

**MINUTES**  
**KING WILLIAM COUNTY**  
**BOARD OF SUPERVISORS**  
**MEETING OF SEPTEMBER 24, 2007**

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 24<sup>TH</sup> DAY OF SEPTEMBER, 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 W. F. Adams, seconded by E. J. Rivara and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator, with the following deletions and additions: Under Item 6, Consent Agenda, sub item (d) "Adoption of Resolution Supporting King and Queen County's Opposition to the Proposed Oceana Outlying Land Field Project" was deleted. Under Item 6, Consent Agenda, sub item (h) "Employment of Susan Blackburn as Zoning Administrator" was added. Under Item 6, Consent Agenda, sub item (i) "Appointment of William Hefty, Attorney, as Acting County Attorney for certain Agenda Items at this meeting" was added.

In addition, under Agenda Item 10 "Planning Matters" sub item (c) "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 Residence), Applicant/Owner: Darrell Kellum"; sub item (d) "Consideration of Action on Zoning Case Z-01-07"; sub item (e) "Public Hearing – 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."; and sub item (f) "Consideration of Action on Zoning Case Z-02-07" were deleted.

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

Herb White of 101 Bea's Lane in the Second Election District, addressed the Board to express appreciation to the Board and to David Cooper with VDOT for the excellent job done on the hardfacing of Route 606 (Commins Road) leading into the Mt. Sinai Church property, with this work being done under the Rural Rustic Program.

In addition, Mr. White asked the Board to assist Mr. Kevin Overstreet with the problems he and his family are currently experiencing with sewer problems at their home. He indicated he was referring to a recent newspaper article regarding Mr. Overstreet's situation.

Bob Ehrhart of the Fifth Election District, discussed a problem occurring on Route 609 (Smokey Road) with a deep pothole that needs attention from VDOT.

LaVerne Abrams reported on the disgraceful condition in which the property owner has left the parcel of land on Route 360 around and behind the new EVB Bank, and asked the Board to do something to correct this situation. She reported the property is covered with tall grass and tall weeds, that the existing silt fences are no longer effective, and that loads of dirt have been hauled away leaving large cavities in the hills. She indicated that she didn't know if EVB had ever complained about this condition to the County, but a lot of citizens are aware of the bad appearance and feel that something should be done to have the property owner correct this eyesore.

Marinda Jones, speaking on behalf of herself and her husband, Harold Jones, addressed the Board with concerns about the speed of traffic on Route 30 in front of her home. She indicated that her husband is in a wheelchair, therefore, they have the need to drive a larger van, and it is very dangerous for them trying to pull out of their driveway onto Route 30 in this size vehicle, with the flow of traffic traveling at high speeds. She indicated her understanding from the Board's August, 2007, meeting minutes that VDOT has already received a request to lower the speed limit on Route 30 between King William High School and Route 658 (Indian Church Road) from 55 MPH to 45 MPH, and they reported that due to the lack of any accident history and the fact that 85 percent of motorists currently drive 58 MPH through this area, the VDOT

Traffic Engineers did not recommend lowering the speed limit to 45 MPH at this time. She asked the Board to consider requesting VDOT to revisit this situation again and lower the speed limit to 45 MPH along Route 30 down to Route 613 (Dunluce Road).

**RE: CONSENT AGENDA**

On motion by W. F. Adams, seconded by E. J. Rivara and carried unanimously, the Board approved the following items on its consent agenda:

- a. Minutes of the Regular Meeting of August 27, 2007, were approved as written
- b. Claims against the County for September, 2007, in the amount of \$1,317,868.86 as follows:
  - (1) General Fund Warrants #65686-65864 in the amount of \$946,036.40; Manual Checks #14148-14149 in the amount of \$132,587.03; Direct Deposits #10212-10308 in the amount of \$178,576.24; and Electronic Tax Payment in the amount of \$60,669.12
  - (2) For informational purposes, Social Services expenditures for the month of August, 2007, Warrants #306157-306228 in the amount of \$44,244.98; Direct Deposits #1719-1735 in the amount of \$26,404.85; and Electronic Tax Payment in the amount of \$9,087.39
  - (3) For informational purposes, Circuit Court expenditures for the month of August, 2007, Warrants #65635-65642 in the amount of \$5,059.80; Direct Deposits #252-255 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 August, 2007, Warrants #65675-65684 in the amount of \$36,018.40
  - (5) Tax Refunds for August, 2007, in the amount of \$247.25
- c. Approved the employment of Mary Walton as Litter Prevention Coordinator to replace Mrs. Kitty Cox, who is retiring.
- d. Appropriated the second quarter of FY-08 School Operating Funds to the School Board in the amount of \$8,676,317.00
- e. Approved the following Resolution of Endorsement of Federal Recognition of Virginia Indian Tribes:

