

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF SEPTEMBER 26, 2005

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 26TH DAY OF SEPTEMBER, 2005, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

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

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

Prior to opening the meeting, the Chairman declared a moment of silence in observance of the victims of the two recent hurricanes, Katrina and Rita, in the Gulf Coast region.

RE: APPROVAL OF MEETING AGENDA

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

a. Authorization to Staff to Investigate Possibility of Deleting the Use of County Decals - On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the Board requested County staff to communicate with Hanover County and other localities to examine the possibility of deleting the use of County decals on vehicles, and for the Board to consider such a policy for King William County in the near future, once the requested information is reported back to the Board by the staff at its October meeting.

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

Dr. Brenda Cowlbeck, School Superintendent, presented information to the Board concerning the Program of Studies for the current year. She also announced that Homecoming this year is set for October 21st beginning at 5:30 p.m.

RE: INTRODUCTION OF STEVE E. PUCKETT, EMERGENCY SERVICES ADMINISTRATOR FOR KING WILLIAM COUNTY

Frank Pleva, County Administrator, introduced Mr. Steve E. Puckett, the newly appointed Emergency Services Administrator for the County. Mr. Puckett is employed jointly with the County and the School Board. Fifty percent of his day he will serve as EMT Instructor at King William High School, and for the remaining half of his day he will serve as Emergency Management Services Administrator for the County working with Grants Compliance, Homeland Security, Hurricane Preparedness, etc.

RE: CONSENT AGENDA

On motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board added one item, Item #f, Authorization for Staff to Develop language for an Amendment to the King William County Code Regarding Reimbursement for Certain Expenses for Certain Traffic Incidents and for False Terror Reports, and adopted the following items on the remainder.

a. Minutes of the August, 2005, Regular Meeting were approved as written
b. Claims against the County for September, 2005, in the amount of \$1,115,695.86 as follows:

(1) General Fund Warrants #59871-60149 in the amount of \$624,845.53; Manual Checks #14069-14072 in the amount of \$143,102.37; Direct Deposits #7502-7704 in the amount of \$174,343.49; and Electronic Tax Payment in the amount of \$57,682.86

(2) For informational purposes, Social Services expenditures for the month of August, 2005, Warrants #304451-304521 in the amount of \$51,601.30; Direct Deposits #1279-1285 in the amount of \$24,781.95; and Electronic Tax Payment in the amount of \$8,444.29

(3) For informational purposes, Circuit Court expenditures for the month of August, 2005, Warrants #59852-59857 in the amount of \$3,186.35; Direct Deposits #168-170 in the amount of \$7,773.06; and Electronic Tax Payment in the amount of \$8,444.29

(4) For informational purposes, Comprehensive Services Act Fund expenditures for August, 2005, Warrants #59859-59869 in the amount of \$16,695.65

(5) Tax Refunds for August, 2005, in the amount of \$541.92

c. Approved the Request from the School Board for the Second Quarter Appropriation (FY-06 Budget) for the School Operating Fund in the following amounts:

Instruction	\$2,606,334
Administration	214,009
Transportation	231,981
Oper & Maintenance	368,100
School Nutrition	19,838
Debt Service	419,814

d. Approved the Request from the School Board for Appropriation of \$311,448.00 in additional State Revenues in the FY-06 Budget for Middle Peninsula Alternative Education Project

e. Adopted a Resolution Approving Modification of the County's Existing Line-of-Credit to an Amount Not to Exceed \$4.5 million

f. Authorized the County staff to prepare an amendment to the King William County Code, for the Board's consideration, regarding reimbursement for certain expenses for certain traffic incidents and for false terror reports

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY

ADMINISTRATOR

Charles Stunkle, VDOT Residency Administrator, appeared before the Board to provide an update on transportation matters.

a. Six Year Plan Work Session - Mr. Stunkle indicated that the planned Work Session with the Board on updating the Six Year Secondary Road Plan would not be held at this meeting as the document is not ready due to the implementation of a new statewide Six Year Plan computer software package. The Work Session will be held at the Board's October, 2005, meeting. Mr. Stunkle did present an updated secondary unpaved roads list, as well as a list of what VDOT considers to be the top

two candidates for plant mix overlay, for the Board's consideration at its October meeting.

b. Route 618 (Acquinton Church Road) Speed Study - Mr. Stunkle reported that the requested Speed Study on Route 618 has been completed and it indicates that the 85th percentile speed is about 59 MPH, and that because the bulk of the road has been overlaid, has centerline, basically good alignment, and an accident history not being out of line with other roads of this type, it was the recommendation that VDOT not post this road at this time. Continuing, Mr. Stunkle reported the "Farm Equipment" signs requested by the Board for this route have been put in place.

c. Route 607 (Beadles Road) Speed Study - Mr. Stunkle reported that this Speed Study has also been completed. He indicated that a Speed Study was performed on this route in the fall of 2004, and at that time, conditions did not warrant a reduction in the speed limit. This Speed Study showed that basically there is no change in the numbers obtained from the 2004 Study, therefore, no reduction in the speed limit is warranted at this time.

