

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF MAY 19, 2003

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 19TH DAY OF MAY, 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 – RESIGNED FROM BOARD POSITION EFFECTIVE THIS DAY
E. P. STEROWSKI
D. L. WRIGHT

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

Chairman, L. E. Byrum, Jr., announced that the Board has received a letter of resignation from the Honorable Robert S. Diggs, First District Representative of the King William County Board of Supervisors, effective May 19, 2003. His resignation is due to health reasons.

On motion of C. T. Redd, III, seconded by E. P. Sterowski and unanimously carried, the County Administrator was directed to prepare a Resolution of Appreciation for Mr. Diggs in recognition of his almost 16 years of service to the citizens of King William County, and to present him with a framed copy of the King William County Coat of Arms.

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 two additions – Add Item 7 d – Adoption of Resolution Regarding Acceptance of Poplar Road and Poplar Place into VDOT's Secondary Highway System, and add Item 10 g – Adoption of Community Development Block Grant (CDBG) and Indoor Plumbing Rehabilitation (IPR) Combined Program Design and Management Plan.

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

Sue Lyddan, 5485 Dabney's Mill Road, stated that in light of the recent action taken by the Virginia Marine Resources Commission, on a 6-2 vote, to deny the City of Newport News permission to build a water intake in the Mattaponi River in King William County, encouraged this Board to recognize the efforts undertaken by the Virginia Marine Resources Commission (VMRC) and the Virginia Institute of Marine Science (VIMS) in their diligent investigation on behalf of King William County and its natural resources, and send a letter from the Board to these two state agencies, stating same.

Mrs. Lyddan also encouraged this Board to revisit its contract with Newport News to con-

sider the next appropriate steps to declare it void, because nearly 15 years have passed, and there is minimal interest of the County citizens and apparently of this Board.

Eugene Rivara, a resident of Commins Road in Aylett, stated that King William County is now faced with a definite decision since the permit has been denied by VMRC. The County should direct its legal counsel to get out of its contract with Newport News, and end a bad project now. He asked the Board to vocalize on this project to let the public know how it now feels.

Mr. Rivara reiterated what Mrs. Lyddan stated by indicating that the two state agencies, VMRC and VIMS, have done an incredible job with their investigations.

John Moncrief, a resident of King and Queen County, stated that he attended the VMRC hearings and no representatives were present from King William County. He, too, requested the Board not to remain silent on this project and stated that Article 4, Section 9 of the Commonwealth of Virginia Constitution allows members of the Board to speak on the matter. He stated that individual members of the Board can be vocal. Further, Section 15.2-1405 of the Code of Virginia grants immunity to the governing body.

Ms. Leslie Fallows, a resident of Aylett, indicated her opinion that 10 years ago, the Board made a terrible decision in signing the contract with Newport News. Since that time, citizens have spent many dollars in opposing this project. She requested the Board to make it a priority to find a way to support the citizens to help correct this mistake.

Billy Mills, a resident of King and Queen County, and President of the Mattaponi and Pamunkey Rivers Association, indicated that irreparable damage could come to the Mattaponi River with this project. He stated his opinion that since there is new evidence, that it would not be a breach of contract for the Board to discuss this issue. He asked the Board to consider this and communicate with the citizens of the County.

Paulette Berberick, a resident of Powhatan Trail, stated that she owns 42 acres of land in the proposed reservoir area, and if this project goes through, her family land will be destroyed. She and her husband have plans to divide this property with their children and also to make some improvements to their home, but, they have not done so, because of the uncertainty of the project. They feel their lives have been held in limbo long enough and urged the Board to take steps to void its contract with Newport News.

Stephen Previs, a resident of Powhatan Trail, indicated that Mrs. Berberick is his sister and he also owns property in the same area. He indicated that he feels he and his family have been held hostage on their own properties, and that the contract should be cancelled so that the landowners can continue on with their plans.

Mr. Previs asked the Board for their comments at this meeting to the interested citizens in attendance.

There being no other persons appearing to speak, the Chairman indicated that the Board will be going into closed session at the end of this meeting to discuss legal matters.

