

**MINUTES**  
**KING WILLIAM COUNTY**  
**BOARD OF SUPERVISORS**  
**MEETING OF MAY 19, 2008**

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 19<sup>TH</sup> DAY OF MAY, 2008, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PERSONS PRESENT:**

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

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

**RE: APPROVAL OF MEETING AGENDA**

On motion by T. G. Smiley, seconded by C. L. Schools and carried unanimously by those present, the Board adopted the agenda for this meeting as presented by the County Administrator with the following additions and changes: Item 6, Consent Agenda – add (h) Appointment of John L. Bull as Acting Building Official; and add (i) Approval of Litter Control Grant; Item 9a, Public Hearing –Zoning Case #Z-03-03, Request to Revise Proffers, Tax Map Numbers 22-20; 22-20D; 22-20F, Owner: Kennington Place, LLC – Continue this public hearing to the Board’s June 23, 2008, meeting; Item 10 a, b, c, - Discussion of King William County Code Proposed Amendments – (a) Animals Running At Large; (b) Parking; (c) Loitering – Defer this discussion to the Board’s June 23, 2008, meeting; and Item 11a – Appointments (a) Board of Zoning Appeals – One Member, Five Year Term, Term of Alice Washington Expires 6/30/08 – Recommendation to Judge of Circuit Court for Appointment; - Defer this appointment to the Board’s June 23, 2008, meeting.

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

Herb White of 101 Bea's Lane, addressed the Board concerning the above stated deferment of a recommendation to the Circuit Court Judge of an individual to serve as a member of the King William County Board of Zoning Appeals. He indicated that the term of Mrs. Alice Washington expires on June 30, 2008, and that in order to allow sufficient time for the recommendation of an appointee to circulate among the Circuit Judges for signatures, he asked if the recommendation could be made by the Board at this meeting. He spoke in favor of the reappointment of Mrs. Washington stating that she has served on the Board of Zoning Appeals for the past 18 years, and during this time has been a very conscientious, hard-working member, and has been a great asset to Board of Zoning Appeals.

Mr. White also made the Board and everyone aware of an upcoming golf tournament being sponsored by the Mattaponi Crime Solvers, Inc. in conjunction with the King William County Sheriff's Department to be held on June 6, 2008, at the Queenfield Golf Course. He stated that proceeds from this event will benefit "Project Lifesaver" which is a program administered by the Sheriff's Department to provide either a wrist band transmitter or ankle band transmitter to help locate missing persons of Autism, Alzheimer's and other conditions that could render a person unable to communicate information, if they become lost. The transmitters constantly emit a signal that can be picked up by receivers carried by deputies.

Mr. White invited all interested persons to participate in the golf tournament on June 6<sup>th</sup>.

Sheriff Jeff Walton expressed his appreciation to the Board for its continued support of the Sheriff's Department. He especially thanked the Board for approving funding for the Enhanced Retirement benefit that was contained within the FY-09 Budget for his Department.

Sandra G. Taylor addressed the Board on behalf of the Upper King William Senior Citizens Association to present the seniors' concerns about the proposed motorcross facility. She stated their concern that this proposed site in Mangohick is not the place for an activity of this nature due to the high volume of traffic that will be created, the loud noise, and the trash that will be generated. They are also concerned

about their safety on Route 30, as there are daily/weekly as well as weekend activities at the Senior Center with a large number of senior members attending these events.

Charles Piersa, President of the King William Farm Bureau, thanked the Board for the reduction, in the adopted FY-09 Budget, in the per acre value of real property in the land use program from the proposed \$1,140.00 to \$1,000.00 for agricultural land.

He also stated his opinion on a recent expenditure made by the County for a new starter on a piece of County owned equipment.

