

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF JUNE 27, 2005

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 27TH DAY OF JUNE, 2005, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

W. F. ADAMS, CHAIRMAN
L. E. BYRUM, JR., VICE-CHAIRMAN
C. T. REDD, III
T. G. SMILEY
O. O. WILLIAMS

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

RE: APPROVAL OF MEETING AGENDA

On motion by T. G. Smiley, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with three additions and one deletion.

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

a. LaVerne Abrams thanked the Board for its support in securing assistance from VDOT to correct a drainage problem occurring on her son's property located at 12723 King William Road.

b. Katy Lloyd, Public Information Officer, announced that her office now has decorative flags bearing the County Coat-of-Arms, size 3' x 5', for the price of \$65.00.

RE: CONSENT AGENDA

On motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the following items on its consent agenda:

a. Minutes of the May 23, 2005, Regular Meeting were approved as written

b. Claims against the County for June, 2005, in the amount of \$555,029.23 as follows:

(1) General Fund Warrants #59102-59401 in the amount of \$288,908.11; Manual Checks #14056-14058 in the amount of \$45,428.82; Direct Deposits #7253-7393 in the amount of \$168,215.07; and Electronic Tax Payment in the amount of \$52,477.23

(2) For informational purposes, Social Services expenditures for the month of May, 2005, Warrants #304221-304310 in the amount of \$59,233.72; Direct Deposits #1215-1230 in the amount of \$22,697.42; and Electronic Tax Payment in the amount of \$7,597.93

(3) For informational purposes, Circuit Court expenditures for the month of May, 2005, Warrants # 59065-59070 in the amount of \$2,927.73; Direct Deposits #159-161 in the amount of \$7,585.29; and Electronic Tax Payment in the amount of \$2,633.33

(4) For informational purposes, Comprehensive Services Act Fund expenditures for May, 2005, Warrants #59072-59087 in the amount of \$38,935.02

(5) Tax Refunds for May, 2005, in the amount of \$20.12

c. Approved a FY-05 Supplemental Appropriation for the Planning Department in an amount of up to \$30,000 to cover over-expenditures in its operating budget. The bulk of the over-expenditure is in primarily two areas – (1) Resource International for site plan reviews of potential commercial and/or residential developments; and (2) Anthem Blue Cross as there was a change in participation in this department during open enrollment, which was after the budget was adopted.

d. Approved the employment of two part-time Community Connections Juvenile Case Workers, Ronald Allen Rose and April Lynn Layden, effective July, 2005

e. Approved the employment of John Lee Bull as a new Building Inspector in the Building Department effective July, 2005

f. Adopted a Resolution and Deed of Dedication for the well lot at the new Courts and Public Safety Building

g. Approved the FY-06 first quarter appropriations for the School Fund in the total amount of \$8,655,049.00

h. Authorized advertisement of a public hearing to be held during the Board's July 25, 2005, meeting beginning at 7:00 p.m., to consider Zoning Matter #SP-05-05, Request for Approval of Site Plan to Develop an Extension of Colonial Square Apartments, Applicant: John Hubbard on behalf of Fidelity Management Group, LLC, owner

i. Authorized advertisement of a public hearing to be held during the Board's July 25, 2005, meeting beginning at 7:00 p.m. to consider Zoning Case #Z-05-05, Request to Rezone 38 Acres from Agricultural-Conservation District to General Business District (Conditional), Applicant: King William Land Development

