

**MINUTES**  
**KING WILLIAM COUNTY**  
**BOARD OF SUPERVISORS**  
**MEETING OF AUGUST 25, 2008**

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 25<sup>TH</sup> DAY OF AUGUST, 2008, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURTHOUSE, ORDER WAS CALLED WITH THE FOLLOWING PERSONS PRESENT:**

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

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

**RE: APPROVAL OF MEETING AGENDA**

On motion by T. G. Smiley, seconded by O. O. Williams and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the following changes: Under Item 6, Consent Agenda, add 6h, Approval of All-Hazards Emergency Planning Committee Charter and By-Laws; Under Item 8, VDOT Matters, add 8c, Adoption of Resolution Regarding Route 607, Herring Creek Millpond Dam Reconstruction Project; Delete Item 9, Consideration of Proposed Energy Performance Contracting Agreement for King William County Schools; Under Item 10, Planning Matters, Add 10b, Announcement of Appeal of Zoning Interpretation Letter on CASE #CUP-01-07, KW Morrison, LLC, Governor's Run Sports Park, applicant, to the King William County Board of Zoning Appeals; Defer Item 11, Consideration of Fy-09 Supplemental Appropriation to Quin Rivers Community Action Agency, to the Board's September meeting.

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

a. Steve Tupponce, Chairman of the King William County School Board, informed the Supervisors that the School Board has successfully eliminated its fund deficit as of the end of FY-08. He reported that the School Fund closed the FY-08 with a surplus fund balance of \$353,000.00

On the flip side of this good news, Mr. Tupponce shared with the Board the fact that Governor Kaine has put school divisions on notice that they may realize a cut in Basic Aid, perhaps up to 3% of the \$3M that is provided to schools by the State. He indicated that if this should occur, the School Board may need to come back to the Board for funding.

b. Herb White commented about the Board's July meeting in which Mrs. Elizabeth McAllister questioned why King William County is no longer contributing to the Quin Rivers Community Action Program, and why she, as the County's representative on the Community Action Program Board, was not informed of this lack of funding. Mr. White stated his opinion that the Board should apologize to Mrs. McAllister for this lack of communication.

**RE: CONSENT AGENDA**

On motion by T. G. Smiley, seconded by C. L. Schools and carried unanimously, the Board approved the following items on its Consent Agenda:

a. Minutes of the Regular Meeting of July 25, 2008, as written

b. Claims against the County for August, 2008, in the amount of \$1,465,340.45 as follows:

(1) General Fund Warrants #68178-68353 in the amount of \$938,241.69 (FY-08 - \$15,893.91 and FY-09 - \$922,347.78); Manual Checks #14174-14176 in the amount of \$136,619.27; Direct Deposits #11508-11629 in the amount of \$190,979.01; and Electronic Tax Payment in the amount of \$63,321.62

(2) For informational purposes, Social Services expenditures for the month of July, 2008, Warrants #306870-306925 in the amount of \$42,581.51; Direct Deposits #1925-1941 in the amount of \$26,818.17; and Electronic Tax Payment in the amount of \$9,641.02

(3) For informational purposes, Circuit Court expenditures for the month of July, 2008, Warrants #68154-68161 in the amount of \$5,380.86; Direct

Deposits #296-299 in the amount of \$10,283.14; and Electronic Tax Payment in the amount of \$3,607.67

(4) For informational purposes, Comprehensive Services Act Fund expenditures for July, 2008, Warrants #68163-68176 in the amount of \$37,816.67

(5) Tax Refunds for the month of July, 2008, in the amount of \$49.82

c. Approved the employment of Michael Harris as Waterworks Operator in the Public Works Department

d. Established the annual percentage rate of the Personal Property Tax Relief Act (PPTRA) for 2008 at 43%, as requested by the Commissioner of the Revenue

e. Authorized advertisement of a public hearing to be held during the Board's September 22, 2008, meeting beginning at 7:00 p.m. in the Board Room of the County Administration Building, to consider adoption of proposed amendments to King William County Code Article III. Traffic Code, Division II. Regulation of Parking.

