

**MINUTES**  
**KING WILLIAM COUNTY**  
**BOARD OF SUPERVISORS**  
**MEETING OF AUGUST 27, 2007**

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 27<sup>TH</sup> DAY OF AUGUST, 2007, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:**

**C. T. REDD III, CHAIRMAN**  
**W. F. ADAMS, VICE-CHAIRMAN**  
**E. J. RIVARA**  
**T. G. SMILEY**  
**O. O. WILLIAMS**

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

**RE: APPROVAL OF MEETING AGENDA**

On motion by T. G. Smiley, seconded by E. J. Rivara 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**

No persons appeared to speak.

**CONSENT AGENDA**

On motion by W. F. Adams, seconded by T. G. Smiley and carried unanimously, the Board approved the following items on its consent agenda:

- a. Minutes of the Regular Meeting of July 23, 2007, were approved as written
- b. Claims against the County for August, 2007, in the amount of \$1,382,907.15 as follows:

(1) General Fund Warrants #65419-656632 in the amount of \$143,361.92 for FY-07 and \$875,846.47 for FY-08; Manual Checks #14144-14147 in

the amount of \$79,128.61: Direct Deposits #10096-10211 in the amount of \$190,623.17; and Electronic Tax Payment in the amount of \$63,946.98

(2) For informational purposes, Social Services expenditures for the month of July, 2007, Warrants #306098-306155 in the amount of \$40,299.98; Direct Deposits #1702-1718 in the amount of \$26,401.71; and Electronic Tax Payment in the amount of \$9,084.63

(3) For informational purposes, Circuit Court expenditures for the month of July, 2007, Warrants #65397-65404 in the amount of \$5,056.35; Direct Deposits #248-251 in the amount of \$9,906.92; and Electronic Tax Payment in the amount of \$3,419.07

(4) For informational purposes, Comprehensive Services Act Fund expenditures for July, 2007, Warrants #65406-65417 in the amount of \$50,380.66

(5) Tax Refunds for July, 2007, in the amount of \$821.56

c. Authorized advertisement for a public hearing to consider proposed revisions to the Planned Unit Development (PUD) Ordinance, to be held during the Board's regular September 24, 2007, meeting, beginning at 7:00 p.m. in the Board Room of the King William County Administration Building

d. Authorized advertisement for a public hearing to consider Zoning Case #Z-02-07, Request to Rezone 375 Acres from A-C (Agricultural-Conservation) to R-1 (Suburban Residential); Applicant/Owner: Watkins Farm, Inc., to be held during the Board's regular September 24, 2007, meeting, beginning at 7:00 p.m. in the Board Room of the King William County Administration Building

e. Established the annual percentage rate of the Personal Property Tax Relief Act (PPTRA) for 2007 at 43%, as requested by the Commissioner of the Revenue

f. Adopted the following Resolution of Appreciation for the 237<sup>th</sup> Engineering Battalion of the Virginia National Guard in West Point, Virginia:

**RESOLUTION PERTAINING TO THE  
237<sup>th</sup> ENGINEERING BATTALION OF THE VIRGINIA NATIONAL GUARD  
IN WEST POINT, VIRGINIA**

**WHEREAS**, the 237<sup>th</sup> Engineering Company of the Virginia Army National Guard in West Point, was mobilized on July 19, 2007 and traveled to Fort McCoy, Wis. in preparation for a 13-month overseas deployment in support of Operation Iraqi Freedom; and

**WHEREAS**, the unit consists of 104 citizen soldiers, most of which are part-time members of the Virginia National Guard and work other jobs on a full-time basis; and

**WHEREAS**, for many in the 237<sup>th</sup> Engineering Company, this is their second tour in Iraq, previously serving from December 2003 to January 2005; and

**WHEREAS**, the unit will never forget December 21, 2004, when they suffered a great loss when Army SPC Nicholas C. Mason and Army SPC David A. Ruhren paid the ultimate price protecting our freedom; and

**WHEREAS**, the unit is also remembering Sgt. Jonathan M. Forde who died of meningococcal meningitis on August 14, 2007, while training at Fort McCoy; and

**WHEREAS**, the unit will be joining thousands of military personnel from across the United States and other coalition and allied nations to protect our country and the free world from terrorism and other threats;

**NOW, THEREFORE, BE IT RESOLVED**, that the King William County Board of Supervisors, on behalf of the citizens of King William County, hereby conveys its unconditional and unyielding appreciation and support to the courageous members of the 237<sup>th</sup> Engineering Company as they fulfill their duties with bravery and professionalism; and

**BE IT FURTHER RESOLVED**, that the King William County Board of Supervisors, on behalf of the citizens of King William County, hereby expresses its great pride by proclaiming wholehearted praise for all of America's Armed Forces and prays that all of America's soldiers, sailors and airmen shall return unharmed to their homes and families; and

**BE IT FINALLY RESOLVED**, that the King William County Board of Supervisors hereby orders that a copy of this Resolution expressing the sense of the Board of Supervisors on this matter shall be conveyed to the 237<sup>th</sup> Engineering Company of the Virginia National Guard, President George W. Bush and Secretary of Defense Robert M. Gates and shall be spread upon the meeting minutes of said Board of Supervisors.