RE: VDOT MATTERS – CHARLES STUNKLE, RESIDENT ENGINEER

a. Introduction of David Ogle, Fredericksburg District Administrator, Reorganization of Fredericksburg Office - Resident Engineer, Charles Stunkle, introduced David Ogle, Fredericksburg District Administrator, to the Board. Mr. Ogle made the Board aware of some reorganizational efforts occurring within the Department of Transportation. He indicated that the Commissioner, Mr. Philip Shucet, has resigned effective July 1, 2005, and, that Mr. Gregory A. Whirley has been named as Acting Commissioner through the end of this calendar year. The position of Resident Engineer has been changed to a Residency Administrator, therefore, Mr. Stunkle will no longer be responsible for administering construction contracts, but instead, this responsibility will be handled by other personnel within the agency. This change is brought about by the reasoning that there are many issues that a residency leader must deal with and does not always have the time to give the particular attention that is required by someone with a responsible charge for contract administration, issues and detail. Neither Mr. Stunkle, nor the members of his staff, will any longer be responsible for the administering of contracts for construction projects or even for some of the maintenance work that goes on, but, according to VDOT policies, he is still the owner of this work. In other words, other personnel will be administering these contracts for him, and he will not have to deal directly with the contractors and the issues that may arise. Mr. Ogle further explained that Mr.

Stunkle will continue to be the Board's primary contact with VDOT and there will be no change in this.

b. Route 600 – Status Report on Request for Through Truck Traffic Prohibition - Mr. Stunkle reported that VDOT posted signs on Route 600 today soliciting comments on the restriction of through trucks. There will a 30-day comment period for this. L. E. Byrum, Jr. questioned what the next step in this process would be following this 30-day comment period. Mr. Stunkle indicated that the VDOT Traffic Engineers have already been out and done some preliminary traffic studies, so based on that, and the comments received, VDOT will, in turn, conduct a public hearing. Following the VDOT public hearing, a recommendation will be made to the Commonwealth Transportation Board, and the Commonwealth Transportation Board will make the final decision. This complete process will take another 60 to 90 days.

c. Allocations for Secondary Construction Budget - Mr. Stunkle informed the Board that the allocations for the Secondary Construction Budget have been received, and they are up approximately 20% over the figures anticipated when the Six Year Plan was done last year. The actual regular secondary construction allocation was \$727,000 versus the \$599,000 anticipated. The unpaved road allocation was approximately \$55,000 versus the \$47,000 anticipated. Budgets have been prepared to be sent to Richmond for approval.

d. Drainage Problem on Route 628 - In response to last month's request regarding a drainage problem on Route 628 where water is running across the road, Mr. Stunkle reported that this will require a pipe replacement, and that this work has been scheduled.

e. Dunluce Road Intersection with Route 30 and Trucks Turning Around at Indian View Church Parking Lot - At last month's meeting, the Board was informed of a problem existing at the Indian View Baptist Church parking lot with heavy trucks traveling on Route 30 to the kitty litter plant that miss Dunluce Road, and then come down to the Church parking lot to turn around. Mr. Stunkle reported that no recommendation has yet been received from the Traffic Engineering Department regarding this.

f. Town of West Point – Revenue Sharing Request – Drainage Improvements - Chairman, W. F. Adams, asked for clarification of the Revenue Sharing request from the Town of West Point. Mr. Stunkle reported that the Town of West Point has decided to pursue some additional Revenue Sharing Funds. They have some such funds that have been approved in previous years with the intent of putting them towards a project which they are administering for drainage improvements on Mattaponi Avenue in the Town. Since the law does now allow for a Town to make a separate request, the request has to come from the County Board of Supervisors. The limitation for each locality's application for a year is one million dollars so this application amount of \$50,000 for the Town would still leave the possibility for the County to make an application if it so desires. He clarified also that no County funds are involved, and that the County would only act as the fiscal agent for these funds, if approved.

On motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board directed the County Administrator to prepare a resolution, on behalf of the Board, to be submitted with the application for the Town of West Point for Revenue Sharing Funds in the amount of \$50,000 for drainage improvements on Mattaponi Avenue located in the Town.

g. Adoption of Resolution Supporting a “Watch for Children” Sign in Rose Garden Estates Subdivision - L. E. Byrum, Jr. stated that he received a request from a citizen who lives at 395 Rosebud Run in the Rose Garden Estates Subdivision for VDOT to erect a “Watch for Children” sign at or near this property.

Mr. Stunkle advised that this is not a sign that is included in the Manual on Uniform Traffic Control Devices. However, several years ago the General Assembly approved the use of these type signs, but, they specified that the local governing body had to make a site specific request for each sign, and that it be reviewed before it is approved.