**RE: CONSENT AGENDA**

On motion by T. G. Smiley, seconded by C. L. Schools and carried unanimously by those present, the Board adopted the following items on its Consent Agenda:

- a. Minutes of the Regular Monthly Meeting of April 28, 2008, as written
- b. Claims against the County for May, 2008, in the amount of

\$1,312,236.45 as follows:

(1) General Fund Warrants #67484-67637 in the amount of \$897,575.32; Manual Check #14170 in the amount of \$8,607.80; Direct Deposits #11149-11269 in the amount of \$190,817.30; and Electronic Tax Payments in the amount of \$63,930.29

(2) For informational purposes only, Social Services expenditures for the month of April, 2008, Warrants #306655-306723 in the amount of \$44,076.26; Direct Deposits #1880-1887 in the amount of \$25,290.56; and Electronic Tax Payment in the amount of \$8,889.55

(3) For informational purposes, Circuit Court expenditures for the month of April, 2008, Warrants #67458-67465 in the amount of \$5,127.63; Direct Deposits #284-287 in the amount of \$10,196.56; and Electronic Tax Payment in the amount of \$3,559.32

(4) For informational purposes, Comprehensive Services Act Fund expenditures for April, 2008, Warrants #67467-67482 in the amount of \$54,165.86

(5) There were no Tax Refunds for the month of April, 2008.

- c. Approved a supplemental appropriation in the amount of \$12,500.00 for the Sheriff's Department. These are federal grant funds passed through the Virginia

Department of Motor Vehicles that must be used to pay for overtime for additional patrol hours and for specific equipment. No additional local funds are required.

d. Authorized advertisement of public hearing to be held during the Board's regular June 23, 2008, meeting, beginning at 7:00 p.m. in the Board Room of the King William County Administration Building to consider Zoning Case #CUP-03-00, Request to Renew a Conditional Use Permit, Tax Map Number 7-33A; Owner/Applicant: Essex Concrete Corporation

e. Approved FY-08 School Fund Transfers by function. It was indicated that these transfers are necessitated by changes in state requirements concerning categorization of technology expenditures and the increasing fuel costs for pupil transportation.

f. Authorized advertisement of a public hearing to be held during the Board's regular monthly June, 2008, meeting, beginning at 7:00 p.m. in the Board Room of the King William County Administration Building to consider a proposed amendment to the King William County Code Section 70-45 "Biennial Assessment and Equalization" to reflect a reassessment schedule of every three (3) years.

g. Approved FY-08 Budget Line Item Transfers for the Building Department in the amount of \$1,200.00

h. Appointed John L. Bull to serve as Acting Building Official for King William County, effective immediately. William Okuly resigned as Building Official effective May 16, 2008.

i. Approved a supplemental appropriation in the FY-08 Budget for the Litter Prevention Department in the amount of \$2,500.00. This appropriation is for Allied Waste Services funds donated for the 2008 Spring Clean Up. No additional local funds are required.

**RE: PRESENTATION OF KING WILLIAM COUNTY COAT-OF-ARMS PRINT TO BAYLANDS FEDERAL CREDIT UNION, MR. CHRIS BURGESS, CEO**

On behalf of King William County, Chairman C. T. Redd III presented Mr. Chris Burgess, CEO of BayLands Federal Credit Union, with a framed King William County Coat-of-Arms print as a token of appreciation of their support of the 2008 Spring Fest.

BayLands Federal Credit Union was the title sponsor for 2008 Spring Fest, held on April 19<sup>th</sup>.

**RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY ADMINISTRATOR**

VDOT Residency Administrator, Charles Stunkle, addressed the Board to provide an update on items from the Board's April meeting, including the following:

a. Requested Speed Zones at Three Locations - Mr. Stunkle reported that these requests have been forwarded to the VDOT Traffic Engineering Department.

b. Mowing Operations in the County - It was reported that mowing operations in the County have begun as of today on the primary routes and will begin tomorrow on the secondary routes, weather permitting.

c. Secondary Plant Mix Schedule – Mr. Stunkle advised that the secondary plant mix schedule for the County has been awarded, which includes three large secondary roads – Route 605 (Manfield Road) 1.1 mile in the Manquin Farms vicinity; Route 614 (Etna Mills) from Bleak Hill Fork to the Hanover County line, and Route 618 (Acquinton Church Road) from Mt. Pleasant Road to Dunluce Road.

d. Revised Revenue Sharing Program - The Board was advised that invitations to the Revised Revenue Sharing Program will be coming out next week, and that the deadline of August 1, 2008, has been set for receipt of applications.

e. Adoption of Resolution Approving the Secondary Roads Six-Year Plan (FY-09-FY-14) and the FY-08-FY-09 Construction Priority List - On motion by C. L. Schools, seconded by T. G. Smiley and carried unanimously by those present, the Board adopted the following Resolution approving the King William County Secondary Roads Six Year Plan (FY-09 – FY-14) and the FY-08-FY-09 Construction Priority List, as presented by Charles Stunkle, Residency Administrator.

