

MINUTES

KING WILLIAM COUNTY

BOARD OF SUPERVISORS

MEETING OF JULY 27, 2009

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 27TH DAY OF JULY, 2009, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PERSONS PRESENT:

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

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

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 changes and addition: Under Item 6, Consent Agenda, Item 6a, "Approval of Minutes of June 16, 2009, Joint Work Session with Board of Zoning Appeals and Planning Commission" was added; Item 9, "Consideration of Supplemental Appropriation Request of \$34,751.00 from the Electoral Board" was moved up to become Consent Agenda Item 6e, with a "not-to-exceed" amount of \$25,500.00; and under Item 11, "Planning Matters", 11e "Mud Bogs, Information from the County Administrator" was added.

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

a. Bill Lipscomb of the Herring Creek Mill Pond Association, provided information to the Board regarding the possibility of securing federal grant funds for qualifying Dam and safety and floodplain related projects. He noted that such funding is not available to individuals but to local governments. Deadline for submitting an

application is August 14, 2009, and he urged the County to pursue this source of funding.

b. Dr. Andy Franco, a resident of 1129 Millwood Road, addressed the Board to follow-up on a request made by the Board to VDOT at its May 18th meeting to maintain and keep open Route 607 (Millwood Road). He stated his understanding that due to budget constraints, VDOT cannot repair and maintain the entire length of Route 607 at this time. However, he feels VDOT has to fix or upgrade the part of the road that is now in use to begin the restoration and repair. He indicated that VDOT has maintained this road in the past and they are obligated, as part of their responsibility to King William County to maintain and fix a two hundred year old county/state road damaged by a storm.

Continuing, Dr. Franco indicated that the Herring Creek Home Owners' Association has information from the Department of Conservation and Recreation regarding the availability of funds, either as a loan or a grant to qualifying Dam and safety and floodplain related projects. He stated that the application for a share of this money has to be made by local governments, and must be submitted by August 14, 2009. He urged the Board to pursue this possible source of funding for the restoration of Route 607.

The County Administrator responded that he has been in contact with Mr. Jimmy Robinson with the Department of Conservation and Recreation about the possibility of applying for a grant, even though there is not a lot of money to be distributed statewide, given the number of dams. One of the questions yet to be resolved is if there is a local funding match, and if so, who is going to pay the matching funds?

c. Andy Pierce of Andy's Automotive, Inc. addressed the Board seeking assistance for the King William County Volunteer Fire Department and Rescue Squad, Inc. for repair of their equipment. He indicated that the Department is in dire need because their equipment needs to be repaired. Their pump truck is down with an estimated cost of \$10,000 to repair; their engine needs work which is estimated to be \$3,700 and their ladder truck has no brakes. He indicated that he has done a lot of repair work at no cost to them, but the Department needs assistance from the County

as well. He asked if the County could help with getting some of this equipment repaired and get it back into working order, because without this equipment in operation, fire protection for this service area of the County is greatly decreased.

D. L. Wright discussed the possibility of extracting funding from the meals tax revenues that were earmarked for Emergency Services.

C. T. Redd III stated that the Board recently approved an advance amount of \$15,000 on their FY-10 appropriation to the King William Fire & Rescue Department, and indicated the need to look at the remaining amount.

D. L. Wright spoke to the King William Fire & Rescue Department personnel indicating that they should have come to the Board before now to discuss this situation, and that the Fire Department has responsibility to the community just the same as the Board does. He requested the Fire Department to provide cost estimate figures for these needed repairs to the Board.

C. L. Schools indicated that the Board would take this matter under advisement. He also discussed the mutual aid working relationship with surrounding jurisdictions and fire departments, which would be available to King William County, if needed.

d. Herb White of 101 Bea's Lane in the Third Election District, addressed the Board with two comments: (1) the proposed employment of a position in the Recreation Department to be considered later on this agenda – He voiced his objection to this employment when earlier this year, the Board saw fit not to approve a request from the EMS Department to provide funding for the employment of a part-time position to be shared with the School Board, which would have given the County an Advanced Life Support (ALS) person available on duty in the County during those hours. He questioned which is more important for the citizens of King William County? He further indicated his opinion that the County has to provide more funding to the volunteer fire and rescue departments, because the large amounts of money needed to purchase and maintain equipment cannot be raised from salt fish breakfasts and other fundraisers of this nature.

