

**MINUTES**  
**KING WILLIAM COUNTY**  
**BOARD OF SUPERVISORS**  
**MEETING OF SEPTEMBER 27, 2004**

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 27<sup>TH</sup> DAY OF SEPTEMBER, 2004, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURTHOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

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

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

**RE: APPROVAL OF MEETING AGENDA**

On motion by L. E. Byrum, Jr., seconded by W. F. Adams and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator, with 3 deletions.

**RE: PUBLIC COMMENT PERIOD**

Vinson Harris, Assistant Superintendent of Schools, appeared to publicly thank the Sheriff's Department, the VDOT personnel, and particularly the King William School Bus Drivers for meeting unusual circumstances at the beginning of this school year. He indicated that all students were picked up and all students got to school and no mishaps were suffered. He thanked all the individuals involved in helping with all the washed out roads and the necessary detouring that had to be done.

Board Chairman, C. T. Redd, III, thanked the County staff members and Lewis Heath, Emergency Services Coordinator, for helping to get King William County designated by FEMA as a disaster area due to the recent flooding conditions brought about by Hurricane Frances and Tropical Storm Gaston.

**RE: CONSENT AGENDA**

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

a. Minutes of the August 23, 2004, Regular Meeting were approved as written.

b. Claims against the County for September, 2004, in the amount of \$1,019,489.03 as follows:

(1) General Fund Warrants #57010-57198 in the amount of \$601,773.49; Manual Checks #14010-14019 in the amount of \$224,880.27; Direct Deposits #6347-6437 in the amount of \$145,498.23; and Electronic Tax Payment in the amount of \$47,337.04

(2) For informational purposes, Social Services expenditures for the month of August, 2004, Warrants #303582-303654 in the amount of \$39,396.81; Direct Deposit #1055-1070 in the amount of \$22,538.00; Electronic Tax Payment in the amount of \$7,514.90

(3) For informational purposes, Circuit Court expenditures for the month of August, 2004, Warrants #56987-56994 in the amount of \$5,046.41; Direct Deposits #129-132 in the amount of \$7,272.03

(4) For informational purposes, Comprehensive Services Act Fund expenditures for August, 2004, Warrants #56996-57008 in the amount of \$28,887.49

(5) Tax Refunds for the month of August, 2004, in the amount of \$1,086.07

c. Approved a supplemental appropriation in the amount of \$10,625.00 to provide updates to the GIS tax maps and to begin a regular monthly maintenance program to keep the information current. The selected proposal, which meets all of the County's requirements, submitted by WorldView Solutions of Chesapeake, Virginia, in the amount of \$10,625.00 includes a one-time charge to update the existing parcel database, updates for an estimated 300 parcels annually, and monthly maintenance of parcel changes for the remaining three-quarters of FY-05. The current system will also be reconfigured and improved by WorldView to equate with the systems used by other Virginia localities.

d. Appropriated funds to the King William County School Board for the second quarter of FY-05 in the following amounts: for instruction 25% of its annual appropriation, plus \$153,396 which is one-half of the supplemental request for alternative education, and \$56,300 which is one-half of the additional \$112,600 appropriation made by the Board of Supervisors at its July, 2004, meeting. Other categorical appropriations are to be in the same amount as appropriated for the first quarter, except in Debt Service, the appropriation is to be \$597,046.00.

e. Authorized a public hearing to be advertised for the Board's October 25, 2004, meeting beginning at 7:00 p.m. to consider Zoning Case #CUP-01-04, Request for Conditional Use Permit for the operation of a sand and gravel excavation process on Tax Map 1, Parcel 1A (part of), applicant, Luck Stone Corporation

f. Approved supplemental appropriations for FY-05 in the amounts of \$28,380.00 and \$77,168.00 for two Homeland Security Grants for Public Safety and Emergency Management

**RE: TRANSPORTATION MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER**

a. Update on Repairs of Roads Damaged by Hurricane Frances and Tropical Storm Gaston - Resident Engineer, Charlie Stunkle, reported that basically, traffic has been restored to all the roadways in the County with the exception of three roadways, which still remain closed at this time due to recent flood damage. These three include Route 607 (Herring Creek Mill Dam); Route 610 (Mitchell's Mill Dam); and Route 618, (Moncuin Creek Bridge). Mr. Stunkle indicated that the Route 618 situation will require extensive repairs as one of the bridge abutments has been twisted. Most likely a contractor will have to be obtained to do this work. In the cases of the mill dams, VDOT has to determine from the impoundment owners if they desire to put the dam back, and then come to some cost-sharing agreement on that. No date is known when either of these three roadways will be restored.

