

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF JUNE 28, 2004

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 28TH DAY OF JUNE, 2004, 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:

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

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

RE: APPROVAL OF MEETING AGENDA

On motion by W. F. Adams, seconded by O. O. Williams and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator, with two additions.

RE: PUBLIC COMMENT PERIOD

Roger Volk, a resident of Route 648 (White Bank Road) questioned the Board regarding when the resurfacing work will be done on the .15 mile of Route 648 coming in from Route 30. He indicated that the Board approved a resolution last fall naming Route 648 as a Rural Rustic Road and included it in the County's Six Year Plan for secondary improvements for funding. He stated that he was told the work would be done in the spring of 2004, and to date, nothing has been started. He requested the Board to check with VDOT regarding when this work will begin.

RE: CONSENT AGENDA

On motion by L. E. Byrum, Jr., seconded by W. F. Adams and carried unanimously, the Board approved the following items on its consent agenda:

- a. Minutes of the Board's regular monthly meeting of May 24, 2004, were approved as written

b. Claims against the County for June, 2004, in the amount of \$545,846.65 as follows:

(1) General Fund Warrants #56370-56542 in the amount of \$337,852.75; Manual Checks #14000-14002 in the amount of \$10,766.37; Direct Deposits #6038-6146 in the amount of \$149,953.82; and Electronic Tax Payment of \$47,273.71

(2) For informational purposes, Social Services expenditures for the month of May, 2004, Warrants #303324-303432 in the amount of \$46,755.03; Direct Deposits #1007-1021 in the amount of \$21,150.86; and Electronic Tax Payment of \$7,281.67

(3) For informational purposes, Circuit Court expenditures for the month of May, 2004, Warrants #56340-56348 in the amount of \$6,162.53; and Direct Deposits #117-119 in the amount of \$6,931.96

(4) For informational purposes, Comprehensive Services Act Fund expenditures for May, 2004, Warrants #56153-56168 in the amount of \$41,316.08

(5) Tax Refunds for the month of May, 2004, in the amount of \$938.70

c. Employed Mr. Michael S. Lucchesi of Henrico County as Zoning Administrator to be effective July 1, 2004

d. Approved a supplemental appropriation in the amount of \$5,750.00 for a Community Emergency Response Team (CERT) Grant to be used to offset training expenses and to purchase allowable equipment. This Grant involves no local funds, only Federal pass-through dollars that must be appropriated to be expensed.

e. Approved a supplemental appropriation in the amount of \$243,466.00 for the King William County School Board as follows: Remedial Summer School - \$11,858.00; Salary Supplement - \$20,439.00; Special Education, Foster Care - \$39,297.00; ISAEF Grant - \$7,859.00; Title II - \$36,024.00; Special Education Assistive Technology - \$117,989.00; Other Federal Grants - \$10,000.00. No additional local funds are involved, only Federal and State pass-through funds which must be appropriated to be expensed.

f. Adopted the following resolution expanding the number of members of the King William County Social Services Board from three to five members to be effective at such time as the Board of Supervisors appoints the fourth and fifth members to the King William County Board of Social Services

RESOLUTION

WHEREAS, the King William County Board of Social Services has requested that its membership be expanded from three to five members; and,

WHEREAS, the King William County Board of Supervisors desires to make County Boards and Commission as representative as possible; and,

WHEREAS, Section 63.2-302 of the Code of Virginia provides that a local Board of Social Services shall consist of three or more members.

NOW, THEREFORE, BE IT RESOLVED, that the number of members of the King William County Board of Social Services shall be increased from three to five members; and,

BE IT FURTHER RESOLVED, that this Resolution shall become effective on July 1, 2004, or as soon thereafter as the King William County Board of Supervisors appoints the fourth and fifth members to the King William County Board of Social Services.

g. Awarded a contract for E-911 mapping software in the Dispatch Center in the Sheriff's Office to MSAG located in Orange, Virginia, in the amount of \$49,480.00.

RE: VDOT MATTERS – DAVID COOPER, ASSISTANT RESIDENT ENGINEER

VDOT Assistant Resident Engineer, David Cooper, was present to update the Board on the following transportation issues:

a. FY 2004-05 Allocations Received for Secondary Roads - Mr. Cooper reported that the FY 2004-05 allocations for secondary roads have been received but in a lesser amount than anticipated, therefore, the Six Year Plan for 2004-05 has been reworked. The allocation came in about 8.7 percent lower than anticipated. The actual allocation received for King William is \$648,441.00 and the anticipated amount was \$747,806.00 when the Six Year Plan was worked up last year. He indicated that none of the projects have been lost from the Secondary Plan but will have to be pushed back because of the shortfall of funding. Several of the Route 604 projects where the curves were to be straightened, will have to be moved from August, 2006, to July, 2007.