**RESOLUTION**

**WHEREAS**, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each County to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and,

**WHEREAS**, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2008/09 through 2013/14) as well as the Construction Priority List (2008/09) on March 24, 2008, after duly advertised so that all citizens of the County had the opportunity to

participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

**WHEREAS**, Charles E. Stunkle, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2008/09 through 2013/14) and the Construction Priority List (2008/09) for King William County.

**NOW, THEREFORE, BE IT RESOLVED**, that since said Plan appears to be in the best interest of the Secondary Road system in King William County, and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2008/09 through 2013/14) and Construction Priority List (2008/09) are hereby approved as presented at the public hearing.

f. Abandonment of Virginia Secondary Route 666 (Chericoke Road) from Route 600 to 0.72 mile southwest of Route 600 - The County Administrator reviewed the request received from Mrs. Alice Siegel, Siegel Family, to abandon Route 666 (Chericoke Road) from Route 600 to 0.72 mile southwest of Route 600, as was presented to the Board at its April 28, 2008, meeting. Mr. Pleva indicated that the Board's order from that meeting to post and publish notice of the Board's intent to consider this abandonment has been carried out.

On motion by T. G. Smiley, seconded by C. L. Schools and carried unanimously by those present, the Board adopted the following resolution abandoning the section of Route 666 (Chericoke Road) from Route 600 to the terminus of Route 666, a distance of 0.72 mile, and removes it from the secondary system of state highways pursuant to Section 33.1-151, Code of Virginia, 1950, as amended.

### **RESOLUTION**

**WHEREAS**, a public notice was posted as prescribed pursuant to Section 33.1-151, Code of Virginia, 1950, as amended, announcing a public hearing to receive comments concerning abandoning the section of road described below from the secondary system of state highways; and,

**WHEREAS**, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road; and,

**WHEREAS**, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of State Route 666 (Chericoke Road) from State Route 600 to the terminus of State Route 666, a distance of 0.72 mile, and hereby deems that section of road is no longer necessary as a part of the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED**, that a certified copy of this Resolution be forwarded to the Residency Administrator of the Virginia Department of Transportation.

g. Announcement of Request to Abandon Virginia Secondary Route 634 (Kentucky Road) - The County Administrator announced that a request was received

in his office today from Mr. Read Branch, a partner of Amazing Grace Associates, property owners of Kentucky Farm, to enlist the Board's support to have VDOT abandon approximately 40 feet of right-of-way at the end of Kentucky Road where Route 634 (Kentucky Road) dead ends into their property.

Further, the County Administrator reported that Mr. Stunkle, VDOT Residency Administrator, has reviewed this request and indicated the official length of Route 634 (Kentucky Road) is 0.70 mile to the dead end. Mr. Stunkle's report further indicated that VDOT has measured 0.676 mile to the proposed dead end of state maintenance, which means the proposed abandonment would be for the last 0.024 mile of the road.

It was determined that the Board, if it intends to consider this requested abandonment, must publish notice in the local newspaper for two successive issues of such intent, prior to its meeting. In addition, the road proposed for abandonment has to be posted with the same notice, and notice has to be forwarded to Charles Stunkle, Residency Administrator with VDOT.