**RE: VDOT MATTERS – DAVID G. COOPER, ASSISTANT RESIDENCY**

**ADMINISTRATOR**

David Cooper, VDOT Assistant Residency Administrator, addressed the Board to provide an update on VDOT matters, including the following:

a. Maintenance Operations - Mr. Cooper indicated that the mowing on the primary routes in the County is underway currently, and that it is scheduled to begin on the secondary routes this week. In addition, the cutting and removal of dead trees on the rights-of-way in various locations has begun. The pipe cleaning contractor is now working in the County cleaning out mainline cross pipes, and the hired equipment asphalt contractor will be back in mid-October to perform more patching on secondary routes. Mr. Cooper also reported that the VDOT District Bridge Office is handling the repair of the Lord Delaware Bridge railing, and is currently ordering and fabricating the needed materials.

b. Route 653 (Townique Farm Road) and Route 656 (Oak Grove Lane) Project  
The hardsurfacing work on Route 653 and Route 656 is now complete and the hydro-seeding will be done this week.

c. Route 606 (Commins Road) - He reported that construction is complete on this route except for the surface treatment and seeding, which will be done in mid-September.

d. Route 659 (Vessels Lane) - Mr. Cooper indicated that the contractor is currently working on this roadway and anticipates completion in approximately one week with the exception of applying the surface treatment which is to be done in mid-September.

e. Traffic Studies Update - Reports from Mr. Cooper on the requested Speed/Traffic Studies were as follows:

(1) Route 30 Between King William High School and Route 648 - It was reported that due to the lack of any accident history and the fact that 85 percent of motorists currently drive 58 MPH, the Traffic Engineers did not recommend lowering the speed limit to 45 MPH at this time.

(2) Route 30 Through the Hamilton-Holmes Elementary/Acquinton Primary School Zone - It was also recommended by the Traffic Engineers, based on the light accident history and with 85 percent of motorists currently driving 59 MPH, not to lower the speed limit to 45 MPH in this vicinity of Route 30 at this time.

(3) Route 360 at the Intersection of Route 611 at Midway - It was recommended that the speed limit through this section of Route 360 be lowered to 45 MPH.

(4) Route 600 Near Woodruff Subdivision - Mr. Cooper reported that this requested Study has not yet been completed. This Study also included a request to close a passing zone in the same area.

(5) Route 360 Corridor Through the County from River to River - Mr. Cooper reported that this Study has not yet been completed. This was a request from the Board to determine if the speed limit could be lowered to 55 MPH.

f. Route 30 at Hamilton-Holmes and Acquinton Schools Zone - W. F. Adams expressed his disappointment that the VDOT Traffic Engineers do not recommend lowering the speed limit to 45 MPH through this area, because there is a high traffic flow on a daily basis turning in and out of these two schools, plus the routine daily high traffic volume, tractor/trailers, etc. on Route 30.

Mr. Cooper advised that he would have the Traffic Engineering Department revisit this area of Route 30, especially now that the schools will be opening in a few days for the 2007-08 session.

g. Route 614 (Etna Mills Road) - O. O. Williams advised of a steep embankment located along the right hand side of Route 614 (Etna Mills Road) where it crosses Nelsons Bridge Road heading towards Dabneys Mill Road. He indicated there is approximately a 15 foot drop-off that needs attention from VDOT.

**RE: MP-NN COMMUNITY SERVICES BOARD – CHARLES WALSH,  
EXECUTIVE DIRECTOR – APPROVAL OF FY-08 PERFORMANCE CONTRACT**

Charles Walsh, Executive Director of the MP-NN Community Services Board, addressed the Board to express appreciation for the County's past support of the Community Services Board, and to provide an update on activities carried out by the Board.

Mr. Walsh was also seeking approval of the FY-08 Performance Contract and Operating Budget. This contract with the Department of Mental Health, Mental Retardation, and Substance Abuse Services, which was adopted on June 19, 2007, by the Middle Peninsula-Northern Neck Community Services Board, stipulates that each locality represented by the MP-NN CSB must have the opportunity to review and approve it.

Thereupon, on motion by W. F. Adams, seconded by O. O. Williams and carried unanimously, the Board adopted the following resolution approving the MP-NN Community Services Board FY-08 Performance Contract and Operating Budget as presented by Mr. Walsh.

