

**MINUTES**  
**KING WILLIAM COUNTY**  
**BOARD OF SUPERVISORS**  
**MEETING OF AUGUST 23, 2004**

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 23<sup>RD</sup> DAY OF AUGUST, 2004, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURTHOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

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

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

**RE: APPROVAL OF MEETING AGENDA**

On motion by L. E. Byrum, Jr., seconded by W. F. Adams and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator, with three additions.

**RE: PUBLIC COMMENT PERIOD**

Prior to opening this Comment Period to the public, the Chairman, C. T. Redd, III, stated on behalf of the Board, that this Board of Supervisors fully supports the King William County School System. At times, there may be differences in opinion regarding financial issues, but this does not deter from the fact that this Board fully supports the King William County School System.

Following Mr. Redd's statement, Dr. Brenda Cowlbeck, Superintendent of Schools, appeared before the Board to present each member with a copy of the 2004 King William High School football schedule and passes to attend the upcoming games.

In addition, Dr. Cowlbeck thanked the Board for its continued support of the King William County School System.

Dr. Cowlbeck invited the Board members, the County Administrator, and the Assistant County Administrator to meet jointly with the King William County School

Board on September 29, 2004, at 7:00 p.m. for a dinner and informational session at King William High School.

Amber Harlow, a resident of the Second Election District, addressed the Board regarding her concerns about the overcrowding of, and state of disrepair of, King William County School Buses in general, and specifically, Bus #42. She indicated that her children ride on this Bus and she feels the bus is unsafe. She discussed the overcrowded conditions and indicated that several times, during the past school year, this bus #42 was stalled alongside the road because of mechanical problems. This bus travels Route 30, which she feels creates even more danger due to the volume of heavy truck traffic, if the bus should stall out. She requested the Board to do whatever it can as soon as possible to help alleviate this problem with the School buses.

**RE: SETTING OF JOINT MEETING OF BOARD OF SUPERVISORS WITH KING WILLIAM COUNTY SCHOOL BOARD**

On motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, the Board set the date of September 29, 2004, at 7:00 p.m. to meet jointly with the King William County School Board at King William High School for a dinner and informational session.

**RE: CONSENT AGENDA**

On motion by T. G. Smiley, seconded by L. E. Byrum, Jr. and carried unanimously, the Board approved the following items on its consent agenda:

a. Minutes of the July 26, 2004, Work Session, and of the July 26, 2004, Regular Meeting, were approved as written.

b. Claims against the County for August, 2004, in the amount of \$946,910.36 as follows:

(1) General Fund Warrants #56809-56976 in FY-04 in the amount of \$28,539.78 and in FY-05 in the amount of \$565,334.63; Manual Checks #14006-14009 in FY-04 in the amount of \$2,450.00 and in FY-05 in the amount of \$161,534.62; Direct Deposits #6255-6346 in the amount of \$142,945.03; and Electronic Tax Payment in the amount of \$46,106.30

(2) For informational purposes, Social Services expenditures for the month of July, 2004, Warrants #303511-303580 in the amount of \$35,233.68; Direct Deposits #1039-1054 in the amount of \$22,197.26; and Electronic Tax Payment in the amount of \$7,598.92

(3) For informational purposes, Circuit Court expenditures for the month of July, 2004, Warrants #56788-56795 in the amount of \$5,252.89; and Direct Deposits #125-128 in the amount of \$7,682.00

(4) For informational purposes, Comprehensive Services Act Fund expenditures for July, 2004, Warrants # 56797-56807 in the amount of \$27,765.37

(5) Tax Refunds for the month of July, 2004, in the amount of \$3,803.92

c. Adopted the following resolution Authorizing the County Administrator to Negotiate a Line of Credit with Citizens and Farmers Bank in Anticipation of Tax Receipts

#### **RESOLUTION**

**WHEREAS**, the King William County Board of Supervisors prepared and adopted a budget for the fiscal year beginning July 1, 2004, and ending June 30, 2005; and,

**WHEREAS**, the County will have sufficient revenues to fully fund the expenditures for the fiscal year; and,

**WHEREAS**, the County needs to establish a Line of Credit to insure sufficient funds availability until local taxes are due on December 5, 2004; and,