Thereupon, on motion by L. E. Byrum, Jr., seconded by C. T. Redd III and carried unanimously, the Board adopted the following resolution requesting VDOT to install a “Watch for Children” sign at or near 395 Rosebud Run in the Rose Garden Estates Subdivision.

RESOLUTION

WHEREAS, the 1997 Virginia General Assembly enacted an amendment to the 1950 Code of Virginia, adding Section 33.1-210.2 regarding the installation and maintenance of “Watch for Children” signs; and,

WHEREAS, the intent of these signs is to alert motorists that children may be at play nearby; and,

WHEREAS, in accordance with this law, counties may request that the Virginia Department of Transportation (VDOT) install and maintain these signs.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors requests that VDOT install a “Watch for Children” sign at or near 395 Rosebud Run in the Rose Garden Estates Subdivision.

h. Adoption of Resolution Supporting Acceptance of Choctaw Ridge Subdivision into State Secondary Highway System - Mr. Stunkle noted that funds for this rural addition have already been set aside in previous Budgets. He also indicated that, if the Board adopts this Resolution supporting the acceptance of the Choctaw Ridge Subdivision streets into the State System, it will be at least 60 days before the roads officially become State Roads, and get route numbers assigned. In the interim, VDOT can be looking at the utilities situations to determine if any of those need to be adjusted. He estimated that it would probably be September before any work/paving will begin on the streets.

On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the Board adopted a resolution requesting VDOT to accept the streets in Choctaw Ridge Subdivision into the State Secondary System under the Rural Addition Policy.

i. Route 618 Bridge over Moncuin Creek - Mr. Stunkle reported that VDOT is still working on obtaining the necessary permits for this project. In addition, Mr. Stunkle indicated that VDOT has just learned that in order to rip-rap the slopes when the bridge is put back, and armor those to lessen the chance of a future washout as just experienced with Tropical Storm Gaston, that it will be necessary to go off of the right-of-way. Therefore, VDOT will be in contact with the four property owners at this location to obtain permanent easements for this work.

j. Route 654 (Indian Church Road) - Chairman, W. F. Adams, reported a problem that has been created on Route 654 (Indian Church Road). The developer of the subdivision on this route just paved the road about a month or so ago, and left the

shoulders really high. This has created a situation with the school bus on this route having a hard time turning around. Once the school bus backed off the pavement, the tires could not pull it back because the hump was so high. Also, other home residents are having difficulty getting in and out of their driveways as well. It seems that some gravel needs to be put down alongside the asphalt.

Mr. Stunkle indicated that he would take a look at this situation and follow through with the developer.

**RE: PROPOSED AMENDMENTS TO KING WILLIAM COUNTY CODE
REGARDING FEES AND/OR TAXES**

a. Public Hearing – Amendment to King William County Code Chapter 14, Buildings and Building Regulations, Division 2, Fees, Section 14-52, Building Permit Fees - Frank A. Pleva, County Administrator, reviewed the proposed increases in Building Permit Fees, and indicated that these proposed fees have been advertised for public hearing as required by law.

Lewis Heath, Building Official, reported that there has been no increase in the County's Building Permit Fees since the late 1990's, and that these proposed fees are still a little under some of the surrounding counties. One new fee that is being proposed is a Site Plan Review fee.

Thereupon, the public hearing was declared open for comments by the Chairman.

No persons appeared to speak for or against the proposal.