b. Scotland Landing Road and White Bank Road Surface Treatment - Mr. Stunkle reported that the paving contractor is in the County and is waiting for the weather to dry out.

c. Route 600 (West River Road) - L. E. Byrum, Jr. discussed the unsafe conditions being created with large trucks travelling Route 600 (West River Road) as a cut-through route, and the possibility of getting VDOT to designate this route as a "No Through Truck Traffic" route. Mr. Stunkle indicated the process to accomplish this will take approximately 6 months, and if the Board so desires, should be a future agenda item.

d. Route 30 – Turn Lanes into the Burger King/Rennie’s and the King William Shopping Center - The County Administrator reported on information he has received regarding traffic at these two turn in locations off of Route 30. He indicated that the traffic headed south is pulling over to the right and the northbound turning traffic crossing over at these two entrance points has created a problem, especially in the mornings, when the traffic is backed up for the stoplight. It has been suggested that "Watch for Turning Vehicles" signs be installed to improve the safety.

Mr. Stunkle indicated he would have the Traffic Engineers look at this situation.

e. Euclid Boulevard off of Route 30 in West Point - C. T. Redd, III discussed a bad situation with a deep dip on Route 30 near Euclid Boulevard in the Town of West Point and requested that VDOT look into correcting this situation. He first brought this matter to the attention of VDOT at the Board’s August meeting and now reports that the area has bottomed out into a big hole.

Mr. Stunkle responded that their contractor is in West Point now and waiting for drier weather to make these repairs.

f. Route 671 – Mangohick Circle - O. O. Williams reported that a major flooding/drainage problem on Route 671 (Mangohick Circle) has now created about two acres of new swamp land, and six families could not get to their homes because the water was over 2 ½ feet deep. He requested Mr. Stunkle to investigate this drainage problem. Mr. Stunkle responded that he has visited this area and there is possibly an old culvert that needs to be replaced. He further indicated that the local VDOT office is in contact with Miss Utility to mark the underground lines in this area, so a backhoe can be used.

g. Stop Sign at Intersection of Routes 604 and 615 - O. O. Williams reported that it is impossible for traffic to see to the right when coming from Hanover

into King William. He indicated that he is receiving a lot of complaints from farmers in the area. Mr. Stunkle reported that he has requested the traffic engineers to look at this location, and make a recommendation. He will follow up on this request and report back to be Board at a later date.

h. Request for “School Bus Stop Ahead” Sign – Route 30 - L. E. Byrum, Jr. presented a request he received from James Healy, a resident of 13587 King William Road (Route 30), for a “School Bus Stop Ahead” sign near his property. Mr. Byrum indicated that he directed Mr. Healy to the King William County School Board Office with this request, but, he also wanted to make the request known to VDOT.

i. Route 360 and Route 618 – Mud Slides - W. F. Adams questioned Mr. Stunkle regarding the possibility of removing the dirt resulting from recent flooding/mud slides from Routes 360 and 618. Mr. Stunkle reported that VDOT plans to work these slides from the top, particularly Route 360, to restore the slopes and get them laid back a little flatter.

j. Herring Creek Road between Smokey Road and Dorrell Road - O. O. Williams also discussed the problem of mud slides on the section of Herring Creek Road between Smokey Road and Dorrell Road with Mr. Stunkle.

k. Discussion – Update of Six-Year Secondary Road Plan, (2005-2011) and the Construction Priority List (2005-2006) - Mr. Stunkle opened the discussion regarding the update of the 2005-2011 Six Year Plan and the Construction Priority List (2005-2006) stating that this plan is basically the same plan as was adopted last year with the funding updated. There are no funds to consider the addition of any new major projects to the roads. He indicated that the Board may wish to consider adding one unpaved roadway, and also that one plant mix overlay candidate for the first year needs to be designated. This would have to be a roadway that has never had plant mix on it before. He recommended that the Board pick up on a road that discussion was started on two years ago, and continue with that. This is Route 601 (Calno Road) between Route 30 at Dick’s Country Store and heading towards Bleak Hill Fork. Route 601 was included in the Six Year Plan several years ago and with the financial situation as it is today, it probably will not be back as an improvement.