RE: CONSENT AGENDA

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

a. Minutes of the April 21, 2003, meeting and of the April 28, 2003, regular meeting as written

b. Claims against the County for May, 2003, in the amount of \$1,146,763.20 as follows:

(1) General Fund Warrants #53568-53712 and manual checks #13952-13954 in the amounts of \$947,876.34 and \$23,095.59; Direct Deposits #4678-4767 in the amount of \$130,731.74; and Electronic Tax Payment in the amount of \$45,059.53

(2) For informational purposes, Social Services expenditures for the month of April, 2003, Warrants #302421-302513 in the amount of \$29,959.55; Direct Deposits #781-795 in the amount of \$20,489.26; and Electronic Tax Payment in the amount of \$7,502.23

(3) For informational purposes, Circuit Court expenditures for the month of April, 2003, Warrants #53543-53551 in the amount of \$6,074.99; and Direct Deposits #78-80 in the amount of \$6,716.36

(4) For informational purposes, Comprehensive Services Act Fund expenditures for April, 2003, Warrants #53553-53566 in the amount of \$36,558.45

(5) Tax Refunds for the month of April, 2003, in the amount of \$718.32

c. Adopted the following resolution requesting the Virginia Department of Transportation to accept Poplar Road and Poplar Place located in the Venter Heights Subdivision into the State Secondary System of Highways:

RESOLUTION REFERENCE VENTER HEIGHTS SUBDIVISION

WHEREAS, the Board of Supervisors has this day decided to establish, as part of the State Secondary System of Highways, the following roads in the Venter Heights Subdivision in the Mangohick Magisterial District:

- | | |
|-----------------------------|------------------------------|
| 1. Street Name: Poplar Road | 2. Street Name: Poplar Place |
| From: Route 1241 | From: Route 1242 |
| To: Dead End | To: Dead End |
| Length: 0.22 Miles | Length: .038 Miles |
| Right of Way: 50' | Right of Way: 50' |

WHEREAS, the plat conveying the necessary clear and unencumbered 50' right of way along with the required drainage easements was duly recorded in the Clerk's Office of King William County on August 26, 1975, in Plat Book 10, Pages 70-72.

NOW, THEREFORE, BE IT RESOLVED, that this Board does hereby guarantee the said clear and unencumbered 50' right of way and drainage easements, and requests the Department of Transportation, pursuant to Section 33.1-229 of the Code of Virginia, as amended, to accept the following:

- | | |
|-----------------------------|------------------------------|
| 1. Street Name: Poplar Road | 2. Street Name: Poplar Place |
| From: Route 1241 | From: Route 1242 |
| To: Dead End | To: Dead End |
| Length: 0.22 Miles | Length: .038 Miles |
| Right of Way 50' | Right of Way: 50' |

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

RE: VDOT MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER

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

- a. Stop Light at Intersection of Routes 360 and 30 at Central Garage - Mr. Stunkle reported that the VDOT engineers have again considered the visibility question at the intersection of Routes 360 and 30, if following behind a large truck, but, no report has been received yet.
- b. Route 360, Eastbound Lane Above Manquin - The Resident Engineer, indicated that the needed repairs on the eastbound lane of Route 360 above Manquin, will be the first item the paving contractor will be doing in King William County, and this work should begin after Memorial Day.
- c. West Point Bridges – Six-Year Plan - Mr. Stunkle reported that the West Point Bridges projects will be completely financed in the Six-Year Plan.
- d. Route 600 to Mill Road – Report on Requested Lowering of Speed Limit Mr. Stunkle noted that based on a speed study performed, the lowering of the speed limit to 45MPH on Route 600 from Aylett to Mill Road is not recommended at this time.
- e. Route 30 – Reducing of Speed Limit to 45 MPH for Truck Traffic Requested - D. L. Wright discussed the possibility of lowering the speed limit on Route 30 for truck traffic to 45 MPH, and also the possibility of placing the portable scales on Route 30 on a more permanent basis in order to check trucks on a frequent basis.

Mr. Wright further discussed the possibility of VDOT performing a study to determine the feasibility of widening Route 30, at least six feet on both sides. He indicated that something has to be done with Route 30 to make it safer for all motorists. With the increased traffic flow, he felt Route 30 cannot endure to support it. He also discussed the possibility of double lanes for Route 30, and indicated that he will continue a sustained effort for improvements.

In responding to the proposed 45 MPH speed limit on Route 30 for truck traffic, Mr. Stunkle indicated that he is not sure about having a split speed limit for traffic on a primary system roadway.

- f. Route 618 - Mr. Wright noted the influx of traffic now using Route 618, as this route parallels Route 30, and how this has impacted this roadway. He requested that VDOT come in and blacktop this entire roadway all the way out to Route 360 in Manquin, instead of just doing a spraying and sanding.

RE: PLANNING MATTERS – MATT WALKER, COMMUNITY DEVELOPMENT DIRECTOR

- a. Consideration of Setting Work Session and/or Public Hearing on Draft Comprehensive Plan Update 2002 - Community Development Director, Matt Walker, stated that the Planning Commission conducted a public hearing in April, 2003, on the draft Comprehensive Plan Update 2002, and recommends its approval to the Board of Supervisors. In addition, a

joint work session of the Board of Supervisors and the Planning Commission was conducted on May 12, 2003, and some wording changes were suggested, which have been worked into the Plan. The staff has received comments from CBLAB, HRSD, Resource International, and the County's Economic Development team, Mr. Bill Stafford and Mr. Greg Kelley, with minor recommended wording changes to the document. These wording changes are to the background sections of the Plan and will not alter or change any of the strategies, objectives, or goals of the Plan, and these minor wording changes can be made prior to the date of any advertised public hearing. Further, it was the staff's recommendation that the Board set a public hearing on this proposed draft Plan.

