

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF MAY 22, 2006

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 22ND DAY OF MAY, 2006, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, THE MEETING WAS CALLED TO ORDER WITH THE FOLLOWING PRESENT:

T. G. SMILEY, CHAIRMAN
O. O. WILLIAMS, VICE-CHAIRMAN
C. T. REDD, III
W. F. ADAMS
E. J. RIVARA

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

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd III, seconded by E. J. Rivara and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator, with two changes – (1) under Consent Agenda, Item 6h was added, Authorization for Public Hearing to Consider an Amendment to the King William County Code to Waive Permit Fees for Tax Exempt Non-Profit Organizations, and (2) under Item 15, Closed Meeting Pursuant to Section 2.2-3711(a)(1), Code of Virginia, 1950, as Amended, for Discussion of the Performance of Specific Employees in the Division of Community Development, was deleted and added under Item 15, was, Closed Meeting Pursuant to Section 2.2-3711(a)(7), Code of Virginia, 1950, as Amended, for Consultation with Legal Counsel Employed and Retained by the King William County Board of Supervisors Regarding Specific Legal Matters Requiring the Provision of Legal Advice by Such Counsel Pertaining to the King William County Courts and Public Safety Building.

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, a resident of 1186 Mill Road in Aylett, addressed the Board concerning three items: (1) Requested the Board to seek assistance from VDOT in lowering the speed limit on Route 30 at its intersection with Route 619 (Horse Landing Road), and with placing signage along Route 30 near this intersection alerting motorists to “watch for turning vehicles”. With the heavy flow of traffic now on Route 30, a vehicle stopping to wait for oncoming traffic to pass before making a turn across the lane of traffic, is in real danger of being hit in the rear end. Several near miss accidents of this type have occurred at this intersection within the past several days. (2) Mr. White, speaking as Chairman of the Board of Zoning Appeals, asked the Board to act favorably when considering the reappointment of William R. Barber, Sr. to the Board of Zoning Appeals later on the agenda for this meeting. Mr. White indicated that Mr. Barber has been an excellent BZA member and always performs his duties in a very thorough and professional manner. (3) In addition, Mr. White spoke in favor of establishment of a Department of Fire/EMS in King William County, which is to be considered by the Board later on this meeting’s agenda. He feels that Mr. Steve Puckett, recently employed Emergency Services Director for the County has already done an excellent job of coordinating with the various fire and rescue departments in the County.

Mr. Roger Habeck, publisher of the Virginia Review magazine, stated that twice during the past three issues, they have had the pleasure of writing articles featuring King William County. One was an article in the September/October, 2005, issue featuring the late Leroy T. McAllister, former member of the Board, and the other article appeared in the March/April, 2006, issue featuring the late L. E. Byrum, Jr., Board member. He made available to the Board extra copies of these two issues.

Mr. Robert Washington, a resident of 392 Old Newcastle Road in Manquin, addressed the Board concerning a drainage problem he is experiencing on his property with water coming from Route 360 onto his property, which is located across Route 360 from the Manquin Post Office and the Service Station. He indicated that VDOT has 4 or 5 drainage pipes under Route 360 and they all drain onto the back of his property. He feels VDOT should install a swale from Route 360 to direct this water

flow away from his property, and asked the Board for assistance in working with VDOT.

Michelle Jabonowski, daughter of Dr. Andres Franco, a resident of 1129 Millwood Road, addressed the Board concerning a critical situation that occurred on Friday, May 19th when her father became ill and needed transport by a rescue squad to the hospital. She advised that she is a Nurse Practitioner and knew of the seriousness of the situation. She indicated that a telephone call was placed to the King William Dispatcher by her mother, Dr. Patricia Franco, requesting a rescue squad, advising of the seriousness of the situation, and giving the Dispatcher directions to her father's home. However, a problem occurred with the rescue squad reaching their home due to the Herring Creek Millpond bridge and dam on Route 607 having been washed out by Tropical Storm Gaston in 2004. Ms. Jabonowski indicated that directions for using the alternate route, a logging road, to her father's property were given to the Dispatcher by her mother and she was assured by the Dispatcher that directions were understood, and that the rescue squad should arrive in minutes. Twenty minutes later when the squad had still not arrived and her father's condition was worsening, a call was again placed to the Dispatcher asking where the squad was. Ms. Jabonowski stated that her daughter was waiting at the main gate to the house for the squad to guide them up, and her daughter could hear the sirens on the other side of the Dam break in the road. In order for the squad to reach the house, they traveled up Route 607 to the Dam break, (2 ½ miles) then had to backtrack on Route 607 from the washed out Dam, (2 ½ miles) go down Route 608, (2 ½ miles) and then to the house, another 1.3 miles. All of this was a hefty delay in time in a critical condition. Once the squad arrived, they were BLS (Basic Life Support) volunteers and the need was identified for an ALS (Advanced Life Support) provider. Several more minutes were taken up with trying to get this communication through. Her father was finally transported by the BLS providers to K.J.'s Country Store in Aylett, to meet with an ALS squad coming from the East Hanover Volunteer Rescue Squad located on Shady Grove Road in Hanover County, responding as mutual aid.

Continuing, Ms. Jabonowski stated that, as a member of the community, she is coming to the Board of Supervisors, because she feels the Herring Creek Millpond

Dam Association has been working very hard to get the Dam situation on Route 607 cleared up and fixed. She also expressed concerns about the possibility of there ever being a need for fire equipment in this location and no way for it to get through. A fire truck cannot travel down the logging road that is having to be used currently.

Dr. Patricia Franco, wife of Dr. Andres Franco, Jr., addressed the Board regarding concerns about emergency rescue and fire apparatus not being able to get to homes on Route 607 due to the bridge washout, and asked the Board to address this situation before someone has to die because of it. She stated that for the past 2 ½ years they have had to use a logging road that is for the most part, one lane, and with little upgrade to service in this so-called interim period.

Jamie Johnson of Walkerton, a member of the King William Volunteer Fire Department and Rescue Squad and a member of the Walkerton Community Fire Association, addressed the Board concerning the state of affairs of the volunteer organizations in King William County today, and asked the Board to address this volunteer emergency services situation in the County. She asked that the Board adopt the resolution to be considered later in this meeting, to establish the Department of Fire/EMS Services in the County.