It was the general consensus of the Board to designate Route 601 (Calno Road) as the 2005-2006 plant mix overlay candidate.

Mr. Stunkle indicated that it will be necessary for the Board and VDOT to conduct a joint public hearing on the proposed update to the Six Year Plan following the Board's review and discussion. The public hearing can be held in either the October or November meeting, with the new Plan adopted prior to the end of December.

L. E. Byrum, Jr. made a motion to set a public hearing on the 2005-2011 Six Year Plan for Secondary Roads and Construction Priority List (2005-2006) update at the Board's November, 2004, meeting.

This motion died for the lack of a second.

Thereupon, on motion by W. F. Adams, seconded by O. O. Williams and carried with a unanimous roll call vote, the Board set the date of October 25, 2004, during its regular monthly meeting beginning at 7:00 p.m. to conduct a joint public hearing with VDOT on the 2005-2011 update to the Six Year Plan for Secondary Roads and Construction Priority List (2005-2006).

**RE: FINANCIAL MATTERS – TERRI HALE, ASSISTANT COUNTY ADMINISTRATOR**

a. Public Hearing – Issuance of a General Obligation School Bond in an Amount Not to Exceed \$690,000 to Finance Capital Projects for Public School Purposes - Assistant County Administrator, Terri Hale, stated that the Board, at its August meeting, authorized the County to contract a debt and issue general obligation bonds of the County in the maximum amount of \$690,000 to finance capital projects for public school purposes and to sell such bonds to the Virginia Public School Authority. Authorization was given to submit an application to the Virginia Public School Authority (VPSA) in order to sell the bonds to the VPSA at the Fall, 2004, VPSA Bond Sale. The Board further authorized advertisement of a public hearing to be held at the September 27, 2004, regular meeting on the issuance of the Bonds.

The Chairman declared the public hearing open for comments for or against this matter.

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

b. Consideration of Adoption of Resolution Authorizing the Issuance and Sale of a Maximum Amount of \$690,000 General Obligation School Bonds - On motion by L. E. Byrum, Jr., seconded by W. F. Adams and carried by a unanimous roll call vote, the Board adopted a "Resolution Authorizing the Issuance and Sale of a Maximum Amount of \$690,000 General Obligation School Bonds of the County of King William, Virginia, to be Sold to the Virginia Public School Authority and Providing for the Form and Details Thereof".

**RE: ANIMAL CONTROL MATTERS – FRANK PLEVA, COUNTY ADMINISTRATOR**

a. Consideration of Agreement Transferring Program to Sheriff's Office - Frank Pleva, County Administrator, reported that after last month's Board meeting, Board members, C. T. Redd, III and O. O. Williams, Sheriff J. S. Walton, Assistant County Administrator, Terri Hale, and he met to discuss the possible transfer of the operation of the King William County Animal Control Program from the Division of Community Development to the Sheriff's Office. It was agreed to support and to recommend to the Board of Supervisors that it approve the transfer of the Animal Control Program to the Sheriff's Office subject to certain terms and conditions, with said transfer to be effective November 1, 2004.

The Board discussed this matter, and on motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, the Board approved the transfer of the Animal Control Program from the Division of Community Development to the Sheriff's Office, to be effective November 1, 2004, with certain terms and conditions which shall be contained in an agreement to be executed by both parties, the Sheriff of King William County, and the Board of Supervisors. This motion further appropriated FY-05 funding for the support of this program transfer.

