

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF AUGUST 22, 2005

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 22ND DAY OF AUGUST, 2005, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

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

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

Prior to opening the meeting, on behalf of the Board, the Chairman expressed deepest sympathy to Mr. L. E. Byrum, Jr. and his family for the recent loss of his mother-in-law.

RE: APPROVAL OF MEETING AGENDA

On motion by L. E. Byrum, Jr., seconded by C. T. Redd III and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator.

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

Eugene L. Campbell, Jr. of 446 White Oak Landing Lane, addressed the Board requesting that the portion of Route 604 from its intersection of Route 602 to where it intersects with Route 605 be included in the next Six Year Plan. He stated his understanding that portions of Route 604 from its intersection with Route 602 back to Route 360 are already on the Six Year Plan, but, this section of Route 604 is very dangerous, and he feels warrants consideration by the Virginia Department of Transportation and the Board for inclusion in the Six Year Plan.

RE: CONSENT AGENDA

On motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board authorized two changes to its Consent Agenda – deleting Item #c. Approval of Employment of George (Franky) Reed, Jr. as Park Supervisor in the Parks & Recreation Department; and adding Item #f. Statement of Support of Effort of Gloucester County to Have Legislation Introduced in the 2006 General Assembly to Eliminate Tolls on the Coleman Bridge, and adopted the following items on the remainder:

- a. Minutes of the July 25, 2005, Regular Meeting were approved as written
- b. Claims against the County for August, 2005, in the amount of \$1,110,095.77 as follows:

- (1) General Fund Warrants #59675-59850 (FY-05) \$16,727.55 and (FY-06) \$756,530.63; Manual Checks #14061-14067 in the amount of \$119,201.42; Direct Deposits #7506-7601 in the amount of \$163,343.40; and Electronic Tax Payment in the amount of \$54,292.77

- (2) For informational purposes, Social Services expenditures for the month of July, 2005, Warrants #304372-304449 in the amount of \$45,443.53; Direct Deposits #1262-1268 in the amount of \$24,319.04; and Electronic Tax Payment in the amount of \$8,324.54

- (3) For informational purposes, Circuit Court expenditures for the month of July, 2005, Warrants #59654-59659 in the amount of \$3,186.35; Direct Deposits #165-167 in the amount of \$7,773.06; and Electronic Tax Payment in the amount of \$2,697.09

- (4) For informational purposes, Comprehensive Services Act Fund expenditures for July, 2005, Warrants #59661-59673 in the amount of \$36,784.04

- (5) Tax Refunds for July, 2005, in the amount of \$670.97

- c. Authorized a supplemental appropriation for FY-06 to Bay Transit in the amount of \$2,752.00 for the purchase of two buses

- d. Approved a Statement of Support of the efforts of Bay Aging to obtain funding to continue and expand In-Home Respite Services

e. Authorized that a letter be sent to Delegate Ryan McDougale and Senator Bill Bolling supporting the efforts of Gloucester County to have the tolls removed from the Coleman Bridge

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY

ADMINISTRATOR

Charles E. Stunkle, VDOT Residency Administrator, appeared before the Board to discuss transportation matters.

a. Request for Speed Study – Route 607 – Beadles Road - L. E. Byrum, Jr. reported that he received a call from a resident of Route 607 advising that this route is becoming a cut-through road for traffic, and that currently, the speed limit is 45 MPH and this resident feels it should be 25 MPH. More homes have been built on this road now, and more people are out walking, etc. and this resident feels it should be treated more like a subdivision road because of the number of homes, and requested that the speed limit be reduced to 25 MPH.

Mr. Stunkle indicated that a speed study was done on this route about a year ago, and at that time, conditions did not warrant a reduction in the speed limit, but, he would request the traffic engineer to look at it again.

b. Update on Route 618, Mt. Pleasant Road – Bridge Replacement Over Moncuin Creek - Mr. Stunkle reported that right-of-way releases have been obtained by VDOT from all four property owners at the bridge to allow entrance onto their property. Assurances have been received from the VDOT Environmental staff, both in Richmond and in Fredericksburg, that his office will have all necessary permits in hand by September 1st, which is the timetable used when submitted to the interagency council for review back in July.

If this project stays on the current schedule, it would be advertised for construction in December of this year. His office is doing everything possible to get this date advanced, at least by two months. If it is advertised for bids in December, the bids would be due in January, 2006, and typically, 30 days after that, construction would begin.

c. Adoption of Resolution – Requesting Acceptance of Streets in McCauley Park, Section 1, into VDOT Secondary System - On motion by L. E. Byrum, Jr.,

seconded by T. G. Smiley and carried unanimously, action on this matter was tabled for 30 days.

d. Request for “Watch for Children” Sign in Rose Garden Estates Subdivision – Mr. Stunkle reported that this request has been reviewed by the VDOT Traffic Engineer, and the sign will be put up at the entrance into the subdivision. L. E. Byrum, Jr. stated that this is a long section of road that goes into Rose Garden Estates coming from Oak Springs Subdivision, and asked that possibly two signs be installed. Mr. Stunkle indicated that this could possibly be done, due to the length of the road.

e. Route 604 – Curve Chevrons & Curve Warning Sign - Mr. Stunkle indicated that curve chevrons and a curve warning sign on Route 604 have been added between the VDOT project at Mangohick and Route 600. This was done in response to a call from a citizen who thought some signs were missing in this area.

f. Route 600 – Passing Zone at Woodruff Subdivision - Mr. Stunkle made the Board aware of citizen requests that VDOT consider closing up the existing passing zone on Route 600 at Woodruff Subdivision. He reported that the Traffic Engineers have looked at this and report that there is great sight distance in both directions, and with a relatively low volume of turning vehicles going into Woodruff, they do not recommend any change at this time.

g. Six Year Plan Work Session - Mr. Stunkle indicated that VDOT would like to hold a Work Session on the upcoming Six Year Plan with the Board at its September meeting. The Board concurred with this request and the matter will be placed on its agenda for the September 26, 2005, meeting.

h. Route 600 – Calno Road - O. O. Williams questioned if the overlay work now being done on Route 600, Calno Road, will extend the full two miles to connect with the portion that was done previously. Mr. Stunkle stated that available funding will not carry it out all the way to Bleak Hill Fork at this time, that there is only funding to do approximately one mile. Further, he indicated that next year, another section of overlay candidate will have to be designated. Approximately, up to 5% of the secondary funds received for any one year can be designated for plant mix overlay, and in King William County, this is approximately enough funding for one mile.

i. Route 603– Dover Lane - O. O. Williams discussed the funding included in the 2005-2006 Six Year Plan for Dover Land (Route 603) . Mr. Stunkle advised that funding is being accumulated in the Six Year Plan for Dover Lane for 2005, but, construction will not begin until 2006. He also advised that at least 70% of the cost has to be accumulated prior to the beginning of any construction.

j. VDOT Posters Indicating that School is Open – Watch for Children - C. T. Redd III inquired whether or not the usual VDOT posters indicating that “School is Open” have been posted yet, and Mr. Stunkle responded that he has not seen these posters yet.

k. Route 631 – Marl Hill Road - Chairman, W. F. Adams requested that VDOT perform a traffic count study on Route 631, Marl Hill Road. He reported that approximately 10 homes have now been built along this route, and traffic has increased. He has received calls from citizens complaining about the burying of phone lines, etc. in the roadway and in the right-of-way of the road.

Mr. Stunkle responded that at some point in time, this route will require rebuilding and hardsurfacing to handle the traffic, because for years, there has been very little traffic. The 2004 traffic count was 8 vehicles per day (VPD). He continued, stating that the Traffic Engineers have already looked at this route for placement of some “Curve Warning” signs on those sharp curves. Unfortunately, the roadway is so narrow that they did not recommend placement of any signs because of the possibility of the signs creating more of a hazard by being hit by vehicles, than the signs could possibly help.

Mr. Stunkle indicated that VDOT will get an up to date traffic count to reflect the new homes on this route.

Mr. Adams also advised that he rode down to this location and that it is very difficult to make a left hand turn out of this road back onto Route 30. Mr. Stunkle indicated that if this route ever gets on the Six Year Plan, it would be ideal that if the right-of-way were available, VDOT could realign this intersection with Route 30 to come straight out, which would be a much safer situation.

l. Update on Request for Route 618 Speed Study & Request for “Farm Equipment” Sign - O. O. Williams asked for a status report on the request made at

the July 25th meeting for a Speed Study to determine the possibility of lowering the speed limit on Route 618 up to its intersection with Route 600 at Four Forks, to 40 MPH or 45 MPH, and also the request for placement of a "Farm Equipment" sign along this route.

Mr. Stunkle reported that this study has not been received in his office yet.

**RE: SENTARA REGIONAL MEDICAL CENTER – ROBERT GRAVES,
ADMINISTRATOR OF SENTARA WILLIAMSBURG COMMUNITY HOSPITAL**

Mr. Robert Graves, Vice President of Sentara Healthcare and Administrator of Sentara Williamsburg Community Hospital, addressed the Board to share information regarding the progress that is being made on their new regional medical center, and to comment on the issue that is being considered for the upper peninsula, relative to a second hospital in the Williamsburg region. The current Williamsburg Community Hospital was built in 1961, and merged with Sentara two years ago. When the move is made to the new facility, it will be renamed to Sentara Regional Medical Center, which reflects more accurately the kind of services provided and to a much broader area than just to Williamsburg, James City, and York. The land where the current hospital is located has been sold to the College of William and Mary. The new Regional Medical Center is located in upper York County and is right off of Interstate 64 at the intersection of Route 199, and is scheduled to open in August, 2006. It is a \$96 million dollar state-of-the-art hospital, having all of the higher end services such as in surgery, in cardiology, in cancer, etc., which is very significant to the people in this region.

Mr. Graves continued, indicating that a new hospital can't be built, or can't have a large expenditure of funds for health care services without getting State approval, a Certificate of Public Need. The State reviews applications for new hospitals based on need. He discussed the issue of demographics of the region and the population growth, and whether or not there is a need for the two new hospitals, Sentara Williamsburg Community Hospital and the proposed Doctors' Hospital of Williamsburg/Riverside Health System. He requested the Board of Supervisors to submit a Letter of Support or a Resolution in support of the Sentara Williamsburg Community Hospital in its new planning process, and feel that having a second

hospital in the community may not necessarily be in the best interest of King William County citizens.

C. T. Redd III questioned whether or not Sentara has received approval by the State with the Certificate of Public Need, and if so, how would the endorsement from this Board assist Sentara at this point. Mr. Graves responded that Sentara has received State approval with the Certificate of Public Need, but, Sentara has submitted a Certificate of Public Need for 6 additional medical/surgical beds. That puts them in the same cycle as Riverside Doctors Hospital so both of these applications will be competing.

It was the consensus of the Board that no action be taken on this request.

RE: PLANNING AND COMMUNITY DEVELOPMENT – LEE YOLTON, DIRECTOR

a. Public Hearing – Zoning Matter – SP-05-05, Request for Approval of Site Plan to Develop an Extension of Colonial Square Apartments, Applicant: John Hubbard, on Behalf of Fidelity Management Group, LLC, Owner - Lee Yolton , Director of Community Development, presented and reviewed the application of John Hubbard, Fidelity Management Group, LLC, for site plan approval to develop an extension of the Colonial Square Apartments on 5.64 acres adjacent to the existing apartments. This property is designated on the King William County Tax Maps as Parcel 21D, Lots A and B.

Mr. Yolton explained that the zoning for this project stems from the approval of Conditional Use Permit CUP-01-03 approved by the Board of Supervisors in March, 2003, and that in accordance with Section 86-493 (c) of the Zoning Ordinance, site plans for multi-family dwellings require review by the Planning Commission and approval by the Board of Supervisors. On May 16, 2005, the Planning Commission held a public hearing on this matter, and it was discovered through its review and discussion with the applicant, Mr. John Hubbard, that the State Health Department had required a change in the mix of one and two-bedroom apartments in order to accommodate the capacity of the on-site drain fields. In addition, the proposed apartment rental office may also have to be eliminated, due to constraints of the on-

site drainfield. The Planning Commission also suggested that there be additional detail regarding trees to be saved in the buffer area.

The proposed Site Plan was forwarded to the Board of Supervisors with the understanding that a revised Site Plan be prepared indicating the new mix of one and two-bedroom units, the disposition of the rental office, and the detail for the buffer area. Mr. Yolton indicated that the revisions to the Plan were not submitted in a timely manner and thus the Board, at its meeting of July 25, 2005, deferred the matter for 30 days.

Continuing, Mr. Yolton reported that the revisions to the Plan that were recommended by the Planning Commission have now been completed and submitted to his office. Changes have been made to show the correct mix of one and two-bedroom units, a note has been added about the rental office, and the Planning staff is to meet the engineer on-site to mark the mature trees that will be saved.

Mr. Yolton advised that staff recommends approval of the requested preliminary Site Plan for expansion of the Colonial Square apartment complex as the changes have been made to the Plan to respond to the Planning Commission's recommendations. The Plan shows that the project consists of six new apartment buildings containing a total of thirty-six apartments – 24 one-bedroom and 12 two-bedroom units.

C. T. Redd III questioned whether or not the applicant has made the necessary changes in the Site Plan to comply with the State Health Department requirements and Mr. Yolton indicated that the applicant has changed the mix of units – the one bedroom units and the two bedroom units because of the constraints on the on-site drainfield. The other question was regarding the on-site rental office; the building will be built on the location, but bathroom facilities have to be provided if the space is used as a rental office, so it depends on the capacity of the on-site drainfield as to whether or not bathroom facilities will be put in this building. If the capacity is not sufficient, this building will be used as a storage area.

C. T. Redd III further questioned whether or not the architecture for the proposed tenant storage buildings will be the same as for the rest of the complex, and Mr. Yolton indicated that to be true.

L. E. Byrum, Jr. questioned when it would be known what the capacity of the on-site drainfield will be and whether or not the building will be actually used as a rental office or only for storage. The applicant, John Hubbard, was present, and responded that this determination is the next step in the process, to apply to the Health Department for the sewage disposal permit. Mr. Byrum then questioned whether or not Site Plan approval is necessary before the Health Department will come out to check for the septic system. Mr. Yolton stated that the Health Department has given a general certification that the soils are suitable for the septic, but it is not a detailed, engineering type of capacity analysis. L. E. Byrum, Jr. further questioned if this proposed extension of the apartment complex will be connected to an existing drainfield or whether a new drainfield will be constructed, and if a new drainfield is to be constructed, why can't it be constructed with enough capacity to accommodate the bathroom facilities in the proposed rental office building. Mr. Yolton reported that the area for the drainfields is a pretty tight site, and, that a number of different drainfields are shown on the Site Plan, but, the capacity issue lies with the outfall from the septic system.

Thereupon, the Chairman declared the public hearing open for comments on Zoning Matter – SP-05-05.

No persons appeared to speak for or against this request. The public hearing was declared closed by the Chairman.

b. Consideration of Zoning Matter – SP-05-05, Request for Approval Of Site Plan to Develop an Extension of Colonial Square Apartments, Applicant: John Hubbard, on Behalf of Fidelity Management Group, LLC, Owner - In discussing this application, O. O. Williams inquired about the type and size of trees for screening that will be planted. Mr. Hubbard indicated that Leland Cypress trees will be planted as they are a fast growing tree, and will serve as a year round screening because they do not lose their leaves. The plantings will be 2 inches to 4 inches in diameter.

Thereupon, on motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board approved SP-05-05, Request for Approval of Site Plan to Develop an Extension of Colonial Square Apartments, Applicant: John Hubbard, on

Behalf of Fidelity Management Group, LLC, Owner, as presented with the changes that have been made.

c. Public Hearing – Zoning Ordinance Text Amendment – Repeal and Re-Ordain Article IX, Division 3, entitled “Transportation Corridor Overlay District” - Lee Yolton, Director of Community Development, presented and reviewed a proposal to amend and re-ordain Article IX, Division 3 of the King William County Zoning Ordinance entitled “Transportation Corridor Overlay District”. The proposed amendment sets forth development standards for future commercial and industrial development located along Route 360 and along portions of Route 30. Property lying within 1,000 feet of the centerline of Route 360 and lying within 1,000 feet of the centerline of Route 30 (i.e., Route 30, about 4 miles in each direction from Central Garage), would be affected by these zoning text changes. The development guidelines represent a community standard for the type of buildings, landscaping and other amenities that are considered appropriate for new development that occurs along the two principal highway corridors. The proposed development standards would require, in the future, that there be a street skate buffer along each side of the highway corridor district. This buffer would be at least 35 feet wide, planted with appropriate trees and shrubs, be properly maintained, and kept free of trash and debris. It would also feature a sidewalk for pedestrian use. On the sides and rear yards of each development project, there would be a requirement for a landscape buffer area. Another important element is with regard to building materials. This would require the exterior of new buildings to be constructed of quality materials such as wood, brick or stone. It would eliminate any future metal buildings located in these corridors. The standards also address the type of roofs that would be permitted, screening of mechanical and electrical equipment, screening of dumpsters and loading docks, and the type of lighting permitted. These regulations would set forth standards for the types of signs permitted, the construction of parking areas, and provide for underground utility connections.

Mr. Yolton continued, acknowledging that this proposal comes to the Board as a result of the efforts undertaken by a sub-committee of the Planning Commission, and with a recommendation for adoption by the full Planning Commission.

If the Board should decide to adopt this proposed ordinance text amendment, it would take effect as of today, so that any new Site Plans received in the Transportation Corridor would have to meet the development standards set forth in this ordinance. Existing businesses would not be subject to these regulations unless they undergo a major expansion in floor area. If an existing business were to expand by 50%, or 5,000 square feet, whichever is lesser, then and only then, would these regulations apply to existing businesses.

Thereupon, the public hearing was declared open by the Chairman for comments for or against this proposed zoning text amendment to amend and re-ordain Article IX, Division 3 of the King William County Zoning Ordinance entitled "Transportation Corridor Overlay District".

Don Wagner of 5515 Herring Creek Road, addressed the Board with comments regarding landscape buffers between development sites, the side yard, rear yard, and front yard landscape buffers on Route 360 and Route 30, and the required 15 foot setbacks. He questioned if the 15 foot setback is to the building, and if so, and the building has parking or access roads to the rear, what type of landscape buffer will be required? Will the buffer still be required beyond the access road or parking area?

Mr. Wagner also commented about industrial uses – light, medium, and heavy industrial uses, and whether or not the current industrial zoning defines light, medium, and heavy.

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

d. Adoption of Zoning Ordinance Text Amendment – Repeal and Re-Ordain Article IX, Division 3, entitled "Transportation Corridor Overlay District" - On motion by T. G. Smiley, seconded by L. E. Byrum, Jr. and carried with the following roll call vote, the Board repealed the existing Article IX, Division 3 of the King William County Zoning Ordinance and re-ordained Article IX, Division 3, entitled "Transportation Corridor Overlay District" as presented in public hearing to become effective immediately upon its adoption.

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

e. Discussion Regarding Site Plan Review Process in the Transportation Corridor Overlay District - Discussion was had concerning the Board of Supervisors having final approval of all Site Plans submitted. County Attorney, L. M. Chenault, advised that the Board may not wish to have the final approval of all Site Plans submitted because (1) the Board may not wish to take on this much responsibility, and (2) under the Code of Virginia, the Board may not have the authority to decide final approval/disapproval of all types of Plans. He suggested that for the present time, the Board continue with the process stated in Section 86-374.(5) entitled "Exceptions", of the newly adopted "Transportation Corridor Overlay District", and he will research the Code further.

f. Update on Building Code Administration - The County Administrator reported that the new Building Code Inspector, John Bull, began his duties with the County on July 1, 2005, and also the plan is for the Senior Building Official and the Maintenance staff person to dedicate more of their duties to plan review and inspections. This should alleviate some of the backlog of work and turn around time for work in that Department, particularly, since the County Building Department is no longer covering the Town of West Point building permitting, inspections, and maintenance code enforcement. He indicated that if more adjustments are needed in the Building Department, he will come back to the Board at a later date, with other options.

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

a. Regional Animal Shelter - Mr. Pleva reported that new drawings of the south and west elevations of the Animal Shelter have been received from the architect. The elevations of the Shelter have been reworked to upgrade the building image so it fits more closely with the new County Courts and Public Safety facility. The porch roof has been changed to a hip roof instead of a flat roof, some half circle roof louvers and a cupola have been added, and the windows have been changed to be double hung with more traditional proportions. The floor plan for the Shelter has also been changed somewhat by adding two "get acquainted" rooms under the original porch roof. One of these will be for dogs and one for cats, but they can serve both.

The request for bids on this project should go out in September with a bid award being made in October, and possibly, start construction in the October/November timeframe.

b. Mt. Olive Community Improvement Project - The County Administrator indicated that a Project Management Team was held last month and at that time, it was reported that 11 homes have been demolished or otherwise removed from the property, under the blight removal portion of the grant, 13 homeowners have participated in the home maintenance education workshop, which is required by the Federal government, and 22 new homes have been erected. The contract for the mass drainfield has been awarded, and a pre-construction meeting was held last week with this contractor and the County engineer. They have 90 days from the date of the contract to complete the installation, unless there is an extension granted for weather, etc.

c. Middle Peninsula Regional Airport - The terminal building dedication is set for August 26, 2005, at 2:00 p.m. at the airport facility in the Mattaponi area of King and Queen County.

RE: APPOINTMENTS

a. Planning Commission – One Member, Four Year Term, Term of Tom Vosnick Expires September 30, 2005 – (NOTE: Mr. Vosnick does not seek reappointment) - At the request of C. T. Redd III, action on this appointment was 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

No persons appeared to speak.

RE: BOARD OF SUPERVISORS' COMMENTS

Several Board members reminded that the schools will be back in session on September 6th and that everyone should be more aware of the school buses on the roads.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(A)(1), CODE OF VIRGINIA, 1950, AS AMENDED, FOR DISCUSSION OF PERSONNEL MATTERS IN RECREATION AND PARKS DEPARTMENT

On motion by T. G. Smiley, seconded by C. T. Redd III and carried unanimously, the Board entered closed meeting pursuant to Section 2.2-3711(A)(1), Code of Virginia, 1950, as amended, for consultation with legal counsel regarding personnel matters in the Recreation and Parks Department.

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 2.2-3711(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 L. E. Byrum, Jr. and carried with a unanimous roll call vote.

RESOLUTION

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

WHEREAS, Section 2.2-3711(B) of the Code of Virginia, 1950, as amended, requires a certification by the King William County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

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

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

RE: ACTION ON MATTER HEARD IN CLOSED MEETING

On motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried with the following vote, the Board employed Mr. George F. Reed, Jr. (Franky) as Park Supervisor in the Parks and Recreation Department at an annual salary of \$29,000.00 plus benefits, with \$7,000.00 of this amount to come from park concession and facility rental fees.

RE: ADOPTION OF RESOLUTION REGARDING LOCAL PROPERTY TAXING AUTHORITY

On motion by T. G. Smiley, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the following resolution regarding Local Real Property Taxing Authority.

RESOLUTION

WHEREAS, in 1926, then Governor Byrd exchanged the Commonwealth's right to impose a real estate tax for local governments' agreement to give up the right to impose an income tax; and,

WHEREAS, the real estate tax is the primary source of local income, at an average of 48% of all local revenues collected statewide; and,

WHEREAS, as the principal source of income for local government, localities rely heavily on this source of income to meet federal and state mandates for services, especially education and public safety; and,

WHEREAS, two of the candidates in the 2005 election for Governor of the Commonwealth (former Attorney General Jerry Kilgore and Lt. Governor Tim Kaine) have stated as a high priority for their respective campaigns the imposition of an assessment or other limitations on the residential component of the real estate tax, which would severely restrict localities and would constitute a breach of trust from the agreement reached in 1926; and,

WHEREAS, the proposal from either candidate would weaken budget discipline, since support for services would not necessarily be linked to the responsibility to pay for them, and could potentially force a greater dependence on taxation of the business sector to support local services, thereby harming economic development in the Commonwealth; and,

WHEREAS, in 1997, in the campaign for Governor, then candidate James Gilmore used as the cornerstone for his campaign, the repeal of the personal property tax on non-business use motor vehicles, which is credited with his winning the office; and,

WHEREAS, the cost to the citizens was greatly underestimated, which has since led the General Assembly to place a cap on the State's commitment to make its payments to localities under this plan.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors calls upon these two gubernatorial candidates, and upon all candidates for state and federal office, to refrain from establishing local tax policy at the state or federal level, due to the potential negative impact such action may have on the ability of local government to deliver local services; and,

BE IT FURTHER RESOLVED, that should a candidate or legislator desire to impact tax policy as it relates to the real estate or other local tax, that the candidate or legislator use as the tool to address such policy tax credits or deductions to state or federal income taxes in lieu of enacting limitations on local taxing authority; and,

BE IT FINALLY RESOLVED, that it is imperative for local government to retain sole control over the decisions which determine equity of local taxation policy, if governing bodies are to effectively address local service needs.

RE: ADJOURNMENT OF MEETING

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

COPY TESTE:

W. F. Adams
Chairman

Frank A. Pleva
County Administrator