RE: CONSENT AGENDA

On motion by C. T. Redd III, seconded by W. F. Adams and carried unanimously, the Board approved the following items on its consent agenda:

- a. Minutes of the Regular Meeting of April 24, 2006, as written
- b. Claims against the County for May, 2006, in the amount of \$735,198.05

as follows:

(1) General Fund Warrants #61959-62157 in the amount of \$484,697.43; Manual Checks #14100-14102 in the amount of \$17,631.63; Direct Deposits #8480-8579 in the amount of \$174,950.50; and Electronic Tax Payment in the amount of \$57,918.49

(2) For informational purposes, Social Services expenditures for the month of April, 2006, Warrants #305022-305090 in the amount of \$38,193.46; Direct Deposits #1420-1436 in the amount of \$25,373.38; and Electronic Tax Payment in the amount of \$8,579.01

(3) For informational purposes, Circuit Court expenditures for the month of April, 2006, Warrants #61933-61935 in the amount of \$3,223.97; Direct Deposits #192-194 in the amount of \$7,951.68; and Electronic Tax Payment in the amount of \$2,815.78

(4) For informational purposes, Comprehensive Services Act Fund expenditures for April, 2006, Warrants #61940-61957 in the amount of \$51,201.25

(5) Tax Refunds for the month of April, 2006, in the amount of \$372.80

c. Authorized the resetting and advertisement thereof of a public hearing to be held during the Board's regular June 26, 2006, meeting beginning at 7:00 p.m. to consider an amendment to the Code of King William County changing the General Reassessment cycle from every four years to every two years

d. Adopted a Resolution Approving the Issuance of Debt in the Amount of \$1,415,370.00 through the VML/VACo Pooled Bond Program for the Completion of Phase I of the King William High School Athletic Facilities Renovation

e. Approved the request of Special Magistrate, Beth Dandridge, for a supplemental appropriation in that office's budget for FY-06 in the amount of \$519.00

f. Approved the request of Virginia Cooperative Extension for a supplemental appropriation in the FY-07 budget in the amount of \$228.87 due to the filling of the ANR position, which was vacant at the time of the FY-07 Budget submittal

g. Authorized advertisement for a public hearing to be held during the Board's regular June, 2006, meeting beginning at 7:00 p.m. to consider Zoning Case Z-07-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to R-1 (Suburban Residential)(Conditional); Applicant/Contract Purchaser: R. P. James River Investment Group, LLC

h. Authorized advertisement for a public hearing to be held during the Board's regular June, 2006, meeting beginning at 7:00 p.m. to consider an amendment to the Code of King William County to waive permit fees for tax-exempt, non-profit organizations

RE: DISCUSSION OF COURT HOUSE EAST WALL REBUILDING PROJECT – MARION JONES, KING WILLIAM HISTORICAL SOCIETY

Marion Jones, representing the King William County Historical Society, addressed with Board with concerns regarding rebuilding the east Court House wall. She presented a brief history indicating that the repair and restoration of the walls surrounding the Court House had its beginnings in 1992. The Society worked on funding and really geared up in 1997. Construction/restoration on the east wall began in late summer, early fall and was completed in the winter of 1999. In the spring of 2000, mortar failure was noted, and today, the wall is continuing to deteriorate. The court case regarding this problem has been settled, but the wall is still in limbo. She questioned the Board about what is to be done now. With the Jamestown 2007 celebration coming up, it would be nice to have this work completed prior to that time.

The County Administrator indicated that he would arrange a meeting with Mrs. Jones and the Wall Restoration Committee prior to the Board's June meeting.

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

Charles E. Stunkle, VDOT Residency Administrator, addressed the Board to provide an update.

a. Route 648 (White Bank Road) and Route 654 (Indian Church Road) - At the Board's April 24, 2006, meeting, it was requested that, due to speeding, a traffic study be conducted on each of these routes. Mr. Stunkle reported that a speed study on Route 648 and on Route 654 has been conducted and the recommendation is to reduce the speed limit on both routes to 35 MPH on the paved portions and to 25 MPH on the unpaved portion, dead end portion, of Route 648 (White Bank Road). These reports have been forwarded to the Richmond office for approval, and he anticipates having this approval by the Board's June, 2006, meeting.

b. Traffic Configuration – Intersection of Route 360 and Route 30 at Central Garage - Mr. Stunkle reported that the Traffic Engineers have been requested to review this intersection regarding the lane configuration, particularly, Route 30 north.

c. Response to Questions Raised in Opening Public Comment Period Regarding Request to Lower Speed Limit on Route 30 in Front of King William County Court House and Posting of Signs Indicating Turning Vehicles - Mr. Stunkle responded to a request the Board received in its opening public comment period

regarding lowering the speed limit on Route 30 through the Court House area and posting signs alerting motorists to watch for turning vehicles. Mr. Stunkle indicated that he has made a note of this request, and will have the Traffic Engineers review this area.

d. Route 607 (Millwood Road) - C. T. Redd III questioned Mr. Stunkle regarding VDOT's position on the washed out Herring Creek Millpond Bridge and Dam on Route 607. Mr. Stunkle responded that VDOT has provided a cost estimate to restore the Dam to its pre-existing condition to its Dam Owners Association, whose cost responsibility it is, according to Virginia Code. It has now been learned that this Dam falls under the jurisdiction of the Department of Conservation and Recreation Dam Safety Program. This requires the Dam owners to secure a permit from them to be able to replace the Dam. As part of this, some additional improvements are now required to the Dam structure, which are over and beyond what was previously essential. It was Mr. Stunkle's understanding from his last meeting with the Dam Owners Association and their engineer, that they were working towards obtaining this permit. He has not heard from them that they have been successful.

Prior to learning of this requirement for a Permit from the Department of Conservation and Recreation, VDOT had gone through the process to determine what permits they needed to begin the work, and everything was ready to begin, but if the overall footprint to the dam changes as a result of the DCR permit, then VDOT will have to go back and revisit all of these permits again prior to being able to do any type of construction. This will change the entire project, even what the construction will end up being.

