

MINUTES

KING WILLIAM COUNTY

BOARD OF SUPERVISORS

CONTINUED MEETING OF SEPTEMBER 29, 2003

AT A CONTINUED MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 29TH DAY OF SEPTEMBER, 2003, BEGINNING AT 7:00 P.M. IN THE ATRIUM AT KING WILLIAM HIGH SCHOOL, ORDER WAS CALLED WITH THE FOLLOWING PRESENT: (THIS MEETING WAS CONTINUED FROM THE BOARD'S SEPTEMBER 22, 2003, MEETING.)

L. E. BYRUM, JR., CHAIRMAN
C. T. REDD, III, VICE-CHAIRMAN
G. E. JENKINS
E. P. STEROWSKI
D. L. WRIGHT

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

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the following additions and deletions: delete Item 6d – Consent Agenda – Authorization for Public Hearing – Zoning Case CUP-03-03, Request to Construct Up to 129 Multi-Family Dwelling Units, Applicant: Jack Bailey; (Applicant has requested this item be deferred from the Board's Agenda until its November, 2003, meeting); delete Item 9c – Introduction of New Employee – Alyson Cotton, Zoning/Environmental Codes Compliance Officer; add Item 14c – Emergency Services – Authorization for Advertisement of Public Hearing on Emergency Ordinance Providing Exemptions From Certain Building, Zoning, and Other Land Development Fees for Construction Necessitated by Storm Related Damage; add Item 14d – Disaster Emergency Food Stamp Program – Ben Owen, Social Services Director.

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

a. Vinson Harris, Director of Finance and Operations for the King William County Schools, invited the Board of Supervisors and the public to attend the Dedication of the soon to be completed, newly renovated, King William High School, to be held on December 14, 2003 at 2:00 p.m.

b. Herb White of 1186 Mill Road in Aylett, addressed the Board concerning three issues:

(1) The excellent job done during the recent Hurricane Isabel by all the local volunteer fire and rescue personnel - Mr. White stated his opinion regarding the excellent job done by all fire and rescue personnel and asked that the Board consider adopting a resolution of appreciation for these volunteers

(2) Mr. White made the Board aware of two serious accidents which occurred recently at the intersection of Routes 360 and 30, Central Garage, and asked the Board to consider requesting VDOT to lower the speed limit on Route 360 to 45MPH and on Route 30 to 35 MPH coming into this intersection.

(3) Route 606, (Commins Road) an unpaved section of road leading from Route 611 to a dead end at Mt. Sinai Baptist Church - Mr. White indicated that he was speaking on behalf of the members of Mt. Sinai Church, and they are requesting the Board to consider placing this portion of Route 606 in the Six Year Secondary Highway Improvement Plan, as a candidate for paving.

c. Mrs. Anne Garner, a resident of 8071 Dabney's Mill Road, requested the Board to appoint someone to be in charge of notifying the Richmond Times-Dispatch about King William County activities, such as school closings, roads closed, availability of foods, water, power outages, etc. when such news is warranted by an event such as what all County residents have just experienced with Hurricane Isabel. During this time with the power outages, the loss of telephone service, etc. many people depended on reading the newspapers for pertinent information, and the Richmond Times-Dispatch, which has wide circulation in King William County, failed to provide this information.

The County Administrator informed Mrs. Garner that the County's Public Information Officer, Mrs. Katy Lloyd, was submitting all of this most pertinent information to the Richmond Times-Dispatch, but, unfortunately, it was not included in the daily newspaper. Mr. Pleva also indicated that the State Emergency Services people recognize this need and agree that the Richmond Times-Dispatch should have printed more information on King William County situations.

RE: CONSENT AGENDA

On motion by D. L. Wright, seconded by E. P. Sterowski and carried unanimously, the Board approved the following items on its consent agenda:

a. Minutes of the Regular Meeting held on August 25, 2003, as presented with one minor change

b. Claims against the County for September, 2003, in the amount of \$1,581,487.86 as follows:

(1) General Fund Warrants #54450-54629 and manual checks #13969-13972 in the amounts of \$1,387,405.54 and \$15,329.91; Direct Deposits #5070-5152 in the amount of \$134,322.48; and Electronic Tax Payment in the amount of \$44,429.93

