

**MINUTES**  
**KING WILLIAM COUNTY**  
**BOARD OF SUPERVISORS**  
**MEETING OF JUNE 23, 2003**

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 23<sup>RD</sup> DAY OF JUNE, 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  
G. E. JENKINS – APPOINTED BY BOARD TO FILL VACATED, FIRST DISTRICT SEAT AT THIS MEETING  
E. P. STEROWSKI  
D. L. WRIGHT

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

**RE: APPOINTMENT AND SWEARING IN OF FIRST DISTRICT REPRESENTATIVE TO THE KING WILLIAM COUNTY BOARD OF SUPERVISORS**

C. T. Redd, III motioned that Mr. Garland Eugene Jenkins, a resident of the Town of West Point, be appointed by the Board to fill the vacated, unexpired term of the First District representative to the King William County Board of Supervisors, ending December 31, 2003. This motion was seconded by E. P. Sterowski and carried unanimously.

Mr. Garland Eugene Jenkins came forward and was sworn into office by Mrs. Patricia Norman, Clerk of the King William County Circuit Court.

Mr. Jenkins then assumed his seat with the Board.

**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 the following additions – Add item 6 a – Presentation on Proposed King William Reservoir Project – Mayor Frank, City of Newport News – Add 7 c, 7 d, and 7 e – Authorization to Set Public Hearing on proposed amendment to King William County Code Section 13-4 – Employment of Robert Warren Williams, Jr., Building Inspector – Employment of Michelle Kim, Planning and Zoning Agent; Add Item 8 c – Recognition of County Employee; Add Item 10 a – Report from Patricia Norman, Circuit Court Clerk – County Personnel Plan; and Add Item 14 c – Animal Shelter Update.

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

Thomas Rubino, a resident of King and Queen County, addressed the Board concerning the possibility of King William County employing legal assistance to void its contract with the City

of Newport News for the proposed reservoir.

William Perritt, a resident of Aylett, spoke to the Board regarding results of recent straw polls conducted within the County, and that 95% of those surveyed do not recognize the legitimacy of the contract King William County has with the City of Newport News. He requested the Board to investigate methods to extricate the contract from Newport News.

Herb White of 1186 Mill Road in Aylett, addressed the Board as Chairman of the Board of Zoning Appeals, regarding the Board's recommendation to the Circuit Court Judge for reappointment of Mrs. Alice Washington as a member of the King William County Board of Zoning Appeals. He requested the Board to act favorably on recommending Mrs. Washington for reappointment as she has been serving in this capacity since 1990, and has made an outstanding contribution to this Board in rendering decisions on cases before it.

**RE: PRESENTATION FROM CITY OF NEWPORT NEWS – MAYOR JOE FRANK**

Mayor Joe Frank of the City of Newport News, was present to provide an update on the current status of the proposed King William Reservoir project. Mr. Frank also discussed the issue of the contract between King William County and the City of Newport News on this project, and indicated that it is still in effect and binding on both communities. The City of Newport News is obligated to honor this contract as well as the County of King William is obligated. He indicated that the City of Newport News has spent \$20 million dollars on this proposed project and is committed to move forward with it. The City has concluded, with many studies, that this project is the least environmentally impacted facility to serve the needs of the communities involved.

**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 May 19, 2003, regular meeting as written
- b. Claims against the County for June, 2003, in the amount of \$1,339,776.73 as follows:

(1) General Fund Warrants #53737-53924 and manual checks #13955-13958 in the amounts of \$1,036,410.04 and \$122,362.36; Direct Deposits #4768-4859 in the amount of \$136,547.36; and Electronic Tax Payment in the amount of \$44,456.97

(2) For informational purposes, Social Services expenditures for the month of May, 2003, Warrants #302535-302582 in the amount of \$45,447.30; Direct Deposits #796-810 in the amount of \$19,974.52; and Electronic Tax Payment in the amount of \$7,397.41

(3) For informational purposes, Circuit Court expenditures for the month of May, 2003, Warrants #53714-53723 in the amount of \$6,374.99; and Direct Deposits #81-83 in the amount of \$6,416.36

(4) For informational purposes, Comprehensive Services Act Fund expenditures for May, 2003, Warrants #53725-53735 in the amount of \$16,778.40

(5) Tax Refunds for the month of May, 2003, in the amount of \$1,441.70

c. Approved the employment of Robert Warren Williams, Jr. as Building Inspector in the Building Department

d. Approved the employment of Michelle Kim as Planning & Zoning Agent in the Planning Department contingent upon references and acceptance

e. Authorized publication of a public hearing during the regular July 28, 2003, meeting to consider the proposed adoption of an amendment to Section 13-4 of the King William County Code regarding establishment of fees for the administrative costs associated with the collection of delinquent taxes and other delinquent charges.

