

## MINUTES

### KING WILLIAM COUNTY

### BOARD OF SUPERVISORS

### MEETING OF JULY 28, 2003

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 28<sup>TH</sup> DAY OF JULY, 2003, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURTHOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

L. E. BYRUM, JR., CHAIRMAN  
C. T. REDD, III, VICE-CHAIRMAN  
G. E. JENKINS – ABSENT  
E. P. STEROWSKI  
D. L. WRIGHT

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

#### **RE: APPROVAL OF MEETING AGENDA**

On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the following changes: delete Item 6g – Consent Agenda – Authorization to Mangohick VFD to Operate at an Advanced Life Support Level in King William County; add Item 8a – VDOT Matters – Presentation of Letter from William R. Beswick of West Point; add to Item 14b – Appointments, Wetlands Board, Two Vacancies to the Filled.

#### **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: CONSENT AGENDA**

On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board approved the following items on its consent agenda:

- a. Minutes of the June 23, 2003, Special Meeting Held at 5:00 p.m. and of the Special Meeting Held at 5:30 p.m. and of the Regular Meeting Held at 7:00 p.m.
- b. Claims against the County for July, 2003, in the amount of \$1,650,843.09 as follows:
  - (1) General Fund Warrants #53951-54205 and manual checks #13959-13961 and #13962-13963 in the amounts of \$1,508,966.80; \$645,137.52 and \$11,695.32; Direct Deposits

#4860-4966 in the amount of \$157,669.21; and Electronic Tax Payment in the amount of \$50,930.88

(2) For informational purposes, Social Services expenditures for the month of June, 2003, Warrants #302584-302640 in the amount of \$26,104.74; Direct Deposits #811-827 in the amount of \$20,586.22; and Electronic Tax Payment in the amount of \$7,244.08

(3) For informational purposes, Circuit Court expenditures for the month of June, 2003, Warrants #53926-53935 in the amount of \$6,242.43, and Direct Deposits #84-86 in the amount of \$6,587.34

(4) For informational purposes, Comprehensive Services Act Fund expenditures for June, 2003, Warrants #53937-53949 in the amount of \$59,430.89

(5) Tax Refunds for the month of June, 2003, in the amount of \$1,701.42

c. Approved a supplemental appropriation to the School Board in the amount of \$298,031.00 for additional state revenues received during the 2003-04 school year for Middle Peninsula Alternative Education Project

Approved a supplemental appropriation to the School Board in the total amount of \$345,232.00 for unanticipated grants and revenue received for: Mentor Teacher Funds, Instructional Support Grant, Alternative Education, and Educational Technology during the 2003-04 school year

d. Recognized Dr. Brenda F. Cowlbeck on being named Region III Superintendent of the Year

e. Adopted the following Resolution Affirming the Commonwealth's Funding Commitment to Public Schools

### **RESOLUTION IN SUPPORT OF VIRGINIA'S STUDENTS**

**WHEREAS**, many students in Virginia's public schools are at-risk of not learning what is required to earn a high school diploma, enroll in a college or university or enter the job market, and even the successful students who graduate are affected by schools struggling to provide the level of educational quality they need and deserve; and,

**WHEREAS**, teachers often find they do not have the tools or training necessary to teach the subject mandated for achievement of state standards and teachers' salaries and the uncertain state support of salaries do not provide the kind of incentives that attract and keep the most talented professionals; and,

**WHEREAS**, state funding for public education does not reflect the true cost of constructing, staffing, equipping, operating and maintaining schools that perform at the level needed to support the foundation for standards of quality and learning, and the costs of educating at-risk students create additional fiscal pressures on many school systems; and,

**WHEREAS**, not only are students being left behind, taxpayers are seeing the increasing burden of higher local real estate tax rates as local governments try to pay both their share and the state's share of education costs, and, when Virginia's students plan for higher education, they face additional challenges because legislative reports also have verified that appropriate levels of funding have not been achieved for higher education, and one of the worst results of reduced funding for college students is that so many qualified Virginia students are denied admission because the faculty, buildings, and equipment are simply not here to accommodate them; and,

**WHEREAS**, the effects of being left behind without a high school diploma or a college degree, especially for an at-risk student, are compelling. A Virginian who has a high school diploma earns a lot more than one who does not. A degree from a community college means more, and a four-year college degree means even more. Education literally pays, in addition to its other quality of life benefits.

**THEREFORE, BE IT RESOLVED**, that the County of King William urges the elected members of the General Assembly to commit to work for additional state dollars to fully fund the actual costs of the Standards of Quality and the legislative guidelines for higher education funding. These actions are essential if our elementary, middle, and high schools, community colleges, and four-year colleges and universities are to meet the following goals:

- Smaller classes in schools and colleges where teachers and faculty can provide students the individual attention they need to learn and graduate on time
  - Sufficient numbers of well-qualified teachers and faculty to give every student the opportunity to graduate from high school and to have access to higher education and opportunities for training and skill development
  - Competitive salaries to attract and keep well qualified teachers and faculty to help students learn
  - Modern, safe classrooms, laboratories, technology and equipment to provide the environment in which students learn best
  - Accountability and performance measurements at all levels for students, teachers, faculty, administrators and others responsible for helping students learn
- f. Approved the employment of Alyson Cotton as Planning and Zoning Agent in the Planning Department
- g. Approved the appointment of Spencer Cheatham of West Point as Deputy Fire Marshall for the County

**RE: PUBLIC HEARING - KING WILLIAM COUNTY CODE – PROPOSED AMENDMENT**  
**– SECTION 13-4, ESTABLISHMENT OF FEES FOR COLLECTION OF DELINQUENT TAXES**

The County Administrator briefly reviewed the proposed amendment to Section 13-4 of the King William County Code regarding the establishment of fees for the administrative costs associated with the collection of delinquent taxes and other delinquent charges. He further indicated that said fees shall be commensurate with the maximum fees set forth in Section 58.1-3958 of the Code of Virginia, 1950, as amended. In addition, Mr. Pleva advised that this proposed

amendment has been duly advertised for public hearing as required by law, and further, that if adopted, it shall become effective immediately upon its adoption.

The public hearing was declared open by the Chairman. No persons appeared to speak for or against this proposed amendment.

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the public hearing was declared closed.

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the following amendment to Section 13-4 of the Code of King William County, as presented in public hearing, was adopted. Said amendment shall become effective immediately upon its adoption.

**AMENDMENT OF THE KING WILLIAM COUNTY CODE PERTAINING  
TO ADMINISTRATIVE FEES FOR THE COLLECTION OF  
DELINQUENT TAXES, LEVIES AND CHARGES**

**Section 13-4 in Article I of Chapter 13, entitled “Administrative Fees for Collection of Delinquent Payments”**

- (a) Any person, business, firm, corporation or other taxpayer failing to pay any County property taxes, levies or charges on or before the date fixed for the payment thereof, shall be assessed by the Treasurer a fee to cover the administrative costs associated with the collection of said delinquent taxes, levies or charges. The administrative fee shall be in addition to all penalties, interest, and attorney’s or collection agency’s fees. The administrative fee imposed by the Treasurer shall be commensurate with the maximum fee set forth in Section 58.1-3958 of the Code of Virginia, 1950, as amended, for the applicable collection activity specified therein.
- (b) No administrative fee for failure to pay a tax, levy or charge shall be imposed if such failure was not the fault of the taxpayer. The Treasurer shall make such determination of fault.

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

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

a. Route 360, Eastbound Lane Above Manquin – Plant Mix Paving Repairs

Completed – Mr. Stunkle informed the Board that the long awaited plant mix repairs to the section of Route 360, eastbound lane, above Manquin, have now been completed. In addition, he indicated all the plant mix paving repairs in the County have been completed with the exception of Calno Road.

b. Thompson Avenue Storm Drainage Project in Front of West Point Elementary

School - Mr. Stunkle indicated that this project is under construction and scheduled to be completed this fall.

c. Preallocation Hearing Set for September 23, 2003 – This year the Preallocation Hearing is being changed to the fall, September 23<sup>rd</sup>, in order to put it on cycle with the Secondary Six Year Plans. The location and time are yet to be determined, but additional information will be forthcoming in the near future.

d. Naming of the New Bridge to be Constructed Connecting King William County and New Kent County – Request from William R. Beswick - Mr. C. T. Redd, III presented a letter received from William R. Beswick, a World War II Veteran residing in the Town of West Point, concerning a request to the Board seeking its support to name the new bridge to be constructed over the Pamunkey River, the “Veterans Memorial Bridge”. Mr. Beswick’s letter in part, states: “The original bridge was erected in 1926, entirely of wood and was named the “Eltham Bridge”. A second bridge was masonry and constructed in the 1950’s. It inherited the name “Eltham Bridge”. The new bridge should receive a name to relate to the magnificent structure that it will be. While the “Eltham Bridge” was a very worthy name, the new bridge over the Pamunkey would be worthy enough to receive the name “Veterans Memorial Bridge”, which is being recommended, and I hope that you will support this name. There has never been a “Memorial” supporting the Veterans that have sacrificed their time, lives, and efforts over the years.”

Mr. Stunkle indicated that the Commonwealth Transportation Board renders this type of decision.

It was suggested that a letter be written to Senator Bill Bolling, Delegate Ryan McDougale, and to Delegate Harvey Morgan from the Board indicating its support of the name of “Veterans Memorial Bridge” . In addition, Mr. Stunkle indicated that he would forward this suggestion to VDOT staff in Fredericksburg and in Richmond.

e. Route 648 – Status Report on Right-of-Way Acquisitions - D. L. Wright questioned Mr. Stunkle regarding additional information on the donations of rights-of-way on Route 648. Mr. Stunkle replied that no further donations of rights-of-way have been obtained. Mr. Wright further questioned whether or not Route 648 would be eligible for the Rural Rustic Program. Mr. Stunkle responded that the Rural Rustic Program is a means by which VDOT can hard surface roads that have enough traffic flow on them, basically within the existing ditch line, and not touch anything on the back slope. It allows a little bit less standard than has been used in the past. VDOT can go down to a 16 foot paved surface and 1 foot

shoulders. Mr. Stunkle further indicated that VDOT has looked at Route 648 and it would qualify for the Rural Rustic Program. In terms of funds, it is the normal unpaved road funds set aside each year. It is thought that by doing some of these roads to a somewhat lower standard, that the funds could be stretched a little bit further.

In addition, Mr. Stunkle indicated that in order for a road to be considered for the Rural Rustic Program, it has to be included in the Secondary Road Six Year Plan, and that at the August Board meeting, he will be requesting the Board to set a joint work session in September on the Secondary Road Six Year Plan. At that time, it would be good to include Route 648, if that is the Board's desire. Funding for this program will come out of the secondary road funds. If the Board designates a road to be included in the Rural Rustic Program, it will be necessary for the Board to pass a Resolution making this designation.

e. Route 619 (Horse Landing Road) - D. L. Wright noted the recent black top put down on Route 619 and indicated that he has received several calls from residents along this route, requesting that a yellow double line be put down to help motorists with sight, particularly, at night. Mr. Stunkle indicated several criteria set by VDOT for a roadway to qualify for yellow lining – must be at least 18 feet in width and must carry at least 500 VPD. He indicated he would look into this request.

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

**DEVELOPMENT**

a. Authorization to Set Public Hearing – Case Z-03-03, Request for Rezoning of Parcels 22-20, 22-20E, and 22-20F from A-C to R-1 and B-2 – Applicant: Rogers and Chenault, Inc. (Kennington Place, LLC) - Matt Walker, Director of Community Development, made the Board aware of an application received from Rogers and Chenault, Inc., represented by James Duke, to rezone approximately 319.8 acres shown as Tax Map Parcels 22-20, 22-20E, and 22-20F from A-C to R-1. Approximately 229.7 acres are proposed for suburban residence (R-1) zoning for the purpose of creating up to a 229 unit single-family major subdivision. Approximately 39 acres are proposed for suburban residential (R-1) zoning for the purpose of developing up to 172 multi-family dwelling units as townhouses or carriage houses or a combination of both. The applicant has filed a Conditional Use Permit for the multi-family development on the 39 acres. The subject property is located on Route 360, between Route 360 and Route 606, Commins Road, across from the new Aylett Post Office. Currently, the property is a vacant/wooded parcel

of approximately 319.8 acres. The applicant has submitted a list of cash and non-cash proffers for the development.

The Board briefly discussed the possibility of this project connecting to the County water and sewer, and requested the County Administrator to invite Jim Pyne of Hampton Roads Sanitation District and Charlie Reidlinger of Resource International to be present at the public hearing to be held by the Board on this application.

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board authorized a public hearing on this application to be set for August 25, 2003, during the Board's regular monthly meeting beginning at 7:00 p.m., and, ordered advertisement of same.

b. Authorization to Set Public Hearing – Case CUP-02-03, Request for Conditional Use Permit to Construct 172 Multi-Family Dwelling Unites – Applicant: Rogers and Chenault, Inc. (Kennington Place, LLC) - Matt Walker, Director of Community Development, also made the Board aware that Rogers and Chenault, Inc., represented by James Duke, has applied for a Conditional Use Permit to construct up to 172 multi-family units on approximately 39 acres. This application is in conjunction with the above stated rezoning application for properties shown as Tax Map Parcels 22-20, 22-20E, and 22-20F, from A-C to R-1, and B-2.

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board authorized a public hearing be set on this application for August 25, 2003, during the Board's regular monthly meeting beginning at 7:00 p.m., and ordered advertisement of same.

**RE: ADOPTION OF RESOLUTION OF APPRECIATION FOR HOWARD E. POTTER AND MARY M. POTTER**

On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board adopted the following resolution recognizing Howard E. and Mary M. Potter for their 12 years of service as members of the King William County Industrial Development Authority. Mr. and Mrs. Potter were in attendance and were presented with this Resolution from the Board.

**RESOLUTION**

**WHEREAS**, Mr. Howard Erwin Potter was appointed to the King William County Industrial Development Authority on July 25, 1991; and,

**WHEREAS**, with another vacancy on the Authority, Mr. Potter encouraged his wife Mary Meindl Potter to serve and she was appointed on August 21, 1991; and,

**WHEREAS**, over the years Mr. & Mrs. Potter have shown their interest in local government by not only serving on the IDA but regularly attending meetings of the county's Boards and Commissions, conducting research on matters and writing letters of support, concern or opposition on these matters; and,

**WHEREAS**, Mr. and Mrs. Potter were married in 1957; and,

**WHEREAS**, Mr. Potter graduated from the University of Pittsburg and served in the United States Air Force before going to work for the F. C. C. in the computer industry; and,

**WHEREAS**, Mrs. Potter graduated from Duquesne University and for many years worked in the computer industry for IBM; and,

**WHEREAS**, Mr. & Mrs. Potter moved to King William County in 1987.

**NOW, THEREFORE, BE IT RESOLVED**, that the King William County Board of Supervisors appreciates Mr. & Mrs. Potter's service to the IDA over the past 12 years; and,

**BE IT FURTHER RESOLVED**, that the King William County Board of Supervisors values Mr. & Mrs. Potter's continued interest, enthusiasm, and commitment to local government; and,

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

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

The County Administrator stated that the Board conducted a legally required, advertised public hearing on April 28, 2003, on this request from Longwood Farms of Virginia (Garrett family) for conveyance of 1.33 +/- acres of land from the Deaton Tract. The parcel, known as the Deaton Tract is adjacent to the Longwood Farms of Virginia (Garrett family) owned Scotland Neck property. Mr. Pleva made the Board aware that since the City of Newport News has joint title to this property with the County, they must also approve the conveyance and conditions. The City may also impose conditions on the conveyance. The reason for this request is to straighten the existing property line which meanders along the Pollard's Pond, 15 feet above the normal high tide line.

Further, the County Administrator indicated that Longwood Farms has also requested that as part of the property conveyance, the County agree to erect, at its cost, a fence along the proposed property line to prevent the trespass of persons utilizing the County portion of the Deaton Tract onto the Longwood Farms property. The cost of this fence, which would be approximately 724 feet long, may exceed the value/sale price of the property conveyed, depending upon the fence's type and quality.

Frank Pleva, County Administrator, reported that Mr. William Coalson, CAE, Assessor with Tri-County Appraisals, Inc. of Mechanicsville, Virginia, has determined the estimated fair market value for the subject 1.33 +/- acres to be \$1,300.00.

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the

Board approved the conveyance of this real property with the following conditions:

1. Longwood Farms shall pay the County the fair market value of \$1,300.00 free and clear for the subject property. The conveyance associated fees to be paid by Longwood Farms shall include, but may not be limited to, surveying, assessor's fees, deed preparation legal fees, and recordation fees.
2. Longwood Farms shall accept written deed restrictions prohibiting: (a) the erection and occupancy of any dwelling on the subject property; (b) hunting on the subject property due to its proximity to passive, public recreational facilities which may be situated on the abutting County property in the future; and (c) the erection of a fence or other structure on the subject property in a manner that restricts or obstructs the view of Pollard's Pond and its environs from the abutting County property without the prior written consent of the County. These conditions shall be binding upon Longwood Farms' agents, assigns and successors, unless revoked or modified in writing by the County.
3. The conveyance of the subject real property also shall be contingent upon the approval of same by the City of Newport News. The City may modify the size and boundary of the subject property and/or may impose conditions that are in addition to or more restrictive than those noted above.

**RE: CLERK OF CIRCUIT COURT – PATRICIA M. NORMAN – CONSIDERATION OF REQUEST REGARDING AGREEMENT FOR PARTICIPATING IN COUNTY PERSONNEL PLAN**

At the Board's June meeting, Patricia Norman, the Circuit Court Clerk, proposed a written agreement that would include and govern her deputies' and other employees potential participation in the King William County Personnel Plan, and at that time, she also requested that discussion be deferred until this meeting, so that she and Terri Hale, Assistant County Administrator, could meet with Bruce Haynes, Executive Secretary of the Virginia Compensation Board, to develop a final draft agreement to present to the Board of Supervisors at this meeting.

This draft agreement was presented to the Board. In brief, the draft agreement states that the Clerk's deputies and other employees will fully participate in the Personnel Plan, which includes local supplements to compensation, with the exception of the grievance procedures. Any subsequent changes to the Personnel Plan would require that the proposed agreement be modified to reflect those changes. If the Clerk did not agree with those changes, she could terminate the agreement, thereby excluding her deputies and other employees from the Personnel Plan. If the agreement should ever be terminated, the Clerk's deputies and other employees would receive no additional local supplements, their salaries would remain at the same level until surpassed by the Virginia Compensation Board.

The Board discussed this matter quite extensively. Chairman, L. E. Byrum, Jr. stepped down from the Chair and Vice-Chairman assumed the Chair for this item on the agenda.

L. E. Byrum, Jr. requested that action on this matter be tabled for 30 days in order to allow time for more clarification.

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

a. Mt. Olive Community Development Project - The County Administrator reported that a Community Project Team meeting has been held since the last Board of Supervisors meeting and a meeting was to be held in the Mt. Olive Community to announce the project and discuss plans, but due to the weather forecast, this meeting will now be held sometime in late August or September. A couple sites in the area have been identified as being suitable for the mass drainfields, based on soil maps and other available information, and the property owners will be contacted. Owners of the community well have been contacted regarding the benefits of conveying it to the County for the central water system. No response has been received on this, as yet.

b. Courts Facility - Mr. Pleva indicated that pouring of the concrete slab was begun this morning for the project and that according to the report from Kevin Vaughan, Clerk of the Works, work is progressing basically on schedule, with some delay due to the rainy weather. The project is still expected to be complete in the spring of 2004.

c. Animal Shelter – The architect is still working on the redesign of the project. If a new site for the shelter can be found, the bids for the project should be out this fall. A site is being looked for somewhere on or near the Route 360 corridor and several property owners have been contacted, but thus far, no site has been obtained. King and Queen County is also checking for sites.

d. Report on Presentation of County Coat-of-Arms and Board's Resolution of Appreciation to Robert S. Diggs - Mr. Pleva reported that he and Terri Hale, Assistant County Administrator, presented the Board's Resolution and the County Coat-of-Arms to Mr. Robert S. Diggs, and took Mr. and Mrs. Diggs out for lunch in appreciation of his services to the County.

**RE: APPOINTMENTS**

a. Industrial Development Authority – Two Members – Four Year Terms – Terms of Howard and Mary Potter Expired 6/30/03 - Action on these appointments was tabled for 30 days.

b. Wetlands Board – One Member to Fill Vacated, Unexpired Term Ending October 31, 2006 - Action on this appointment was tabled for 30 days.

It was also noted by the County Administrator that there is now another vacancy on the Wetlands Board, due to the member moving out of state. This unexpired term will expire September 30, 2005. Action on this appointment was also tabled for 30 days.

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

a. Eugene Rivara, a resident of 1270 Commins Road, urged the Board to notify the public as soon as possible regarding the proposed rezoning for the planned Kennington Place development. He felt this is a well conceived project, but feels the repercussions from it will affect everyone in the County for a long time.

**RE: BOARD OF SUPERVISORS' COMMENTS**

a. D. L. Wright indicated that he has been hearing insinuations that the Mt. Olive Community Development Project is connected with the proposed reservoir in some form, and he wanted to make sure that everyone knows that the Mt. Olive Project is a self-contained project and is in no way connected with the reservoir project.

b. The Chairman announced that a dead crow contaminated with the West Nile Virus was recently found in King and Queen County, and urged everyone that if such should be found in King William County, to contact the Health Department.

c. L. E. Byrum, Jr. reported that he attended the last MP Planning District Commission meeting and there was a representative from the National Parks Service that did a presentation regarding the Chesapeake Bay Special Resource Study . He reviewed five alternatives that are being looked at by the National Park Service regarding the Chesapeake Bay.

1. Keep up with today's programs and have no new initiatives
2. Enhanced Chesapeake Bay Gateway network which is not very intrusive
3. Chesapeake Bay Estuary National Park
4. Chesapeake Bay National Reserve
5. Chesapeake Bay Watershed National Ecological & Cultural Preserve

Each of these alternatives will have certain impacts on the Bay and its uses, and he wanted to make residents of the County aware of this. For additional information on these alternatives or to give comments, please visit the National Parks Service web site at [www.chesapeakestudy.org](http://www.chesapeakestudy.org) Deadline for comments is August 29, 2003. Mr. Byrum indicated that public hearings have been held on this, but, they have all now passed.

d. Another item discussed by Mr. Byrum was the BPOL Tax — Last month comments were received regarding the BPOL Tax implemented by the Board and the fact that it was supposed to be revenue neutral and yet it wasn't, and some folks felt some type of refund should be made. He requested the staff to research this matter and he presented the following information:

2001 Merchants' Capital - 126 businesses paid taxes in King William & West Point -  
On average, these businesses paid \$550.04 for a grand total of \$69,304.78

2002 BPOL Tax - 368 businesses paid taxes to King William - The average payment was \$520.62 - Total amount collected was \$191,589.99.

The dollar amount collected is more but, 242 more businesses are paying BPOL taxes now that were not paying merchants' capital, and some of them may just be paying the \$30.00 permit, based on their gross receipts. Mr. Byrum indicated that the Board is trying to stick to its original plan of being revenue neutral.

**RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(A)(7) OF THE CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH COUNTY ATTORNEY REGARDING COURTHOUSE WALL LITIGATION**

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)(7) of the Code of Virginia, 1950, as amended, for Consultation with the County Attorney Regarding Courthouse Wall Litigation.

Having completed the closed meeting, the Board reconvened in open meeting, on motion by C. T. Redd, III, seconded by D. L. Wright 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 adopted 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 D. L. Wright 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 2.2-3711(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; and,
2. Only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered in the closed meeting by the King William County Board of Supervisors.

The Chairman announced that no action would be taken by the Board at this time as a result of the closed meeting.

### **RE: ADJOURNMENT**

There being no other business to come before this Board, on motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the meeting was adjourned.

COPY TESTE:

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L. E. Byrum, Jr.  
Chairman

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Frank A. Pleva  
County Administrator