**WHEREAS**, the County will repay any such funds borrowed by December 15, 2004.

**NOW, THEREFORE, BE IT RESOLVED**, that the King William County Board of Supervisors authorizes the County Administrator to negotiate a Line of Credit not to exceed \$2,000,000 in anticipation of tax receipts, with the repayment of all amounts utilized and any interest to occur, on or before December 15, 2004.

d. Approved a supplemental FY-05 appropriation to the School Board in the amount of \$306,791.00 for the Middle Peninsula Regional Alternative Education Project

#### **RE: TRANSPORTATION MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER WITH VDOT**

Charlie Stunkle, VDOT Resident Engineer, was present to update the Board on the following transportation issues:

a. Route 648 and Route 620 - Mr. Stunkle reported that the hardsurfacing work on these two routes will be accomplished when this contractor is in the County, which should be in mid-September.

b. Route 629, west and 7<sup>th</sup> Street in West Point Town - Mr. Stunkle also informed the Board that the paving crew should begin the paving work on these two routes later this week or early next week.

c. Route 30 from Route 360 west up to Route 611 Intersection - The recommendation to decrease the speed limit to 45 MPH on Route 30 from Route 360 west, and extend it all the way up through the Route 611 intersection has been forwarded to the office of the Commissioner for approval.

d. Route 30 – Closing of Passing Zone Approaching Hickory Woods Lane - Mr. Stunkle indicated that the VDOT Engineers have looked at this area and recommend not removing the Passing Zone at this time. They indicated that if this Passing Zone is restricted, the entire 1900 feet would have to be closed, which in their opinion, would not be the appropriate thing to do.

e. Route 648 – (White Bank Road) - W. F. Adams questioned Mr. Stunkle regarding when the paving work on this route would be done, and Mr. Stunkle reported that it will be done when the paving contractors are in the County, which should be sometime in mid-September.

f. Pamunkey River Replacement Bridge Project - The County Administrator inquired as to when the Requests for Proposals will be issued on this project and Mr. Stunkle indicated they will be going out as soon as the Project Permit is received from the U. S. Coast Guard.

g. Six Year Plan – Secondary Roads - Mr. Stunkle reported that at the Board's September meeting, he will be providing information to update the Six Year Plan for Secondary Road construction in the County.

h. Oak Springs Subdivision - L. E. Byrum, Jr. questioned Mr. Stunkle regarding his request on behalf of Jamie Henshaw of 18 Willow Court in Oak Springs Subdivision concerning a major drainage problem with standing water in the ditches there. Mr. Byrum indicated that the resident has spoken with the local VDOT office and there is a concern regarding an underground spring there that causes the ditches

to stay full. He asked Mr. Stunkle to investigate this issue and report back to the Board regarding what is being done to correct this situation.

i. Route 30 at Euclid Blvd. In Town of West Point - C. T. Redd, III informed Mr. Stunkle of a bad situation with a deep dip on Route 30 near Euclid Boulevard in the Town of West Point, and requested that VDOT look into correcting this situation.

j. Ogden Lane in Town of West Point - C. T. Redd, III requested that VDOT clean out the ditches on Ogden Lane in the Town of West Point.

k. 14<sup>th</sup> Street in Town of West Point - C. T. Redd, III requested that VDOT cut the grass on the lots on 14<sup>th</sup> Street in the Town of West Point.

l. Route 608 – Hazelwood Road - O. O. Williams discussed a drainage problem on Route 608 (Hazelwood Road) with water running down the middle of the road, and requested that VDOT clean out the ditches there.

**RE: ADOPTION OF RESOLUTION RECOGNIZING THE WALKERTON COMMUNITY FIRE ASSOCIATION ON ITS 50<sup>TH</sup> ANNIVERSARY**

On motion by W. F. Adams, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the following resolution recognizing the Walkerton Community Fire Association on the occasion of its 50<sup>th</sup> Anniversary.