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

a. Mt. Olive Community Improvement Project - Mr. Pleva reported that no water lines have been laid through the Self-Help Project as most of the neighborhood

has been under water from the recent rains. He also reported that the Deed for the acquisition of the well property from the community group is now ready for the Board Chairman's signature. In addition, Mr. Pleva advised that the bid documents for improvements to the well head for storage, etc. will be going out in October. If bids are received, this item will be placed on the Board's October agenda for award thereof.

b. Courts and Public Safety Facility - The County Administrator reviewed the updated report prepared by Kevin Vaughan, Clerk of the Works on this project. Dedication will be held on Friday, October 15, 2004, at 5:00 p.m., rain or shine.

c. Regional Animal Shelter - County Administrator, Frank A. Pleva, reported that the soils work has been completed on the proposed building site. The soils include a lot of clay and when the timber was cut over this site, the soils were compacted. However, on an area to the back of the property, some sandy soils were found. A double drainfield system will be required, one for human wastes and one for the animal wastes. The animal wastes drainfield may require obtaining a No Discharge Permit from the Department of Environmental Quality whereas, the human drainfield requires a permit from the Health Department. Bids on this project should go out in late fall or early winter, and probably the project will be able to break ground some time in the spring of 2005.

#### **RE: APPOINTMENTS**

a. Building & Code Appeals Board – Two Members, Five Year Terms, Term of James E. Boyer (Contractor) Expired 9/1/04, and Term of Ernest A. Burcham (Builder) (Deceased) Expired 9/1/04 - On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the Board reappointed James E. Boyer to serve a five year term on the King William County Building and Code Appeals Board in the capacity as contractor. Said term will expire August 31, 2009.

Action on the appointment to replace the position as a builder vacated by Mr. Ernest A. Burcham was tabled until the Board's October meeting.

b. Planning Commission – One Member, Four Year Term, Terms of Ruth S. Muire Expires 9/30/04 - On motion by O. O. Williams, seconded by L. E. Byrum, Jr. and carried unanimously, Mrs. Ruth Muire was reappointed to serve as a member of the Planning Commission for a four year term expiring September 30, 2008.

c. Bay Aging – King William County Representative on Advisory Board, One Member, Three Year Term, Term of Louise O. Kersey Expires 9/30/04 - On motion by L. E. Byrum, Jr., seconded by W. F. Adams and carried unanimously, Mrs. Louise O. Kersey was reappointed to serve a three year term as the King William County representative on the Bay Aging Advisory Board.

**RE: PUBLIC COMMENT PERIOD**

Herb White, a resident of 1186 Mill Road in Aylett, addressed the Board concerning the possibility of updating some of the existing County ordinances, particularly, the Burning Ordinance. He continued that due to the increased growth in population in the upper Route 30/360 corridor area, the existing Burning Ordinance needs to be looked at very closely. Currently, it is possible for a person living in a subdivision to burn leaves, limbs, tree debris, etc. next door to other people, and this is creating a problem. This is true not only within subdivisions, but, also in areas where subdivisions are backed up to each other. He stated that some of our neighboring counties are, at this time, considering this same ordinance to ban all burning within so many thousands of yards of homes. This burning affects persons with heart ailments, breathing difficulties, asthma, etc. and some of this burning is even toxic. For example, if salt treated lumber is burned, it can cause some bad after effects if breathed. He requested the Board to consider updating the existing County Burning Ordinance.

Eugene Rivara of 1270 Commins Road in Aylett, addressed the Board to give an update on the proposed reservoir. He reviewed the recent actions taken by VMRC, the hearing held in James City County, the detailed and intense information presented by Newport News at this hearing, etc. The vote was 5 to 2 to accept the permit. Representing the "Save the Mattaponi" group, Mr. Rivara indicated that there is some good news to report. Governor Warner has allowed a public hearing on a DEQ Coastal Zone Management permit, so the DEQ will be receiving comments on whether the proposed project is consistent with the Virginia Coastal Resources Management Program (VCP). This public hearing will be held in the City of Williamsburg, Virginia, Community Building on North Boundary Street, on October 20, 2004, at 7:00 p.m.

Prior to the meeting, beginning at 6:00 p.m., there is to be a public information session. Public comments will be taken until October 29, 2004.

**RE: BOARD OF SUPERVISORS' COMMENTS**

L. E. Byrum, Jr. thanked Sheriff Jeff Walton for taking over the Animal Control function of the County.

**RE: RECESS OF MEETING**

On motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, the Board recessed this meeting to be continued at 7:00 p.m. on September 29, 2004, at King William High School, at which time the Board will meet jointly with the King William County School Board.

COPY TESTE:

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C. T. Redd, III  
Chairman

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Frank A. Pleva  
County Administrator