b. Route 604 (Herring Creek Road) Project - Mr. Cooper indicated that this project remains on schedule for advertisement in July. He reported that this project has some increase in estimated construction costs but the Budget has been reworked, so there will not be a delay on this project.

c. Route 648 (White Bank Road) - Mr. Cooper reported that this project is still on the schedule for August, 2004, advertisement. The schedule on this Route 648 (White Bank Road) project has not changed, it remains as was included on the schedule during the fall of 2003. This route is a Rural Rustic candidate and the Board has adopted a resolution designating it as such. This allows the road to be paved at 16 feet wide. The work process is beginning now with the environmental reviews currently being done, and the paving should be done in August, when the funding becomes available.

d. Route 30 – Three Traffic Studies - Mr. Cooper provided copies to the Board of three traffic studies performed last week on Route 30 – (1) the section of Route 30 in front of Acquinton Elementary School – this study was requested by W. F. Adams to determine if the speed limit could be lowered to 45 MPH; Mr. Cooper indicated that after the Traffic Engineers did the study, the results showed the 85th percentile of the traffic was travelling at 55 MPH speed limit. They also looked at the accident history of this section of road, and there has been only one accident on record, and that was someone pulling into a driveway. The Engineers recommend leaving the speed limit at 55 MPH. Further, Mr. Cooper advised that the flashing school zone signs are in place in this area, and if the Board feels that when activities are held outside of the school day hours and people are entering and exiting the school grounds, the Board could consider submitting a proposal to VDOT requesting extension of the hours of using the flashing lights. The Code of Virginia does allow for this extension during such other times as when children are on the school property, or when entering or leaving the school property reasonably requires a special warning to motorists.

(2) The second section of Route 30 on which a speed study was conducted was from Route 360 west up to the Route 611 intersection. This study showed that the 85th percentile speed was consistent with the 55 MPH zone, however, the VDOT engineers

recognize the new subdivision being built along this stretch of road, and the crash history at the intersection of Route 30 and Route 611, and are recommending a decrease of the speed limit to 45 MPH and extending it all the way up through the Route 611 intersection.

(3) The third Route 30 speed study conducted was done to determine the possibility of closing the passing zone on Route 30 as you approach Hickory Woods Lane, which is a private road. The VDOT Engineers looked at this and found no crash history at this location. The Traffic Engineers recommend not removing this passing zone. They indicated that if this passing zone is restricted, the entire 1900 feet would have to be closed, which in their opinion, would not be the appropriate thing to do.

Board member, W. F. Adams, questioned Mr. Cooper when the speed study on Route 30 in front of the elementary school and middle school was performed and Mr. Cooper responded that it was done during the week of June 20-26. Mr. Adams questioned why it was done after the schools were dismissed for the summer. Mr. Cooper indicated he discussed this with the Traffic Engineer and was informed that this did not matter as the study was being performed on the speed of the traffic on Route 30, and the schools being closed didn't come into play, that it did not matter one way or the other.

e. Oak Springs Subdivision – 18 Willow Court - L. E. Byrum, Jr. reported that he has received a call from Jamie Henshaw of 18 Willow Court in Oak Springs Subdivision regarding a major drainage problem with standing water in the ditches there. A lot of young families with small children live in this neighborhood and are concerned about health issues with mosquitos, etc. Mr. Byrum indicated that the resident has spoken with the local VDOT office and there is a concern regarding an underground spring there that causes the ditches to stay full. Mr. Byrum requested Mr. Cooper to look into this issue and report back to the Board regarding what options might be available to correct this situation.

f. Route 30 – Safety/Feasibility Study for Potential of Putting in a Passing Lane or Increasing Number of Driving Lanes to Four - L. E. Byrum, Jr. asked Mr. Cooper if he has had any communication from the Commonwealth Transportation Board regarding the County's request for a Safety/Feasibility Study to be done on

Route 30 for the potential of putting in a passing lane or of increasing the number of driving lanes to four. Mr. Byrum indicated that he, the County Administrator, and the Assistant County Administrator attended the recent preallocation hearing for primary roads and requested this action. Mr. Cooper indicated he had no information at this time regarding this matter, but will check on it and report back to the Board.

Chairman, C. T. Redd, III, questioned Mr. Cooper regarding VDOT's requirements for acceptance of a road into the State system. Mr. Redd inquired as to what the minimum specifications for acceptance are, for example, a road in a subdivision. Mr. Cooper responded that the road has to meet the current VDOT subdivision requirements - drainage requirements, pavement requirements, proper right-of-way width, and an up-to-date set of construction plans showing that the road meets these standards. Further, Mr. Redd questioned whether the road has to be blacktop, or can it be gravel. Mr. Cooper responded that it depends on the amount of traffic. Mr. Redd asked about a small subdivision containing three lots or four lots, and Mr. Cooper stated that it could probably get by with being an unsurfaced road, as long as it has the proper drainage, width, right-of-way, culverts, all the standard requirements.