**Resolution of Endorsement of  
Federal Recognition of Virginia Indian Tribes**

**Whereas**, the United States government currently recognizes more than 550 Indian tribes in 33 states; and

**Whereas**, such federal recognition enables these tribes to have access to and to benefit from a variety of federal housing, educational, medical and financial assistance programs, which are not available to tribes lacking such recognition; and

**Whereas**, there are eight Indian tribes recognized by the Commonwealth of Virginia, of which three tribes, including two reservations, are situated in King William County; and

**Whereas**, eight of the Virginia Indian tribes are seeking the same formal recognition by the United States government that more than 550 tribes so recognized are enjoying; and

**Whereas**, the federal assistance and resultant benefits inherent in such federal recognition will enhance the quality of life and cultural heritage of Virginia Indian tribes and their members; and

**Whereas**, the Congress of the United States may consider legislation which will formally recognize the eight Virginia Indian tribes;

**Now, Therefore Be It Resolved**, that the Board of Supervisors of King William County hereby memorializes its endorsement and support of the formal recognition of the eight Indian tribes located in the Commonwealth of Virginia by the United States government; and

**Be It Further Resolved**, that the Board of Supervisors of King William County hereby petitions the Congress of the United States to expeditiously enact legislation which will effectuate the aforementioned federal recognition and thereby enable Virginia Indian tribes to avail themselves of the same benefits and opportunities that other federal-recognized tribes enjoy; and

**Be It Finally Resolved**, that a copy of this resolution expressing the sense of the Board of Supervisors of King William County on this matter shall be conveyed to: Virginia's Congressional Delegation; the Honorable Timothy M. Kaine, Governor of Virginia; the Honorable Ryan T. McDougle, Member, Senate of Virginia; the Honorable Harvey B. Morgan, Member, House of Delegates of Virginia; the Honorable Christopher K. Peace, Member, House of Delegates of Virginia; and the chiefs of Virginia's eight Indian tribes.

f. Adopted the following Resolution to Consent to Gloucester County's

Service as Fiscal Agent to the Middle Peninsula Community Criminal Justice Board:

**A RESOLUTION TO ADOPT AN AGREEMENT THAT MEMORIALIZES  
GLOUCESTER COUNTY'S PARTICIPATION IN AND TO CONSENT TO  
GLOUCESTER COUNTY'S SERVICE AS FISCAL AGENT TO THE MIDDLE  
PENINSULA COMMUNITY CRIMINAL JUSTICE BOARD**

**WHEREAS**, the Board of Supervisors acknowledges that localities are required by law to establish a system of community based services and a pretrial services program; and,

**WHEREAS**, the Board of Supervisors recognizes that on July 1, 1995, the Middle Peninsula Community Criminal Justice Board was established by the Counties of Essex, Gloucester, King and Queen, King William, Mathews and Middlesex pursuant to the Comprehensive Community Corrections Act for Local Responsible Offenders (now codified in Virginia Code Section 9.1-173 *et. seq.*) and the Pretrial Services Act (Virginia Code Section 19.2-152.2 *et. seq.*) to meet the requisites of the law; and,

**WHEREAS**, King William County has, in the past, served as fiscal agent and administrator with authority to operate the regional programs since the inception of the Middle Peninsula Community Criminal Justice Board; and,

**WHEREAS**, in 2006, the participating localities requested that Gloucester County replace King William County as fiscal agent and administrator on behalf of the participating localities; and,

**WHEREAS**, Gloucester County consented to serving as fiscal agent and administrator, and began these duties on July 1, 2006; and,

**WHEREAS**, the Board of Supervisors supports the participating localities' desire to reconfirm their commitment to a system of joint regional programs and formally consents to the designation of Gloucester County as fiscal agent and administrator.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of King William County, this 24<sup>th</sup> day of September, 2007, that the County Administrator is authorized to execute an Agreement, substantially in the form attached to this Resolution, to facilitate future operations and transitions in administration and fiscal responsibility of the Middle Peninsula Community Criminal Justice Board.

g. Approved the employment of Susan Blackburn as Zoning Administrator in the Department of Community Development. Ms. Blackburn will begin her duties with the County on October 22, 2007.

h. Approved the employment of William H. Hefty as Acting County Attorney for certain items on the Board's agenda for this meeting.

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

a. Maintenance and Construction Operations on Various Routes - David Cooper, Assistant Residency Administrator addressed the Board reporting that mowing on all the primary routes and secondary routes has been completed during this past month, that Dominion Paving Company will be in the County starting this week doing paving and patch work on various routes, the pulling of ditches has been completed on Routes 621, 657, 625, 651, 624, and 631, and that the construction work has been completed on Routes 606, 659, 656, 653. All four of these dirt road projects were built under the Rural Rustic Program.

b. Route 600 Near Woodruff Subdivision - Reporting on the Speed Studies that have been requested, Mr. Cooper indicated that the Traffic Engineers have reviewed the request to lower the speed limit to 45 MPH on Route 600 in front of Woodruff Subdivision. They have indicated that there is a 5000 foot site distance clearance along this area and that based on the light accident history and with 85 percent of motorists currently driving 59 MPH, they have recommended not to lower the speed limit to 45 MPH in this vicinity at this time. It was also requested that VDOT close the passing zone in this location. Mr. Cooper indicated that due to the straight stretch of 5000 feet, it provides excellent horizontal alignment of road, therefore, the Engineers do not want to close the passing zone.

c. Route 606 (Commins Road) - It was recommended that the speed limit on Route 606 (Commins Road) be lowered to 25 MPH, and that the signage will be posted in the near future.

d. Route 360 Corridor Through the County from River to River - Mr. Cooper advised that this Speed Study is still not completed as yet. This was a request from the Board to determine if the speed limit could be lowered to 55 MPH.

e. Routes 618 and 661 - A site distance problem on these two routes caused by vegetation blocking the line of sight has been reported. Mr. Cooper reported that this has been corrected.

f. Route 614 (Etna Mills Road) - The washout and fill section problem on Route 614 reported at the last Board meeting has been repaired.

g. Route 30 Between King William High School and Route 658 (Indian Church Road) - Regarding the issue discussed by Marinda Jones in the earlier public comment period about concerns with the speed limit on Route 30, W. F. Adams expanded that the speed limit changes from 45 MPH to 55 MPH after passing King William High School, which is near her driveway. The traffic begins to increase speed and creates a dangerous situation for anyone trying to enter Route 30. He asked VDOT to revisit this request.

h. Route 360 and Route 30 Intersection at Central Garage – Request for Study on Lane Configuration - E. J. Rivara inquired about the status of the report on the request for possible changes in the lane configuration at the intersection of Routes

360 and 30 at Central Garage. Mr. Cooper indicated that this information had been transferred verbally, and that he will reaffirm it in writing.

i. Consideration of Discontinuance and Vacation of a Portion of Commins Road (Route 606) - The County Administrator stated that this matter was tabled for action by the Board for 60 days, and, therefore, is on the agenda for the Board's consideration at this meeting.

Bill Hefty, Attorney employed by the County to serve as its Advisor on this matter, advised that this matter was tabled for 60 days in order to allow both parties to work out some agreement. However, it seems that no agreement has been reached. He noted that the Board has three options: (1) Approve the proposed Ordinance with abandonment from Commins Road to Route 30; (2) Approve the proposed Ordinance with abandonment for a distance of 200 feet beginning at the end of the State maintained portion of Route 606; (3) Not adopt the proposed Ordinance

Thereupon, E. J. Rivara offered the attorneys representing the two parties involved the opportunity to present any updates to this matter.

Pat McSweeney, attorney representing Mt. Sinai Church, addressed the Board advising that no agreement has been reached between the two parties.

Elliott Bondurant, attorney representing Ms. Betty Fryer, reiterated that this roadway was used for a number of years, and requested the Board, in the best interest of public welfare and public benefit, to not abandon this roadway.

Thereupon, T. G. Smiley made a motion to not abandon this section of Route 606 (Commins Road) as requested.

Whereupon, Chairman, C. T. Redd III, stepped down from the Chair. The Chair was assumed by Vice-Chairman, W. F. Adams.

