

MINUTES

KING WILLIAM COUNTY

BOARD OF SUPERVISORS

MEETING OF DECEMBER 14, 2009

AT A MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 14TH DAY OF DECEMBER, 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 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 T. G. Smiley and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the following changes: Under Item 6, "Consent Agenda" Item 6e "Adoption of FY 2010-11 Budget Preparation and Adoption Schedule" was added; Item 6f "Adoption of Board of Supervisors Monthly Meeting Schedule for 2010" was added; and Item 7 "Adoption and Presentation of Resolution of Appreciation to the King William High School 2009 State Champion Cheerleading Squad" was moved to the January, 2010 meeting agenda.

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

a. Jeanette Wagner of the Mangohick District, addressed the Board on the topic of what she feels is lost county revenue and how to capture it. She cited situations where she thought the County could improve in its collection of Building, Electrical, and Plumbing Permit Fees, Health Permit Fees, and BPOL taxes on businesses. She asked the Board to re-think its procedure of issuing such permits in

order to get the fees and tax monies into the County coffers and therefore, ease the tax burden on everyone else.

b. Steve Morgan of 106 Indian Fields Drive, discussed the draft ordinance regarding the discharge of firearms coming before the Board at this meeting. He presented a packet of information to the Board detailing his concerns and ideas about the issue, and asked the Board to review and consider it.

c. Jason Butcher of the Mangohick District also spoke to the Board regarding the draft ordinance for the discharge of firearms indicating that the information printed in the newspaper stated that it shall be unlawful to shoot a firearm or arrows from bows on any lot of 5 acres or less, or within 100 yards of any building occupied or used as a dwelling or place where the public gathers. He stated that he owns 5 acres and enjoys target practice on his property with his family. He explained that where he shoots is not within 100 yards of any dwelling except his own. He feels the new ordinance should not include the dwelling you live in.

d. Robbie Sparks, President of the King William County Volunteer Fire Department and Rescue Squad, Inc., addressed the Board seeking consideration of an extension of the due date for repayment of \$15,738.34, which was appropriated to the Department at the Board's March 23, 2009, for the purchase of cardiac monitors for their ambulances, with an anticipated repayment date of December 31, 2009. Mr. Sparks requested that the Department be allowed to repay this amount in installments of \$7,869.17 on December 31, 2009, and \$7,869.17 on January 29, 2010.

Mr. Sparks also updated the Board on some of the Department's upcoming winter happenings such as the Salt Fish Breakfasts, the annual Santa Runs and the Santa Breakfast.

e. Steven Payne of the Mangohick District, discussed the draft firearms ordinance stating that he owns 4.87 acres and enjoys being able to target practice on his property. He indicated that his shooting range is more than 100 yards from any of his neighbors, however, it is not more than 100 yards from his residence. He stated that to his knowledge, he has never had any complaint filed against him for his target practice activities. He indicated that he has a safe area to shoot which includes a bullet trap, and none of his bullets leave the confines of his land. He stated that the

proposed ordinance would make it illegal for him to engage in a sport he has enjoyed for the past 14 years on his property. He asked the Board to not impose a gun control ordinance that would interfere with the rights and privileges of homeowners on their own property.

f. G. C. Robinson, owner of 32 acres in the Manquin area that is zoned Agriculture/Conservation (A-C), also spoke to the Board concerning the draft firearms ordinance indicating his opinion that the proposed restrictions on the discharge of firearms or arrows should be adopted for small lot subdivisions and not for large acreages, and should not be restricted within 100 yards of your own dwelling.

g. Charles Green addressed the Board regarding the draft firearms ordinance stating that he and his family own 86 acres with a farmhouse on it located at 346 Shooting Box Road in King William. They have a shooting range located on this property that is well within 100 yards of the farmhouse due to the topography, that they feel is perfectly safe for target practice. They also have a hunt club that uses this property for hunting. This draft ordinance, as it is now written, would limit his ability to legally target practice on this property.