(2) Mr. White also made the Board aware of three (3) recent house fires in the County where the homes were all completely destroyed. He feels this further

illustrates the need for more updated equipment and more personnel, and it can only be done with the assistance of the Board of Supervisors.

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 Joint Work Session with the Board of Supervisors, Board of Zoning Appeals and the Planning Commission held on June 16, 2009, and the Minutes of the Regular Meeting of June 22, 2009.

b. Claims against the County for July, 2009, in the amount of \$1,954,038.32 as follows:

(1) General Fund Warrants #70591-70864 in the amount of \$1,654,128.38 – (\$430,100.71 in FY-09 and \$1,224,027.67 in FY-10); Manual Check #14199 in the amount of \$31,959.62; Direct Deposits #12822-12932 in the amount of \$205,271.11; and Electronic Tax Payment in the amount of \$62,679.21

(2) For informational purposes, Social Services expenditures for the month of June, 2009, Warrants #307540-307595 in the amount of \$34,187.06; Direct Deposits #2125-2142 in the amount of \$30,568.15; and Electronic Tax Payment in the amount of \$9,769.76

(3) For informational purposes, Circuit Court expenditures for the month of June, 2009, Warrants #70564-70571 in the amount of \$4,954.34; Direct Deposits #338-340 in the amount of \$8,870.65; Electronic Tax Payment in the amount of \$2,974.20

(4) For informational purposes, Comprehensive Services Act Fund expenditures for June, 2009, Warrants #70573-70589 in the amount of \$61,237.58

(5) Tax Refunds for the month of June, 2009, in the amount of \$1,957.95

c. Approved a FY-10 School Fund appropriation request in the amount of \$24,733,410

d. Approved the following Resolution Endorsing the Concept of Fair Housing, Required as a Recipient of a Community Development Block Grant (CDBG)

RESOLUTION

WHEREAS, the Congress of the United States has enacted the Federal Fair Housing Act of 1968, as amended; and,

WHEREAS, federal and state law provide equal housing opportunity for all citizens regardless of race, color, religion, national origin, sex, age, familial status, or handicap; and,

WHEREAS, King William County has provided programs to assist the development of decent, affordable housing for citizens of all incomes

NOW, THEREFORE, we, the Board of Supervisors of King William County, Virginia, do endorse the concept of Fair Housing and call upon the citizens of this locality and governmental officials along with those in banking and housing industries to join together in this observance and work together in this observance for free and equal housing treatment for all.

e. Approved a FY-09 Supplemental Appropriation Request from the King William County Electoral Board in an amount not to exceed \$25,500.00, with this amount coming out of the Contingency Fund of the General Fund

RE: ADOPTION OF RESOLUTION OF APPRECIATION TO MRS. FRAN FREIMARCK ON THE OCCASION OF HER RETIREMENT

On motion by D. L. Wright, seconded by T. G. Smiley and carried unanimously, the Board adopted the following Resolution of Appreciation recognizing Mrs. Fran Freimarck on the occasion of her retirement as Director of the Pamunkey Regional Library. Mrs. Freimarck has held this position since January 1, 1977.

RESOLUTION OF APPRECIATION

WHEREAS, Fran Freimarck became the Director of the Pamunkey Regional Library on January 1, 1977; and

WHEREAS, at that time only the Bookmobile served King William through stops around the County and at the former Monday Club Library in West Point; and

WHEREAS, in July, 1977 the County funded the operation of the West Point Branch Library, taking over for the Monday Club by hiring staff and creating a catalog for the small collection; and

WHEREAS, in 1992 the Ruritan's Library Club and the Friends of the West Point Library collaborated to raise funds and move the Library to its current location on Main Street; and

WHEREAS, in 1995 the Friends of the Upper King William Library worked with the County to establish the Upper King William branch; in 2001 the branch moved into the larger leased space on Sharon Road; and