f. Approved the appointment of John L. Bull as Building Official of King William County.

g. Approved the appointment of Robert W. Williams, Jr. as Plans Reviewer/Building Inspector for King William County.

h. Approved the Charter and By-Laws of the All-Hazards Emergency Planning Committee as presented to the Board at its July 28, 2008, meeting, by Committee Chairman, Brady M. Grim

**RE: ADOPTION OF RESOLUTIONS OF APPRECIATION**

a. James E. Mickens for Service on the Pamunkey Regional Library Board - On motion by D. L. Wright, seconded by T. G. Smiley and carried unanimously, the Board adopted the following resolution extending its appreciation to James E. Mickens for eight years of service as a member of the Pamunkey Regional Library Board:

RESOLUTION OF APPRECIATION

**WHEREAS**, James E. Mickens served as a conscientious, thoughtful and contributing member of the Pamunkey Regional Library Board for eight years; and

**WHEREAS**, Mr. Mickens served on the Board's Finance and Personnel Committees; and

**WHEREAS**, Mr. Mickens's advice and counsel contributed to a banking contract that saved the Library money as well as an unqualified external audit in

compliance with new Government Accounting Standards Board regulations on depreciating fixed assets and other financial reporting requirements; and

**WHEREAS**, during his tenure, the Library codified and adopted financial policies, relocated the Upper King William branch, more than doubling its size, established the computer lab at the West Point branch, purchased a new Bookmobile and substantially expanded its electronic resources and the number of public access computers available to King William citizens; and

**NOW, THEREFORE, BE IT RESOLVED**, that the King William County Board of Supervisors extends its sincere appreciation to Mr. Mickens for eight years of exceptional service as a member of the Pamunkey Regional Library Board; and,

**BE IT FURTHER RESOLVED**, that the King William County Board of Supervisors recognizes Mr. Mickens's commitment to improving Library services in the King William County and the Town of West Point; 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. Mickens, and shall be spread upon the meeting minutes of said Board of Supervisors.

Mr. Mickens was present and received a framed copy of this Resolution.

b. Gertrude M. "Trudy" Tupponce on the Occasion of Her Retirement with 30 Years Service as Dispatcher in the Sheriff's Department

On motion by T. G. Smiley, seconded by D. L. Wright and carried unanimously, the Board adopted the following resolution honoring Gertrude M. "Trudy" Tupponce on the occasion of her retirement as Dispatcher in the Sheriff's Department with 30 years service:

**RESOLUTION OF APPRECIATION**

**WHEREAS**, Gertrude M. "Trudy" Tupponce began working as a dispatcher for King William County on March 13, 1978, most recently serving as chief dispatcher; and

**WHEREAS**, Mrs. Tupponce retired from public service on June 30, 2008; and

**WHEREAS**, Mrs. Tupponce was one of the first dispatchers hired after the Sheriff's Office received its first radio system and went to 24-hour dispatching; and

**WHEREAS**, Mrs. Tupponce has seen numerous changes to the department over the years including moving from a metal building to the Administration Building to the new Courts & Public Safety Building as well as the implementation of the Enhanced 911 system; and

**WHEREAS**, Mrs. Tupponce is well known for her dedication and diligence and for her service to the citizens of King William County during an emergency; and

**WHEREAS**, Mrs. Tupponce and her husband, Al, a longtime employee of King William County Public Schools, have four children, Tommy, Suzanne, Allen, and Stephen, and 10 grandchildren T.J., Jennifer, Alanah, Katelynn, Alexis, Dawson, Christopher, Catherine, Evan, and Grayson;

**NOW, THEREFORE, BE IT RESOLVED**, that the King William County Board of Supervisors expresses its deepest appreciation to Mrs. Tupponce for her 30 years of service to King William County and its citizens; and,

**BE IT FURTHER RESOLVED**, that the King William County Board of Supervisors wishes Mrs. Tupponce the best and congratulates her on the occasion of her retirement; 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 Mrs. Tupponce, and shall be spread upon the meeting minutes of said Board of Supervisors.

**RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY**

**ADMINISTRATOR**

a. Route 600 Curve – Discussion - Charles E. Stunkle, VDOT Residency Administrator, reported on an item carried over from the Board’s July meeting regarding a curve on Route 600, indicating that VDOT has made no final recommendation on this as yet. He should have a report on this at the September meeting.

b. Consideration of Request to Abandon a Portion of Route 634, Kentucky Road - Mr. Stunkle indicated that the Board of Supervisors has previously made the announcement of their intent to abandon a portion of Route 634 (Kentucky Road). He stated that VDOT has no objection to this proposed abandonment.

Thereupon, on motion by D. L. Wright, seconded by T. G. Smiley and carried unanimously, the Board adopted the following resolution abandoning the last 0.024 mile portion of Route 634 (Kentucky Road), and deems this road is no longer necessary as a part of the Secondary System of State Highways.

**RESOLUTION**

**WHEREAS**, a public notice was posted as prescribed under Section 33.1-151, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of road described below from the Secondary System of State Highways; and,

**WHEREAS**, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board’s intent to abandon the subject section of road; and,

**WHEREAS**, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the last 0.024 mile portion of Secondary Route 634 (Kentucky Road), and hereby deems this road is no longer necessary as a part of the Secondary System of State Highways.

**NOW, THEREFORE, BE IT RESOLVED**, that this Board abandons the above described road and removes it from the Secondary System of State Highways, pursuant to Section 33.1-151, of the Code of Virginia.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Residency Administrator of the Virginia Department of Transportation.

Mr. Stunkle reported that once this Resolution is received in his office, it will be forwarded to the VDOT Richmond office, and that the entire process will take about 60 days to complete.

c. Discussion of Changes Made to the State Secondary System as a Result of Project on Route 604 (Herring Creek Road) in Mangohick - Mr. Stunkle indicated that the Board needs to adopt a Resolution relating to Project Adjustments Involving Addition, Discontinuance and/or Abandonment regarding the Project on Route 604 (Herring Creek Road). He further reported that VDOT has reviewed the project adjustments and have found these roads satisfactory for inclusion into VDOT's Secondary Road System. In addition, he reported that all roads on this project have been constructed in accordance with VDOT's current Road and Bridge Specifications dated 2002.

Thereupon, on motion by T. G. Smiley, seconded by C. L. Schools and carried unanimously, the Board adopted the following resolution.

#### **RESOLUTION**

**WHEREAS**, the Virginia Department of Transportation has provided this Board with a sketch dated March 10, 2008 depicting the additions, discontinuances and abandonments required in the Secondary system of State Highways as a result of Project 0604-050-166, C-501 which sketch is hereby incorporated herein by reference; and,

**WHEREAS**, the portions of old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense; and,

**WHEREAS**, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and,

**NOW, THEREFORE, BE IT RESOLVED**, that this Board abandons as part of the Secondary System of State Highways those portions of road identified by the sketch to be abandoned, pursuant to Section 22.1-155, Code of Virginia; and,

**BE IT FURTHER RESOLVED**, that this Board request the Virginia Department of Transportation to add to the Secondary System of State Highways those portions of

road identified by the sketch to be added, pursuant to Section 33.1-229, Code of Virginia; and,

**BE IT FURTHER RESOLVED**, that this Board concurs with the discontinuance as part of the Secondary System of State Highways, those portions of road identified by the sketch to be discontinued, pursuant to Section 33.1-150, Code of Virginia; and,

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

d. Presentation of Request to Abandon 0.27 Mile of Route 607, for Herring Creek Millpond Dam Reconstruction - A request was presented from the Herring Creek Millpond Association, Inc. to abandon a portion of Route 607 which spans the failed Herring Creek Millpond Dam, as this Dam was breached during Tropical Storm Gaston in August of 2004. This request indicated that the Association has been unsuccessful in meeting the stringent new regulations of the Virginia Department of Conservation, Recreation and Dam Safety because of the road which crosses the Dam. They feel that they may have a chance of restoring the Dam and pond if the road is abandoned.