W. F. Adams questioned Mr. Stunkle regarding what VDOT was ready to begin doing – to rebuild the Dam and put the road on top of the Dam or just put the road back. Mr. Stunkle responded that VDOT basically was to put the earthen part of the Dam, and the road, and the guard rail as it existed pre-Gaston. VDOT had all the permits ready and had a contractor ready to come in to do the work, until it was discovered that it was necessary to obtain the permit from DCR. That is the Dam owners responsibility, VDOT only has the right to maintain the road over the Dam.

In discussing the other end of Route 607, the Board requested VDOT to provide the necessary maintenance to improve the surface of this section of the roadway.

By general consensus, the Board authorized the County Administrator to prepare a letter to the Virginia Department of Conservation and Recreation stating the Board's support of the Dam Owners Association obtaining this required permit.

Mr. John Martin, President of the Herring Creek Millpond Dam Owners Association, advised that application has been made to the Department of Conservation and Recreation Dam Safety Program for the required permit. The Association has had to employ engineers to do hydrological surveys, etc. DCR Dam Safety is trying to hold the Association to a 50 year flood event, but with the water that comes through Herring Creek, there is no structure that would withstand a 50 year flood event, be it a pipe under the road, fixing the Dam for water crossing, etc., nothing, according to the DCR engineers, and they have denied the application for a permit. The next step for the Association is to appeal this 50 year event to DCR, and they are now in the process of drafting an appeal letter requesting them to lower this to a 10 year flood event. On the 10 year event, Mr. Stunkle has to survey it, sign the contract, and start the work. The 50 year flood event was originally implemented to protect home owners and property owners on the bottom sides of Dams and to keep the Dams in good working order to handle the 50 year flood event. The Association is appealing to DCR because there is nothing below this Dam but marshland and the Mattaponi River. When the Dam broke, nothing was damaged, because there is nothing there to be damaged, and there will never be anything there to be damaged because it is all wetlands. He thanked the Board for sending a letter to DCR supporting the Dam Association's appeal for the 10 year event.

e. Route 655 – Ayletts Road - E. J. Rivara stated that at the end of Route 655 (Ayletts Road) where it meets Harris Road and Mallard Creek Lane, there is an area in the middle of the road that is quite bumpy, where the under layment was put down and probably is not up to state standards. He requested VDOT to make some repairs to this area.

f. Route 1135 - Parkwood Drive, Entrance into Parkwood Subdivision - E. J. Rivara made the Board aware that he has been approached by several residents of

Parkwood Subdivision regarding the possibility of getting VDOT to install a “Watch for Children” sign in this neighborhood. The posted speed limit is 25 MPH, but vehicles are traveling faster.

Thereupon, on motion by E. J. Rivara, seconded by O. O. Williams and carried unanimously, the Board adopted a resolution requesting VDOT to install a “Watch for Children” sign on Route 1135 (Parkwood Drive), which is the entrance into Parkwood Subdivision, and more specifically, near the 25 MPH sign, and prior to 1136 (White Pine Court).

RE: PLANNING MATTERS – LEE YOLTON, COMMUNITY DEVELOPMENT

DIRECTOR

a. Public Hearing – Zoning Case #Z-06-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to B-1 (General Business)(Conditional); Applicant/Contract Purchaser: AC Properties of Virginia - Lee Yolton, Community Development Director, presented and reviewed the application of AC Properties of Virginia LLC (applicant/contract purchaser), Andy Stampley and Curtis Grubbs, (representing AC Properties), and Queenfield Farm/Barnes Townsend and James Townsend, (owners) for a change of zoning district classification from A-C (Agricultural-Conservation) and B-2 (General Business) to B-2 (General Business)with proffered conditions. This parcel contains 8.2 acres and is located at the northeast corner of Route 360 and Route 604 (Dabneys Mill Road), and is further described as Parcel 33-5(part) on the King William County Tax Maps. This property is located within the Transportation Corridor Overlay District, and the application includes a set of three proffers.

Mr. Yolton explained that the property is currently under contract for purchase by AC Properties, LLC from the owner, Queenfield Farm, James P. Townsend and H. Barnes Townsend, Jr., partners. The applicants propose to develop a childcare center at this location, as well as a hardware store and associated rental center for a variety of equipment.

Further, Mr. Yolton advised that a one-acre portion of this property, lying directly at the intersection of Route 360 and Route 604 was rezoned to the B-2 (General Business) district in April, 2002 (Zoning Case #Z-02-02). This rezoning was to

accommodate a commercial sign for the Queenfield Golf Course, however, there are no proffered conditions as part of that rezoning. Since the applicant wishes to obtain a conditional rezoning of the property, the one acre portion of the property also is included in this request.

Continuing, Mr. Yolton advised that the Board of Supervisors, at its April 24, 2006, meeting, conducted a public hearing on this application, and several members of the public commented on future traffic concerns at the intersection of Dabney's Mill Road (Route 604) and Route 360. Following the public testimony, the Supervisors discussed a number of issues, particularly public safety, following which, the application was tabled. Thereupon, the Board authorized the staff to advertise a re-hearing of this application for its May 22, 2006, meeting, as the applicant may wish to change the proffers submitted.

Mr. Yolton reviewed the 3 proffers submitted indicating that Proffer #1 "proffers out" five specific uses otherwise permitted in the B-2 District. With respect to a possible mini storage warehouse, Proffer #1 states that any mini storage warehouse could only locate toward the rear of the site, no less than 300 feet from the frontage on Route 360. Proffer #2 ensures that any on-site detention pond(s) are to be designed in an appropriate fashion. Proffer #3 provides for access considerations, limiting the property to only one entrance on Route 360 and provides for needed right-of-way and road improvements.