WHEREAS, in 2001 the computer lab in the West Point branch was established with a Gates Foundation Grant; and

WHEREAS, in other parts of the region, branches in Hanover County grew from three to six; the first branch was built in Goochland County; and King & Queen County was accepted into the regional system; and

WHEREAS, the integrated library system allows everyone knowledge of what is in each of the ten branches, to request the transfer of books from any computer with Internet access and have it sent to another branch through a six days a week delivery system; so instead of access to the 20,000 volumes in the West Point or Upper King William branches, patrons have access to all 325,000 volumes in the library system; and

WHEREAS, the branches themselves are friendly, welcoming places where citizens come to use the library collections, use free the library's computers and Internet access or wireless connections for their own computers; all types of people attend library sponsored programs and use the community meeting rooms, even when the library is closed; and

WHEREAS, Ms. Freimarck was awarded the prestigious George Mason Award in 2008, which is presented to a librarian, library or organization distinguished for advocacy of libraries and/or information access, or to an institution, business or academic program whose activity has contributed to the development, growth and extension of library and information services in the local community, the state or the nation; and

WHEREAS, many important goals were reached throughout Ms. Freimarck's tenure, including but not limited to: Friends groups for each branch; updated library buildings with the latest technology; welcoming and well trained staffs and programs for all ages; book discussion groups in all branches; and a total circulation of over 1 million items per year; and

WHEREAS, Ms. Freimarck will now work on the goals of increased operating hours and seven days a week service as a member of Friends of the Library;

BE IT RESOLVED, that the King William County Board of Supervisors expresses its deep appreciation to Ms. Freimarck for her career-long dedication to library services to the community; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the King William County Board of Supervisors congratulates Ms. Freimarck on her retirement and commends her for her continued involvement in the library; and

AND BE IT FINALLY RESOLVED, that a copy of this resolution expressing the sense of this Board of Supervisors on this matter shall be spread upon the meeting minutes of said Board of Supervisors.

Mrs. Freimarck was present and received the Resolution of Appreciation from Chairman Williams, along with a standing ovation from members of the audience. She expressed her appreciation to the Board for its support over the years, and shared some of her retirement plans, including working with the King William Friends of the Library.

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY

ADMINISTRATOR

a. Adoption of Resolution for Subdivision Street Acceptance into the VDOT Secondary System, McCauley Park, Section 3 - At the request of Residency Administrator, Charlie Stunkle, this matter was tabled for 30 days.

b. Route 360, Westbound Lane at Manquin - Mr. Stunkle reported that a situation has developed in the westbound lane of Route 360 at Manquin with bumps in the pavement. Approximately 11 or 12 years ago VDOT did some extensive full depth restoration pavement repair in this area, but, now obviously some other problem exists, so VDOT's geo technical department will be doing some core drilling to determine the problem.

c. Report on Revenue Projections That Will Be Received in August - Mr. Stunkle advised that most likely the new VDOT revenue projections to be received in August will have further reductions, and that more adjustments will have to be made to their budgets.

d. VDOT Mowing Standards - Mr. Stunkle indicated that reports have been received that drivers are having problems seeing the road signs due to the vegetation growth as a result of the reduced mowing standards, and that VDOT is making a concerted effort to mow around all of their signs to make them visible.

C. L. Schools inquired if it is permitted by VDOT for an individual to mow in the median on Route 360 in front of their business or home. Mr. Stunkle responded that an individual mowing to the ditch line in front of their property is no problem, but, an individual mowing along the shoulders or in a median poses too many safety and liability issues.

e. Route 607 - D. L. Wright inquired about whether or not VDOT could install some drainage culverts, etc. to better maintain Route 607. Mr. Stunkle responded that the bulk of Route 607 is in a cut area with high steep banks on both sides and no real defined ditches, and has very sandy material, but, perhaps VDOT can do some heavier stone stabilization with their very limited funds available.

f. Route 608, Globe Road - O. O. Williams discussed a problem being experienced by the mail carriers on Globe Road. He indicated that recently VDOT did some over paving on Globe Road and did not put enough stone on the edges of the roadway, therefore, when the mail carriers pull off to deliver mail to the individual boxes, their vehicles are dragging bottom, cutting tires, etc. Mr. Stunkle advised that VDOT will look at the mailbox pullouts on this route.

RE: TAXATION MATTERS – FRANK A. PLEVA, COUNTY

ADMINISTRATOR

a. Public Hearing – Creation of a New and Separate Personal Property Classification for Aircraft, and Setting the 2010 Levy at \$1.30 per \$100 of Assessed Value

Frank Pleva, County Administrator, presented and reviewed information regarding the proposed Personal Property Tax Classification for Aircraft and for Setting the Levy for Tax Year, 2010. He indicated that this is a public hearing to consider a new and separate personal property classification for aircraft, and for setting the tax year 2010 levy at \$1.30 per \$100 of assessed value. If adopted, this new tax classification will become effective immediately upon adoption.

Thereupon, the Chairman declared the public hearing open for comments for or against this proposal.

No persons appeared to speak.

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

b. Consideration of Action - On motion by C. T. Redd III, seconded by C. L. Schools and carried unanimously, the Board created a new and separate personal property tax classification for aircraft and set the 2010 levy at \$1.30 per \$100 of assessed value, with a sliding scale method of assessment.

RE: PLANNING MATTERS – SCOTT LUCCHESI, COMMUNITY

DEVELOPMENT DIRECTOR

a. Public Hearing – Proposed Amendment of King William County Code, Chapter 30, Entitled “Environment” to Make the Current County Erosion and Sediment Control Ordinance Consistent with the Commonwealth of Virginia Amendments - Community Development Director, Scott Lucchesi, reported that a recent review of the County’s Environmental Ordinance, Chapter 30, of the King William County Code performed by the Department of Conservation and Recreation has concluded that the recent revisions to the State Code have now made our Ordinance inconsistent. Mr. Lucchesi explained that as the State makes amendments to the State Code, it can make the King William County Code outdated or inconsistent until amended, and that

the County Code must be found to be consistent by the end of July, 2009, according to a report from DCR.

The following text amendment (TXT-02-09) to the King William County Erosion and Sediment Control Ordinance, Chapter 30, of the King William County Code to allow for the provision of a Variance to the Erosion and Sediment Control Ordinance, when applicable, and to provide a definition of a variance that relates to the Ordinance is being proposed for adoption.

KING WILLIAM COUNTY CODE

CHAPTER 30 "ENVIRONMENT"

ARTICLE III

Sec. 30-74 Submission and approval of plans; contents of plans.

ADD: (j)

The Director or his designee may waive or modify any of the requirements of this Article that are deemed by the Director or his designee as being inappropriate or too restrictive for site conditions, by granting a Variance. A Variance may be granted only under the following conditions:

(1) At the time of plan submission, an applicant may request a Variance to become part of the approved erosion and sediment control plan. The applicant shall provide a written explanation of his or her reasons for requesting the Variance. Any Variance granted by the Director or his designee shall be noted and documented on the plan.

(2) During construction, the applicant or the persons responsible for implementing the approved plan may request a Variance in writing to the Director or his designee. The Director or his designee shall respond in writing to the person submitting the request for the Variance his decision to either approve or disapprove the request within 10 days of the request. If the Director or his designee fails to approve the request within 10 days of the filing of such request, the request shall be considered to be disapproved. Following disapproval, the applicant may submit a Variance request with additional information to be considered by the Director or his designee.

(3) The Director or his designee shall give mature consideration to each such request for a Variance, balancing the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.

Variance: Means a waiver or modification of any of the requirements of this article that are deemed by the Director or his designee as being inappropriate or too restrictive for site conditions.

Mr. Lucchesi indicated that this proposed amendment was considered in public hearing by the King William County Planning Commission at its June meeting and is being forwarded to the Board with a recommendation of approval. In addition, this proposed amendment has been duly advertised for this scheduled public hearing before the Board of Supervisors.