(2) For informational purposes, Social Services expenditures for the month of August, 2003, Warrants #302709-302764 in the amount of \$27,683.49; Direct Deposits #843-857 in the amount of \$20,791.76; and Electronic Tax Payment in the amount of \$7,381.67

(3) For informational purposes, Circuit Court expenditures for the month of August, 2003, Warrants #54433-54442 in the amount of \$6,381.48; and Direct Deposits #90-92 in the amount of \$6,440.87

(4) For informational purposes, Comprehensive Services Act Fund expenditures for August, 2003, Warrants #54443-54448 in the amount of \$9,288.00

(5) Tax Refunds for the month of August, 2003, in the amount of \$1,713.47

c. Authorized a public hearing to be set for October 27, 2003, during the Board's regular monthly meeting beginning at 7:00 p.m. to consider Zoning Case Z-06-03, Request to Rezone .86 Acres from R-1 to B-1, Applicant: William D. Coalson, and authorized advertisement of said public hearing.

RE: VDOT MATTERS – DAVID COOPER, ASSISTANT RESIDENT ENGINEER

David Cooper, Assistant Resident Engineer, was present to discuss transportation issues with the Board.

a. Route 648 – White Bank Road - Mr. Cooper reported that the Resident Engineer, Charles Stunkle, and Leon Custalow, the local Rumford VDOT Office Superintendent, met with residents of Route 648 (White Bank Road) recently and VDOT will be doing some drainage work on this route.

b. Thompson Avenue – West Point - This drainage project on Thompson Avenue in West Point is moving along and should be completed by late October.

c. Removal of Debris Left by Hurricane Isabel - Mr. Cooper reported that work is scheduled to begin in King William County on September 30, 2003, to remove and haul to the landfill, the debris left by Hurricane Isabel. This work will probably take 3 to 4 months to complete.

d. Work Session – Six Year Secondary Highway Improvement Plan - Mr. Cooper presented and reviewed the draft Six Year Secondary Highway Improvement Plan and indicated that the Board should add one road for plant mix overlay. He provided a list of unpaved roads in the County and suggested that the Board might consider adding Route 629, near the old Acquinton Church. He indicated one portion of this route was slated for plant mix overlay last year and the funding for this year will probably be sufficient for another .7 mile portion this year.

D. L. Wright indicated that Route 629 is a high density traffic route, as many people now use this as a cut-thru to get to Route 360 in Manquin.

E. P. Sterowski questioned Mr. Cooper regarding other unpaved routes that could be considered. Mr. Cooper indicated Route 601, Calno Road.

Thereupon, D. L. Wright made a motion to include Route 629, by Cool Spring School to Acquinton Church in the Six Year Plan for plant mix overlay. This motion was seconded by C. T. Redd, III and carried.

The review of the draft plan continued and D. L. Wright questioned whether or not (Route 648) White Bank Road would be eligible for funding in the Rural Rustic Program. Mr. Cooper responded that in order for a road to be considered under the Rural Rustic Program, it must first be included in the Secondary Road Six Year Plan and funding would come from the normal unpaved road funds set aside each year.

In discussing Route 648, D. L. Wright indicated that although VDOT has recently worked on the drainage problem on this route, it still needs to be considered for improvements before the year 2007. He suggested that the Dover Lane Project (Route 603) be moved back one year and to move White Bank Road (Route 648), approximately .2 mile, ahead of Dover Lane. It is anticipated that the White Bank Road (Route 648) Project will cost approximately \$21,000.

On motion by G. E. Jenkins, seconded by D. L. Wright and carried unanimously, the Board added Route 648, (White Bank Road) 0.15 mile, from intersection of Route 30 to 0.15 mile north of its intersection with Route 30, to the Secondary Roads Six Year Plan, with the intent for it to be considered for the Rural Rustic Program.

Thereupon, Mr. Cooper made the Board aware of the need to adopt a resolution designating Route 648 as a Rural Rustic Road.