Mr. Stunkle reported that Beadles Road was the first location in the County to have "Watch for Children" signs installed, and it was recommended that these signs be updated with the new color, which is the strong yellow-green. Mr. Stunkle advised that VDOT will be doing this in the near future.

d. Route 631 (Marl Bank Road) - Mr. Stunkle explained that a special traffic count has been requested for Route 631 (Marl Bank Road) and that this information has not been received in his office yet.

e. Route 600 (Calno Road) – Plant Mix Overlay - At the Board's August meeting, a question was raised regarding whether or not the overlay work currently being done on Route 600, Calno Road, would extend the full two miles to connect with the portion that was previously done. Mr. Stunkle reported that VDOT has been able to extend the plant mix overlay on Calno Road out to Bleak Hill Fork, so it has been plant mixed all the way through from Route 30 to the Hanover County line.

Thereupon, O. O. Williams relayed to Mr. Stunkle a compliment he received from an area resident thanking VDOT for paving this roadway all the way through.

f. Route 618 (Mt. Pleasant Road) – Bridge Replacement Over Moncuin Creek - Mr. Stunkle reported that he has no updated information on the Route 618 Bridge replacement as yet.

g. Route 600 (West River Road) – L. E. Byrum, Jr. inquired about the status of the Board's request to the Commonwealth Transportation Board regarding the prohibition of through truck traffic on Route 600. Mr. Stunkle indicated that no word has been received on this matter, but, that he will check on this.

h. Route 607 (Millwood Road) - L. E. Byrum, Jr. asked for suggestions from Mr. Stunkle as to what might be done to help the situation on Route 607, Millwood Road, which has high banks, is narrow, and really should be widened and paved. Mr. Byrum reported that he has received calls from several residents advising that the school bus cannot travel this route, and they would like to know if anything can be done.

Mr. Stunkle responded that this route is extremely narrow with high banks and VDOT will need slope easements or donated rights-of-way for this roadway. He advised that it is the Board's decision as far as setting priority for doing unpaved roads. Continuing, he advised that currently there are a number of roadways in the County on the priority list for unpaved roads that VDOT could go in and get the work done now, as they are flat, if the funding were available.

Thereupon, Mr. Byrum requested Mr. Stunkle to contact one of the residents of Route 607 and explain this process to her. The name and phone number of the resident were provided to Mr. Stunkle.

i. Route 30 – Request for Status Update on Paving – Chairman Adams inquired about the status of the paving to be done on Route 30. Mr. Stunkle indicated that the contractor for the project is to be moving into the County on or about October 9th.

RE: ADOPTION OF RESOLUTION OF APPRECIATION FOR SERVICE FOR THOMAS VOSNICK, MEMBER OF PLANNING COMMISSION AND PRESENTATION THEREOF TO MR. VOSNICK

On motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the following resolution of appreciation for service

rendered by Mr. Thomas Vosnick as a member of the King William County Planning Commission for 22 years.

RESOLUTION OF APPRECIATION

WHEREAS, J. Thomas Vosnick has effectively served his community and fellow citizens as a member of the King William County Planning Commission for 22 years; and,

WHEREAS, Mr. Vosnick has provided valuable insight and planning contributions to the County's planning department including implementation of the Chesapeake Bay Preservation Act, initiating the Capital Improvements Program process, revising the Subdivision and Zoning Ordinances, updating the Comprehensive Plan and negotiating proffers for major development projects; and,

WHEREAS, Mr. Vosnick was a well respected and diligent member of the Commission; and,

WHEREAS, Mr. Vosnick is a lifelong resident of King William County; and,

WHEREAS, Mr. Vosnick was a member of the United States Marine Corps from 1966-1968 where is served in Viet Nam; and,

WHEREAS, Mr. Vosnick currently serves as the Senior Vice Commander of the West Point Veterans of Foreign Wars Post 8356; and,

WHEREAS, Mr. Vosnick owns and operates York River Realty Company with his wife, Jane; and,

WHEREAS, Mr. and Mrs. Vosnick have one son, Matthew, who is 22 years old.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors extends its sincere appreciation to Mr. Vosnick for his many years of dedicated service to the County; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors extends its sincere appreciation to Mr. Vosnick for his many years of dedicated service to the County; 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. Vosnick, and shall be spread upon the meeting minutes of said Board of Supervisors.

Following its adoption, this Resolution was presented to Mr. Thomas J. Vosnick.

RE: MIDDLE PENINSULA-NORTHERN NECK COMMUNITY SERVICES BOARD, CHARLES R. WALSH, JR., EXECUITVE DIRECTOR – PRESENTATION OF FY-06 PERFORMANCE CONTRACT

On motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, the Board approved the FY-06 Performance Contract and Operating Budget for the Middle Peninsula-Northern Neck Community Services Board as presented by Charles Walsh, Executive Director.

RE: KING WILLIAM COUNTY HISTORICAL SOCIETY – COURT HOUSE

WALL – MARION JONES

Mrs. Marion Jones, representing the King William Court House Wall Restoration Committee of the King William County Historical Society addressed the Board concerning the conclusion of the litigation on the mortar failure on the east rebuilt wall, with a settlement of approximately \$11,000.00. She indicated that it has been recommended by several experts that the wall be rebuilt, and that the Restoration Committee is offering to help again, but they need to know the Board's wishes on this matter, at some point in the future. With the winter months approaching, the work should not be done with freezes upcoming. In addition, \$11,000.00 is not enough to cover the cost of the project again so the Committee would like some guidance.

The Board discussed the possibility of obtaining a project architect, as well as setting a meeting with the Wall Restoration Committee. The County Administrator will report back to the Board at a later date on this project.

RE: PLANNING AND COMMUNITY DEVELOPMENT – LEE YOLTON,

DIRECTOR

a. Authorization for Public Hearing –Amendment of Subdivision Ordinance, Article II, Section 66-228(c), to Allow Additional Time, Upon Request, to Submit a Final Subdivision Plat - Lee Yolton presented a proposal to adopt and re-enact Chapter 66, Article II, Section 228(c), of the King William County Code, entitled "Final Plat". This proposed amendment would add a clause to the existing language to allow for additional time to submit a final plat.

Mr. Yolton explained that under the existing Code, a developer of a major residential subdivision is permitted one year to submit a final plat after receiving approval of the preliminary plat. The Code anticipates that during that one-year period, the developer will be able to prepare and receive approval of construction plans, and either install or provide a surety bond for all public improvements. The proposed amendment would enable a developer to apply for an extension of the one-year time period if that becomes necessary. The County Subdivision Agent could grant an initial one-year extension, and the Board of Supervisors could grant an additional one-year extension.

The Planning Commission has considered this proposed amendment in public hearing and forwards it to the Board of Supervisors with a recommendation for approval.

On motion by T. G. Smiley, seconded by O. O. Williams and carried unanimously, the Board authorized a public hearing to be held at its October 24, 2005, meeting to consider this proposed amendment.

RE: LEGAL/PROPERTY MATTERS – FRANK A. PLEVA, COUNTY ADMINISTRATOR

a. Authorization for Public Hearing – Septic System Easement Request – Peter Glubiak, Attorney for Carroll Epps - The County Administrator advised the Board that this is a request from Carroll Epps that the County grant him an “easement in perpetuity” of sufficient size to permit access, construction, maintenance and reserve area in conformance with the Virginia Department of Health’s sewage handling and disposal regulations on a parcel of land owned by the County. Mr. Epps is building a new residence that is served by an on-site wastewater disposal system that was inadvertently installed on an abutting parcel of county-owner real property. The County acquired the subject property several years ago in anticipation of the proposed reservoir project. The property would be part of the reservoir’s water quality protection buffer. Further, Mr. Pleva indicated that Newport News Waterworks has reviewed this request and has expressed no opposition to the granting of this easement given the unique circumstances of the request.

In addition, Mr. Pleva advised that it will be necessary for the Board to conduct a public hearing on this request prior to its decision because the County would be conveying an interest in real property to another party, if approved.

Peter Glubiak, attorney representing Carroll Epps, addressed the Board indicating that Mr. Epps is a small, local builder, who has taken some steps and has run into some problems. When this one acre parcel was purchased by Mr. Epps from another local resident, the deed and plat were looked at, and the conveyance was made. After Mr. Epps had a contract on this parcel and ready to build a small house there, and the title search work was completed, it turned out that the drain field had been installed on the abutting parcel of county-owned property. Mr. Glubiak then

contacted the previous owners, and they indicated that they thought they had sold the County an easement, and not a deed to the property. When this was discovered, Mr. Epps already had a contract to build this house, and had installed the drain field. Mr. Glubiak requested that the County grant Mr. Epps an “easement in perpetuity” as was previously stated by the County Administrator, and that Mr. Epps is willing to accept the conditions placed on the easement if granted.