Since there were many concerns at last month's meeting regarding safety issues at the intersection of Route 360 and Route 604 (Dabney's Mill Road), Mr. Yolton reported that he has contacted Mr. Charles Stunkle, VDOT Residency Administrator, and was advised that the applicant will have to obtain an entrance permit for commercial development on this property, and VDOT will not issue an entrance permit until they are satisfied that the intersection is safe to accommodate the projected traffic generation. The applicant will be funding whatever improvements are needed to the intersection and so far Mr. Stunkle has indicated that he knows for sure, the left hand turn lane heading eastbound on Route 360 will have to be extended to a full 200 feet turn lane. That will give traffic adequate stacking space on the left hand side if trying to make a left hand turn onto Dabney's Mill Road (Route 604). Mr.

Stunkle does not feel that this development will warrant a traffic signal at this intersection. The trip generation associated with the childcare center and the hardware store, considering that there is hardly any traffic on Dabney's Mill Road now, will not meet the warrants for a traffic signal at this intersection.

The applicant will be responsible for costs associated with extending the left hand turn lane on the eastbound side of Route 360 to the full 200 feet, as well as costs associated with any road widening across the frontage on the property on Route 360. For instance, if the applicant desires to have an entrance on Route 360, he will have to provide a right turn lane to meet the VDOT requirements. Also, if there is to be an entrance on Route 604 (Dabney's Mill Road) he may have to dedicate the right-of-way and widen Dabney's Mill Road and install a turn lane at his entrance there. All of these items will be decided at the time of the Site Plan Review.

Mr. Yolton stated that after having looked further into the issues concerning the transportation impact, which was the Board's primary concern from the last meeting, having revisited the goals for commercial development in the Comprehensive Plan and the fact that this request is in accordance with the recommendations of the Comprehensive Plan, plus the Site Plan will be reviewed by the Planning Commission, and he feels the applicant has responded to the concerns from the last public hearing, the staff therefore recommends approval of this application to the Board.

O. O. Williams inquired about the possibility of reducing the speed limit on Route 360 near its intersection with Route 604 (Dabney's Mill Road), and VDOT Residency Administrator, Charles Stunkle, responded that this would be a possibility but should be a separate issue.

Thereupon, the Chairman declared the public hearing open for comments. The following persons appeared to speak.

Herb White, a resident of 1186 Mill Road in Aylett, stated safety concerns at this intersection particularly in the evening hours of 3:00 p.m. to 7:00 p.m. when traffic in the eastbound lane of Route 360 is trying to make a left hand turn across the west bound traffic lane onto Route 604 (Dabney's Mill Road) to the childcare center and traffic is also coming out of Route 604 (Dabney's Mill Road), crossing over the

westbound lane of Route 360 to make the left hand turn to get into the eastbound lane of Route 360. Because of this, plus the volume of traffic already on Route 360 between these hours now, and the fact that there is a hump in the roadway at this intersection, which creates an additional hazard, he feels a traffic stop light is very much warranted. He indicated that he is not against the rezoning, but he is for the safety of the citizens of King William County and for the other people traveling through it.

At this point, the Chairman presented two letters of support for the rezoning application that were received. One was from Hollyfield Farms, owner, Harvie Martin, III, and the other from Clear View Farm, owner, Steve Sykes.

Andy Stamply and Curtis Grubbs, applicants, addressed the Board indicating that they have tried to do everything required and to be totally honest with everyone from the very beginning about what they had planned for this location. He reviewed the plan to establish a childcare center and a TruValue hardware store on this property, and stated his appreciation to the Board for its consideration on this rezoning request.

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

b. Consideration of Zoning Case #Z-06-06 - On motion by W. F. Adams, seconded by C. T. Redd III and E. J. Rivara and carried with the following vote, the Board approved the request of AC Properties of Virginia LLC (applicant/contract purchaser)/Andy Stamply and Curtis Grubbs (representing AC Properties)/Queenfield Farm/Barnes Townsend and James P. Townsend, Owners, to rezone 8.2 acres located at the northeast corner of Route 360 and Route 604 (Dabney's Mill Road) from an A-C (Agricultural-Conservation) District and a B-2 (General Business) District to a B-2 (General Business) District with Proffered Conditions. Said property is further described as Parcel 33-5(part) on the King William County Tax Maps.

T. G. Smiley	Aye
O. O. Williams	Nay
C. T. Redd III	Aye
W. F. Adams	Aye
E. J. Rivara	Aye

c. Public Hearing – Zoning Case #Z-02-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) District to R-1 (Suburban Residential) District; With Proffered Conditions; Applicant: Howard K. Ingalls, Contract Purchaser, and Clements Farm, Inc., Owner - Lee Yolton, Director of Community Development, presented and reviewed the application of Howard K. Ingalls, contract purchaser, and Clements Farm, Inc., owner, Mrs. Anne McG. Clements, for a change in zoning district classification from A-C (Agricultural-Conservation) to R-1 (Suburban Residential), with proffered conditions, on a parcel containing 100 acres located on the west side of Route 605 (Manfield Road), approximately one mile north of the intersection of Manfield Road and Route 360. Said property is further described as Parcel 28-22 (part) on the King William County Tax Maps.

Mr. Yolton explained that the property is currently under contract for purchase by Howard K. Ingalls from the owner, Clements Farm, Inc., Mrs. Anne McG. Clements. The applicant proposes to develop the property as a major residential subdivision. If this request for rezoning is approved, development of this property as a major residential subdivision will require a roadway crossing of the stream valley that bisects this 100-acre tract.

Continuing, Mr. Yolton reviewed the list of 16 proffers submitted. He explained that the applicant has proffered (Proffer #1) cash payment to the County as each new home is developed. This is to offset the impacts of the new homes/residents on the County's infrastructure. The cash proffer amount is set forth in the County's Cash Proffer Policy. Mr. Yolton indicated that the County Attorney, after careful review and checking it with the State Code, has determined that the language in Proffer #1 needs to be tweaked a little bit. The language should reflect that the Consumer Price Index should be used to determine how much the proffer increases each year. The applicant has made some changes to indicate that the cash proffer will increase by the amount of the Consumer Price Index or two percent, whichever is less. County Attorney, L. M. Chenault, reported that he has communicated with Mr. Randy Cook, attorney for the applicant, and the language has been worked out, so all of his questions dealing with the proffers have been straightened out, prior to the public hearing.