On motion by D. L. Wright, seconded by G. E. Jenkins and carried unanimously, the Board adopted the following resolution:

RESOLUTION

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise Section 33.1-70.1 of the Code of Virginia, to allow for the improvement and hardsurfacing of certain roads deemed to qualify for and be designated a Rural Rustic Road; and,

WHEREAS, VDOT has expressed a willingness to adopt this concept on a pilot basis until the program is fully implemented to assist in developing and defining the guidelines to be used for the program; and be evaluated by VDOT with regard to safety, resident concerns, and environmental issues; and,

WHEREAS, such roads must be located in a low-density development area, and have no more than 500 vehicles per day; and,

WHEREAS, this Board is unaware of any pending development that will affect the existing traffic on the road; and,

WHEREAS, a road that traverses an area known for its scenic vistas or a historic and relaxed ambiance is one that should be considered for designation as a Rural Rustic Road; and,

WHEREAS, this Board believes Route 648 "White Bank Road" should be designated a Rural Rustic Road, from its intersection with Route 30 to 0.15 north of the intersection of Route 30, owing to its qualifying characteristics; and,

WHEREAS, the road aforesaid is in this Board's Six-Year Plan for improvements to its secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby designates and requests the Virginia Department of Transportation's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

BE IT FURTHER RESOLVED, that this Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that this Board pledges to discourage more development on this road.

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

e. Setting of Joint Public Hearing with VDOT – Six Year Secondary Highway Improvement Plan - On motion by G. E. Jenkins, seconded by D. L. Wright and carried unanimously, the Board set a joint public hearing with VDOT to consider the proposed Six Year Secondary Highway Improvement Plan for King William County. Said public hearing is to be held during the Board's regular October meeting beginning at 7:00 p.m.

f. School Zone Signs Needed on Route 629 by Cool Spring Primary School D. L.

Wright discussed the need for placement of three School Zone signs on Route 629 to mark the beginning and the end of the school zone at Cool Spring School and to mark the end of the 40 MPH speed zone on Route 629 coming out at the old Acquinton Church.

RE: RESOLUTION OF APPRECIATION – TIFFANY L. ELLIOTT

On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board adopted the following resolution recognizing Miss Tiffany L. Elliott for her leadership abilities and school spirit as a member of the King William High School Flag Team.

RESOLUTION OF APPRECIATION

WHEREAS, Miss Tiffany L. Elliott is a member of the King William High School Flag Team; and,

WHEREAS, while at summer camp, Tiffany was awarded numerous ribbons for outstanding performances; and,

WHEREAS, one of the awards Tiffany received was an invitation to participate in the “All American Halftime Tour” and perform during the halftime show of the Capital One Bowl in Orlando, Florida on New Year’s Day; and,

WHEREAS, only the best performers in the nation have qualified for this opportunity; and,

WHEREAS, Tiffany will perform in front of seventy thousand fans and millions of television viewers; and,

WHEREAS, a junior at King William High School, Tiffany is the daughter of Walter and Dawn Elliott.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors recognizes and appreciates Tiffany’s leadership abilities and school spirit as a member of the King William High School Flag Team; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors congratulates Tiffany on this once in a lifetime opportunity; 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 Tiffany and her parents, and shall be spread upon the meeting minutes of said Board of Supervisors.

RE: PLANNING MATTERS – MATT WALKER, COMMUNITY DEVELOPMENT DIRECTOR

a. Public Hearing – Zoning Case Z-04-03, Request to Rezone a 4.47 Acre Property Described as Parcel 30,46c, from A-C to B-2, Applicant: D. W. Kellum - At the request of D. L. Wright, this public hearing on Case Z-04-03, and the Board’s consideration thereof, was tabled for 30 days, until the Board’s October 27, 2003, meeting. Mr. Wright indicated that because of Hurricane Isabel and this meeting having to be continued from the regular monthly meeting date of September 22nd to September 29th, some of the neighbors to this application site had to be out of town, and unable to be present for this hearing, and he feels these neighbors should have the opportunity to voice their opinions.

Matt Walker, Director of Community Development, was instructed to readvertise this zoning case (Z-04-03) for public hearing before the Board during its regular monthly meeting on October 27, 2003.

RE: ADOPTION OF RESOLUTION RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AND SEXUAL ASSAULT AWARENESS MONTH – GWEN KITSON, PROJECT HOPE, FAMILY VIOLENCE COORDINATOR

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted the following resolution declaring October as “Domestic Violence and Sexual Assault Awareness Month” in King William County.