**RESOLUTION OF APPRECIATION**

**WHEREAS**, the Walkerton Community Fire Association was issued a Certificate of Incorporation from the State Corporation Commission on March 8, 1954, with 17 charter members; and,

**WHEREAS**, in September, 1954, the Association's Directors agreed to build a fire house based on plans by J. Henley Walker on property given by Taylor and Caldwell Food Company; and,

**WHEREAS**, also in September, 1954, the women of Walkerton organized an Auxiliary, which has provided fundraising support over the years through bake sales, Christmas decorations, craft exhibits and dinners; and,

**WHEREAS**, on April 30, 1955, the first Open House was held at the Walkerton Fire House with more than 500 people attending the event, which included a parade and a dance; and,

**WHEREAS**, on October 23, 1958, the Directors approved plans to expand the fire house, providing space for two additional fire trucks and a meeting area, and in 1974, a kitchen facility was added; and,

**WHEREAS**, in 1988, Lina Walker Stan donated land and a new 5,000 square foot fire station was constructed, containing space for seven vehicles, a meeting room, kitchen and rest rooms; and,

**WHEREAS**, the Association's communication system evolved from a siren on the roof of the fire house to the current radio system that enables central dispatching from the Sheriff's offices in both King William County and King & Queen County; and

**WHEREAS**, today, Walkerton Community Fire Association has 22 active members and 14 junior members; and,

**WHEREAS**, the Department operates five fire trucks and one car, and in the Fall, will replace a 1978 truck with a new tanker truck capable of carrying 2,000 gallons of water; and,

**WHEREAS**, on August 7, 2004, Walkerton Community Fire Association held a 50<sup>th</sup> Anniversary Celebration.

**NOW, THEREFORE, BE IT RESOLVED**, that the King William County Board of Supervisors congratulates Walkerton Community Fire Association's past and current members and expresses their sincere appreciation for their public service and dedication and wishes them much success in the future; and,

**BE IT FURTHER RESOLVED**, that the King William County Board of Supervisors acknowledges and values the volunteers' altruism and commitment to public safety in King William and King and Queen Counties; and,

**BE IN FINALLY RESOLVED**, that a copy of this Resolution expressing the sense of this Board of Supervisors on this matter shall be conveyed to Walkerton Community Fire Association, and shall be spread upon the meeting minutes of said Board of Supervisors.

**RE: MP-NN COMMUNITY SERVICES BOARD – CHUCK WALSH,**

**EXECUTIVE DIRECTOR – ADOPTION OF RESOLUTION APPROVING THE FY-05 OPERATING BUDGET AND PERFORMANCE CONTRACT**

Chuck Walsh, Executive Director of the Middle Peninsula-Northern Neck Community Services Board, appeared before the Board to present their proposed Fiscal Year 2005 Performance Contract and Operating Budget. He indicated that these documents were approved by the MP-NN Community Services Board on June 21, 2004, and are now before this Board for review and approval. Approval must be obtained from each locality represented by the Community Services Board, as stipulated by its contract with the Department of Mental Health, Mental Retardation, and Substance Abuse Services.

On motion by W. F. Adams, seconded by O. O. Williams and carried unanimously, the Board adopted the following resolution approving the FY-05 Performance Contract and Operating Budget as presented by the MP-NN Community Services Board.

**RESOLUTION APPROVING PERFORMANCE CONTRACT**

**WHEREAS**, Section 37.1-19 of the Code of Virginia, 1950, as amended, requires each Community Services Board to submit to the governing body of each

political subdivision that established it, an annual Performance Contract for community mental health, mental retardation and substance abuse services for its approval prior to submission of the contract to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services; and,

**WHEREAS**, the Middle Peninsula-Northern Neck Community Services Board has put forward its proposed Performance Contract for Fiscal Year, 2005, for approval by the Boards of Supervisors of its governing counties of Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of King William County, Virginia, that the Performance Contract prepared by the Middle Peninsula-Northern Neck Community Services Board for Fiscal Year, 2005, and presented to the Board is hereby approved and may be forwarded to the Department of Mental Health, Mental Retardation and Substance Abuse Services as further required.

**RE: KING WILLIAM SHERIFF'S OFFICE – PRESENTATION OF 2003 LAW ENFORCEMENT CHALLENGE PROGRAM AWARD TO SHERIFF'S OFFICE BY ROBERT WALL, TRAFFIC SAFETY SPECIALIST WITH THE VIRGINIA LAW ENFORCEMENT CHALLENGE**

Sheriff Jeff Walton was presented the 2003 Virginia Law Enforcement Challenge Program Award for the Sheriff's Department, recognizing their efforts to promote safe driving on King William County's roadways throughout 2003. This award was presented by Robert Wall, Traffic Safety Specialist with the Virginia Law Enforcement Challenge. The Virginia Law Enforcement Challenge Program recognizes agencies that take a creative and innovative approach to combating drunk and drugged driving, safety belt and child safety seat use, and speed awareness in their communities.

**RE: RECODIFICATION OF KING WILLIAM COUNTY CODE**

a. Public Hearing – An Ordinance Adopting and Enacting a New Code for King William, Virginia; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective - The County Administrator presented the above stated Ordinance explaining that its adoption would repeal the existing County Code and adopt and enact a recodified King William County Code. Mr. Pleva stated that in accordance with Section 15.2-1433 of the Code of Virginia, the proposed recodified County Code does not include any change, alteration, amendment, deletion, or addition of a substantive

nature to the existing County Code and no new material of a substantive nature is added to the existing County Code, except that previously adopted by the Board of Supervisors following a duly advertised public hearing.

The Chairman declared the public hearing open to receive comments on the above stated proposed Ordinance. No persons appeared to speak for or against the proposal. The public hearing was declared closed by the Chairman.

b. Adoption of “An Ordinance Adopting and Enacting a New Code of King William County, Virginia: Providing for the Repeal of Certain Ordinances not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective” - On motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, the Board adopted the following Ordinance adopting and enacting a new Code for King William County, Virginia. This motion stated that this new Code for King William County, Virginia, is to include the King William County Subdivision Ordinance adopted on July 26, 2004, and is to delete the section that deals with procurement, including departmental spending limits. The Board will conduct a public hearing at a future date on a proposed spending limit dollar amount change if such change is to be incorporated into the new Code, as this would be a material change in the Code. This motion further stated that the existing procurement amounts stated in the 1991 Code remain in effect unless and until the new Code is amended to incorporate the proposed state spending limits following a public hearing. In the event of a conflict between the Code and the Virginia Public Procurement Act regarding spending limits and other procurement provisions, the state statute shall govern.

**AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR KING WILLIAM COUNTY, VIRGINIA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE**

**BE IT ORDAINED, by the Board of Supervisors of King William County, Virginia:**

**Section 1:** The Code entitled “Code of The County of King William, Virginia”, published by Municipal Code Corporation, consisting of Chapters 1 through 86, each inclusive, including the Subdivision Ordinance adopted July 26, 2004, is adopted.

**Section 2:** All ordinances of a general and permanent nature enacted on or before March 22, 2004, and not included in the Code or recognized and continued in force by reference therein, are repealed.

**Section 3:** The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

**Section 4:** Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule, or regulation adopted or issued in pursuance thereof shall be guilty of a Class 1 misdemeanor. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the County may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

**Section 5:** Additions or amendments to the Code when passed in such form as to indicate the intention of the Board of Supervisors to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

**Section 6:** Ordinances adopted after March 22, 2004, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

**Section 7:** This Ordinance shall become effective immediately upon its adoption by the Board of Supervisors of King William County, Virginia.

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

**ADMINISTRATOR**

a. Mt. Olive Community Improvement Project - Frank A. Pleva, County Administrator, reported that the next meeting of the Mt. Olive Project Management Team will be held on Tuesday, August 24<sup>th</sup>, and at that time, discussion will be had regarding the Self-Help Program. This is a portion of the Community Development Block Grant that involves the citizens and other volunteers participation with such things as laying the trenches for the water and sewer lines. It is a standard part of the Community Development Block Grant and can save grant funds. Mr. Pleva indicated that he, Mr. O. O. Williams and Mr. W. F. Adams met approximately two weeks ago with a group of citizens for the Self-Help portion of the project, and it was determined at that time that the ground was too wet to do the trenching work, and since then, we have had a hurricane with three or four more inches of rain. One of the issues to be discussed at the Management Team meeting on August 24<sup>th</sup>, is how this will affect the

housing, as the sanitary water and sewer have to be connected before a Certificate of Occupancy can be issued by the County for the dwelling.