Whereupon, the Chairman declared the public hearing closed.

b. Consideration of Action - On motion by L. E. Byrum, Jr., seconded by C. T. Redd III and carried unanimously, the Board adopted the amendments to King William County Code Chapter 14, Buildings and Building Regulations, Article II Building Regulations, Division 2, Fees, Section 14-52 Building Permit Fees, as proposed by staff and presented in public hearing.

c. Public Hearing – Chapter 18, Businesses, Article III Specific Licenses, Division 2 Licenses Taxable at Flat Rates, Section 18-114; Peddlers, Itinerant Merchants - The County Administrator presented and reviewed the proposed amendments to the BPOL Ordinance governing the fee assessed on individuals

purchasing a Peddlers License. He explained that currently the County has a flat fee of \$500.00, and that the proposed amendment would establish different flat annual license taxes for itinerant merchants and peddlers of perishable and nonperishable goods, including a lower flat annual license tax for peddlers or itinerant merchants selling or offering for sale certain perishable items that they did not produce or they did purchase for sale. The proposed amendment to Section 18-114, entitled "Peddler, Itinerant Merchants", of Division 2 of Article III of Chapter 18 of the King William County Code follows:

- (a) *Generally.* Any person who is doing business in the county and who is defined by Code of Virginia, Section 58.1-3717 as a "peddler" or an "itinerant merchant" selling nonperishable items shall pay a flat annual license tax of five hundred dollars (\$500.00); however, any person who is doing business in the county and who is defined by Code of Virginia Section 58.1-3717 as a "peddler" or an "itinerant merchant" selling or offering for sale, in person or by their employees, ice, wood, charcoal, meat, milk, butter, other dairy products, eggs, poultry, fish, shellfish, game, vegetables, fruits or other food products and family supplies of a perishable nature or farm products or seafood that is not grown, harvested or produced by them or is purchased by them for sale shall pay a flat fee of two hundred fifty dollars (\$250). Any person described in Code of Virginia, Section 58.1-3717(D) shall be entirely exempt from any license tax or administrative fee imposed by this article.

Thereupon, the Chairman declared the public hearing open for comments. No persons appeared to speak.

Whereupon, the public hearing was declared closed by the Chairman.

d. Consideration of Action - On motion by L. E. Byrum, Jr., seconded by C. T. Redd III and carried unanimously, the Board adopted the above stated amendments to the BPOL Ordinance regarding Peddler's and Itinerant Merchant's License Tax, to become effective retroactive to January 1, 2005.

e. Public Hearing – Proposed Amendment to King William County Code Chapter 70, Taxation, Article II Real Property Tax, Division 3 Elderly and Disabled Persons, Section 70-103 Policy - The County Administrator reviewed the proposed amendments to the King William County Code Regarding Tax Relief for Certain Elderly and Disabled Persons and explained that the proposed amendments would increase the scale of exemptions, including the owner's combined income qualifications, the owner's combined financial worth qualifications and the maximum annual tax exemption from taxation of real estate for persons 65 years of age and

persons permanently and totally disabled regardless of age. The proposed amendments follow:

	<u>Total Combined Income</u>	<u>Exemption of Tax</u>
Scale of Exemptions	Less Than \$20,000	100%
	\$20,001 - \$30,000	75%
	\$30,001 - \$40,000	50%

Net Combined Financial Worth: Less Than \$75,000 Plus Residence and 1.0 Acre of Land

Maximum Annual Tax Exemption: \$800.00

The Chairman declared the public hearing open for comments on this proposal and no persons appeared to speak for or against the proposal.

The County Administrator advised that one person called his office to state that they were in favor of the proposal.

Thereupon, the public hearing was declared closed.

f. Consideration of Action - On motion by L. E. Byrum, Jr., seconded by C. T. Redd III and carried unanimously, the Board adopted the above stated amendments to King William County Code Chapter 70, Taxation, Article II Real Property Tax, Division 3 Elderly and Disabled Persons, Section 70-103 Policy to become effective July 1, 2005.

RE: PLANNING AND COMMUNITY DEVELOPMENT – LEE YOLTON, DIRECTOR

a. Public Hearing – Zoning Case #Z-02-05, Request to Rezone 5.6 Acres from Agricultural-Conservation District to General Business, Applicants: Woodrow W. and Francesca Kellum - Lee Yolton, Director of Community Development, reviewed the application of Woodrow W. and Francesca Kellum for a change in zoning classification from an Agricultural-Conservation (A-C) District to a Business (B-2) District, with proffered conditions, on a 5.6 acre parcel located on the northwest side of Route 360, just east (0.2 mile) of Route 647, adjacent to and behind the Store-More, Inc. public storage business. He stated that this application was before the Board at its May 23, 2005, meeting, for consideration in a public hearing, but, due to the Board's request for more information from the applicant regarding the type of materials that could be used for construction of any buildings that might be established on the site, the public hearing was not held.