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 November 23, 2009, were approved as written.

b. Claims against the County for December, 2009, in the amount of \$727,735.76 as follows:

(1) General Fund Warrants #71679-71825 in the amount of \$458,173.60; Manual Check #71654 in the amount of \$17,902.50; Direct Deposits #13410-13514 in the amount of \$192,567.05; and Electronic Tax Payment in the amount of \$59,092.61

(2) For informational purposes, Social Services expenditures for the month of November, 2009, Warrants # 307843-307904 in the amount of \$31,819.43; Direct Deposits #2215-2232 in the amount of \$31,215.21; and Electronic Tax Payment in the amount of \$10,022.08

(3) For informational purposes, Circuit Court expenditures for the month of November, 2009, Warrants #71655-71662 in the amount of \$5,850.25; Direct Deposits #356-359 in the amount of \$10,402.40; and Electronic Tax Payment in the amount of \$3,409.73

(4) For informational purposes, Comprehensive Services Act Fund expenditures for the month of November, 2009, Warrants #71664-71677 in the amount of \$47,166.31

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

c. Re-Authorized a Public Hearing to be set for January 25, 2010, during the Board's regular monthly meeting beginning at 7:00 p.m. in the Board Room of the County Administration to consider Zoning Case #Z-07-06, Request to Revise Proffers: Tax Map#28-1; Owner/Applicant: Highview Journey, LLC

d. Adopted the proposed FY-11 Budget Calendar as presented by the County Administrator

e. Adopted the proposed regular monthly Meeting Calendar for the year, 2010, as presented by the County Administrator

RE: ADOPTION AND PRESENTATION OF RESOLUTION OF APPRECIATION TO RYAN T. HOOPER, SR. FOR HIS MILITARY SERVICE ON FOREIGN SOIL

On motion by D. L. Wright, seconded by C. T. Redd III and carried unanimously, the Board adopted the following Resolution of Appreciation for Sgt. Ryan T. Hooper, Sr. for his military service on foreign soil. Sgt. Hooper also has been employed with the King William Sheriff's Office for five years, most recently as a Sergeant.

RESOLUTION OF APPRECIATION

WHEREAS, Ryan T. Hooper, Sr., a Technical Sergeant with the Virginia Air National Guard's 192nd Security Forces Squadron, has faithfully served his nation with four deployments to the Middle East and one humanitarian relief deployment in state; and

WHEREAS, Mr. Hooper has been awarded many military decorations, including but not limited to, the Air Force Commendation Medal, the Air Reserve Forces Meritorious Service Medal, the Iraq Campaign Medal, the Global War on Terror Service Medal, and the Virginia National Guard Service Ribbon; and

WHEREAS, Mr. Hooper began his military career at the age of twenty, and has been active with the Virginia National Guard for twelve years; and

WHEREAS, Mr. Hooper has been with the King William Sheriff's Office for five years, most recently as a Sergeant; and

WHEREAS, Mr. Hooper was born and raised in West Point in King William County on February 28, 1978, the son of Robert Temple and Mary Ann Hooper; and

WHEREAS, Mr. Hooper is married to Amy Nicole Hooper and has one son, Ryan Taylor Hooper, Jr.; and

WHEREAS, Mr. Hooper has two sisters, Roberta Lynn and Renee Tameson and one brother, Robert Temple;

BE IT RESOLVED, that the King William County Board of Supervisors congratulates Mr. Hooper on his numerous decorations and accomplishments; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the King William County Board of Supervisors expresses its deep appreciation to Mr. Hooper for his courageous service to his country and community; and

BE IT FINALLY RESOLVED, that a copy of this resolution expressing the sense of this Board of Supervisors on this matter shall be spread upon the meeting minutes of said Board of Supervisors.

Sgt. Hooper was present at this meeting and received the Resolution of Appreciation from Chairman, O. O. Williams.

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

Residency Administrator, