

**MINUTES**  
**KING WILLIAM COUNTY**  
**BOARD OF SUPERVISORS**  
**MEETING OF OCTOBER 26, 2009**

**AT A MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 26<sup>TH</sup> DAY OF OCTOBER, 2009, 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 PERSONS PRESENT:**

**O. O. WILLIAMS, CHAIRMAN**  
**T. G. SMILEY, VICE-CHAIRMAN**  
**C. T. REDD III**  
**D. L. WRIGHT**  
**C. L. SCHOOLS**

**L. M. CHENAULT, COUNTY ATTORNEY**  
**FRANK 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: Under Item 6, "Consent Agenda" 6d was added – "Appointment of a Planning Commission/Board of Zoning Appeals Sub Committee on Mud Bog regulations including the following members: Herb White and Thomas Chisholm of the Board of Zoning Appeals, Donnie Hicks and Carlyle Clements of the Planning Commission, and Cecil Schools and Dan Wright of the Board of Supervisors; Item 7b – "Introduction of Thomas Shepley, the new Executive Director of the Pamunkey Regional Library" was also added.

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

Don Wagner of the Mangohick District addressed the Board concerning some issues that were brought up during a recent joint meeting of the Board of Supervisors, the Board of Zoning Appeals, and the Planning Commission. He indicated these issues regard the fact that more communication is needed among the various Boards as well as with County citizens; that regulations and conditions set on zoning cases by

the Boards need to be followed up on and enforcement of said conditions made. He also indicated that at the recent joint meeting, discussion was had concerning the need for adoption of an ordinance to prohibit the discharge of firearms in subdivisions. This is a public safety issue and he feels it should be given consideration. Mr. Wagner also asked that the public be given more information regarding the termination of the King William Reservoir Project. He stated that he had asked the Board for information on this project at its September meeting, but noting that it is not listed on the agenda for this meeting, again asked for information, particularly, concerning the remarketing of the properties acquired for the project.

Bill Lipscomb, representing the Herring Creek Millpond Association, appeared before the Board to seek information regarding the federal stimulus money or grant money that was applied for in July to repair the Dam, and indicated that he had spoken with the County Administrator prior to the start of this meeting, and received the information he needed. He, therefore, thanked the Board and the County Administrator for looking into this matter.

At the close of the public comment period, the County Administrator responded to questions raised concerning the King William Reservoir. He reported that, to date, the County has not received any written notification from the City of Newport News that the project has even been officially cancelled. Most likely when such notification is received it will be rather lengthy, and will probably include information on what they believe to be the process to close down the project, including disposition of land, etc. Following receipt of this written notification and related information, the County's attorneys will most likely provide the Board with a list of definitive issues.

**RE: CONSENT AGENDA**

On motion by C. T. Redd III, seconded by T. G. Smiley and carried unanimously, the Board approved the following items on its Consent Agenda:

- a. Minutes of the Regular Meeting of September 28, 2009, were approved as written
- b. Claims against the County for October, 2009, in the amount of \$801,972.88 as follows:

(1) General Fund Warrants #71281-71453 in the amount of \$537,249.81; Manual Check #14202 in the amount of \$7,312.97; Direct Deposits#13154-13269 in the amount of \$196,917.83; and Electronic Tax Payment in the amount of \$60,492.27

(2) For informational purposes, Social Services expenditures for the month of September, 2009, Warrants #307711-307779 in the amount of \$63,833.16; Direct Deposits #2180-2197 in the amount of \$31,194.44; and Electronic Tax Payment in the amount of \$9,970.80

(3) For informational purposes, Circuit Court expenditures for the month of September, 2009, Warrants #71259-71266 in the amount of \$5,785.92; Direct Deposits #348-351 in the amount of \$10,163.66; and Electronic Tax Payment in the amount of \$3,308.55

(4) For informational purposes, Comprehensive Services Act Fund expenditures for September, 2009, Warrants #71268-71279 in the amount of \$56,460.67

(5) There were no Tax Refunds for the month of September, 2009.

c. Approved a Supplemental Appropriation in the amount of \$4,040.00 for the Victim/Witness Program. These are additional state funds that were included in the state budget, approved after the County's budget was adopted. No additional local funds are required.

d. Appointed a Planning Commission/Board of Zoning Appeals Subcommittee on Mud Bog regulations to include the following persons: Herb White and Tommy Chisholm of the Board of Zoning Appeals, Donnie Hicks and Carlyle Clements of the Planning Commission, and D. L. Wright and C. L. Schools of the Board of Supervisors.

**RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY ADMINISTRATOR**

Residency Administrator, Charles E. Stunkle, updated the Board on maintenance items discussed at the Board's September meeting including the following:

a. Passing Zone on Route 30 Near Henderson's Farm Near West Point - Mr. Stunkle reported that this matter brought up at the Board's September meeting has been referred to the Traffic Engineering Department for review.

b. Route 360, Westbound Lane at Manquin - The area of the westbound lane of Route 360 at Manquin where the pavement is rough is now scheduled to be milled out and repaved during the second week of November on the days immediately preceding and following the Veteran's Day holiday.

c. Six Year Plan - Mr. Stunkle advised that at the Commonwealth Transportation Board meeting in October, it is expected that the Board will address the remainder of the shortfall in the Six Year Plan. He indicated that he should have some information from this meeting to report to the Board at its November meeting.

d. Retirement of Assistant Superintendent of Rumford Office - Mr. Stunkle indicated that Mr. Mike Lipscomb has retired as Assistant Superintendent of the VDOT Rumford office effective October 23, 2009, and that Mr. Steve Smallwood from Caroline County has been appointed to serve in this capacity.

Thereupon, D. L. Wright requested that the County Administrator prepare a Resolution of Appreciation on behalf of the Board to be presented to Mr. Mike Lipscomb at a future meeting.

e. Drainage Problem on Mt. Columbia Road (Route 639) - T. G. Smiley discussed a drainage problem on Mt. Columbia Road and requested VDOT to look at this situation.

f. Drainage Problem on Hazelwood Road (Route 608) - O. O. Williams thanked Mr. Stunkle and VDOT for correcting the drainage problem on Hazelwood Road as was requested at the Board's September meeting.

g. Smokey Road (Route 609) - O. O. Williams discussed an issue with Mr. Stunkle concerning the quality of work in the paving and surface treatment of roads, particularly the work done recently on Smokey Road (Route 609) from Route 600. He felt it to be of very poor quality. He also cited similar problems with paving work done on Old Footpath Road. Mr. Stunkle advised that he would look into this situation.

h. VDOT Installation of Drain Culverts - O. O. Williams inquired if VDOT has discontinued installation of drain culverts for homeowners. Mr. Stunkle

responded that as of October 15, 2009, VDOT no longer has to provide this as a free service. A homeowner will still need to secure a permit to put in a private entrance pipe and now will be given the option of hiring a contractor, or, for the time being at least, VDOT will quote a price for doing the work. A Performance Bond for \$1,000.00 is also required by VDOT for this work.

i. Six Year Plan Update - The County Administrator inquired when the process will begin to update the Six Year Plan if the new revenue projections will be out in November. Mr. Stunkle indicated it probably will be after January 1<sup>st</sup>.

j. Setting of Public Hearing to Consider Proposed Abandonment of a Section of 13<sup>th</sup> Street in West Point Town - On motion by C. T. Redd III, seconded by T. G. Smiley and carried unanimously, the Board set a public hearing to be held during its November 23, 2009, regular meeting to consider proposed abandonment of a section of 13<sup>th</sup> Street (also known as Secondary Route 1102) east of Lee Street (also known as Secondary Route 298) in the Town of West Point. Said section of road is further described as the last 0.02 mile of 13<sup>th</sup> Street (Route 1102) from its intersection with Lee Street (Route 298) east to the dead end.

**RE: INTRODUCTION OF THOMAS SHEPLEY, NEW DIRECTOR OF THE PAMUNKEY REGIONAL LIBRARY**

Mrs. Audrey Mitchell, Librarian at Hamilton-Holmes Middle School and the King William County representative on the Pamunkey Regional Library Board of Trustees, addressed the Board to introduce Mr. Thomas Shepley, the new Director. Mr. Shepley replaces Mrs. Fran Freimarck, who recently retired. Mr. Shepley began his duties as Director effective August 12, 2009.

Mr. Shepley expressed appreciation to the Board for its past support of the Pamunkey Library, and indicated that he is looking forward to working with the Board in the future.

**RE: STATUS OF PUBLIC HEARING ON PROPOSED THIRD PARTY BILLING SERVICES ORDINANCE AND AWARD OF CONTRACT FOR SAME**

County Administrator, Frank Pleva, reported that this public hearing was originally set for this meeting, but because the newspaper did not publish the ad, the hearing needs to be reset to be held on November 23, 2009.

Thereupon, on motion by C. L. Schools, seconded by D. L. Wright and carried unanimously, the new date for conduct of a public hearing to consider a proposed Third Party Billing Services Ordinance and award of contract for same was set for November 23, 2009, during the Board's regular monthly meeting.