Mr. Yolton reported that since the Board's May 23rd meeting, revised proffers have been received to address the Board's stated concerns. He reviewed the latest set of Proffers (dated June 17, 2005) including Proffer #3, which has been revised to address the Board's stated concern about building materials. Revised Proffer #3 requires any main buildings, or portions of buildings, facing Route 360 to be constructed with a range of material such as brick, finished masonry, vinyl, stucco, or wood. The proffer language further states that any portion of any building facing Route 360 shall not be constructed with a metal exterior.

Mr. Yolton continued, indicating that the applicant has worked closely with the staff and the Planning Commission to provide a comprehensive set of proffered conditions. The submitted proffers help ensure that any use ultimately developed on this site will be compatible with adjoining properties. Although it is not known what specific use will occur at this location, the revised proffers are adequate to ensure a high quality use of the property. The Land Use Plan recommends commercial use at this location, and with the revised proffered conditions, the staff and Planning Commission feel the requested rezoning is reasonable, and supports approval of this request to the Board of Supervisors.

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

b. Consideration of Zoning Case #Z-05-05 - On motion by C. T. Redd III, seconded by T. G. Smiley and carried unanimously, the Board approved the application of Woodrow W. and Francesca Kellum for a change in zoning classification from an Agricultural-Conservation (A-C) District to a Business (B-2) District, with proffered conditions, on a 5.6 acre parcel located on the northwest side of Route 360, just east (0.2 mile) of Route 647, adjacent to and behind the Store-More, Inc. This parcel is further described as Parcel 22-19 on the King William County Tax Maps.

c. Public Hearing – Zoning Case #Z-04-05, Request to Rezone 7.82 Acres from Suburban-Residential to General Business, Applicant: Central Crossing, LLC

Prior to any discussion on this application, County Attorney, L. M. Chenault, dismissed himself from the room, stating a possible conflict of interest.

Lee Yolton, Community Development Director, reviewed the application of Central Crossing, LLC (owner), James Duke (applicant), and E. Duffy Myrtetus (representative) for a change in zoning district classification from an R-1 (Suburban-Residential) District to a B-2 (General Business) District on 7.82 acres located on the north side of Route 360, approximately 0.3 mile east of Route 30. This parcel is further described as Parcel 28-42 (portion) on the King William County Tax Maps.

He stated that this application was before the Board at its May 23, 2005, meeting, for consideration in a public hearing, but, due to the Board's concerns about buffers that will be proffered on this site, and its request for more information from the applicant, the public hearing was not held.

Mr. Yolton reported that since the Board's May 23rd meeting, revised proffers have been received to address the Board's concerns. In the latest set of proffers, dated June 20, 2005, the applicant has added more detail to the proffers addressing lighting, building materials, and the buffer area at the rear of the site. The proposed buffer area is also depicted on a revised plat showing the property.

Continuing, Mr. Yolton reported that the request conforms to the recommendation of the Comprehensive Plan at this location, and the proffered conditions help protect the public interest in ensuring a high quality development that will further the goals for commercial development in the Route 360 corridor. Staff feels the applicant has presented a reasonable request for rezoning this site, and recommends approval of this request to the Board of Supervisors.

Duffy Myrtetus, attorney representing the applicant, addressed the Board to clarify concerns voiced at the May 23, 2005, meeting. He indicated that with the more detailed revised proffers, no loose ends are left for the time of the Site Plan Review. The question was again raised by L. E. Byrum, Jr. as to whether or not the requested vacation of certain public utilities easement sites (which is listed as a later agenda item for this meeting) are located within the area of this rezoning request area. Since the County Attorney was not available to the Board for legal advice on this question, the Board requested that Attorney Bill Hefty be invited to attend the Board's July 25, 2005, meeting, to clarify some of the issues on this subject.

