District (TCO). The TCO contains development standards that include, but not limited to, landscape buffers, sidewalks, and side and rear yard requirements for sites developed

within this overlay district. The applicant maintains that these development standards restrict the use of his lots and is asking for an exception to some of the standards.

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

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

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

1. Reduction of the 35 foot streetscape along Route 360 to match the width of the streetscape in front of the EVB Bank, which is 16 feet.
2. Waiving the requirement to locate a sidewalk along Route 360 streetscape area.
3. Eliminate the buffer/yard requirements along the internal lot lines within the subdivision, along the pump station lot and common areas and

4. Reduce the 30 foot buffer/yard along the southwestern most property line of Lot 4 to 10 feet.
5. Reduce the 15 foot buffer/yard along the lot lines adjacent to Route 622 to 8 feet.

Mr. Lucchesi advised that these requests for exceptions are the result of several meetings and correspondence between the staff, the applicant and his counsel. During these meetings, staff informed the applicant that requesting these exceptions prior to site plan submittal could be viewed as premature by the Board, that enhancing the landscaping in the buffers on these sites would be a compromise to the reduction in the area, and that any applicable code regulations, such as Building Codes, setbacks required by the Zoning Ordinance, etc. would not be part of this request.

During discussion by the Board of this request, O. O. Williams questioned what would be done about the erosion problems that currently exist on this site.

Mr. Lucchesi responded that Mr. Williams has been taking heat for this site for a long time, and he has been working with Mr. Bailey to get the site cleaned up. Mr. Lucchesi indicated that he has called out the State agencies and that site is in compliance with the State. Mr. Bailey is still working with him to improve that site although there is no ordinance or enforcement action available. The site is in compliance, and Mr. Bailey still works with him when he calls him to get something done on that site, even though the State says it is in compliance. Just recently Mr. Bailey, in working with the State, has come up with some vegetation to plant that will grow better.

The Board discussed this request, and upon motion by C. L. Schools, seconded by D. L. Wright and carried with the following roll call vote, the Board approved the request by the King William Business Park, owned by The Bailey Living Trust (formerly known as Bailey and Bailey, Inc.) for an exception to the Transportation Corridor Overlay District guidelines on Tax Map Parcels 28-51D, 51ECA, 51E, 51F, 51J, and 51K on the King William County Tax Maps, with the following conditions of approval:

The following Exceptions were granted with the TCO Exception request For the King William Business Park.

1. Reduction of the 35 foot streetscape along Route 360 (Richmond/Tappahannock Highway) to match the width of the streetscape in front of the EVB Bank, which is 16 feet. ***(This reduction in the streetscape buffer does not eliminate the requirement for a sidewalk.)***
2. Eliminate the buffer/yard requirements along the internal lot lines within the subdivision, along the pump station lot and common areas and replace them with 10-foot buffers along the internal streets measured from the curb.
3. Reduce the 15 feet buffer/yard along the lot lines adjacent to Route 662 (Sharon Road) to 8 feet.
4. Reduce the 30 feet buffer/yard along the southwestern most property line of Lot 4 to 15 feet.
5. All other applicable development standards of the Transportation Overlay District shall apply to the development of the remaining lots in the King William Business Park.
6. On all lots/parcels within the King William Business Park with a reduced streetscape buffer along Route 360, twice the amount of landscaping required by the TCO development standards will be installed in the reduced buffer at the time of development.
7. Future structures to be built in the King William Business Park will not have metal roofs visible from Route 360 or Route 30.
8. Lot 2 will be combined with the adjacent Reserved Area into one lot.

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

RE: DISCUSSION – COUNTY POLICY ON SCREENING FOR ALCOHOL AND/OR SUBSTANCE ABUSE

In regular meeting of February 22, 2010, the Board adopted a policy entitled “screening for Alcohol and Substance Abuse”, which allows for random drug testing under certain circumstances, but authorization was not given to the County Administrator to circulate it to all County employees requesting their signature indicating they have received and read the policy, and the signed statement placed in each individual’s personnel file.

Thereupon, on motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board deleted language from Item 3 – “Reasonable Suspicion Screening” of the previously adopted policy as follows:

Deleted Language

Information that an employee is using alcohol or illegal drugs in violation of County policy, when obtained from a reliable person with personal knowledge of the facts that support the allegation

This same motion authorized circulation of the Policy to all County employees, current and future, with a signed statement indicating their receipt of same, to be placed in each employee’s personnel file.

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

a. Broadband Stimulus Grant, Phase II and Google Request for Information
County Administrator, Frank A. Pleva, advised that King William County has been part of a regional effort to bring a broadband backbone/network into the Northern Neck and Middle Peninsula. Unfortunately the application for Phase I was not funded, but application has now been made for the Phase II Broadband Stimulus Grant funding, and also to the Google Request for Information for their experimental high speed program. It is estimated that word should be received some time this summer as to whether it will be funded.

b. Mt. Olive Community Improvement Project - The County Administrator reported that all the housing, rehabs and new houses, approximately 30 units, have been completed. There is still some blight removal of old abandoned structures being done. He stated that he had spoken with the Project Engineer earlier today and he indicated that the contractor should be finished with the next 30 days putting in the water and sewer lines, not the laterals, because Bay Aging has to come back after that with the grant money for this. Also, some of the lines put in by the self-help group have been tested and a few minor repairs had to be made.