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board set a public hearing on the draft Comprehensive Plan Update 2002, to be conducted during its regular monthly meeting for June 23rd beginning at 7:00 p.m. in the Board Room of the King William County Administration Building, and advertise it accordingly.

RE: MOUNT OLIVE COMMUNITY IMPROVEMENT PROJECT – CDBG PROGRAM REQUIREMENTS

a. Adoption of Local Business and Employment Plan - On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board adopted the King William County Local Business and Employment Plan and authorized its Chairman to execute this document on behalf of the Board.

b. Adoption of Non-Discrimination Policy - On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted a Non-Discrimination Policy, and authorized its Chairman to execute this document.

c. Adoption of Grievance Procedure - On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board adopted a Grievance Procedure to be used in the resolution of any complaints alleging any action prohibited by the Department of Housing and Urban Development's 24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC 794.

d. Adoption of Residential Anti-Displacement and Relocation Assistance Plan - On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted a Residential Anti-Displacement and Relocation Assistance Plan, and authorized its execution by the Chairman and the County Administrator.

e. Adoption of Fair Housing Certification - On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted a Fair Housing Certification for compliance with Title VIII of the Civil Rights Act of 1968, and authorized its Chairman to execute this document.

f. Adoption of 504 Policy and Statement of Intent - On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board adopted the King William County 504 Policy and Statement of Intent regarding funds for improvements in the Mt. Olive – Cohoke Road area of the County, and authorized its Chairman to execute this document.

g. Adoption of CDBG and Indoor Plumbing Rehabilitation (IPR) Combined Program Design and Management Plan - On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board adopted the Combined Program Design and Management Plan for the Mount Olive Community Development Project, Phase One, and authorized its Chairman to execute this document on behalf of the Board.

RE: ADOPTION OF RESOLUTIONS OF APPRECIATION

a. Chief Webster Custalow – Mattaponi Reservation - On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board adopted the following resolution acknowledging Chief Webster Custalow’s life-long leadership and dedication to the land on the Mattaponi Indian Reservation and the members of the Tribe.

RESOLUTION OF APPRECIATION

WHEREAS, Chief Daniel Webster “Little Eagle” Custalow was born on November 14, 1912, on the Mattaponi Indian Reservation where he passed on March 21, 2003; and,

WHEREAS, in 1977, he was elected Chief and led the tribe until his death; and,

WHEREAS, Chief Custalow operated his own trucking company hauling pulpwood as well as farmed and fished on the Mattaponi River; and,

WHEREAS, Chief Custalow dedicated his life to the Mattaponi Indian Tribe, serving as Chief for twenty years, where he maintained the Treaty of Tribute to the Commonwealth of Virginia that has remained continuous since it was signed in 1646 and ratified in 1677; and,

WHEREAS, married to Mary “White Feather” Custalow, who passed away in 1963, the couple has nine children, twenty-seven grandchildren and thirty-two great grandchildren.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors recognizes Chief Custalow and applauds all of his accomplishments through his ninety years of life; and,

BE IT FURTHER RESOLVED, that the King William Board of Supervisors acknowledges Chief Custalow’s life-long leadership and dedication to the land on the Mattaponi Indian Reservation and the members of the Tribe; 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 Chief Custalow’s family, and shall be spread upon the meeting minutes of said Board of Supervisors.

b. Chief Tecumseh Deerfoot Cook – Pamunkey Reservation - On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted the following resolution acknowledging Chief Cook’s life-long leadership and dedication to Pamunkey Indian Tribe.

RESOLUTION OF APPRECIATION

WHEREAS, Chief Tecumseh Deerfoot Cook was born on the Pamunkey Indian Reservation on November 9, 1899, and passed away on April 11, 2003; and,

WHEREAS, Chief Cook attended the Pamunkey Indian School but learned about real-life lessons from his father, who taught him how to fish, trap, and hunt; and,

WHEREAS, Chief Cook worked as a hunting guide at Old Town Club for more than 40 years; and,

WHEREAS, Chief Cook dedicated his life to the Pamunkey Indian Tribe, serving as Chief for forty-two years, where he was involved in all aspects of the tribe including its government, museum, and fish hatchery; and,

WHEREAS, Chief Cook attended more than sixty tributes to the Governor in Richmond; and,

WHEREAS, Chief Cook was a life-long member of Pamunkey Baptist Church where he served as a Deacon for sixty-five years; and,

WHEREAS, married to Ruth in 1925, the couple has three children, fifteen grandchildren, sixteen great-grandchildren and one great-great grandchild.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors recognizes Chief Cook and applauds all of his accomplishments during his 103 years of life; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors acknowledges Chief Cook's life-long leadership and dedication to the Pamunkey Indian Tribe; 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 Chief Cook's family, and shall be spread upon the meeting minutes of said Board of Supervisors.