Thereupon, on motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried with a four to one vote, the Board tabled holding the public hearing on this application, until such time as Attorney Bill Hefty can be present to provide legal advice to the Board on this matter.

**RE: KING WILLIAM COUNTY CODE CHAPTER 10 ANIMALS, ARTICLE II
ANIMAL CONTROL, DIVISION 2 LICENSING OF DOGS, SECTION 10-69(b), DOGS
RUNNING AT LARGE (YEAR ROUND LEASH LAW)**

a. Public Hearing – Proposed Inclusion of Woodruff Subdivision in Year Round Leash Provisions of King William County Code - The County Administrator informed the Board of a request received from the residents of Woodruff Subdivision located on Route 600 (West River Road) in Aylett to have their subdivision designated as a year round leash law subdivision, and that this request has been advertised for public hearing.

Thereupon, the Chairman declared the public hearing open for comments and the following persons appeared to speak in favor of this proposal:

Elaine Daniel, a resident of 403 Woodruff Drive, and Secretary of the Woodruff Homeowners Association, requested that Woodruff be added to the list of year round leash law subdivisions. She indicated that only 7 out of the 35 property owners in the subdivision objected to this proposal. She cited several instances where unsecured/unleashed dogs have caused problems in the neighborhood. A petition bearing the signatures of most of the property owners in Woodruff was presented to the Board in favor of the Board adopting a year round leash law for Woodruff.

Merlyn Unser of 312 Woodruff Drive stated her opposition to this proposal, stating that the restrictive covenants associated with the subdivision do not contain any provisions for a year round leash law.

Dan Markum of 453 Woodruff Drive, also spoke in opposition to this proposal, as did Robin Lippy of 512 Woodruff Drive, Ray Jones of 442 Floral Drive, and Chip Beasley of 339 Woodruff Drive.

The County Administrator advised that several letters in opposition to this request were received in his office and two letters speaking in favor were received.

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

b. Consideration of Action - On motion by T. G. Smiley, seconded by L. E. Byrum, Jr. and carried unanimously, the Board denied the request to include Woodruff Subdivision located on Route 600 (West River Road) on the list of year round leash law subdivisions.

RE: VACATION OF CERTAIN EASEMENTS

a. Public Hearing – Proposed Vacation of Certain Public Utilities Easements Related to Central Crossing Shopping Center - The County Administrator advised that this matter has been withdrawn from the Board's consideration by the applicant.

RE: UPDATE ON COUNTY PROJECTS

a. Burn Pile at Landfill - The County Administrator reported that use of the burn pile at the landfill site is working out fine. There has only been one problem experienced, and this was earlier before restrictions were in place. The Town of West Point and VDOT are no longer using this burn pile.

b. Regional Animal Shelter - The County Administrator indicated that the Site Plan Review was before the Planning Commission at its June meeting, and the Planning Commission, on a 5 to 3 vote, denied the Plan. The County is now looking at what other options it might have, as the County still has the mandate from the State to build an animal shelter.

C. T. Redd III questioned the County Attorney regarding the action taken by the Planning Commission as to whether or not the Planning Commission met their legal obligations when they denied the Site Plan. County Attorney, L. M. Chenault, responded that this was not a zoning action, but, a Site Plan Review, and the Statutes that govern such reviews, state that the Site Plan has to comply with the zoning Ordinances and Code sections that deal with Site Plans, and if, in fact, the Site Plan does meet with the requirements of the Ordinances and Code sections, that it should be passed by the Planning Commission. This is a ministerial act, not a legislative act, therefore, the Planning Commission had no authority to take into consideration the siting of where the animal shelter was to go, when considering whether the Site Plan

was to be approved or not. The County Administrator advised that if a Site Plan is not approved, the Planning Commission should specify its reasons for denial, so that the applicant has the opportunity to make the changes and get it subsequently approved. This is specified in the State Statutes. L. E. Byrum, Jr. questioned whether or not, the Planning Commission stated any reasons/issues for denial of the Site Plan. The County Administrator responded that no reasons in terms of a technical aspect were stated, only reasons stated in terms of the location. No issues for denial were stated in terms of the drawing of the site plan, which is what they were dealing with in the review and approval process.

c. Mt. Olive Community Improvement Project - Frank A. Pleva, County Administrator, reported that a meeting would be held within the next week or so with the contractor for the treatment plant for the mass drain field that will serve part of the project area, Enviroscope, Inc. of Mechanicsville. This will be a pre-construction meeting with the County's engineer, Resource International, and then signing the contract for the work.