Board member, O. O. Williams, further questioned Mr. Cooper to verify that he is saying that the State will accept gravel/dirt roads into the system. Mr. Cooper repeated that there is the lowest class of subdivision street that VDOT will accept, with a very minimum amount of traffic on it, which allows for an unsurfaced roadway, as long as it meets all the standard requirements.

L. E. Byrum, Jr. inquired as to the maximum number of vehicle trips per day that would be allowed in order for an unsurfaced, private road to qualify for inclusion in the State system. Mr. Cooper indicated he did not know the exact number. The Chairman requested that Mr. Cooper report back to the Board with this information, and to also provide this information to Matt Walker in the Community Development Department. Mr. Byrum continued, inquiring about the VDOT traffic volume - 8 to 10 vehicle trips per day, per household, on a private road, and if this low volume of traffic per day would qualify for an unsurfaced private road in a four lot subdivision to be taken into the State system, if it meets all the standard requirements.

Mr. Cooper indicated that this situation would probably qualify the road, but, he would have to check to make sure. The Chairman requested Mr. Cooper to check this and provide the information to Matt Walker of the Community Development Department and to the Board.

g. Adoption of Resolution – Proposed Secondary System Changes Due to Re-Alignment of Route 629 - On motion by T. G. Smiley, seconded by O. O. Williams and carried unanimously, the Board adopted the following resolution regarding Route 629:

**RESOLUTION
PROJECT ADJUSTMENTS INVOLVING ADDITION, DISCONTINUANCE
AND/OR ABANDONMENT**

WHEREAS, the Virginia Department of Transportation has constructed Route 629 on a new alignment under Projects 0-629-0509-156, C501; and,

WHEREAS, the project sketch, attached and incorporated herein, as a part of this resolution, defines adjustments required in the secondary system of State highways as a result of that construction; and,

WHEREAS, the new road serves the same citizens as served by those portions of old road identified in the project sketch to be abandoned, which portions no longer serve a public need.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add Section 5, Section 6, and Section 8 to the secondary system of State highways, pursuant to Section 33.1-229 of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage; and,

BE IT FURTHER RESOLVED, that this Board hereby request the Virginia Department of Transportation to abandon Section 1, Section 2, Section 3 from the secondary system of State highways, pursuant to Section 33.1-155 of the Code of Virginia; and,

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

**RE: MP-NN COMMUNITY SERVICES BOARD – ADOPTION OF
RESOLUTION – 30 YEARS SERVICE TO COMMUNITY**

On motion by W. F. Adams, seconded by T. G. Smiley and carried unanimously, the Board adopted the following resolution congratulating the MP-NN Community Services Board on 30 successful years of services to the community:

RESOLUTION OF APPRECIATION

WHEREAS, the Middle Peninsula-Northern Neck Community Services Board has provided assistance to families and individuals in need of mental health, mental retardation and substance abuse services since February 28, 1974; and,

WHEREAS, the Community Services Board's services are intended to help individuals and families maintain the best emotional health possible; and,

WHEREAS, with services provided by the Community Services board, numerous mental health consumers are able to participate in residential programs that allow them to live as independently as possible; and,

WHEREAS, in 2003, the Community Services Board provided mental health, mental retardation and substance abuse services to approximately 5,800 residents of the Middle Peninsula and Northern Neck and prevention services to approximately 18,000 residents of the region; and,

WHEREAS, in 2003, in King William County, the Community Services Board provided mental health, mental retardation and substance abuse services to approximately 92 residents under the age of 18 and 397 residents over 18 and prevention services to approximately 938 residents; and,

WHEREAS, the Community Services Board is governed by a 10-member Board of Directors with one representative from each of the localities it serves; and,

WHEREAS, the Middle Peninsula-Northern Neck Community Services Board is the largest of the 410 Boards in Virginia based on the number of jurisdictions and is the second largest in the State based on square mileage.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors supports and appreciates the work of the Community Services Board and its staff helping residents live as independently as possible; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors congratulates the Community Services Board on 30 successful years of services; 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 the Community Services Board, and shall be spread upon the meeting minutes of said Board of Supervisors.

Mr. Charles L. Walsh, Executive Director of the MP-NN Community Services Board, was in attendance at this meeting, and was presented the above adopted resolution by Board Chairman, C. T. Redd, III.

RE: PLANNING MATTERS – MATT WALKER, COMMUNITY

DEVELOPMENT

a. Public Hearing – Proposed FY-2005 Proffer Methodology and Policy Update - Matt Walker of the Community Development Department, presented and reviewed the proposed FY-2005 Proffer Methodology and Policy Update. He explained that this document reflects certain fiscal changes that have occurred in the County since the 2004 Proffer Methodology Update and a 4.4 percent increase over the 2004 amount of \$6,583.00. The proposed 2005 Proffer amount stands at \$6,870.00.