The Board discussed this request with Mr. Glubiak, and on motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried unanimously, tabled all action on this request for 30 days indicating to Mr. Glubiak that more information is needed, such as the proposed language of the deed of easement and a plat showing the requested easement, and the effect of this easement on the proposed reservoir.

b. Land Conveyance Request – Chesapeake Corporation (PhilTec LLC) - Frank A. Pleva, County Administrator, advised that most of the County’s firing range, which is located behind the closed sanitary landfill on Route 30 about five miles east of King William County Court House, is actually situated on real property owned by the Chesapeake Corporation (PhilTec LLC). Access and egress to the firing range is over the County-owned landfill site. Chesapeake Corporation (PhilTec LLC) is proposing the conveyance of a 1.515 acre parcel to the County that would include the County’s firing range. Conveyance would be free and clear. The County would not incur any expense in this transaction. This property has been used periodically as the Sheriff’s Department firing range since 1968.

Charles Kerns representing the Chesapeake Corporation (PhilTec LLC) was present and indicated to the Board that PhilTec LLC would like to convey to the County the 1.515 acre, the 30 foot right-of-way that goes to it, which is across the County’s property, and the remaining timber rights on the 66 acres that the County owns, that were retained when the property was granted to the County for the landfill.

On motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board accepted the offer from PhilTec LLC as stated above for conveyance to the County of a 1.515 acre parcel located behind the County sanitary landfill on Route 30 approximately five miles east of King William County Court House,

as well as the 30 foot right-of-way to it which goes across the County's property, and the remaining timber rights on the 66 acres owned by the County.

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

a. Regional Animal Shelter - The County Administrator reported that the first advertisement for construction of the animal shelter will be published in the Richmond Times-Dispatch on September 25th and again on October 2nd. Bids are due on October 31st and may be awarded by the Boards of Supervisors of King William and King and Queen Counties during their regular November meetings.

b. Mt. Olive Community Improvement Project – Award of Bid for Central Wastewater Treatment Plant - Frank A. Pleva, County Administrator advised that the Mt. Olive Community Improvement Project includes the construction of a 25,000 gallon per day wastewater treatment plant to serve most of the project area. Bids were received and opened on September 22nd for the construction of this facility. Bids were received from two firms: (1) Franklin Mechanical in Kilmarnock - \$655,100 and (2) J. Sanders Construction of West Point - \$675,000. Per public procurement requirements, Franklin Mechanical was pronounced “the apparent low bidder”. The County’s consulting engineering firm, Resource International, is reviewing the bids to make a recommendation. It was suggested by the County Administrator that the Board conditionally award the bid to Franklin Mechanical of Kilmarnock depending on a favorable recommendation from the county’s engineering consultant, as the consultant is out of town currently.

Thereupon, on motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried with the following vote, the Board awarded this bid to Franklin Mechanical of Kilmarnock for construction of the Mt. Olive Wastewater Treatment Plant in the amount of \$655,100 on the condition that the County’s consulting engineer provides a positive recommendation.

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

RE: APPOINTMENTS

a. Planning Commission – One Member, Four Year Term, Term of Tom Vosnick Expires 9/30/05 – (NOTE: Mr. Vosnick does not seek reappointment) - On motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board appointed Mr. Bryan Johnson to serve a four year term on the King William County Planning Commission. Said term will expire September 30, 2009.

b. Wetlands Board – One Member, Five Year Term, Term of William R. Perritt Expires 9/30/05 - (NOTE: Mr. Perritt is no longer a King William County resident) - Action on this appointment was tabled for 30 days.

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

Robert Washington, a resident of 392 Old Newcastle Road, requested the Board to seek assistance on his behalf from the Virginia Department of Transportation with a drainage problem he is experiencing with water draining from the highway in front of his home onto his property.

The Board indicated it would forward this request to VDOT.

RE: BOARD OF SUPERVISORS' COMMENTS

No comments were made at this time.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(A)(7), CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH LEGAL COUNSEL REGARDING LITIGATION ON THE NEW COURTS AND PUBLIC SAFETY FACILITY

On motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board entered closed meeting pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, as amended, for consultation with legal counsel regarding litigation on the new courts and public safety facility.

Having completed the closed meeting, the Board reconvened in open meeting on motion by C. T. Redd III, seconded by T. G. Smiley and carried with a unanimous roll call vote.

In accordance with Section 2.2-3711(B) of the Code of Virginia, 1950, as amended, C. T. Redd III moved that the King William County Board of Supervisors adopt the following resolution certifying that this closed meeting's procedures comply with the requirements of the Virginia Freedom of Information Act. This motion was seconded by L. E. Byrum, Jr. and carried with a unanimous roll call vote.

RESOLUTION

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

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

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

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

RE: ACTION ON MATTER HEARD IN CLOSED MEETING

The Chairman announced that no action would be taken as a result of the closed meeting discussion.

RE: ADJOURNMENT OF MEETING

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

COPY TESTE:

W. F. Adams
Chairman

Frank A. Pleva
County Administrator