Mr. Stunkle indicated his understanding that the Dam land owners are no longer going to pursue restoration of the washed out Dam. He stated that the options for the Board are (1) to instruct VDOT to consider placing a road back across the millpond with no Dam (no investigative work has been done by VDOT on this option as up until recently, VDOT thought there was a chance that the Dam could be reconstructed and the road would be on top of it) or option (2) to consider abandonment of the portion of Route 607 across the Dam.

Further, Mr. Stunkle pointed out that direction is needed from the Board regarding where turnarounds at each end of the Dam will be. On the River Road side of the Dam, there is an area that is clear cut, but on the Mill House Road side of the Dam, VDOT will need to take a look at and will need some direction from the Board.

Prior to placing notice in the local newspaper regarding this proposed abandonment, the Board will need to know the exact termini, which will be forwarded by Mr. Stunkle within the next two weeks.

At that time notice will be placed in the local newspapers and the Board will consider the request at its October, 2008, meeting. This was motioned by C. L. Schools, seconded by O. O. Williams and carried unanimously.

e. Route 30 Signage Denoting 45 MPH Near the Mattaponi Rescue Squad Building - D. L. Wright noted that the 45 MPH speed sign posted on two locations on Route 30 near the Mattaponi Rescue Squad Building are yellow in color and it is his understanding that a yellow sign only recommends the posted speed. He feels these signs should be the white 45 MPH speed limit signs which are more enforceable, because of the heavy traffic on Route 30 in the vicinity of the Rescue Squad Building and other businesses located there. Mr. Stunkle indicated that he would have the Traffic Engineers look at this situation.

f. Old Section of Route 33 Which Did Lead to the Old Bridge to Cross the Mattaponi River - C. T. Redd indicated that this road now leads to the boat ramp and asked that a "Stop" sign be erected instead of a "Yield" sign. Mr. Stunkle indicated that the Traffic Engineers will be asked to look at this.

g. East Corner of Routes 661 and 618 - T. G. Smiley advised that this corner is becoming overgrown and requested that VDOT mow these banks.

**RE: PLANNING MATTERS – SCOTT LUCCHESI, DIRECTOR OF COMMUNITY DEVELOPMENT**

a. Award of Contract for Update of Comprehensive Plan - Scott Lucchesi, Director of Community Development, indicated that 3 proposals were submitted in response to the RFP that was issued for firms to complete the update of the Comprehensive Plan. These three firms are listed as follows:

- |    |                                       |                      |
|----|---------------------------------------|----------------------|
| 1. | Hill Studio, Roanoke, VA              | \$52,998 to \$55,842 |
| 2. | Resource International<br>Ashland, VA | \$44,500 to \$49,500 |
| 3. | Viewshed, Richmond, VA                | \$39,000 to \$46,000 |

Mr. Lucchesi further indicated that an evaluation committee, comprised of Otto Williams, Frank Pleva, Terri Hale and he, reviewed the proposals and conducted interviews with the three firms. This committee ranked these three firms and feel that Hill Studio of Roanoke, VA will provide the best update for several reasons. The project manager has extensive local government experience as a planner, so

understands the political importance of an accurate and usable Comprehensive Plan. The Committee also liked this firm's emphasis of a user friendly, visually attractive and a meaningful document.

The Board discussed this matter, and upon motion by C. L. Schools, seconded by O. O. Williams and carried unanimously, the Board awarded the contract to Hill Studio of Roanoke, VA for the update of the King William County Comprehensive Plan.

b. Announcement of Appeal of Zoning Interpretation Letter on Case #CUP-01-07, KW Morrison, LLC, Governor's Run Sports Park, Applicant, to King William County Board of Zoning Appeals – Whether Property Description Included in a Conditional Use Permit Must Contain the Access Easement by Which the Site is Accessed - As the Board is aware, the County has a proposal for a motocross track in King William County with a Conditional Use Permit, and Mr. Lucchesi made the Board also aware that an interpretation of the zoning ordinance was requested. Due to the complexity of the request, the County Attorney, L. M. Chenault, was asked for his assistance. On July 15, 2008, Mr. Chenault issued an interpretation that impacted this case, and the Zoning Administrator agreed with this decision on August 11, 2008. On August 14, 2008, the applicant for the Conditional Use Permit for the motocross track filed an appeal to this interpretation. This appeal will go to the Board of Zoning Appeals and they will have 90 days to hear this appeal.