He explained that the proffers are used when rezoning applications are entertained. For example, if a proposed subdivision is presented for application and seeks rezoning for a major subdivision, the proffer methodology allows the developer to have a good idea of the impact the proposed new residential dwelling units will have on the capital infrastructure of the County. More importantly, it assesses the financial impact, so if the developer chose, he could voluntarily proffer or offer a voluntary cash donation to offset those capital infrastructure implications and impact. Developers do realize that if a development impacts the community's capital infrastructure to the extent that the community feels that it cannot afford to accept that development at the time, then that presents legal grounds to deny that development. So this is a type of voluntary situation, in that the developer has the choice to proffer, and the County has the choice to deny the rezoning request.

In addition, Mr. Walker explained that the King William County proffers are a little different from surrounding counties. There are basically two different types of proffers in the State of Virginia – the Desired Service Level type of proffer, which envisions what is wanted for the community 20 years into the future, such as a library or school here or a fire station there, etc. A cost is then put on this projected infrastructure, and the proffer allocation is set on this, so if a developer builds in a certain area, the proffers would contribute to building that library, school, fire station, etc. The other type of proffer is the Current Service Level, which is the type used in King William County. This assesses the current services being provided. To use schools as one example, the current square footage is assessed, along with the current capital costs to serve the needs of the citizens in the schools, and the proffer is assessed. This means that every additional unit that is approved, has a cost because they are impacting the amount of current services provided. Therefore, if the school gets to the point of being overcrowded, there will be a higher proffer, because there is a higher demand on those services, and the revenues will be generated to build the next school. It assesses what we maintain and what we have now. Proffers do not cover operating expenses, such as teachers' salaries, etc., they only cover capital infrastructure expenditures, and proffers are offered only through the rezoning process.

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

No persons appeared to speak either for or against the proposed FY-2005 Proffer Methodology and Policy Update, therefore, the public hearing was declared closed by the Chairman.

b. Consideration of FY-2005 Proffer Methodology and Policy Update - A motion was made by L. E. Byrum, Jr. to adopt the FY-2005 Proffer Methodology and Policy Update as presented in public hearing. This motion was seconded by T. G. Smiley and carried with the following vote:

C. T. Redd, III	Aye
W. F. Adams	Nay
L. E. Byrum, Jr.	Aye
T. G. Smiley	Aye
O. O. Williams	Aye

Mr. W. F. Adams expressed his opinion that the proffered amounts will not be borne by most developers of subdivisions, but instead, will really be funneled on down to the prospective buyers of the residential units.

c. Public Hearing – Proposed Amendments to King William County Code, Chapter 10, Subdivisions - Matt Walker of the Community Development Department, presented the proposed amended County's Subdivision Ordinance explaining that this is a major revision of the Ordinance. Mr. Walker indicated that this revision seeks to include last year's adopted Comprehensive Plan revisions. The revised Comprehensive Plan includes a number of changes to both the Zoning Ordinance and the Subdivision Ordinance, and this is the first proposed revised ordinance to reach the Board level through the Planning Commission, making those modifications. The major changes in the Subdivision Ordinance are basically in the Family Transaction section, the Minor Subdivision section, and the Major Subdivision section. They address certain things, such as timing, and the number of lots that can be created. A specific example of that is in the Minor Subdivision where the Planning Commission is recommending to the Board that it further limit the number of subdivision lots allowed in a Minor Subdivision, from the current policy of 5 lots to 3 lots, and a residual lot, making a total of 4 lots.

The public hearing to receive comments on the proposed revision of King William County Code, Chapter 10, Subdivisions, was declared open by the Chairman.

The following persons appeared to speak in opposition to the proposed revisions:

Cecil Schools of 184 Midway Lane in the Third Election District, addressed the Board stating that he would like to see the number of lots allowed in a Minor Subdivision to remain at 5. He indicated that his residence is located on a five acre lot on a private road. He personally likes the five acre lots and sees nothing wrong with them, but he realizes that the County has a problem with the roads as far as maintaining them, but, in his situation there are ten homeowners and they have maintained Midway Lane for the twenty odd years that he has lived there. Mr. Schools requested the Board to spend a little more time reviewing the proposed Subdivision Ordinance revisions to see what the impact on the future of the County will be. He feels this change will hurt the small business owners, the small developers, and have a great effect on the land values.

Henry Steinruck of Chesterfield County, a small developer, who indicated that he currently has 55 acres of land in King William County under contract. He feels that a reduction from 5 lots to 3 lots is a drastic reduction, a forty percent reduction. This will directly reflect on how much a small developer, a real estate person, or whoever buys land, can pay for land. He feels the small developer will be directly hit by this, and the reduction in the number of lots will directly affect land values in King William County.