The above motion was seconded by C. T. Redd III and failed with the following roll call vote:

C. T. Redd III	Aye
W. F. Adams	Nay
E. J. Rivara	Nay
T. G. Smiley	Aye
O. O. Williams	Nay

Chairman, C. T. Redd III reassumed the Chair for the remainder of the meeting.

Thereupon, E. J. Rivara offered a substitute motion to adopt the following ordinance abandoning the fifteen foot public right of way owned by the County beginning at the end of the State maintained portion of State Route 606 (Commins Road) and continuing for a distance of 200 feet. This motion was seconded by W. F. Adams and carried with the following vote:

C. T. Redd III	Nay
W. F. Adams	Aye
E. J. Rivara	Aye
T. G. Smiley	Nay
O. O. Williams	Aye

**AN ORDINANCE PERTAINING TO THE DISCONTINUANCE AND VACATION OF  
A CERTAIN PORTION OF PUBLIC RIGHT-OF-WAY  
COMMINS ROAD (VIRGINIA SECONDARY ROUTE 606)**

**WHEREAS**, a request was received by the Trustees of Mt. Sinai Baptist Church on September 27, 2006, for the Board of Supervisors to discontinue and vacate a portion of public right-of-way owned by the County pursuant to Section 15.2-2600 of the Code of Virginia, specifically a fifteen foot right-of-way which begins at the end of the State maintained portion of State Route 606 (Commins Road) and continues to Route 30, which right-of-way was originally a portion of the main road through the County to Richmond, but which has not been used as a public road for many years; and,

**WHEREAS**, the Board has conducted a public hearing as required by Section 15.2-2600 of the Code of Virginia to hear citizen comments regarding the proposed discontinuance and vacation, and the Board has provided notice to adjoining landowners regarding the proposed action by the Board; and,

**WHEREAS**, the Board, following the public hearing and notice, has determined that it is in the best interests of the County that a portion of the right-of-way be discontinued and vacated.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Supervisors of King William County that the fifteen foot public right-of-way owned by the County beginning at the end of the State maintained portion of State Route 606 (Commins Road) and continuing for a distance of 200 feet, which was a portion of the main road through the County to Richmond, is hereby discontinued and vacated, effective as of the date of

the adoption of this Ordinance, but subject to the appeal rights to Circuit Court provided by Section 15.2-2006 of the Code of Virginia.

**RE: PRESENTATION OF HUMANITARIAN AWARDS AND RESOLUTIONS –**

**W. FRANK ADAMS**

a. Dr. Alvin C. Lomax - On motion by W. F. Adams, seconded by O. O. Williams and carried unanimously, the Board adopted the following Resolution honoring Dr. Alvin C. Lomax:

**RESOLUTION OF APPRECIATION**

**WHEREAS**, Dr. Alvin C. Lomax is being presented with a Humanitarian Award from the Emancipation Proclamation Group of King William County in recognition of his continued efforts to further the cause of human relations by reaching across the barriers of age, race and ancestry to establish a common bond for all people; and

**WHEREAS**, the eldest of five children, Dr. Lomax's life was directed by the family legacy that reflected values of integrity, unity, stamina and preparedness; and

**WHEREAS**, a native of King William County, Dr. Lomax graduated from Hampton (Institute) University in 1953 and was commissioned 2<sup>nd</sup> Lieutenant in the U.S. Army; and

**WHEREAS**, Dr. Lomax's military education included Officer's Basic School, National Security Management School, Chemical Biological Radiological Warfare School and Advanced Logistics Training; and

**WHEREAS**, Dr. Lomax also continued his education at the University of Pennsylvania, Williams College and the College of William & Mary; and

**WHEREAS**, Dr. Lomax's civilian professional career began in 1955 as a teacher of chemistry and biology at St. Clare High School in Saluda and in 1961, began his career in higher education at Norfolk State University where he served in numerous capacities; and

**WHEREAS**, following his retirement from Norfolk State in 1992, Dr. Lomax returned to his native King William County and became active in a number of community organizations including Third Union Baptist Church, of which he has been a member since an early age, the Tri-County Veteran's Club, the Pamunkey Baptist Association and the King William Historical Society, among many others; and

**WHEREAS**, serving 40 years in the public sector, Dr. Lomax has received many awards, special recognitions, citations and professional affiliations; and

**NOW, THEREFORE, BE IT RESOLVED**, that the King William County Board of Supervisors expresses its deepest appreciation to Dr. Lomax for his years of distinguished service in his military and educational careers and,

**BE IT FURTHER RESOLVED**, that the King William County Board of Supervisors expresses its deepest appreciation to Dr. Lomax for his commitment to improving the lives of all people; 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 Dr. Lomax, and shall be spread upon the meeting minutes of said Board of Supervisors.