**RE: RECOGNITION OF PUBLIC SERVICE OF HON. ROBERT S. DIGGS**

On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board adopted the following resolution acknowledging and expressing its appreciation to the Honorable Robert S. Diggs for his many years of service to King William County and its citizens.

**RESOLUTION OF APPRECIATION**

**WHEREAS**, the Honorable Robert Stanley Diggs resigned from his position as 1<sup>st</sup> District Supervisors on May 19, 2003; and,

**WHEREAS**, serving for fifteen-and-a-half years on the Board, Mr. Diggs previously served on the West Point Town Council for 12 years; and,

**WHEREAS**, Mr. Diggs served as Chairman of the Board three times, in 1991, 1995, and 2000; and,

**WHEREAS**, Mr. Diggs was a well respected and influential member of the Board, involved in numerous projects greatly benefiting the citizens of King William County including, approving the construction of the new primary school and courts facility, renovation of the high, middle and elementary schools, bringing the Enhanced 911 system into the Sheriff's Office and the updating of the Comprehensive Plan; and,

**WHEREAS**, a proponent of regionalism, Mr. Diggs was also involved in the creation of the Merrimac Juvenile Detention Center, the Middle Peninsula Regional Security Center, the Middle Peninsula Regional Airport Authority, Virginia Peninsula's Public Service Authority and Hampton Roads Sanitation District's Small Communities Division; and,

**WHEREAS**, Mr. Diggs' support for economic development brought new businesses such as Augusta Lumber, Nestle Purina and the businesses in Central Crossing Shopping Center to King William County; and,

**WHEREAS**, Mr. Diggs was born on Gwynn's Island in Mathews County, on July 7, 1924; and,

**WHEREAS**, a Commissioned Officer in the United States Navy, Mr. Diggs joined at the age of 17 and served in World War II, Korea, and volunteered for Viet Nam; and,

**WHEREAS**, following the death of his father, Mr. Diggs took over the family seafood business where he worked 364 days a year, only closing the store on Christmas; and,

**WHEREAS**, in the late 1980's, Mr. Diggs attended American College in Pennsylvania where he earned Bachelor's and Master's Degrees in financial planning; and,

**WHEREAS**, married to the former Carolyn Hicks in 1948, the couple has four children, Mary Catherine, Janet, Allison and Paul, and five grandchildren with a sixth on the way.

**NOW, THEREFORE, BE IT RESOLVED**, that the King William County Board of Supervisors extends its sincere appreciation to Mr. Diggs for his years of service and congratulates him on all of his accomplishments; and,

**BE IT FURTHER RESOLVED**, that the King William County Board of Supervisors acknowledges Mr. Diggs' dedication to his family and commitment to the residents of King William County; and,

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

b. Presentation of King William County Coat-of-Arms to Mr. Diggs - In the absence of Mr. Diggs, the Board requested the County Administrator to deliver a framed Coat-of-Arms and the above adopted Resolution to Mr. Diggs at his home.

c. Recognition of County Employee for Years of Service - Chairman, L. E. Bryum, Jr. recognized Terri E. Hale for fifteen years of employment with King William County. Ms. Hale began her duties with the County on June 6, 1988.

**RE: PRESENTATION OF KING WILLIAM COUNTY COAT-OF-ARMS TO CHIEF KEN ADAMS, UPPER MATTAPONI INDIAN TRIBE**

On behalf of the Board of Supervisors, Chairman L. E. Byrum, Jr. presented a framed King William County Coat-of-Arms print to Ken Adams, Chief of the Upper Mattaponi Indian Tribe, in appreciation of his services to the County and to the Tribe.

**RE: VDOT MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER**

Charlie Stunkle, VDOT Resident Engineer, was present to discuss transportation matters with the Board.

a. Six Year Plan Allocation - Mr. Stunkle reported that his office has received the second notification for the Six Year Plan for King William County and the allocation is 15% higher than anticipated when the Plan was adopted.

b. Route 30 – Reducing of Speed Limit to 45 MPH for Truck Traffic - Mr. Stunkle responded to the Board's question raised at its May meeting, regarding lowering the speed limit on Route 30 for truck traffic to 45 MPH, indicating that the speed limit can not be differentiated between types of vehicles, and that if the 45 MPH is established on Route 30 for one type of vehicle, it will have to be done for all vehicles. He will continue to search for regulations to address the Board's safety concerns on Route 30.