**RESOLUTION**

**APPROVING THE FY-08 MP-NN COMMUNITY SERVICES BOARD**

**PERFORMANCE CONTRACT**

**WHEREAS**, Section 37.2-508 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, 2008 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, 2008 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: PLANNING MATTERS – SCOTT LUCCHESI, DIRECTOR OF COMMUNITY DEVELOPMENT**

a. Public Hearing – Zoning Case #Z-02-06, Request to Amend Proffers; Applicant: Saymar Custom Homes, Howard K. Ingalls - Community Development Director, Scott Lucchesi, explained that on May 22, 2006, the Board of Supervisors approved a rezoning request for a portion of Tax Map Parcel 28-22 consisting of 100 acres from A-C (Agricultural-Conservation) to R-1 (Suburban Residential) with Proffers. The property is located on the west side of Route 605 (Manfield Road) approximately one mile north of the intersection of Manfield Road and Route 360. Clements Farm, Inc. owned the property at the time and the contract purchaser was Howard K. Ingalls.

Howard Ingalls and Saymar Custom Homes, Inc., a corporation owned by Mr. Ingalls, now owns the property. The original parcel of 100 acres has been subdivided into two 50 acre parcels, 28-22F (the residual) and 28-22G (Lot 1) with each entity owning a 50 acre parcel.

Mr. Lucchesi advised that on June 12, 2007, Howard Ingalls and Saymar Custom Homes, Inc. filed an application to amend the proffers on Zoning Case Z-02-06 for the entire 100 acre parcel. The possibility of providing public water and sewer to the site exists and could impact the number of building lots permitted in the development. Providing the water and sewer services will allow a smaller lot size than the same development without. The applicant would like to have the additional lots to help offset the engineering and installation that will be involved adding the services. In

order for the number of lots to be changed, the proffers on the existing case that is limiting the lots now, must be amended to allow for the additional lots.

Continuing, Mr. Lucchesi advised that the applicant has proffered a total of 110 lots on the 100 acre parcel with no more than 40 permits to be issued in any twelve-month period. At this time, the applicant is proposing to add 50 lots for a total of 160 for the 100 acre parcel. The permits would be limited to 50 permits in any twelve-month period on both parcels with no permits until January 2009 on Parcel 1. In addition to the amended proffers proposed by the applicant, he is including a new proffer of \$250,000.00 to the King William County School Board for the acquisition, construction and maintenance of athletic fields.

Mr. Lucchesi also indicated that in the event the proffers cannot be revised, the applicant will revert to the proffers approved by King William County on May 22, 2006, with the Zoning Case Z-02-06.

He reported that the Planning Commission considered this request in public hearing at its July meeting and recommended approval to the Board of Supervisors.

Mr. Lucchesi further informed the Board that a second set of proposed proffers has been received in his office, and reviewed these for the Board.

At this point, Mr. Randy Cooke, attorney for the applicant, addressed the Board asking for a deferral of this case to the Board's September, 2007, meeting.

Thereupon, on motion by O. O. Williams, seconded by E. J. Rivara and carried unanimously, the Board accepted the request of Randy Cooke, attorney for the applicant in this case, and deferred the public hearing and any consideration of action on Zoning Case #Z-02-06 until its September, 2007, meeting.

b. Public Hearing – Zoning Case #Z-01-07, Request to Rezone 2.66 Acres From A-C (Agricultural-Conservation) to B-1 (Local Business) and R-1 (Suburban Residential); Applicant: Darrell Kellum - Director of Community Development, Scott Lucchesi, presented and reviewed the application of Darrell Kellum for Conditional Rezoning from A-C to B-1 and R-1 Districts on a 2.66 acre parcel located on the east side of Route 600 (West River Road), approximately 1800 feet south of the intersection of Route 360 and Route 600. This property is further described as Parcel 22-71 on the King William County tax maps. The applicant proposes to divide this

tract into 3 separate parcels. Parcel #1 is proposed to be 35,991 square feet with the B-1 (Local Business) zoning. The remainder of the parcel would be split into two individual residential building lots with R-1 (Suburban-Residential) zoning, each lot being 40,000 square feet in size and served by well and septic. The commercial property would gain ingress/egress directly from Route 600 (West River Road), with a commercial entrance installed at time of site development. The existing home will remain a residential use until a site plan has been approved. The proposed residential lots will use the existing Loomis Road for access.

Mr. Lucchesi reported that a revised set of proffers, dated August 27, 2007, has just been received and in reviewing these, a question was raised by the Board concerning Proffer #2 and the formation of a Home Owners Association. Discussion was had regarding who would be drafting the Home Owners Association Agreement for review by the County Attorney.

At this point, Pete Glubiak, attorney representing the applicant, Darrell Kellum, addressed the Board requesting that consideration of the application be deferred until the Board's September 24, 2007, meeting.