c. Addendum to Board's Agenda for Consideration of Request to Defer Action on Zoning Case #Z-03-03, Request to Revise Proffers, Tax Map Numbers 22-20; 22-20E; and 22-20F – Owner: Kennington Place, LLC

County Attorney, L. M. Chenault, reminded the Board that action taken by the Board at its June 23, 2008, meeting deferred action on Zoning Case #Z-03-03 until its August, 2008, meeting. This was done upon the written request from the applicant asking for a 60-day deferral. Continuing, Mr. Chenault indicated that an additional deferral is now being requested by the applicant.

As this item is not included on the Board's agenda for this meeting, a motion was made by C. L. Schools, seconded by T. G. Smiley and carried unanimously, to add this item to the Board's agenda for this meeting.

d. Consideration of Request to Defer Action on Zoning Case #Z-03-03, Request to Revise Proffers – Tax Map Numbers 22-20; 22-20E; and 22-20F – Owner, Kennington Place, LLC - On motion by T. G. Smiley, seconded by O. O. Williams and carried unanimously, the Board deferred action on this zoning case until its October, 2008, meeting, at the request of the applicant.

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

a. Middle Peninsula Regional Airport - The County Administrator reported that a runway extension of approximately 5000 feet, which is being largely federally funded, is under construction and should be open within the next two weeks. This extension will increase the size of the air traffic that the airport can accommodate. The lights on the runway are scheduled for completion approximately two weeks after the runway.

b. Mt. Olive Community Improvement Project - Mr. Pleva indicated that 30 homes in this project are under construction with approximately 2/3 of them already having received a Certificate of Occupancy. The process of pressure testing on the water and sewer lines in the neighborhood is now being done.

c. Regional Animal Shelter – The County Administrator reported that the day after the Board's regular July meeting, he conducted a site meeting with two representatives from the project architect, Daggett & Grigg; and two officials from Grand Metro, the project prime contractor; to start the process of getting the project completed, per the Settlement Agreement. Under their schedule, based on good weather conditions, and on no extensions because of change order requests, the project should be completed in either the first or second week of November.

**RE: APPOINTMENTS**

a. Planning Commission – One Member, Four Year Term, Term of Ruth S. Muire Expires 9/30/08 - At the request of O. O. Williams, action on this appointment was tabled until the Board's regular September, 2008 meeting.

b. Wetlands Board – One Member, Five Year Term, Term of Charles Shaver Expires 9/30/08 - At the request of T. G. Smiley, action on this appointment was tabled until the Board's regular September, 2008 meeting.

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

Mike Dean of 111 Indian Fields in Indian Fields Subdivision addressed the Board on behalf of the Subdivision Homeowner's Association, asking that the Indian Fields Subdivision be included in the King William County Leash Law. He presented a petition bearing the signatures of the residents of the Indian Fields Subdivision asking for this inclusion.

By general consensus, the Board determined that the matter to authorize a public hearing on adding Indian Fields Subdivision to the County's Leash Law should be placed on the Board's September, 2008 meeting agenda, for the conduct of a public hearing at its October, 2008 meeting.

**RE: BOARD OF SUPERVISORS' COMMENTS**

D. L. Wright announced that plans are underway for establishing a Chamber of Commerce in King William County and that a mass meeting is to be held on September 11, 2008 at 7:00 p.m. in the Board Room of the County Administration Building. All interested persons were invited to attend.

He also made everyone aware of the date of his next Town Hall Meeting which is set for September 16, 2008, at 7:00 p.m. in the Board Room of the County Administration Building. Everyone was invited to attend.

Mr. Wright expressed appreciation to Katy Lloyd, Public Information Officer for King William County, for services rendered to the County for the past eight years. Ms. Lloyd has resigned from her position with the County effective September 5, 2008.

**RE: ADJOURNMENT**

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

COPY TESTE:

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Frank A. Pleva, County Administrator