Wade Bowler, a resident of King William County, indicated that he is a small developer who builds about 8 to 10 houses a year, and feels this proposed reduction in the number of lots will hit the small contractor directly. He would like to see the number of lots allowed in a Minor Subdivision to remain at 5.

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

d. Consideration of Proposed Revision of King William County Code, Chapter 10, Subdivisions - Matt Walker of Community Development, again addressed the Board and reviewed specific major changes being proposed, including

changes in the Family Transaction section, more specifically, right-of-way changes – currently there is a 10 feet right of way minimum and a maximum of 20 feet. The Planning Commission voted to ask the Board to raise the requirement to 20 feet to ensure proper ingress and egress from family transacted subdivisions.

Minimum Ownership Periods – currently, the County has a two year waiting period after a lot is transacted to an individual by a family transaction, meaning if you own a property and transact a lot from it to a family member, then the family member has to wait two years before the lot can be sold. This provision was enacted in 1995 to prohibit developers from circumventing the Ordinance. Mr. Walker reported there has been some problem with this circumvention anyway, and people have been selling the lots and just not coming in to get the required permits, etc. until the two year waiting period is out. This provision in no way prevents a family from transacting a lot to a son/daughter and the son/daughter obtaining the necessary building permits immediately for the construction of their home. The new revision is proposing a five year ownership period prior to any family transaction which means a property owner has to own the property at least five years before it can be family transacted to a loved one, as defined by the State Code, then there would be a three year holding period on the part of the transferee after the subdivision. Mr. Walker reported that research into this matter at the Planning Commission level revealed that surrounding counties have adopted this provision and it has taken some of the speculative nature out of buying property, doing family transactions, and has cut down on the number of individuals trying to use that section to circumvent the Subdivision laws of the County.

Mr. Walker continued by reviewing the major changes proposed to the Minor Subdivision which include the following -- reduction of the number of lots in a Minor Subdivision from 5 lots to 3 lots with a residual parcel, totaling 4 lots. This means that an individual can have a parent tract, split it three times, and leave a fourth lot as the residual parcel. Another major change in the Minor Subdivision Section is that currently it is allowed to have private, gravel, non-paved roads that are owned and maintained by homeowners' associations in the subdivisions in question. The proposed Ordinance abandons this policy and requires all Minor Subdivision roads be brought up to State specifications at the time of construction and turned over to the

State for maintenance. Mr. Walker reported that the information heard from Mr. Cooper with VDOT earlier in this meeting tonight, that the State will accept an unpaved road, is news to him, that he has always been under the assumption that the State will not accept a road unless it is paved and meets the State standards. He indicated his intent to confirm that information with Mr. Cooper, as it might be that the State has a very low standard, where a subdivider can come in, do a four lot subdivision being served by one road, and not have to pave it. This could be, but was news to Mr. Walker at this meeting.

Mr. Walker continued by reviewing proposed changes to the Major Subdivision Section indicating that in any major subdivision with 25 or more lots, or a major subdivision with 15 or more lots in which a majority of lots are equal to or less than 5 acres in area, the subdivider shall install a properly designed water supply system.

He stated the major change in this section deals with a central sewer system serving the subdivision. In a major subdivision with 50 or more lots, or a major subdivision with 30 or more lots in which a majority of lots are equal to or less than 5 acres in size, the subdivider shall install a properly designed wastewater treatment system.

Noting the 2003 Comprehensive Plan revisions, Mr. Walker indicated that all of these recommendations have been included in the proposed Subdivision Ordinance, and the Planning Commission, in their deliberations, concurred and voted to recommend to the Board to implement all of the recommendations made in the Comprehensive Plan for specific changes to the Subdivision Ordinance. Some of these include: a fire protection standard, landscaping standards including medians, entrances into subdivisions, buffers and screenings in the subdivisions, underground utilities, pedestrian paths, and curbs and gutters.

Thereupon, W. F. Adams requested that action on the consideration of this proposed Subdivision Ordinance be tabled until the Board's July meeting in order to allow more time for the Board to study the document. Mr. Adams also requested that the Board conduct a work session on this proposed document prior to the Board's next meeting of July 26th.

By general consensus, the Board set the work session for 4:00 p.m. on July 26, 2004, to be held in the King William County Administration Building, and requested that Matt Walker of the Community Development Department and a representative from VDOT be invited to attend this work session.