Mr. Stunkle also reported that the Virginia Department of Motor Vehicles will be working with VDOT in providing weight enforcement on Route 30 and he encouraged the Board members to discuss this matter with their state elected officials as well as officials of DMV.

c. Route 360, Eastbound Lane Above Manquin – Mr. Wright again inquired about the time frame when the needed repairs on the eastbound lane of Route 360 above Manquin will be done. Mr. Stunkle indicated that due to the recent bad weather, the contractor has not been able to do the work, but he is to be calling Mr. Stunkle in the very near future with a construction date.

d. Route 30 – Traffic Hazards to be Considered by Members of the Transportation Safety Commission - The County Administrator reported that the Planning Commission/Transportation Safety Commission has now completed its work on the Comprehensive Plan and will soon begin studying the traffic hazards that exist on Route 30 for possible recommendations for solutions. Mr. Stunkle indicated that the VDOT District Traffic Engineer would like to participate in these meetings.

**RE: CIRCUIT COURT CLERK – PATRICIA NORMAN**

Patricia Norman, Clerk of the Circuit Court, appeared before the Board reporting that she will be meeting in the very near future with Mr. Bruce Haynes of the State Compensation Board, and Terri Hale, Assistant County Administrator, to discuss the Personnel Plan for her office.

**RE: PLANNING MATTERS – MATT WALKER, COMMUNITY DEVELOPMENT DIRECTOR**

a. Public Hearing – 2002-2003 Comprehensive Plan Update - Matt Walker presented an overview of the 2002-2003 updated Comprehensive Plan, and reported that after holding numerous public input sessions, work sessions and a public hearing, the Planning Commission voted, at its April 21, 2003, meeting, to recommend this Plan to the Board of Supervisors. Mr. Walker indicated this Plan will replace the Comprehensive Plan adopted in 1991 and revised in 1997. He explained that this 2002-2003 Plan update addresses the following key concerns and planning issues:

- Residential Development
- Performance Standards
- Stimulating Commercial Growth
- Emphasis Upon Infrastructure
- Annual Review

Mr. Walker explained that the annual review is a very important aspect of this 2002-2003 Update, as this document has been designed as a “living document” to anticipate development trends or react to them in a more proactive, creative manner. The framework of the document can be adjusted as needs arise or circumstances in the County change. It was indicated by Mr. Walker that the Planning Commission has decided to annually review this document in January.

This document was prepared by the County Planning Department staff and Landmark Design Group in conjunction with the King William County Planning Commission. Mr. Bill Turner with Landmark Design Group, was present and introduced to the Board.

The public hearing to receive comments on the 2002-2003 Comprehensive Plan Update was declared open by the Chairman, and the following persons appeared to speak:

Holly Hamel, Chairman of the Planning Commission, reported that the Planning Commission has worked very hard on this document and spent a lot of time in doing so, and requested the Board to approve this document.

G. W. Simons, a resident of Route 360 in Aylett, spoke in favor of the Plan update. He indicated that he visited the County web site, printed off a copy of this Plan in its draft form, and

realized that a lot of work has gone into it.

Herb White, an Aylett resident, recognized the amount of work and effort that has been put into updating this Plan, and also he is happy to hear that it will be updated on an annual basis.

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

b. Approval of 2002-2003 Comprehensive Plan Update - On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board accepted the recommendation of the Planning Commission and approved the 2002-2003 Comprehensive Plan update as presented in public hearing.

**RE: KING WILLIAM BUSINESS ASSOCIATION – RALPH JONES, PRESIDENT**

Ralph Jones, President of the King William Business Association, addressed the Board indicating that the crossover project on Route 360 at the entrance of the King William County Volunteer Fire Department and Rescue Squad, Inc. has been completed, and he thanked the Board for aiding in the extension of part of the pavement into the facility itself. Mr. Jones indicated that this project was completed due to the persons in the business community.

Now that actual records are in as to the number of businesses and the available gross revenues subject to taxation, he asked the Board to revisit the issue of the BPOL Tax in two areas — a refund of excess monies, and a tax rate of various business classes be adjusted down.

Also, Mr. Jones requested the Board to seek outside legal advice to determine any and all alternatives to the current Reservoir Agreement with the City of Newport News.

**RE: CONSIDERATION OF CONVEYANCE OF PORTION OF DEATON TRACT TO LONGWOOD FARMS OF VIRGINIA (GARRETT FAMILY)**

The County Administrator reported that the appraisal on this property has just been completed, and that the Board needs some time to consider this appraisal.

By general consensus, this matter was tabled until the Board's July meeting.