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

a. Deaton Tract Boundary Adjustment – Longwood Farms of Virginia, Inc. Request - The County Administrator reported that the Garrett family (Longwood Farms of Virginia, Inc.) has not yet surveyed and flagged the property in question so that the Board can view the site, but this should be done by the Board's June or July, 2003, meeting.

b. Courts Facility – Frank Pleva, County Administrator, indicated that according to Kevin Vaughan, the Clerk of the Works for this project, the red iron structural steel is going up and should be completed by the end of the month. In addition, the slab rough in work continues.

c. Regional Animal Shelter Facility - It was reported by the County Administrator that notification has been received that Middlesex County has withdrawn from this project.

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board rejected all bids on this project which were submitted and opened on April 4, 2003, and directed the County Administrator to seek bids on a redesign of the building in the Fall.

Mr. Pleva reported that a new location will be selected, one that is closer to the populated areas of King and Queen and King William Counties. He further indicated that the cost of the redesign plan will be borne by the architect, but the Counties of King and Queen and King William will pay for the relocation plan.

RE: CENTRAL GARAGE PUBLIC UTILITIES SYSTEM

a. Consideration of McCauley Park Public Utility Service Agreement for Off-Site Water Distribution Line - Prior to any discussion by the Board on this matter, Mr. L. M. Chenault, County Attorney, advised the Board that he has abstained from any matters regarding this project, and will continue to do so, due to a family conflict.

On motion by C. T. Redd, III, seconded by E. P. Sterowski and carried with the following vote, the Board approved a "Public Utility Service Agreement" between King William County and McCauley Park, LLC.

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

RE: APPOINTMENTS

a. Middle Peninsula Regional Jail Authority – One Board Member, Replacement for R. S. Diggs – Term Expires 12/31/03 (Term coincides with term of office) - On motion by C. T. Redd, III, seconded by E. P. Sterowski and carried unanimously, the Board appointed Board Member, D. L. Wright, to fill the vacated, unexpired term of R. S. Diggs, ending December 31, 2003.

b. Middle Peninsula Public Access Authority – One Member of Governing Body or County Administrator (Term to be established by Bylaws during organization of Authority) - On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board appointed the County Administrator to serve as the County's representative on the Middle Peninsula Public Access Authority.

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

No persons appeared to speak.

RE: BOARD OF SUPERVISORS' COMMENTS

a. D. L. Wright announced that a Memorial Service to honor Veterans will be held on Friday, May 23, 2003, beginning at 8:30 a.m. at the Veterans Memorial Park in West Point, and invited everyone to attend. Mr. T. D. Steward of the King William Ruritan Club will be speaking at this service.

b. C. T. Redd, III recognized retiring Board Member, Honorable Robert S. Diggs, for his many years of service as a Board Member, as well as a member of the West Point Town Council, and thanked him for his unselfish service. Mr. Redd indicated that the Board will greatly miss Mr. Diggs.

c. L. E. Byrum, Jr. thanked the public who attended this meeting and spoke before the Board.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(A)(1) OF THE CODE OF VIRGINIA, 1950, AS AMENDED, FOR DISCUSSION AND CONSIDERATION OF THE RESIGNATION OF THE FIRST DISTRICT REPRESENTATIVE ON THE KING WILLIAM COUNTY BOARD OF SUPERVISORS, PROSPECTIVE CANDIDATES FOR THE FIRST DISTRICT REPRESENTATIVE AND THE APPOINTMENT OF A FIRST DISTRICT REPRESENTATIVE; AND PURSUANT TO SECTION 2.2-3711(A)(7) DISCUSSION AND CONSIDERATION OF PENDING LEGAL ISSUES

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board entered closed meeting pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, for Discussion and Consideration of the Resignation of the First District Representative on the King William County Board of Supervisors, Prospective Candidates for the First District Representative, and the Appointment of a First District Representative; and Pursuant to Section 2.2-3711(A)(7) for Discussion and Consideration of Pending Legal Issues.

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

In accordance with Section 2.2-3711(B) 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 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 2.2-3711B 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 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 at this time 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:

Frank A. Pleva
County Administrator