**RESOLUTION TO DECLARE OCTOBER
“DOMESTIC VIOLENCE AND SEXUAL ASSAULT AWARENESS MONTH”**

WHEREAS, domestic violence is a pattern of physically, sexually, and/or emotionally abusive behaviors used by one individual to maintain power and control over a partner in the context of an intimate or family relationship; and,

WHEREAS, sexual assault is a crime of violence, power, and control that occurs when a person is forced, threatened, coerced, or manipulated into sexual contact or acts against his or her will; and,

WHEREAS, both domestic and sexual violence are violations that have harmful effects not only on the victim, but the victim’s family, and the community.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors recognizes the need to make the citizens of King William County aware of the dangers of domestic and sexual violence and do so by declaring October as “Domestic Violence and Sexual Assault Awareness Month”.

RE: PUBLIC HEARING - KING WILLIAM COURTHOUSE MOBILITY STUDY AND MASTER PLAN

The Chairman declared the public hearing open to receive comments on the draft King William Court House Mobility Study and Master Plan, developed by Wiley & Wilson of Richmond, Virginia, a planning, architectural and engineering firm, and by Hill Studio of Roanoke, Virginia, a community planning and landscape architectural firm, in conjunction with the County staff. This draft Plan was presented to the Board at its August 25, 2003, meeting, and reviewed. It was indicated that this Plan was funded with a \$20,000 Rural Transportation Planning Grant from the Virginia Department of Transportation, and a required \$5,000 grant match from King William County. The Middle Peninsula Planning District Commission served as the grant administrator for this project. In addition, this Plan may be used as a guide for future publicly-financed courthouse area improvements, and serve as the basis for future applications to design and construct, perhaps in phases, the improvements recommended in the Plan.

This Plan was forwarded to the Planning Commission for review and copies were made available in the public libraries also for review.

No persons appeared before the Board to speak for or against this draft Plan. Thereupon, on motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the public hearing was declared closed.

b. Consideration of Mobility Study and Master Plan - On motion by C. T. Redd, III, seconded by G. E. Jenkins and carried unanimously, the Board adopted the King William Courthouse Mobility Study and Master Plan as presented in public hearing and will submit the Plan for grants funding.

RE: LONG TERM FINANCING MATTERS – SCHOOLS – TERRI HALE, ASSISTANT COUNTY ADMINISTRATOR

a. Public Hearing - Participation in the Fall VPSA Bond Sale in an Amount not to Exceed \$7,890,000 - The Chairman declared the public hearing open to consider participation in the VPSA Bond Sale. Terri Hale, Assistant County Administrator, reminded the Board that two years ago \$22M was obligated to the schools for the construction of a new primary school and renovation of and addition to the high school. Thus far, \$15M in interim financing has been acquired from Sun Trust. In the first phase of three permanent financings totaling \$22M, just under \$7.5M in literary funds was used to reduce this interim balance. In the second phase, \$7M in Virginia Public School Authority (VPSA) Bonds was issued. For this third and final phase, Ms. Hale is proposing to participate in the Fall, 2003 VPSA Bond Sale for an amount not to exceed

\$7,890,00, which will be applied to the balance of the interim financing. No more than \$22M in long term debt will be issued.

At the Board's August 25th meeting, approval was given for the submission of an application to participate in the Fall VPSA Bond Sale. This proposed participation and public hearing have been duly advertised.

There being no persons appearing before the Board to speak for or against this matter, on motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the public hearing was declared closed.

b. Consideration of Participation - On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board authorized participation in the Fall, 2003, VPSA Bond Sale in an amount not to exceed \$7,890,000.

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

a. Mt. Olive Community Improvement Project - The County Administrator reported that word is still being awaited from the Church regarding the conveyance of the existing well for the community water system to the County.

b. Courts Facility - The County Administrator reported on the construction progress indicating that brick work is now being done on the east and west wings of the building as well as the northeast sallyport and the northwest mechanical room. In respect to the recent Hurricane Isabel, this project suffered little or no adverse effects, and construction progress continues to gain momentum as more of the tradesmen come into the picture.

c. Animal Shelter - It was reported by the County Administrator that there still has been no success in locating a site.

RE: EMERGENCY SERVICES

a. Hurricane Isabel Preparedness/Response Report - Lewis Heath, Emergency Services Coordinator for the County, presented a detailed report on the County's preparedness for and response to Hurricane Isabel which occurred on September 18, 2003, and the tornado which hit the County on September 23, 2003. He elaborated on the team effort and full cooperation of all staff members, all law enforcement officers, and the local volunteer fire and rescue personnel, and all agencies involved, in their work to aid and protect the citizens of King William County. Everyone involved did an excellent job.