RE: SCHOOL BOARD MATTERS – TERRI HALE, ASSISTANT COUNTY ADMINISTRATOR

a. FY-05 Appropriations – First Quarter - Assistant County Administrator, Terri Hale, addressed the Board indicating that during the budget process, the Board adjusted their method of appropriation to the schools from a lump sum annual to quarterly by category. She reported that she has met with Mr. Vinson Harris, Director of Finance/Operations with the schools, and it is felt that a quarterly appropriation of 25% of the approved budget will be acceptable with the exception of debt service. Because most literary fund loan payments are due July 1, that appropriation is based on actual debt service due during the first quarter. Ms. Hale requested the Board to appropriate funds for the School Operating Budget as follows:

Instruction	\$2,932,134
Administration, Attendance & Health	\$ 244,965
Transportation	\$ 241,173
Operation & Maintenance	\$ 361,635
Cafeteria	\$ 18,338
Debt Service	\$1,841,361
Total 1 st Quarter Appropriation	\$5,639,606

On motion by L. E. Byrum, Jr., seconded by W. F. Adams and carried unanimously, the Board appropriated funds for the FY-05 School Operation Budget for the first quarter in the total amount of \$5,639,606.00 as stated above.

b. Discussion of FY-05 Local Share - Terri Hale, Assistant County Administrator, reported that due to lengthy budget impasse in the General Assembly this year, the Board of Supervisors adopted the FT-05 Budget based on various revenue assumptions. In its final budget session, the General Assembly approved an additional \$588,438.00 of revenue for King William County schools. The majority of this additional funding is in basic aid and sales tax.

Ms. Hale continued, indicating that the Board needs to appropriate these funds and discuss the potential adjustment of the FY-05 approved local share for the schools. In April, the Board adopted a local share for the schools totaling \$9,022,202,

which is \$861,092 or 10.6% greater than the previous fiscal year. The Schools Board's total FY-05 local budget request of \$9,264,322 was reduced by \$242,120.00.

Ms. Hale noted that several Board members have expressed an interest in retaining some or all of these local funds and reducing the real estate tax rate for December. She also noted that the School Board has adopted a resolution requesting that the Board not lower the local share. Four options, as follows, were presented by Ms. Hale for the Board's discussion and consideration.

Option 1: Reduce the local share by the entire \$588,438, which would not change the total adopted FY-05 School Budget of \$18,285,020.00

Option 2: Reduce the local share by \$212,839.00, which would increase the total School Fund FY-05 Budget by \$375,599.00 to \$18,660,619.00

Option 3: Reduce the local share by \$321,312.00, which would increase the total School Fund FY-05 Budget by \$267,126.00 to \$18,552,146.00

Option 4: Make no reductions to the approved FY-05 local share, which would increase the total School Fund FY-05 Budget by \$588,438.00 to \$18,873,458.00. (This is the School Board's preferred option.)

Various Board members discussed the possibility of reducing the real estate tax rate in December if a portion of these funds are retained, and also appropriating a portion to the School Fund for the purchase of two new school buses.

A motion was made by T. G. Smiley to reduce transfers from the School Reserve Fund (\$191,940), the Cash Proffer Fund (\$71,400), the School Capital Projects fund (\$125,420) and the General Fund (\$104,360) totaling \$493,120, not reduce the real estate tax rate, and purchase two new school buses.

This motion died for the lack of a second.

Board member, L. E. Byrum, Jr. stated that it is anticipated that the current reassessment will significantly increase property values in the County, and he feels this Board should do what is best for all King William County citizens. He stated that this Board is charged with adopting sound fiscal practices and being good guardians of same. He stated that in an average locality, only three citizens out of every ten citizens have children in school, therefore, this Board should do something that benefits all County citizens.

At the request of L. E. Byrum, Jr., action on this matter was tabled until the Board's regular July monthly meeting.

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

a. Courts and Public Safety Facility - Frank A. Pleva, County Administrator, reviewed the updated report prepared by Kevin Vaughan, Clerk of the Works on this project. Occupancy of the facility will probably be some time in September.

b. Mt. Olive Community Development Project - County Administrator, Frank A. Pleva, reported the County Attorney is wrapping up the acquisition of the well from the community group, dealing with their attorney, Mr. Koch. The on-site sewage disposal site is on a parcel owned by West Point Log, Inc. and to date, negotiations with West Point Log have not proceeded very well, as they would like us to purchase 32 acres and we only need about 4 acres.

Mr. Pleva further advised that tomorrow, June 29, 2004, the first two houses in the Mt. Olive Project are scheduled to be set, and invited the Board to be present.

c. Regional Animal Shelter - Mr. Pleva reported that he and the County Attorney are investigating whether or not the site being looked at for the regional animal shelter on the new Courts facility property falls within the Courthouse Historic District, and if it does, the plans will have to be reviewed and approved by the King William County Historic Preservation and Architectural Review Board. This could possibly affect the cost, if any exterior improvements have to be made. The zoning map indicates that it may be in the historic district, but in the reading of the district text, it appears the property is located outside of the historic district. Usually the text will govern, and this issue should be resolved shortly. A soil scientist has been contacted to review this site, but, this review has not yet been accomplished.