Proffer #2 limits the overall total number of homes to 110, and Proffer #3 limits the construction of new homes to no more than 40 per year. Proffer #4 requires a minimum floor area, with all one-story homes being a minimum of 1,700 square feet and all two-story homes being a minimum of 2,200 square feet. In addition, the applicant has a proffer (Proffer #6) that shows the general architectural elevations for each of the models of homes that will be built.

Other proffers submitted (Proffer #5) address construction materials, (Proffer #7) driveway construction, (Proffer #12) the entrance feature to the property, (Proffer #13) a buffer strip along Mansfield Road, (Proffer #14) preserving on-site trees, (Proffer #16) providing a five-acre recreation area. Proffered conditions #8 and #9 ensure that there will be protective covenants applied to the deeds of future homeowners, and that there will be a homeowner's association created to enforce the protective covenants and to maintain common areas.

Further, Mr. Yolton explained that a great deal of discussion centered on the transportation impacts associated with the proposed development of Clements Farm, and to address concerns, the applicant has added Proffer #11. This proffer is for the payment of \$25,000.00 to a transportation fund that could be used by the County in any manner deemed most effective to improve the roadway system in this vicinity. In addition, the applicant will contribute \$10,000.00 for a transportation study of the traffic demand in this vicinity.

Based on this application being in accord with the County's Land Use Plan recommendation for high-density residential in this vicinity, and with the proffered conditions set forth, Mr. Yolton advised that the staff supports approval of this request to the Board of Supervisors.

Thereupon, the public hearing was declared open by the Chairman to receive comments on Zoning Case #Z-02-06, and the following persons appeared to speak:

Attorney, Randy Cook, representing the applicant, Howard K. Ingalls, contract purchaser, and Clements Farm, Inc., Mrs. Anne McG. Clements, owner, addressed the Board indicating that this property is shown on the County's Land Use Map as high density residential use, and the proffers submitted have been designed to address other items that may be of concern to the Planning Commission and the Board of

Supervisors to assure that the development meets the criteria established by the County, and increase the comfort level with the quality of the project.

In reviewing the cash proffer, Mr. Cooke stated that the County Attorney, Mr. Chenault, was correct when he noted that standard proffer language used by the County has a two percent inflation factor. The Code of Virginia does not allow you to write it that way, so the proper language from the Code of Virginia has been inserted to say that the proffer amount will increase by 2 percent or an amount of the rate of change in the Consumer Price Index, whichever is less. The Code Statute has the cap on the amount. If the amount is greater, the proffer will not be valid.

Mr. Cooke reviewed the remaining list of proffers with the Board indicating that proffer #11 relating to Transportation issues, provides that \$25,000.00 be put into a transportation fund, to be managed by King William County, designated for the purpose of funding traffic and transportation improvements projects to serve the property. Mr. Cooke further advised that \$25,000.00 is also being proffered by this applicant for his next case (Case #Z-03-06) to be heard by the Board, for a total of \$50,000.00. In addition, the applicant proffers to contribute \$10,000.00 to fund a transportation study of the transportation impacts associated with this property.

Herb White of 1186 Mill Road in Aylett, appeared before the Board stating his opinion that this seems like a progress from the last zoning case just before the Board in that the applicant is proffering a total of \$50,000.00 towards the possibility of a stop light. He feels a stop light is definitely needed at this intersection as there are a number of other housing developments sitting in the background that will also be coming out of this same road (Mansfield Road) onto Route 360. This will be another traffic nightmare as it would be at Route 604 and Route 360. He further stated that he is not against this request for rezoning.

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

d. Consideration of Zoning Case #Z-02-06 - On motion by E. J. Rivara, seconded by W. F. Adams and carried unanimously, the Board approved the request of Howard K. Ingalls, applicant/contract purchaser and Clements Farm, Inc., Anne McG. Clements, owner, to rezone 100 acres located on the west side of Route 605

(Manfield Road), approximately one mile north of the intersection of Manfield Road and Route 360 from an A-C (Agricultural-Conservation) District to a R-1 (Suburban Residential) District with Proffered Conditions. Said property is further described as Parcel 28-22 (part) on the King William County Tax Maps.

e. Public Hearing – Zoning Case #Z-03-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to R-1 (Suburban Residential); Applicant: Clements Farm, Inc. - Lee Yolton, Director of Community Development, presented and reviewed the application of Howard K. Ingalls, contract purchaser/applicant, and Clements Farm, Inc., Anne McG. Clements, owner, for a change in zoning district classification from A-C (Agricultural-Conservation) to R-1 (Suburban Residential), with proffered conditions, on a parcel containing 24 acres located on the east side of Route 605 (Manfield Road), approximately one mile north of the intersection of Manfield Road and Route 360. Said property is further described as Parcel 28-22 (part) on the King William County Tax Maps.

Mr. Yolton explained that this property is currently under contract for purchase by Howard K. Ingalls from the owner, Clements Farm, Inc., Mrs. Anne McG Clements. He indicated that the Clements Farm tract is planned for high density residential use, and this application carves out a 24 acre portion of the tract lying on the east side of Manfield Road, which consists mostly of cleared fields. A proposed road is to be constructed through the middle of the 24 acres, beginning at Manfield Road, and providing the only means of access to Section 4 of the Marle Hill Subdivision. Section 4 of Marle Hill Subdivision is located on the adjoining parcel to the northeast of the property. The construction plans for Section 4 of Marle Hill are currently being reviewed, and the proposed road will have to cross a substantial stream valley to access the 50+ lots proposed for Section 4. The applicant for this request also is the developer of Marle Hill, Section 4.

Continuing, Mr. Yolton advised that between the 24 acre property and the northern line of the Clements Farm tract there are several ravines, with steep slopes and it is heavily wooded. As a result, this section of Clements Farm would be difficult to develop. The same is true for the land bordering the property to the east. This section of the Farm consists of significant slopes and a great deal of wetland areas.

The applicant for this rezoning has picked the most easily developed portion of the farm in the immediate vicinity, which explains the configuration of the zoning request. The farm owners are aware of this situation, and have made a conscious decision to retain the rugged terrain surrounding the property to the north and east.