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

a. Mt. Olive Community Development Project - The County Administrator reported that Governor Warner has approved this year's allocation of federal funds passed through HUD to communities. The Mt. Olive project has been approved for \$700,000.00 for Phase I. Bay Aging will be administering these fund for this project.

b. Courts Facility Project - Frank Pleva indicated to the Board that the below grade electrical and mechanical utility work are progressing throughout the building area, and that the concrete work is being done.

c. Animal Shelter - The County Administrator updated the Board on the status of this project indicating that the architect is now re-designing, that a new site on the Route 360 corridor is being looked for, and that the architect recommends a secluded area, not a residential area.

He indicated that this project hopefully will be re-bid in the fall.

**RE: APPOINTMENTS**

a. Industrial Development Authority – Two Members – Four Year Terms – Terms of Howard Potter and Mary Potter Expire 6/30/03 (Mr. & Mrs. Potter do not seek reappointment) - Action on these appointments was tabled for 30 days.

D. L. Wright thanked Mr. and Mrs. Potter for their years of service as members of the Industrial Development Authority, and requested that the County Administrator prepare a Resolution of Appreciation for the Board's adoption at its July meeting.

b. Recreation Commission – Three Members – Three Year Terms – One from Election District #3 – Term of Linwood G. Smith, Jr. Expires 6/30/03; One At-Large Member – Term of Jeanne Smith Expires 6/30/03; and One Representative from King William School System – Term of Kathy Campbell Expires 6/30/03 - D. L. Wright reported that he has contacted Mr. Linwood Smith and he desires to be reappointed.

On motion by D. L. Wright, seconded by E. P. Sterowski and carried unanimously, the Board reappointed Mr. Linwood G. Smith, Jr. to serve a three year term on the King William County Recreation Commission. Said term will expire June 30, 2006.

On motion by E. P. Sterowski, seconded by C. T. Redd, III and carried unanimously, the Board appointed Evelyn Martin as the At-Large Member for a three three year term expiring June 30, 2006.

On motion by C. T. Redd, III, seconded by E. P. Sterowski and carried unanimously, the Board reappointed Kathy Campbell as the King William County School System representative on the Recreation Commission for a three year term ending June 30, 2006.

c. Social Services Board – One Member - Four Year Term, Term of Lydia Maddox Expires 6/30/03 - On motion by E. P. Sterowski, seconded by D. L. Wright and carried unanimously, the Board reappointed Lydia Maddox to served a four year term on the King William County Social Services Board. Said term will expire 6/30/07.

d. Board of Zoning Appeals - On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board nominated Mrs. Alice Washington to the Judge of the Circuit Court to be reappointed to serve a five year term as a member of the King William County Board of Zoning Appeals. Said term will expire June 30, 2008.

e. Middle Peninsula Planning District Commission – One Citizen Member, One Year Term, Term of Robert F. Brake Expires 6/30/03 - On motion by Garland E. Jenkins, seconded by D. L. Wright and carried unanimously, the Board reappointed Robert F. Brake to serve as the citizen member representing King William County on the Middle Peninsula Planning District Commission. Said term will expire June 30, 2004.

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

a. Eugene Rivara of Aylett commented on some of the statements made earlier in this

meeting by Mayor Joe Frank of the City of Newport News, and stated some corrections he felt were in order.

b. Andy Conklin of West Point congratulated Mr. Garland E. Jenkins on being appointed to serve the remaining portion of the term of Robert S. Diggs, on the Board of Supervisors.

c. Herb White discussed the 400<sup>th</sup> anniversary of Jamestown coming up in 2007, and suggested the County join in with the other counties and towns across the state to participate in this celebration. He suggested a committee be formed to attract visitors to King William County. Tourists will bring money into the County and he encouraged the Board look into this matter as soon as possible.

d. Ken Adams thanked the Board for the framed Coat-of-Arms presented to the Upper Mattaponi Tribe earlier in this meeting, and indicated that he would like to participate on any committee formed to work on the Jamestown 2007 anniversary celebration.

e. Tom Rubino, a resident of King & Queen County, acknowledged that the Board is operating fairly in its work with the City of Newport News and the proposed reservoir. He indicated that his group of interested citizens would like to help the Board as citizens.

**RE: BOARD OF SUPERVISORS' COMMENTS**

Garland E. Jenkins, newly appointed Board member, expressed his appreciation to the other Board members for his appointment, and indicated he feels it a privilege to have been appointed. He indicated that, in the past, he has served as a member of the West Point Town Council, and he keeps up with County issues. He stated that he would represent the County to the best of his abilities.

Chairman, L. E. Byrum, Jr. thanked Mr. Jenkins for helping the Board of Supervisors by accepting this position.

**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:

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Frank A. Pleva  
County Administrator