Upon its adoption by the Board, this Resolution was presented to Dr. Lomax by Chairman, C. T. Redd III.

In addition, W. F. Adams presented to Dr. Lomax a Humanitarian Award from the Emancipation Proclamation Group of King William County in recognition of his efforts to further the cause of human relations.

b. Edgar R. Lafferty, Jr. - On motion by E. J. Rivara, seconded by T. G. Smiley and carried unanimously, the Board adopted the following resolution expressing its deepest appreciation to Mr. Lafferty for his commitment to improving the lives of all people, and to his contributions to King William County. Mr. Lafferty was born in 1898 and died February 26, 1989, at the age of 93. Mr. Edgar R. Lafferty, III was present and received this Resolution in recognition of his father.

### **RESOLUTION OF APPRECIATION**

**WHEREAS**, Mr. Edgar Rivers Lafferty, Jr., is being presented with a Humanitarian Award from the Emancipation Proclamation Group of King William County in recognition of his continued efforts to further the cause of human relations by reaching across the barriers of age, race and ancestry to establish a common bond for all people; and

**WHEREAS**, Mr. Lafferty was born in Richmond in 1898 and graduated from Virginia Military Institute in 1918 where he remained for two years to teach Military Science; and

**WHEREAS**, while in the Army, Captain Lafferty on numerous occasions attempted to form a company of African-American soldiers similar to today's Army Rangers Units, but was denied by his superiors; and

**WHEREAS**, in 1949, Mr. Lafferty purchased Elsing Green and moved from Richmond however, the cook and gardener who worked for him did not want to move to the country so he formed their own catering and gardening businesses for them; and

**WHEREAS**, Mr. Lafferty once purchased baseballs, bats, gloves and other baseball equipment for the Mount Olive Blue Sox, which the team used for many seasons; and

**WHEREAS**, Mr. Lafferty formed the Community Hunt Club and for many years donated the rent for the hunting land; and

**WHEREAS**, Mr. Lafferty often gave children some spare change so that they could buy a candy bar and soda from the local store; and

**WHEREAS**, Mr. Lafferty was instrumental in acquiring the old school in Mount Olive for the Community Center and also assisted in the renovation of the Mount Olive Church many years ago; and

**WHEREAS**, Mr. Lafferty died February 26, 1989, at the age of 93; and

**NOW, THEREFORE, BE IT RESOLVED**, that the King William County Board of Supervisors expresses its deepest appreciation to Mr. Lafferty for his commitment to improving the lives of all people; and,

**BE IT FURTHER RESOLVED**, that Mr. Lafferty's contributions to King William County will forever be an important element of the County's history; 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 Edgar R. Lafferty III, and shall be spread upon the meeting minutes of said Board of Supervisors.

In addition, W. F. Adams presented to Edgar R. Lafferty, III on behalf of his father, a Humanitarian Award from the Emancipation Proclamation Group of King William County in recognition of his continued efforts to further the cause of human relations.

**RE: KING WILLIAM RESERVOIR MATTERS – ARTHUR ANDERSON, VRA LEGAL COUNSEL FROM THE FIRM OF MCQUIRE WOODS**

a. Public Hearing – Resolution Authorizing the Issuance and Sale of Water Utility Revenue Bonds - It was noted that the City of Newport News has advised the County that it intends to again initiate the process of property acquisition for the reservoir. The Project Development Agreement executed in 1990 states that the County “agrees to finance the cost of acquiring this property by any reasonable means, including the issuance of revenue bonds or by borrowing monies through the Virginia Resources Authority”.

Arthur Anderson, VRA Legal Counsel with the firm of McGuire, Woods, indicated that because the Virginia Resources Authority (VRA) only sells bonds in the spring and fall, this public hearing was scheduled for this meeting to meet the process deadlines. The proposed Resolution authorizes the issuance and sale of bonds in an amount up to \$20M, but, since this amount is an estimate, only \$10M will be sold in this issue. The remaining \$10M will be sold in late 2008.