Thereupon, the Chairman declared the public hearing open for comments on this proposed amendment, and the following appeared to speak:

Mr. Matthew Foot, an attorney representing Judith Gwathmey, who owns approximately 250 acres in District Four of King William County, addressed the Board stating that their understanding of the goal of this proposed amendment is to provide the opportunity for variances from the strict requirements regarding erosion and sediment control, but they feel these requirements are in place for a reason, and that is to protect against damage to property from erosion and sediment. He indicated they are not opposed to the opportunity for variances but are opposed to the fact that this proposed amendment places the discretion and authority unilaterally in the hands of one individual, the Planning Department Director, without review, notice, or public hearing. They feel this removes the level of oversight and damaging results could occur to properties in the County, even if unintentionally. They feel the Board of Supervisors should, at a minimum, consider giving this authority to the Planning Commission. The County's Ordinance already requires that site plans be placed on the Planning Commission's agenda or the Board of Supervisors' agenda where the public is provided notice and has the opportunity to be heard.

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

b. Consideration of Action - A motion was made by C. T. Redd III to approve the amendment to the King William County Code, Chapter 30, entitled "Environment" to make the current County Erosion and Sediment Control Ordinance consistent with the Commonwealth of Virginia amendments, as presented in public hearing. This motion was seconded by T. G. Smiley and carried with the following vote:

| | |
|----------------|-----|
| O. O. Williams | Aye |
| T. G. Smiley | Aye |
| C. T. Redd III | Aye |
| D. L. Wright | Nay |
| C. L. Schools | Nay |

c. Discussion Concerning a Special Events Policy/Procedure Regarding Mud Bogs - The County Administrator, Frank Pleva, reported that at its June 22, 2009, meeting, the Board discussed the issue of regulating mud bogs and setting

some controls for dealing with law enforcement, emergency services, safety issues, etc. At that meeting, the Board empowered the Board of Zoning Appeals to issue a Special Exception Permit under the provisions of the Zoning Ordinance for temporary uses and structures in any zoning district not specifically listed in the zoning regulations, (Section 86.664(c)(7) of the Zoning Ordinance).

Research with surrounding jurisdictions indicated another method of dealing with mud bogs was to use the same Special Exception Permit process but to specify for mud bogs and limit them to fewer zoning districts by ordinance. Another method was to use the Conditional Use Permit, specifically obtained for a mud bog, which would be issued by the Board of Supervisors. The third method of dealing with mud bogs would be to adopt a Special Events Policy.

It was the suggestion of the County Administrator for the Board, in the short term, to direct County staff to develop criteria for the Board of Zoning Appeals by which they would evaluate an application, and also give the BZA sample conditions that could be imposed on an approved application, and be modified on a case by case basis, just like conditions imposed on other types of zoning applications. Potentially, the Board of Zoning Appeals could deal with Mud Bog applications right now. Doing this will provide an additional 30 days for administration to review this and provide their final comments to the Board for its decision.

As a reminder, Mr. Pleva indicated that if there is to be an amendment to the Zoning Ordinance, the Planning Commission would have to make a recommendation to the Board before the Ordinance can be amended, so at its August meeting, the Board could decide which option is preferred, then refer it to the Planning Commission. In turn, the Planning Commission would hold a public hearing on any proposed Ordinance amendment and forward its recommendation to the Board. The Board would then hold a public hearing and make the decision on any Zoning Ordinance amendment.

Thereupon, it was the consensus of the Board that County staff be directed to develop criteria by which the Board of Zoning Appeals would evaluate an application for a Mud Bog, and also give the Board of Zoning Appeals some sample conditions

that could be imposed on an approved application and be modified on a case by case basis.

RE: DISCUSSION OF FY-10 PROFESSIONAL DEVELOPMENT

PROCEDURES

C. T. Redd III indicated that a memo was sent out on July 9, 2009, from Board Chairman, O. O. Williams, to all County Department Heads, Constitutional Officers, and the Division Superintendent stating that due to the probability of the County being faced with additional reductions in state funding during the current fiscal year, a moratorium was put in place on all discretionary spending of local dollars, including, but not limited to, professional development, travel, furniture & fixtures, and EDP equipment. This measure was effective on the date of the memo.