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

a. Public Hearing – Zoning Case #Z-03-03, Request to Revise Proffers, Tax Map Numbers 22-20; 22-30E; and 22-20F - Owner: Kennington Place, LLC - Scott Lucchesi presented the request from Kennington Place, LLC to amend proffers approved with Zoning Case Z-03-03 to allow for the addition of 43 additional building lots on 17.58 acres within the existing Kennington Subdivision, located on the northwest side of Route 360, approximately one mile north of the intersection of Route 30 and Route 360 in the Central Garage area. This property is described on the King William County Tax Maps as #22-20; 22-20E; and 22-20F. On March 29, 2004, the Board of Supervisors approved the application (Case #Z-03-03) of Kennington Place LLC for rezoning to R-1, with proffers, to allow for the development of a 229 lot single-family major subdivision and a 172 unit multi-family development consisting of townhouse and carriage style homes for sale. The approval also included rezoning an area to B-2, with proffers, to allow future marketing and development of commercial uses along Route 360.

Continuing, Mr. Lucchesi advised that this application proposes to increase the number of residential building lots within the existing Kennington Subdivision by adding 43 single-family lots for a total of 272. The 172 multi-family units consisting of townhomes and carriage houses for sale will remain as planned with no changes.

Further, Mr. Lucchesi explained that a public hearing was conducted on April 21, 2008, by the Planning Commission and several citizens voiced concern about the proffer amount being too low. The applicant and staff disagreed to the exact amount that would be the cash proffer, however, the applicant conceded to the staff figure of \$7,303.00 per lot. Another concern raised was the library site that was proffered to King William. This site is 2.5 acres in size and has been donated to King William County. The Pamunkey Regional Library has been supplied a plat of the parcel and is aware the site is proffered.

In further reviewing the cash proffer amount of \$7,303.00 per lot to help alleviate the impact the proposed lots will create on the schools, fire and rescue service, and recreation, Mr. Lucchesi indicated the breakdown of the dollar amount and how the cash proffer will be divided up as follows:

- Schools – 90% - \$6,573.00
- Fire & Rescue – 5% - \$365.00
- Parks & Recreation – 3% - \$219.00
- Library – 2% - \$146.00

Continuing, Mr. Lucchesi noted that the proposed lots will be serviced by the County public water and wastewater facilities.

It was the recommendation of the Planning Commission and staff to the Board to approve this request with the conditions and proffers outlined.

Thereupon, the public hearing was declared open by Chairman, C. T. Redd III and immediately continued to the Board's June 23, 2008, meeting.

No comments were taken.

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

Stephen Greenwood of 121 Harris Road addressed the Board stating his opinion that the Board does not listen to comments made to them by citizens. He indicated that he was upset about the Budget adopted by the Board at its last meeting.

**RE: BOARD OF SUPERVISORS' COMMENTS**

Various Board members expressed appreciation to the citizens for their attendance at this meeting and participating in County government.

**RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711A(7) OF THE CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH LEGAL COUNSEL EMPLOYED AND RETAINED BY THE BOARD OF SUPERVISORS REGARDING SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY SUCH COUNSEL PERTAINING TO THREATENED LITIGATION REGARDING THE CONSTRUCTION OF THE REGIONAL ANIMAL SHELTER; AND ACTUAL LITIGATION ENTITLED ST. LAURENT PAPER PRODUCTS CORP. V. COUNTY OF KING WILLIAM**

On motion by T. G. Smiley, seconded by C. L. Schools and carried with a unanimous roll call vote, the Board entered closed meeting pursuant to Section 2.2-3711A(7) of the Code of Virginia, 1950, as amended, for the above stated.

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

In accordance with Section 2.2-3412D of the Code of Virginia, 1950, as amended, 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 T. G. Smiley and carried with a unanimous roll call vote.

**RESOLUTION**

**WHEREAS**, the King William County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act: and,

**WHEREAS**, Section 2.2-3417D of the Code of Virginia, 1950, as amended, requires a certification by the King William County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

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

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

2. Only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the closed meeting by the King William County Board of Supervisors.

**RE: ACTION ON CLOSED MEETING MATTERS**

The Chairman announced that no action would be taken by the Board as a result of the discussions in the closed meeting.

**RE: ADJOURNMENT OF MEETING**

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

COPY TESTE:

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Frank A. Pleva, County Administrator