d. Fire/Rescue Update - County Administrator, Frank A. Pleva, updated the Board on the meetings of the informal Fire/Rescue Committee, comprised of two Supervisors, Mr. Byrum and Mr. Williams, County staff including Lewis Health, Public Safety Manager, Terri Hale, Assistant County Administrator, as well as himself, and representatives from each of the fire and rescue agencies that serve the County,

including the Town of West Point, and Walkerton. He indicated this Committee was formed to address a variety of issues, some of which are problems now, and some of which, we are trying to be proactive on and address for the future. These largely deal with response time, and the recruitment and retention of volunteers. This Committee began meeting in February, and thus far, have held six meetings. Some of the matters looked at include: adjusting the service area or the response area for the different agencies given the population growth in the County, particularly, in the upper end of the County. After several meetings, and some assistance from the Middle Peninsula Planning District Commission's GIS equipment, there have been some modest adjustments made to the boundaries up along the Route 360 corridor, and the agencies seem to be in agreement. The Committee probably will be coming before the Board sometime in the near future regarding some incentives which are allowed by the State Code, to provide better recruitment and retention of volunteers. Currently, the individual fire and rescue agencies are meeting to develop Standard Operating Procedures (SOP's) so that when there is a call, they are all operating basically under the same guidelines in terms of response, and better coordinate their activities.

RE: APPOINTMENTS

a. Historic Preservation & Architectural Review Board, One Member, Five Year Term, Term of Ronald Driskill (Architect) Expires 6/30/04 - On motion by W. F. Adams, seconded by L. E. Byrum, Jr. and carried unanimously, the Board reappointed Ronald Driskill to serve a five year term on the King William County Historic Preservation and Architectural Review Board. Said term will expire June 30, 2009.

b. Industrial Development Authority – One Member, Four Year Term, Term of E. L. “Dick” Campbell Expires 6/30/04 - On motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, the Board reappointed E. L. “Dick” Campbell to serve a four year term on the King William County Industrial Development Authority. Said term will expire June 30, 2008.

c. Planning Commission – One Member, Four Year Term, Term of Dennis Waxmunski Expires 6/30/04 - (Note: Mr. Waxmunski does not seek reappointment)

The Chairman advised that in keeping with the Board's established policy of each election district having equal representation on the Planning Commission, that this

appointment should come from either the Third or the Fourth Election District. At this time, applications have been received from three individuals. T. G. Smiley, Election District Four Supervisor, yielded this appointment to a representative from the Third Election District.

A motion was made by L. E. Byrum, Jr. to appoint Eugene Rivara, a resident of the Third Election District, to serve a four year term on the King William County Planning Commission. This motion was seconded by T. G. Smiley and carried unanimously. Mr. Rivara's term will expire June 30, 2008.

Thereupon, Mr. L. E. Byrum, Jr. requested that the County staff prepare a Resolution of Appreciation for Mr. Dennis Waxmunski for his 12 years of service to the County as a member of the Planning Commission.

d. Recreation Commission – Two Members, Three Year Terms, Terms of Election District #1 Representative, Vernice Wilson, and Election District #5 Representative, Gerry W. Mick Expire 6/30/04 - On motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, the Board reappointed Vernice Wilson as the Election District #1 representative, and Gerry W. Mick as the Election District #5 representative on the King William County Recreation Commission, each for a term of three year terms, expiring June 30, 2007.

e. Bay Consortium Local Workforce Investment Area – One King William County Representative, Two Year Term, Term of John Gresham Expires 6/30/04 (NOTE: Mr. Gresham does not seek reappointment.) - On motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried, the Board appointed W. Frank Adams to represent the County on the Bay Consortium Local Workforce Investment Area for a two year term expiring June 30, 2006.

f. MPPDC – One Citizen Member, One Year Term, Term of Robert F. Brake Expires 6/30/04 - On motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, the Board reappointed Robert F. Brake to serve a one year representing King William County as its citizen member on the MPPDC. Said term will expire June 30, 2005.

g. Social Services Board – Two Members, Four Year Terms (NOTE: Existing Membership of Board is Being Expanded From Three Members to Five

Members) - Action on these two appointments was tabled until the Board's July regular monthly meeting.

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

Dr. Brenda Cowlbeck addressed the Board asking the members to keep the school children in mind when they are deliberating about the school funding. She thanked the Board for its past support, and made it known that prior to the School Board forwarding its proposed FY-05 budget document to the Supervisors, that it made several cuts and then the Board cut the additional \$242,000.00. She commented that King William County has a superior school division and cited some of accomplishments of the recent graduating class.

Terri Simms Adams, Chairman of the School Board, thanked the Supervisors for its FY-05 budget appropriations, and stated that a well educated community benefits all, and a quality school system benefits the County.

Dan Wright, who is working with public relations for the Mt. Olive Community Development Project, thanked the Board for its support of this project and invited the Board and County staff to attend the setting of the first two houses in the project on June 29, 2004. He also announced that laying of the water pipeline for this project will begin on July 26th, and anyone desiring to volunteer with a backhoe to assist with this project will be greatly appreciated.

Herb White addressed the Board concerning three topics – (1) Cash Proffers, Mr. White suggested that the Board consider utilizing more of the funding received through cash proffers for the purchase of equipment for the fire and rescue agencies. He noted that the newest piece of equipment that the King William Co. Vol. Fire Department has is now 14 years old. (2) Adoption of an Ordinance Prohibiting Burning of Leaves, Tree Debris, Trash, etc. in close proximity to other homes. Mr. White indicated a lot of outdoor burning is now occurring in densely populated areas, and this causes breathing problems with individuals having any type of heart ailments, asthma problems, lung problems, etc. He feels this situation is only going to worsen as the County continues to grow. (3) Changes to Fire/Rescue Service Districts, etc. -

He requested that these changes be put in the form of a public hearing to receive comments and suggestions from all citizens of the County.

RE: BOARD OF SUPERVISORS' COMMENTS

W. F. Adams expressed his appreciation to Dan Wright for his continuing interest and work with County projects such as the Mt. Olive Community Development Project.

O. O. Williams stated his opinion that the number of lots allowed in a Minor Subdivision should remain at 5 lots, and not be changed.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711A(7), CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PERTAINING TO TWO SUITS ENTITLED JACKIE H. BAILEY AND VIVIAN B. BAILEY V. BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA; AND JACKIE H. BAILEY AND VIVIAN B. BAILEY V. BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, ET ALS, AND PURSUANT TO SECTION 2.2-3711A(1) OF THE CODE OF VIRGINIA, 1950, AS AMENDED, FOR DISCUSSION OF THE PERFORMANCE OF A SPECIFIC CONTRACT EMPLOYEE PERTAINING TO THE GENERAL REASSESSMENT PROGRAM

On motion by L. E. Byrum, Jr., seconded by W. F. Adams and carried unanimously, the Board entered Closed Meeting pursuant to Section 2.2-3711A(7), Code of Virginia, 1950, as amended for consultation with legal counsel regarding actual litigation pertaining to two suits entitled Jackie H. Bailey and Vivian B. Bailey v. Board of Supervisors of King William County, Virginia; and Jackie H. Bailey and Vivian b. Bailey v. Board of Supervisors of King William County, Virginia, et als, and pursuant to Section 2.2-3711A(1) of the Code of Virginia, 1950, as amended, for discussion of the performance of a specific contract employee pertaining to the General Reassessment Program.

Having completed the Closed Meeting, the Board reconvened in open meeting on motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried with a unanimous roll call vote.

In accordance with Section 2.2-3711B of the Code of Virginia, 1950, as amended, L. E. Byrum, Jr., 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 O. O. Williams 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 2.2-3711B of the Code of Virginia, 1950, as amended, requires a certification by the King William County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

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

1. Only 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; 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.

RE: ACTION ON MATTERS HEARD IN CLOSED MEETING

a. Bailey & Bailey v. King William County, Virginia – Two Law Suits - On motion by T. G. Smiley, seconded by O. O. Williams and carried with a unanimous roll call vote, the Board approved the Settlement Agreement and Release of Claims with Jackie H. Bailey, Vivian B. Bailey and Rogers-Chenault, Inc. as presented to the Board in Closed Meeting, and authorized the Chairman to execute the Agreement on behalf of the County.

b. Proposed Zoning Ordinance Text Amendments - On motion by L. E. Byrum, Jr., seconded by W. F. Adams and carried with a unanimous roll call vote, the Board proposed the following text amendments to the King William County Zoning Ordinance and ordered that they be referred to the King William County Planning Commission for its consideration and recommendation:

Case #T-01-04 - Amend Division 6, entitled Density, Site Dimensional Regulations and Development Standards, Section 10-302, Table 6.1, R-1 Suburban Residential Zoning District with both public water and sewer to change column (2), entitled Minimum Lot Area, from 10,000 square feet to 15,000 square feet and to change column (6), entitled Minimum Lot Frontage Required (in feet), for lots fronting on a new road serving subdivision lots from 100 feet to 150 feet.

Case #T-02-04 - Delete in its entirety Section 10-528, entitled Review and Revision of Proffered Conditions, of Division 19, entitled Conditional Zoning

Case #T-03-04 - Amend Division 18, entitled Applications and Procedures, Section 10-510, entitled Amendments to the Zoning Ordinance, Subsection F, entitled Report from Planning Commission, to change from ninety (90) days to one hundred (100) days the time by which the Planning Commission must make a recommendation and report on any proposed amendment to the Zoning Ordinance to the Board of Supervisors after the first meeting of the Planning Commission after the proposal has been referred to the Planning Commission.

The Chairman announced that no further 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:

C. T. Redd, III
Chairman

Frank A. Pleva
County Administrator