The goal is to get these 30 units connected once these lines are completed within the next 30 or so days. This excludes the laterals which Bay Aging already has the grant funding for. There are no local funds involved, it will be covered entirely with grant funding. The whole project should be closed out sometime this summer.

c. Virginia Natural Gas Line Extension Project - The County Administrator reported that a groundbreaking was held on April 1, 2010, at the Commerce Park on Route 360, with the Lt. Governor of Virginia, Bill Bolling, State Senator, Ryan McDougle, and State Delegate, Chris Peace, attending, for the extension of the Virginia Natural Gas line into King William County from Hanover County. The line will run down Route 360 on the left side (east side) coming into King William County from Hanover. Approximately 3 or 4 miles of existing gas line in Hanover County will be used, a pump station will be upgraded in Hanover, approximately 12 miles of new gas line will be installed up Route 360, cross under the Pamunkey River in a bore, then go down Route 360, then go over land at some point, about 3 miles over to the Nestle Purina plant. According to Virginia Natural Gas, they hope to have this project completed by the end of this calendar year.

He reminded the Board that Virginia Natural Gas has had a franchise for approximately 22 years, but up to this point, had not done anything with it. They didn't have to do anything until they thought it to be economically feasible.

This gas line will help Nestle Purina, according to Mike Broz, Plant Manager, not only to meet their discharge standards because it is a cleaner burning fuel than the sources they now use, but will help them potentially in the future, compete with other plants they have east of the Mississippi, for future expansion. That will benefit the County not only from an infrastructure standpoint in terms of taxable improvements, but also in terms of employment as well.

Cecil Schools asked if Board approval is necessary to have the County engineer, Charlie Reidlinger, talk to the engineers at Virginia Natural Gas about the possibility of using their right-of-way for extension of water and sewer lines. It was determined that Board action on this would not be necessary. The County Administrator indicated that he would contact Virginia Natural Gas regarding this matter.

d. King William County Prescription Discount Card - The County Administrator announced that King William County has launched a discount card program to help consumers with the high price of prescriptions. The County is making free prescription drug discount cards available under a program sponsored by the

National Association of Counties. Residents can visit www.caremark.com/naco to print an ID card. They are also available at all County locations or residents can call toll free 1-877-321-2652.

RE: APPOINTMENTS

a. All-Hazards Emergency Planning Committee – One Member, Four Year Term, One from Election District #5 - On motion by O. O. Williams, seconded by D. L. Wright and carried unanimously, the Board appointed Dr. Andres Franco to serve a four year term representing Election District #3 on the All-Hazards Emergency Planning Committee. Said term will expire January 31, 2014.

b. Building and Code Appeals Board – One Member, Five Year Term, (Engineer) - The County Administrator indicated that he would contact Charlie Reidlinger of Resource International to determine his interest in serving in this capacity.

c. Middle Peninsula-Chesapeake Bay Public Access Authority – One Member to Fill Vacated Position Held by County Administrator - On motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board appointed Terri E. Hale to fill the vacated position on the MP-Chesapeake Bay Public Access Authority to be effective May 1, 2010.

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

a. Herb White made the Board aware of a VDOT sign denoting direction for the Mattaponi and Pamunkey Indian Reservations that has been lying on ground at the intersection of Route 360 and 30 for some time. He asked if VDOT could be contacted to correct this.

RE: BOARD OF SUPERVISORS' COMMENTS

Board members expressed their appreciation to Frank A. Pleva, County Administrator, for his years of service with King William County and wished him all the best in the future.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711A(7), CODE OF VIRGINIA, 1950, AS AMENDED, FOR THE CONSULTATION AND DISCUSSION

WITH LEGAL COUNSEL EMPLOYED BY THE PUBLIC BODY AND BRIEFINGS BY STAFF MEMBERS REGARDING SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY SUCH COUNSEL PERTAINING TO THE CONSTRUCTION OF THE REGIONAL ANIMAL SHELTER, CONTRACTUAL AGREEMENTS RELATED TO THE REGIONAL ANIMAL SHELTER, AND LEGAL ISSUES RELATED TO THE SIGN REGULATIONS WITHIN THE COUNTY ZONING ORDINANCE AND PURSUANT TO SECTION 2.2-3711A(1) OF THE CODE OF VIRGINIA, 1950, AS AMENDED, FOR THE DISCUSSION AND CONSIDERATION OF THE EMPLOYMENT OR THE APPOINTMENT OF AN INTERIM COUNTY ADMINISTRATOR

On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board entered Closed Meeting pursuant to Section 2.2-3711A(7) and pursuant to Section 2.2-3711A(1) as stated above.

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

In accordance with Section 2.2-3412D of the Code of Virginia, 1950, as amended, C. L. Schools 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 D. L. Wright 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 2.2-3416D of the Code of Virginia, 1950, as amended, requires a certification by the King William County Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law.

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

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were heard, discussed, or considered in the Closed Meeting to which this certification applies, by the King William County Board of Supervisors.
2. Only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed, or considered in the Closed Meeting by the King William County Board of Supervisors.

RE: RECESS OF MEETING

On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, this meeting was continued to Monday, May 3, 2010, at 7:00 p.m. in the Board Room of the King William County Administration Building.

COPY TESTE:

T. G. Smiley, Chairman