Thereupon, on motion by W. F. Adams, seconded by O. O. Williams and carried unanimously, the Board accepted the request of Pete Glubiak, attorney representing the applicant, Darrell Kellum, and deferred the public hearing and any consideration of action on Zoning Case #Z-01-07 until its September 24, 2007, meeting.

c. Public Hearing – Proposed FY-08 Building Fees – Scott Lucchesi, Director of Community Development, advised the Board that the fees in the Department of Building Inspections were last revised in July, 2005, and that in preparing the budget for FY-08, it was determined that these fees need to be reviewed and revised in order to remain current. Mr. Lucchesi reported that he has prepared an updated fee schedule which reflects the current demands made upon the Department, the impending amount of development the County faces, and is in line with fees in surrounding counties for similar services.

Following review of this proposed Fee Schedule, the public hearing was declared open by the Chairman.

No persons appeared to speak for or against the proposed document.

The public hearing was declared closed by the Chairman.

d. Consideration of Action on Proposed FY-08 Building Fees - On motion by T. G. Smiley, seconded by O. O. Williams and carried unanimously, the Board adopted the FY-08 Building Inspections Fee Schedule as presented in public hearing. Said fee schedule to become effective immediately.

**RE: KING WILLIAM COUNTY CODE MATTERS – FRANK A. PLEVA,  
COUNTY ADMINISTRATOR**

a. Public Hearing – Proposed Amendments to King William County Code Chapter 70, Taxation: Section 10-103(c); Policy – Scale of Exemptions, Tax Relief for the Elderly and Disabled - Frank A. Pleva, County Administrator, presented and reviewed the proposed amendments to the King William County Code regarding real estate tax relief for certain elderly and disabled persons. He reviewed the proposed Scale of Exemptions, Maximum Net Combined Financial Worth, and the Maximum Annual Tax Exemption. These proposed amendments would increase the scale of exemptions, including the owner's combined income qualifications, the owner's combined financial worth qualifications and the maximum total annual tax exemption from taxation of real estate for persons at least 65 years of age and persons permanently and totally disabled regardless of age as defined in Section 58.1-3217 of the Code of Virginia, 1950, as amended.

Thereupon, the public hearing was declared open for comments by the Chairman.

Bob Ehrhart addressed the Board concerning the combined income aspect of the proposed amendment. He questioned whether or not this was specific to the homeowner only.

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

b. Consideration of Action on Proposed Amendments to Chapter 70, King William County Code - On motion by W. F. Adams, seconded by E. J. Rivara and carried unanimously, the Board adopted the amendments to King William County Code Chapter 70, Taxation; Section 10-103(c); Policy – Scale of Exemptions, Tax Relief for the Elderly and Disabled, as were presented in public hearing.

c. Public Hearing – Proposed Amendments to King William County Code Chapter 26; Courts; Section 26-32; Court Costs for Funding of Court House and Courtroom Security Personnel - The County Administrator advised the Board that the 2007 General Assembly approved an increase from \$5.00 to \$10.00 in the fee on each criminal or traffic case in the Juvenile and Domestic Relations Court, the General District Court, and the Circuit Court in which the defendant is convicted of a violation of any statute or ordinance. This legislation was originally approved by the General Assembly and the Board of Supervisors in 2002, and has been thus far primarily reserved for use on court days. These monies are used for funding of courthouse and courtroom security personnel.

Thereupon, the public hearing was declared open for comments. No persons appeared to speak for or against the proposed amendment. The public hearing was declared closed.

d. Consideration of Action on Proposed Amendments to King William County Code Chapter 26; Courts; Section 26-32; Court Costs for Funding of Court House and Courtroom Security Personnel - On motion by E. J. Rivara, seconded by O. O. Williams and carried unanimously, the Board adopted the above stated amendments to the King William County Code as presented in public hearing. Said amendments to become effective immediately upon adoption.

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

a. Regional Animal Shelter - The County Administrator reported that Grand Metro Builders' construction schedule projected substantial completion of this project in the summer of 2007. However, this is not the case. The project will not be substantially complete this summer. The County will be discussing liquidated damages because of this.

Further, Mr. Pleva reported that applications have been received in response to the advertisement for the position of Animal Shelter Manager, and that interviews will begin after the Labor Day weekend. He also indicated that volunteers from the Indian Rivers Humane Society will be sought to help with the operation of the shelter.

b. Mt. Olive Community Improvement Project - Frank A. Pleva, County Administrator advised that the subdivision plat for Gray Manor Subdivision has been recorded within the past 60 days, that the roads have been constructed, and the utilities have been installed.

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

Bob Ehrhart addressed the Board with questions concerning ownership of the sewage disposal pump stations at the Central Garage area location.

**RE: BOARD OF SUPERVISORS' COMMENTS**

Various Board members thanked the citizens in attendance for their participation at this meeting.

**RE: ADJOURNMENT OF MEETING**

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

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