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

a. Mt. Olive Community Improvement Project - The County Administrator reported that the contract for installation of the guard rail at the Gray Manor Subdivision entrance has been submitted to Rural Development. As a reminder, the County Administrator advised that VDOT had come in after the road was built and indicated that guardrails were needed at the entrance, and that the plans they originally approved did not show guardrails. A grant has been secured through Rural Development (formerly the Farmers Home Administration) for the guardrails, and with the submittal of the contract, the contractor should begin installation within the next 30 days.

Mr. Pleva also advised that a pre-bid meeting was held last week , with bids being due on November 3, 2009, for the part of the utility lines which the self-help crew could not do, which is basically the bores under the roads for the laterals. A Rural Development grant has also been secured for this funding.

b. Regional Broadband System - The County Administrator reiterated his statements from the August Board meeting indicating that the ten counties in the Middle Peninsula and Northern Neck joined together to submit a \$19 million grant request to the Federal government for stimulus funds to build a "backbone" through the Middle Peninsula and Northern Neck to provide high speed internet service to the region. Some notification should be received on the award of this application in the month of November.

Continuing, Mr. Pleva reported that since this application was submitted, one of the attorneys that helped the County participate in this grant submittal, Mr. Jeff Gore of the law firm, Hefty and Wiley, Inc., is proposing to set up a regional broadband authority that would deal with implementation of the grant, if it is funded, and if the system is built, providing regulations on how vendors would connect to it, fees, etc. If

the grant is not funded, or the County does not participate, then it will be of no consequence, but, Mr. Gore is trying to prepare so if the grant money is received, the County would be in a position to implement the next phase, the design phase, as soon as possible. At this time the County Administrator is seeking authorization to hold a public hearing to consider establishment of a Regional Broadband Authority. It takes 30 days notice to set up this type of authority and advertising requirements cannot be met for the November meeting. The public hearing would be set for the December 14, 2009, meeting.

Thereupon, on motion by C. T. Redd III, seconded by C. L. Schools and carried unanimously, the Board authorized a public hearing be advertised for its December 14, 2009, meeting to consider the establishment of a Regional Broadband Authority.

c. Virginia Department of Mines, Minerals & Energy– Energy Audit - The County Administrator reported that the Virginia Dept. of Mines, Minerals & Energy has approximately \$9.5 million for energy – “go green” projects, and stimulus funds. In a recent meeting of the regional Planning Commission attended by County Administrators and Managers in the Middle Peninsula, it was determined that an application should be submitted for regional funding to be administered by Bay Aging, the regional agency that provides services to senior citizens and administers winterization programs for low to moderate income families. This application would be for building in the capacity for energy audits for citizens as well as small businesses. There may not be funding for the improvements, but if someone wanted to know how to make their house or business more energy efficient but needs someone professionally to provide that service, whether its windows, insulation, upgrading HVAC systems, etc., then this proposal, if approved, would provide training to existing staff at Bay Aging in this capacity. This is a one-time application and no local matching funds will be required. This program is not just targeted at low to moderate income persons but would be eligible to anyone in the ten county region.

C. T. Redd III voiced his opinion that this proposed energy audit would be a total waste of money, that he would much rather see an application submitted for monies to actually do the needed repairs to windows, roofs, insulation, etc.

The County Administrator explained that if the need is audited, then the homeowner could apply for funding under the Winterization Program administered by Bay Aging.

**RE: APPOINTMENTS**

a. Wetlands Board – Two Members, One to Fill a Vacated, Unexpired Term Ending 10/31/11, and One Member for a Five Year Term, Term of Lee H. Westerman Expired 9/30/09 - On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board reappointed Lee H. Westerman to serve a five year term on the King William County Wetlands Board, and tabled action on the appointment of an individual to fill the vacated, unexpired term ending October 31, 2011. Mr. Westerman's five year term will expire September 30, 2014.

b. MP-NN Community Services Board – One Member, Three Year Term, Term of Terri E. Hale Expires 12/31/09 (NOTE: Ms. Hale is not eligible to serve an additional term) - On motion by C. T. Redd III, seconded by C. L. Schools and carried unanimously, the Board tabled action on this appointment and authorized that the availability of the position be advertised.

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

No persons appeared to speak.

**RE: BOARD OF SUPERVISORS' COMMENTS**

D. L. Wright requested that the County Administrator and the County Attorney draft an ordinance for the Board's review to prohibit the discharge of firearms in subdivisions. He feels this is a serious matter and it needs to be addressed.

Various other Board members thanked the County citizens for their interest and attendance at this meeting.

**RE: ADJOURNMENT OF MEETING**

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

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Frank A. Pleva, County Administrator

County Administrator