In addition, the 24 acre property does not have frontage on Manfield Road. The farm owners have retained the Manfield Road frontage, as this is the location of several rental homes, grain silos, and because of its future development potential. The rezoning applicant does not directly control the entrance to this site. Without frontage, the applicant cannot proffer right-of-way dedication for turn lanes or for widening Manfield Road. However, the applicant has a letter from Mrs. Anne McG. Clements, owner of Clements Farm stating that the necessary land for a boulevard-type entrance and widening of Manfield Road will be conveyed to the developer prior to approval of a preliminary subdivision plat.

A list of twelve proffered conditions have been submitted with this application, and Mr. Yolton highlighted these for the Board. He indicated that most of them are very similar to those submitted by this applicant with companion Case #Z-02-06, including a cash proffer, and the proffer for the payment of \$25,000.00 to a transportation fund that could be used by the County in any manner deemed most effective to improve the roadway system in this vicinity.

Mr. Yolton, in continuing the review of this application, advised that staff's only concern with this request is that the development of this small portion of Clements Farm leaves questions as to how this 24 acre site will be integrated with future development of the farm not subject to this rezoning request. A large-scale master plan for the ultimate development of the entire Clements Farm would be preferable, but with the Land Use Map's recommendation for high density residential use at this location, and with the proffered conditions set forth, staff supports approval of this request by the Board of Supervisors.

Thereupon, the public hearing was declared open by the Chairman to receive comments on Zoning Case #Z-03-06, and the following persons appeared to speak:

Randy Cooke, Attorney representing the applicant, Howard K. Ingalls, contract purchaser, and Clements Farm, Inc., Mrs. Anne McG. Clements, owner, addressed

the Board indicating basically the proffers submitted with this application are the same as those submitted with its companion case, #Z-02-06. A cash proffer is included as well as a proffer for the payment of \$25,000.00 to a transportation fund that could be used by the County in any manner deemed most effective to improve the roadway system in this vicinity.

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

f. Consideration of Zoning Case #Z-03-06 - On motion by C. T. Redd III, seconded by E. J. Rivara and carried unanimously, the Board approved the request of Howard K. Ingalls, applicant/contract purchaser and Clements Farm, Inc., Anne McG. Clements, owner, to rezone 24 acres located on the east side of Route 605 (Manfield Road), approximately one mile north of the intersection of Manfield Road and Route 360 from an A-C (Agricultural-Conservation) District to a R-1 (Suburban Residential) District with Proffered Conditions, and with the letter from Clements Farm, Inc. owner, Mrs. Anne McG. Clements, stating that the necessary land for a boulevard-type entrance and widening of Manfield Road will be conveyed to the developer prior to approval of a preliminary subdivision plat. Said property is further described as Parcel 28-22 (part) on the King William County Tax Maps.

g. Public Hearing – Zoning Case #Z-04-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to B-1 (Local Business) (Conditional); Applicants: Harold J. and Rose M. Robeson - Lee Yolton, Director of Community Development, presented and reviewed the application of Harold J. and Rose M. Robeson for a change in zoning district classification from A-C (Agricultural-Conservation) to B-1 (Local Business) with proffered conditions, on a parcel containing 2.3 acres located on the north side of Route 360, approximately ½ mile west of Route 605. Harold and Rose Robeson currently reside on this 2.3 acre tract, which is located directly across from the entrance to the King William Commerce Park. They have indicated that, for the present time, they plan to continue to live at this location. Should this rezoning be approved, the dwelling on the property would become a non-conforming use since homes are not permitted in the B-1 district. The request, as originally submitted, was to rezone this parcel from A-C to B-2 with proffered

conditions. As of March 22, 2006, the request was changed to a rezoning to the B-1 district, and the proffered conditions were changed accordingly.

Continuing, Mr. Yolton, advised that the applicants have indicated that the property would be developed for an unspecified commercial-type use. This location is subject to the Transportation Corridor Overlay (TCO) District guidelines contained in the Zoning Ordinance, and any commercial development of this site would have to adhere to the ordinance's commercial design standards.

Further, Mr. Yolton briefly outlined the list of proffered conditions indicating that Proffer #1 eliminates several uses that could have a detrimental effect at this location. Proffer #2 relates to the design of any storm water detention pond that may be needed, Proffer #3 provides that only one entrance will be available on Route 360, and provides for a deceleration lane as required by VDOT at the future commercial entrance to the property. Proffer #4 states that the existing dwelling will be demolished, but may continue to be used as a residence until such time that a preliminary site plan is approved for the property, enabling it to be developed as a commercial business. Proffer #5 addresses the protection of adjacent residential uses by providing for a 30 foot rear yard and side yard buffer. The proffer provides for minimal landscaping of these buffer areas.

It was the recommendation of the Planning Commission and staff to the Board to approve this request, given with the commercial design standards applicable to the property by virtue of the TCO District, and the fact that the Planning Commission will review any preliminary site plan, and at that time, landscaping, lighting, signage and other technical aspects of the commercial development of the property will be addressed.

Thereupon, the public hearing was declared open by the Chairman to receive comments on Zoning Case #Z-04-06, and the following persons appeared to speak:

Roger Habeck, Attorney representing Harold and Rose Robeson, addressed the Board indicating that this property is located directly across Route 360 from the entrance to the King William Commerce Park and is the appropriate size to handle a convenience market or similar use. This is an ideal location to serve the commerce park at such time as the commerce park generates enough business to require

service. He thinks it is proper for the Robesons to make this application because it puts the neighbors on notice and helps them to prep their property for sale, etc. The Robesons have done a great deal to clean up the property, putting in plantings, etc. and basically recognizing that their situation on this site is going to be a target of opportunity when the market place judges that this property is right, and a purchaser comes forward with an appropriate use. This application puts the community on notice and lets everyone know that this is a piece of commercial property and that development is going to happen, and it certainly will in this particular spot.

O. O. Williams questioned Mr. Habeck regarding the continuing operation on this property of Mr. Robeson's construction business. Mr. Habeck responded that the applicant's construction business can continue within his house, but, parking of the construction equipment and storage of materials on the property will no longer be allowed in the B-1 zoning district, if this application is approved. Mr. Robeson will be able to have the equipment on a trailer, just parked to be pulled out the next day, or on a trailer for servicing it, but, it cannot be stored on the property.

E. J. Rivara voiced concerns regarding the type of buffer to separate the three residences located to the rear of this parcel from the commercial area. It was stated by Lee Yolton, Community Development Director, that the proffer submitted with this application provides twice the width of buffer that would be required in the Transportation Overlay District. The proffer indicates there will be a 30 foot wide maintained buffer area around the perimeter of the property along the eastern and northern boundaries, such buffer to be planted with native vegetation where none currently exists.

Robert Washington addressed the Board with concerns regarding water drainage from this property. Mr. Yolton responded that at the time this property is developed for commercial use, storm water detention guidelines will have to be met. Storm water detention ponds will be installed to collect the water from the site and will be released at an approved rate.

Herb White appeared before the Board requesting that as soon as this property is rezoned that the applicant be required to follow the County's Property Maintenance

Code. In the past, the Planning Department has been working with this applicant and he has not complied. Stumps, etc. need to be removed.

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

h. Consideration of Zoning Case #Z-04-06 - On motion by E. J. Rivara, seconded by W. F. Adams and carried unanimously, the Board approved the request of Harold J. and Rose M. Robeson to rezone 2.3 acres located on the north side of Route 360, approximately ½ mile west of Route 605 from an A-C (Agricultural-Conservation) District to a B-1 (Local Business) District with Proffered Conditions. Said property is further described as Parcel 34-6 on the King William County Tax Maps.

C. T. Redd III, with the Board's concurrence, requested the Planning Department to review the existing County Zoning Ordinance to perhaps improve the definition of a service station and a convenience store because a convenience store also pumps gas.

i. Public Hearing – Zoning Case #Z-08-06, Request to Amend Proffers and Other Conditions: Applicant: Upper Mattaponi Indian Tribe, Inc. - Prior to any discussion on this application, Board member W. F. Adams stated that he will not participate in discussions and will not vote on this case, as he is a member of the Upper Mattaponi Tribe.

Lee Yolton, Director of Community Development, presented and reviewed the application of Upper Mattaponi Indian Tribe, Inc., owner/applicant, Kenneth F. Adams, representative, to amend Proffer #2a. of Zoning Case #92-97 and to amend Condition #3 of Conditional Use Permit CUP #92-98 on property located on the east side of Route 30 (King William Road), approximately ¾ mile southeast of Central Garage. This property is further described as Parcel 29-44 on the King William County Tax Maps.

Mr. Yolton advised that the Board of Supervisors approved rezoning on this property from an R-1 District to a B-1 (Local Business) District in May, 1992, (Case #92-97), and that proffered conditions accepted with this rezoning limit the use of property for charitable purposes, and to generally ensure that the activities taking

place directly relate to tribal cultural, community and recreation purposes. In 1992, a tribal museum was being considered so a Conditional Use Permit was granted (Case #92-98) to enable the property to be used as proposed in accord with the Zoning Ordinance in effect at the time.

In March, 2006, an application was submitted to request certain changes to the conditions regulating the use of the property. It is being requested that proffered condition #2a. be modified, and that Conditional Use Permit condition #3 be modified. The purpose of this request is to enable the Tribe to conduct periodic turkey shoots, and to allow activities on the property from 6 a.m. to 11p.m. Currently, hours of operation are limited to 8:00 a.m. to 8:00 p.m.

The Planning Commission conducted a public hearing on this request at its April 17, 2006, meeting, at which time, one person in attendance questioned the need for the Tribe to receive a Special Exception from the Board of Zoning Appeals to permit turkey shoots on the property. Following the Planning Commission hearing, the staff requested, and the applicant agreed, to modify the proffer relating to turkey shoots. This proffer now incorporates conditions related to turkey shoots.

In continuing review of the application, Mr. Yolton advised that representatives of the Upper Mattaponi Tribe, Inc. met with staff to discuss the operation of the cultural center and the relationship to the restrictions that were placed on the property when it was rezoned in 1992. Two areas were of particular concern – (1) current proffers restrict turkey shoots held on the property to the sole use of bow and arrows, and (2) organizing the annual Pow-Wow requires preparations to begin well before 8:00 a.m. and activities occasionally could last well after 8:00 p.m. In 1992, the Board placed the hours of 8:00 a.m. to 8:00 p.m. on the approval of the Conditional Use Permit. The Tribe is requesting the “bow and arrow” restriction be eliminated, and for the hours of operation to be changed to 6:00 a. m. to 11:00 p.m.

Further, Mr. Yolton advised that conducting turkey shoots on this property is vested under the 1992 Zoning Ordinance. Beginning in 1995, turkey shoots began requiring a Special Exception on property zoned B-1. The Tribe has agreed to modify the 1992 proffer to incorporate typical conditions for conducting turkey shoots, as

derived from the Special Exceptions granted by the Board of Zoning Appeals at other locations.

In addition, Mr. Yolton advised that the Planning Commission and staff recommend approval of this application to the Board.

The public hearing was declared open by the Chairman to receive comments on Zoning Case #Z-08-06, and the following persons appeared to speak:

Kenneth Adams, representing the Upper Mattaponi Indian Tribe, addressed the Board to thank them and the Planning Commission members for considering this request.

Herbert L. White, Jr., speaking as Chairman of the Board of Zoning Appeals, asked why this zoning application regarding turkey shoots is before the Board of Supervisors instead of before the Board of Zoning Appeals, as there are two other application sites in the County on which turkey shoots are permitted and these two applications were heard by the Board of Zoning Appeals, and granted approval with reviews every two years. He asked what the difference is with this case? Chairman T. G. Smiley responded that this property is zoned B-1 and the other two sites are zoned A-C.