It was also stated that during the last fiscal year, due to state reductions in aid to localities, the Board did not allow any local dollars to be spent on professional development unless it was required by law, such as those for Building Inspectors and the Erosion and Sediment Control Officer. There are certifications that enhance an employee's performance, but are not required by statute for the employee's legal performance of his or her duties.

Because there have been questions raised about courses to maintain certifications, the Finance Department is requesting direction from the Board for the current year process.

Thereupon, on motion made by C. T. Redd III, seconded by C. L. Schools and carried unanimously, the Board clarified that only professional development courses required by statute or regulation will be paid for by the County, and also that all such requests must go to the Finance Office. In addition, this motion further stated that all spending requests for travel, furniture & fixtures, and EDP equipment should go to the Finance Office before the expenditures are made.

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

ADMINISTRATOR

a. Regional Animal Shelter - County Administrator, Frank Pleva, reported his understanding from the Shelter's Architect that the epoxy floor has now been repaired, except for around a few drains. There are still issues with the air

conditioning system, and some adjustments need to be made by the subcontractor. The third item is the matter of the drain field. The alarm on this has gone off several times, because apparently during construction, without receiving proper direction from the general contractor, the fence installer put up fence posts in the line going to the drain field. This situation has been repaired but there is still some debris, so the system installer will have to be brought back to clean it out, which will be done at the general contractor's cost.

b. Mt. Olive Community Improvement Project - Frank Pleva, County Administrator advised that a certificate has been received to operate the mass drain field which serves about six of the homes in the subdivision. All the water and sewer lines have finally been completed by the self-help crew. A grant has been received from Rural Development (formerly Farmers Home Administration) to fund the boring under the road to get the homes on the other side of the road connected to the other water and sewer system. There is to be a bid opening on Wednesday afternoon for the guardrail at the Gray Manor Subdivision. This also will be funded by another grant from Rural Development. Most likely, this bid award will be before the Board at its August meeting.

RE: APPOINTMENTS

a. Recreation Commission – One Member, Three Year Term, Term of Donald B. Longest, Representative from King William School System, Expired 6/30/09
It was the recommendation of the King William School Board that its representative on the King William Recreation Commission be Mr. Steven Tupponce. Thereupon, on motion by T. G. Smiley, seconded by C. L. Schools and carried unanimously, the Board appointed Mr. Steven Tupponce to serve a three year term on the King William Recreation Commission as the King William School System's representative. Said term will expire June 30, 2012.

b. All Hazards Emergency Planning Committee – Three Members – One From Election District 1 and Two from Election District 3 - On motion by C. T. Redd III, seconded by T. G. Smiley and carried unanimously, Mr. Wendell Scott Sutton was appointed as a member of the All Hazards Emergency Planning Committee from Election District One to fill a vacated, unexpired term ending January 31, 2012.

On motion by C. L. Schools, seconded by T. G. Smiley and carried unanimously, Mrs. Karen B. Kelly was appointed as a member of the All Hazards Emergency Planning Committee from Election District Three to fill a vacated, unexpired term ending January 31, 2010.

On motion by C. L. Schools, seconded by T. G. Smiley and carried unanimously, Mr. Donald L. Hicks was appointed as a member of the All Hazards Emergency Planning Committee from Election District Three to fill a vacated, unexpired term ending January 31, 2012.

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

Don Wagner of the Fifth Election District addressed the Board concerning the issue of the proposed employment of an individual to fill a vacated position in the Department of Recreation and Parks. He asked the Board to give very serious consideration to other issues in the County before going forward with this employment. He indicated that earlier in this meeting, the Board heard about the Fire and Rescue needs in the County, and further that many people in King William County are out of work, which greatly impacts the needs of the Social Services Department, and he asked the Board to consider the importance of these needs versus the Recreation Department position. He also stated that the Board has been saying for months that it could not fill the vacant Public Information Officer position, and now you are considering filling a position in the Recreation Department. He again asked the Board to consider which is more important to the citizens of this County.