In order to recoup the loss in tax revenue due to the public ownership of the acquired properties, the City of Newport News will make semi-annual lease payments to the County in an amount of 8% of the current assessed value. The Project Development Agreement states, “in no fiscal year shall the rent payment be less than the County’s debt service for the acquisition of the property....” Explaining further, as assessments increase, however, the County expects to realize a surplus as a result of the lease payments.

Thereupon, the public hearing was declared open by the Chairman for comments and the following persons addressed the Board:

Tom Rubino, representing the Alliance to Save the Mattaponi, stated that King William County is not compelled to use Revenue Bonds. There is no urgency to purchase land, as a full review by the State Water Control Board is to be conducted in 2012, and the project’s permit for construction could be revoked at that time. He also stated that pending lawsuits by the Mattaponi Indians, the Sierra Club, and the Alliance could slow down or stop the Reservoir project. In addition, he indicated that the revenue projections have decreased by about ½ and the projected costs have increased. He felt the County needs to employ fresh counsel for this project, and to have an independent review performed from top to bottom.

Bob Ehrhart, Fifth Election District, stated that it is not critical to purchase this land at this time, and the County should not obligate itself at this time.

Inez Fridley, resident on Route 360 in King and Queen County, stated that King and Queen and King William Counties should have made joint decisions from the beginning, and that just because an Agreement is signed, the County can still make choices to go forward. She felt that it is not urgent for the Board to act on this Resolution this evening, and asked that the Board consider tabling this matter and seek out independent consulting services.

Tyla Matteson, representing the Sierra Club, asked the Board to let the citizens of King William County decide this issue by Referendum. She would like the Board to reject the use of Revenue bonds and condemnation of land for purchase, and instead hold a Referendum,. She asked the Board not to make a hasty decision at this meeting.

Gary Rouse of Aylett asked if the Revenue Bonds usage requires input from the citizens as does the Bond Referendum? He stated that the people have should have their say in this issue.

Dan Wright, Chairman of the King William Economic Development Authority, questioned the structure of the County, the current financial condition of the County, and stated that Newport News should use their money for this land purchase because King William County does not have it.

Stephen Green, resident along the Mattaponi River at Aylett, questioned what happens to land that is purchased by the County, and the reservoir project fails. He stated that the County should let Newport News purchase the land. It's their reservoir. We don't want it. He felt the Board should hold off on acting on this Resolution at this meeting.

Ann Grummer, a former King William County resident, now residing in Richmond, but still owns property in the Lanesville area, stated that this Board is not compelled to use these Revenue Bonds. The Board is moving too fast with this.

Kelly Place, a resident of York County, and speaking for several Watermen's Associations, called Newport News a predatory entity. This reservoir is being challenged on State and Federal levels, and the County should not rush into using \$20M for the purchase of reservoir land.

Phillip Rose, a resident of 214 White Bank Road, asked if Newport News has looked into the option of using a desalination plant. They should do that and leave the Mattaponi alone.

Leslie Fellows, a District #3 resident, asked the Board to take one month to make a decision on the use of Revenue Bonds.

Dorrie Chappell of Walkerton, asked the Board to listen to what has been said at this hearing tonight and to really consider all of this when making its decision.

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

b. Consideration of Action - At the request of W. F. Adams, action on this Resolution was tabled for 30 days, until the Board's October meeting.

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

**DIRECTOR**

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 (Mansfield Road) approximately one mile north of the intersection of Mansfield 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 50 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.

Further, Mr. Lucchesi stated that this case was scheduled for a public hearing at the Board's August, 2007, meeting, but the hearing was not conducted. The attorney for the applicant, Mr. Randy Cook, discussed the case and his client's plans to develop the site. The proffers had revisions that were in need of review. A conceptual plan was requested showing the increased lots and configuration.

At this meeting, Mr. Lucchesi advised that the proffers have been revised to reflect the needed changes and the conceptual plan has been completed.

T. G. Smiley verified that the language in the proffer has been revised to reflect that the \$250,000.00 is to be applied towards the School Debt Service for the construction and renovation of the athletic fields at King William High School.

Thereupon, the public hearing was declared open by the Chairman for comments and the following addressed the Board.