The plans still have not been approved by DEQ for the larger treatment plant which will serve most of the area. Mr. Pleva indicated that he is not aware of any problems relating to the approval, it is just taking some time for DEQ to approve. Once this approval is obtained from DEQ, this part of the project will be put out for bids.

Recently, the Management Team was requested to contact approximately 10 to 12 of the property owners in the area that have multiple junked cars on their property, because blight removal is one of goals of the project as well as housing rehabilitation, and providing adequate water and sewer service to the residents. Mr. Pleva indicated that Lewis Heath's staff in the Building Department would be addressing this issue.

RE: APPOINTMENTS

a. Recreation Commission – One Member, Three Year Term, Term of Rosalin E. Ball (West Point Public School System) Expires June 30, 2005 - On motion by C. T. Redd III, seconded by T. G. Smiley and carried unanimously, the Board reappointed Rosalin E. Ball, representing the West Point Public School System,

to serve a three year term on the King William Recreation Commission. Said term will expire June 30, 2008.

b. Historic Preservation and Architectural Review Board – One Member, Five Year Term, Term of Jerry Cox Expires June 30, 2005 (Note: Mr. Cox is not seeking reappointment) - Action on this appointment was tabled for 30 days.

c. Bay Aging Board – One Member, Three Year Term, Term of Mrs. Elizabeth McAllister Will Expire September 30, 2005 (NOTE: Mrs. McAllister is Ineligible for Reappointment) - On motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board appointed James E. Mickens to serve a three year term representing King William County on the Bay Aging Board. Said term will expire September 30, 2008.

The Board thanked and commended Mrs. McAllister for her excellent service to the County as a member of the Bay Aging Board.

d. Wetlands Board – One Member to Fill Vacated, Unexpired Term of William R. Perritt Ending September 30, 2005, and One Member, Five Year Term, Term of J. Franklin Townsend, Jr. Expires September 30, 2005 - On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the Board reappointed J. Franklin Townsend, Jr. to serve a five year term on the King William County Wetlands Board. Said term will expire September 30, 2010.

Action on the appointment to fill the vacated, unexpired term of William R. Perritt was tabled for 30 days.

e. Southeastern Rural Community Assistance Program - On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the Board appointed James E. Mickens to represent the County on the Southeastern Rural Community Assistance Program.

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

No persons appeared to speak.

RE: BOARD OF SUPERVISORS' COMMENTS

Various Board members congratulated all of the recent high school graduates in the County.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(A)(7), CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH LEGAL COUNSEL REGARDING SPECIFIC LEGAL MATTERS RELATED TO THE REGIONAL ANIMAL SHELTER

On motion by C. T. Redd III, seconded by T. G. Smiley 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 regarding specific legal matters related to the Regional Animal Shelter.

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

In accordance with Section 2.2-3711(B) of the Code of Virginia, 1950, as amended, C. T. Redd III moved that the King William County Board of Supervisors adopt the following resolution certifying that this closed meeting's procedures comply with the requirements of the Virginia Freedom of Information Act. This motion was seconded by L. E. Byrum, Jr. 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 Freedom of Information Act; and,

WHEREAS, Section 2.2-3711(B) 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 such 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 MATTER HEARD IN CLOSED MEETING

The Chairman announced that no action would be taken as a result of the closed meeting discussion.

RE: ADJOURNMENT OF MEETING

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

COPY TESTE:

W. F. Adams
Chairman

Frank A. Pleva
County Administrator