L. M. Chenault, County Attorney, reported that he will be closing next week on the acquisition of the well property from the community group, dealing with their attorney, Mr. Koch.

b. Courts and Public Safety Facility - The County Administrator reviewed the updated report prepared by Kevin Vaughan, Clerk of the Works on this project. He indicated that the date for the Dedication Ceremony may be changed, depending on the availability of the guest speaker, the Honorable Leroy Rountree Hassell, Sr., Chief Justice of the Virginia Supreme Court. The Dedication will probably be held on October 15, 2004, beginning at 5:00 p.m., rain or shine.

c. Regional Animal Shelter - Mr. Pleva reported that some updated flow data for the architect that designed the system for the Animal Shelter has been received. He further reported that he has been in contact with one Soil Scientist, who was just so busy that he could not get on the site in a reasonable amount of time, therefore, he has called another firm who hopes to be on site in the next couple of weeks. With all the recent rain, the site conditions are not the most conducive to the drilling of holes anyway. Hopefully, someone will be out in the next couple of weeks and design the system, so the plans can be forwarded to the Health Department for review.

d. Middle Peninsula Regional Airport - County Administrator, Frank A. Pleva, noted that the Open House held on August 4, 2004, went well, and that many compliments have been received from local businesses regarding the improvements that have already been made. He indicated that the MP Regional Airport Authority has accepted a bid from Curtis Contracting of West Point, Virginia, in an amount just under \$192,000.00 to prepare the site, a bid submitted by David A. Nice Builders of Williamsburg, in the amount of \$1,058,916.00 for construction of the terminal building, and a bid from J. Sanders Construction of West Point in the amount of \$467,455.00 for construction of a fueling station. Only one bid was submitted for construction of a new hangar and taxiways, which was unacceptably high, and was rejected by the Authority. The hangar and taxiways project will be rebid sometime in the future.

e. Virginia Public School Authority Fall Bond Sale - Terri Hale, Assistant County Administrator, indicated that a request has been received from the King William County School Board to fund capital projects for public school purposes in the amount of \$650,000.00 and to contract a debt and issue general obligation bonds of the County in the maximum amount of \$690,000.00 to finance such capital improvements, and to sell such bonds to the Virginia Public School Authority (VPSA). Ms. Hale requested the Board's approval to submit an application to the Virginia Public School Authority (VPSA) in order to sell the bonds to the VPSA at the Fall, 2004, VPSA bond sale.

On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried with a unanimous roll call vote, the Board adopted the following resolution authorizing King William County to submit an application to VPSA for a maximum amount of \$690,000.00 and to schedule a public hearing at the Board's September 27, 2004, meeting on the issuance of the bonds.

**A RESOLUTION AUTHORIZING KING WILLIAM COUNTY  
TO SUBMIT AN APPLICATION TO VPSA FOR A MAXIMUM AMOUNT OF \$690,000  
AND TO SCHEDULE A PUBLIC HEARING**

**WHEREAS**, the Board of Supervisors has received a request from the King William County School Board (the "School Board") to fund capital projects for public school purposes in the amount of \$650,000 and to contract a debt and issue general obligation bonds of the County in the maximum amount of \$690,000 to finance such capital improvements (the "Bonds") and to sell such bonds to the Virginia Public School Authority ("VPSA"); and,

**WHEREAS**, the Board of Supervisors has determined that it may be necessary or desirable to advance money to pay the costs for such capital projects for public school purposes (the "Projects") and to reimburse such advances with proceeds of one or more financings.

**NOW, THEREFORE, BE IT RESOLVED BY THE KING WILLIAM COUNTY BOARD OF SUPERVISORS:**

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150.2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County or the School Board to pay the costs of acquiring, constructing and equipping the Projects from the proceeds of the Bonds to be issued in the maximum amount of \$690,000.
2. The County Administrator is authorized and directed to submit an application to the VPSA in order to sell the Bonds to the VPSA at the Fall, 2004, bond sale.
3. The County Administrator is authorized to advertise a public hearing to be held on September 27, 2004, on the issuance of the Bonds.
4. This resolution shall take effect immediately upon its adoption.

**RE: APPOINTMENTS**

a. Social Services Board – Two Members, Four Year Terms (NOTE: Existing Membership of Board is Being Expanded From Three Members to Five Members) - On motion by L. E. Byrum, Jr., seconded by W. F. Adams and carried unanimously, Elizabeth A. (Betsy) Donaghue and Rev. Leo C. Wagner were appointed to serve as members of the King William County Social Services Board, each for a term of four years. Said terms to expire August 31, 2008.

**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**

No comments were made.

**RE: ADJOURNMENT OF MEETING**

There being no further business to come before this Board, on motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, the meeting was adjourned.

COPY TESTE:

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C. T. Redd, III  
Chairman

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Frank A. Pleva  
County Administrator