Randy Cook, attorney representing the applicant, presented and reviewed the updated proffers for the two 50 acre tracts.

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

b. Consideration of Zoning Case #Z-02-06, Request to Amend Proffers, Applicant: Saymar Custom Homes, Howard K. Ingalls - On motion by T. G. Smiley, seconded by E. J. Rivara and carried with the following roll call vote, the Board approved Zoning Case #Z-02-06, Request to Amend Proffers, as presented in public hearing.

C. T. Redd III	Aye
W. F. Adams	Aye
E. J. Rivara	Aye
T. G. Smiley	Aye
O. O. Williams	Nay

c. Public Hearing – Revised Planning Unit Development (PUD) Ordinance - Community Development Director, Scott Lucchesi, reported that King William County contracted with Resource International to review and revise the County's Zoning Ordinance, and as part of this process, the Planning Unit Development Ordinance (PUD), Article VIII, Sec. 86-281, of the Zoning Ordinance is to be updated as well. He indicated that the Staff suggests that the PUD Ordinance be approved independently of the Zoning Ordinance. This will allow

for more time to be spent on the PUD as well as have an Ordinance in place to allow developers to make use of the PUD Ordinance in a timely manner. Using this type of Ordinance will allow multiple uses within one parcel and will allow for a higher quality project to be developed in the County.

In further review, Mr. Lucchesi indicated that the original PUD was written in June, 2006, revised in September, 2006, and again in February, 2007. The document before the Board for public hearing at this meeting was last revised in June, 2007. A joint work session with the Board and the Planning Commission was held, with a new draft formed after the work session, which includes the input supplied by the Board, the Commission, and the County Attorney.

In addition, the Planning Commission conducted a public hearing in August, 2007, on the draft document and voted to forward it to the Board with the recommendation of approval.

Thereupon, the Chairman declared the public hearing open for comments. No persons appeared to speak for or against this proposal.

Whereupon, the public hearing was declared closed.

d. Consideration of the Revised Planning Unit Development (PUD) Ordinance - County Attorney, L. M. Chenault, advised that if the Board votes to approve this amended PUD Ordinance, it will be necessary to repeal the existing King William County Code Section 86.281 and replace it with Section 86-289.

At the request of O. O. Williams, action on this matter was tabled until the Board's October 22, 2007, meeting.

**RE: REVERSE E-911 SYSTEM – STEVE PUCKETT, EMERGENCY SERVICES DIRECTOR**

Emergency Services Director, Steve Puckett, presented and reviewed facts on an Interactive Community Notification System, Reverse 911, for the County. This Reverse 911 System presents high volume calling solutions by its Mass Call, which allows up to 4,000 calls to be made at one time. This type of system would be very beneficial and life saving in the event of any type of disaster affecting the citizens of King William County. This system would be programmed to notify of any type of emergency and what measures to be taken.

Mr. Puckett advised that the cost of this Reverse 911 System is \$25,000.00, and that funding is available under a State Contract for Emergency Preparedness. There will be no cost to the County for the purchase of the System. The County will incur a small operating cost annually.

Thereupon, on motion by O. O. Williams, seconded by E. J. Rivara and carried unanimously, the Board approved the purchase of the Reverse 911 System for King William County, with the understanding that funding for this purchase will be under a State Emergency Preparedness Contract.

**RE: DROUGHT DISASTER – KING WILLIAM COUNTY**

Frank A. Pleva, County Administrator, notified the Board that the Governor of the Commonwealth has declared the entire State as a Disaster Area, therefore, this eliminates each County from requesting such a designation.

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

D. L. Wright discussed two issues in the County – (1) The backup of heavy traffic entering the Solid Waste Disposal Transfer Station at Central Garage, especially on weekends, when traffic is lined up all the way out the gate and onto Route 30, and (2) He advised that two Virginia Power poles along Route 30 are leaning at 40 degree angles and should be corrected before a storm takes them down. The County Administrator advised that he would contact Virginia Power.

**RE: BOARD OF SUPERVISORS' COMMENTS**

C. T. Redd III acknowledged the passing of Mr. Sture Olsson, President and Chairman of the Board of the Chesapeake Corporation, and requested that the Board adopt a Resolution for presentation to the Olsson family.

**RE: ADJOURNMENT OF MEETING**

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

COPY TESTE:

---

Frank A. Pleva  
County Administrator

---

---