Pat Pitts, CERT Coordinator for the County, reported on the activities that the CERT Team did to assist County residents at the shelter which was opened at Cool Spring School during the Hurricane.

Ben Owen, Director of Social Services, elaborated on the efforts of all involved and commended the excellent way in which each person involved was willing to do whatever necessary to aid the citizens of the County.

b. Presentation of Emergency Ordinance Providing for Exemptions from Certain Building, Zoning, and Other Land Development Permit Fees for Construction necessitated by Storm Related Damage - The County Administrator presented an ordinance relating to the waiver of certain permit fees for construction necessitated by storm related damage.

In discussing this proposal, a motion was made by G. E. Jenkins and seconded by C. T. Redd, III, and carried unanimously, to adopt, on an emergency basis to become effective immediately, an Emergency Ordinance Providing for Exemptions from Certain Building, Zoning, and Other Land Development Permit Fees for Construction Necessitated by Storm Related Damage. This exemption shall only apply to construction that does not result in an increased square footage of a structure. Within the next 60 days, it will be necessary for the Board to advertise and conduct a public hearing on this ordinance and adopt it on a permanent basis.

Thereupon on motion by G. E. Jenkins, seconded by D. L. Wright and carried unanimously, the Board authorized a public hearing to be advertised for the Board's November 24, 2003, meeting to consider adoption of the above stated ordinance.

c. Disaster Food Stamp Program – Ben Owen, Social Services Director - Social Services Director, Ben Owen, informed the Board of a Disaster Food Stamp Program to be administered by the Social Services Department for victims of Hurricane Isabel. This emergency program is different from the regular food stamp program as it is only on a one time temporary basis for victims of the recent Hurricane Isabel. The dates for applying are September 25th – October 10th.

RE: TRICENTENNIAL CELEBRATION – ANNOUNCEMENT OF AWARD FROM VIRGINIA PARKS & RECREATION SOCIETY

Katy Lloyd, Public Information Officer for the County, announced that the King William County Parks & Recreation Department nominated the Tricentennial Celebration for the Virginia Parks & Recreation Society's awards in two categories – Best promotional Effort and Best New

Program. The Tricentennial won the Best Promotional Effort and placed second in the Best New Program category.

RE: APPOINTMENTS

a. Industrial Development Authority – One Member – Four Year Term - At the request of C. T. Redd, III, action on this appointment was tabled for 30 days.

b. VPPSA – Citizens Advisory Committee – One Member – Confirmation that Mrs. Kitty Cox will Serve - On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board confirmed the appointment of Mrs. Kitty Cox, Litter Control Coordinator for the County, as the King William County representative on the VPPSA Advisory Committee.

c. Wetlands Board – One Member – Five Year Term – Term of Charles M. Shaver Expires September 30, 2003 - On motion by C. T. Redd, III, seconded by G. E. Jenkins and carried unanimously, the Board reappointed Charles M. Shaver to serve a five year term ending September 30, 2008.

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

a. Herb White, a resident of 1186 Mill Road, announced that on Sunday, October 26, 2003, the King William County Volunteer Fire Department and Rescue Squad, Inc. will be celebrating its 40th Anniversary with a program and reception at its new building located on Route 360 in Aylett, from 2:00 to 5:00 p.m. He invited the Board and the public to attend.

On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board requested the County Administrator to prepare a resolution from the Board congratulating the King William County Volunteer Fire Department and Rescue Squad, Inc. on its 40th anniversary.

b. Barnes Townsend suggested that the Board consider locating its speaker podium to the side of the room rather than being placed in the middle so that speakers addressing the Board will not be standing with their backs to the audience.

RE: BOARD OF SUPERVISORS' COMMENTS

D. L. Wright requested that Sally Pearson, Commissioner of the Revenue, prepare a report for the Board on the progress of the BPOL Tax in the County.

All the Board members thanked the staff members for a job well done to assist and protect the citizens of King William County during the recent Hurricane Isabel disaster.

D. L. Wright requested the County Administrator to prepare a letter, on behalf of the Board, to the two power companies serving King William County and also have it forwarded to the out-of-state companies, in appreciation of the service they rendered to King William County residents during the Hurricane Isabel disaster. They spent many long hours in working to restore power to County residents.

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

COPY TESTE:

L. E. Byrum, Jr., Chairman

Frank A. Pleva, County Administrator