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

j. Consideration of Zoning Case #Z-08-06 - On motion by C. T. Redd III, seconded by E. J. Rivara and carried with the following vote, the Board approved the request of the Mattaponi Indian Tribe, Inc., owner/applicant, and Kenneth F. Adams, representative, to amend Proffer #2a. of Zoning Case #92-97 and to amend Condition #3 of Conditional Use Permit CUP#92-98, as requested, on property located on the east side of Route 30 (King William Road), approximately ¾ mile southeast of Central Garage. This property is further described as Parcel 29-44 on the King William County Tax Maps.

T. G. Smiley	Aye
O. O. Williams	Aye
C. T. Redd III	Aye
W. F. Adams	Abstain
E. J. Rivara	Aye

RE: EMERGENCY SERVICES MATTERS – STEVE PUCKETT,

EMERGENCY MANAGEMENT ADMINISTRATOR

a. Adoption of Resolution to Establish Department of Emergency Services in King William County - On motion by W. F. Adams, seconded by E. J. Rivara and carried unanimously, the Board adopted the following resolution establishing the Department of Emergency Services in King William County. This Department will be under the direction of the Emergency Services Director of the County, appointed by the Board of Supervisors and reporting to the County Administrator.

RESOLUTION TO ESTABLISH THE DEPARTMENT OF EMERGENCY SERVICES IN THE COUNTY OF KING WILLIAM, VIRGINIA

WHEREAS, Section 27-6.1 of the Code of Virginia, 1950, as amended, grants a local governing body the authority to establish, as a department of government, a Fire/EMS Department operating within that locality; and,

WHEREAS, the County of King William has been established and operates as a local governing body under the laws of the Commonwealth of Virginia; and,

WHEREAS, the local governing body may designate the Fire/EMS Department by any name consistent with the names of other governmental units; and,

WHEREAS, the King William County Board of Supervisors has determine dit to be in the best interest of the citizens of King William County to establish such a department to coordinate and to direct these services.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors hereby establishes the King William County Department of Emergency Services to direct the provision of Fire Suppression and Emergency Medical Service, Hazardous Materials mitigation, and the coordination of Emergency Management functions. This Department will be organized as specified in Appendix A, under the direction of the Emergency Services Director appointed by the Board of Supervisors and reporting to the County Administrator.

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

ADMINISTRATOR

a. Regional Animal Shelter - Frank A. Pleva, County Administrator, reported that the contract has been executed with Grand Metro Builders, Inc., and they have met on site with Virginia Power regarding easement agreements for temporary and permanent electric service, as well as with Verizon for phone service. The contractor has submitted the Certification of Insurance on this project, as required by the contract. Very soon, the contractor will be applying for a Land Disturbing Permit. Upon receipt of this Permit, the contractor will be staking out the site in the next two weeks in preparation for the start of the grading of the project site.

b. Mt. Olive Community Improvement Project - There are approximately 8 or 9 properties where the conditions are just not feasible to rehabilitate, or in some cases, where there are title issues that can't be resolved or would be extremely expensive to resolve. The County, with the help of block grant funds, has acquired a parcel of property where the package treatment plant is going on. The Management Team Committee, through the County, has applied for rezoning on this parcel to allow it to be divided into 9 lots. If this rezoning is approved by the County, small modular homes can be placed on these lots, in lieu of rehabilitating the existing structures because of the title issues involved. These are the last applicants that need to be addressed under this project.

c. Announcement of EVAC Medical Helicopter Based at Middle Peninsula Regional Airport - The County Administrator announced that an EVAC Medical Helicopter will soon be based at the Middle Peninsula Regional Airport on a 7-day, 24-hour period.

RE: APPOINTMENTS

a. Historic Preservation & Architectural Review Board – One Member, Five Year Term, Term of C. T. Redd III Expires June 30, 2006 - On motion by C. T. Redd III, seconded by W. F. Adams and carried unanimously, the Board appointed T. G. Smiley to serve as a member of the Historic Preservation & Architectural Review Board for a five year term ending June 30, 2011.

b. Board of Zoning Appeals – One Member, Term of William R. Barber, Sr. Expires June 30, 2006 - On motion by E. J. Rivara, seconded by C. T. Redd III and carried unanimously, the Board recommends to the Judge of the King William County Circuit Court that William R. Barber, Sr. be reappointed to serve on the King William County Board of Zoning Appeals for a five year term ending June 30, 2011.

c. Economic Development Authority – Two Members, Four Year Terms, Terms of Thomas T. D. Stuart and James Ellis Boyer Expire June 30, 2006 - On motion by W. F. Adams, seconded by C. T. Redd III and carried unanimously, the Board reappointed Thomas T. D. Stuart to serve on the King William County Economic Development Authority for a four year term ending June 30, 2010.

Consideration of action on the reappointment of James Ellis Boyer was tabled until the Board's June, 2006, meeting.

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

Herbert L. White, Jr., a resident of the Third Election District at 1186 Mill Road in Aylett, stated that when the Board of Supervisors appointed Mr. E. J. Rivara to fill the Third Election District seat on the Board vacated by the death of Mr. L. E. Byrum, Jr., they deprived the citizens of the Third Election District of any voice on the Board regarding School Board matters, school budgetary issues, etc. because Mr. Rivara is employed by the King William County School System.

RE: BOARD OF SUPERVISORS' COMMENTS

No comments were made at this time.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(a)(7), CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH LEGAL COUNSEL, EMPLOYED AND RETAINED BY THE KING WILLIAM COUNTY BOARD OF SUPERVISORS REGARDING SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY SUCH COUNSEL PERTAINING TO THE KING WILLIAM COUNTY COURTS AND PUBLIC SAFETY BUILDING

On motion by C. T. Redd III, seconded by W. F. Adams 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 employed and retained by the King William County Board of Supervisors regarding specific legal matters requiring the provision of legal advice by such counsel pertaining to the King William County Courts and Public Safety Building.

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

In accordance with Section 2.2-3712(d) 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 W. F. Adams and carried with a unanimous roll call vote.

RESOLUTION

WHEREAS, the King William County Board of Supervisors 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 2.2-3712(d) 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 stated that no action would be taken as a result of discussions in closed meeting.

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

COPY TESTE:

Frank A. Pleva
County Administrator