Bob Ehrhart of 644 Edgar Road in the Fifth Election District, stated that it has been approximately 60 days since the application deadline for federal economic stimulus money expired, and in his checking with VDOT, he discovered that King William County did not apply for any funding that could have been used to assist with repairs on Route 607 (Millwood Road), and questioned why not?

Frank Pleva, County Administrator, indicated that King William County did make application for this funding, but not for this particular project. He stated that the information he was given was that these funds were for publicly funded projects such

as a jail expansion, water lines, sewer lines, etc., and the Dam on Route 607 is privately owned.

Bob Coats of 5816 King William Road, in the Fifth Election District, addressed the Board to reiterate the previous statements made concerning the employment of the position in the Recreation and Parks Department. He stated that it has been approximately a year now since Ms. Katy Lloyd resigned from the position of Public Information Officer, and, during her tenure, he felt that she did a great service for King William County, but that position has not yet been filled. Now this Recreation position just became open during the last two months, and the Board is ready to rush into filling it. He asked the Board to put priorities in place and put this decision tonight on “hold”, and reconsider.

RE: BOARD OF SUPERVISORS' COMMENTS

C. L. Schools thanked Andy Pierce of Andy's Automotive, Inc. for all the free assistance he has provided to the Fire Departments and Rescue Squads in helping to maintain their equipment, and to all the volunteer members of these departments. He felt they certainly deserve appreciation from everyone.

C. T. Redd III expressed appreciation for the Fire and Rescue volunteers, and stated that County funding is tight, and that the Board tries to be good stewards of the public funds entrusted to them.

D. L. Wright expressed appreciation to Andy Pierce of Andy's Automotive, Inc. for coming before the Board at this meeting to speak on behalf of the Fire and Rescue volunteers. He expressed his desire that the Board could come up with a plan for expenditure of the meals tax revenues for fire and rescue services in the County.

T. G. Smiley stated that originally when the Public Information Department was created, funding was provided by the City of Newport News in order to disseminate information concerning the proposed Reservoir to King William County residents.

O. O. Williams recognized that King William County has many problems and expressed his hope that all concerned can work together for the betterment of the County.

County Administrator, Frank Pleva, noted that King William County and its Finance Office staff have attained the Government Finance Officers Association's

Certificate of Achievement for the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2008. This is the eleventh consecutive year for this achievement.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(A)(1), CODE OF VIRGINIA, 1950, AS AMENDED, FOR THE DISCUSSION AND CONSIDERATION OF THE EMPLOYMENT OF A PROSPECTIVE CANDIDATE FOR A SPECIFIC PUBLIC EMPLOYEE POSITION IN THE DEPARTMENT OF PARKS AND RECREATION, AND SECTION 2.2-3711(A)(7), CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION AND DISCUSSION WITH LEGAL COUNSEL EMPLOYED BY THE PUBLIC BODY REGARDING CONTRACTUAL OBLIGATIONS PERTAINING TO THE KING WILLIAM RESERVOIR PROJECT AND THE ENFORCEMENT OF ZONING AND OTHER LAND DEVELOPMENT ORDINANCES RELATED TO SPECIFIC RESIDENTIAL PROJECTS

On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board entered Closed Meeting pursuant to Section 2.2-3711(A)(1), Code of Virginia, 1950, as amended for the discussion and consideration of the employment of a prospective candidate for a specific public employee position in the Department of Parks and Recreation, and Section 2.2-3711(A)(7), Code of Virginia, 1950, as amended, for consultation and discussion with legal counsel employed by the public body regarding contractual obligations pertaining to the King William Reservoir Project and the enforcement of zoning and other land development ordinances related to specific residential projects.

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 2.2-3412D of the Code of Virginia, 1950, as amended, D. L. Wright moved that the King William County Board of Supervisors adopt the following resolution certifying that this Closed Meeting's procedures comply with the requirements of the Virginia Freedom of Information Act. This motion was seconded by T. G. Smiley and carried with a unanimous roll call vote.

RESOLUTION

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

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

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

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

The Chairman announced that no action would be taken on matters considered by the Board in Closed Meeting.

RE: ADJOURNMENT OF MEETING

On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, this meeting was adjourned.

COPY TESTE:

Frank A. Pleva
County Administrator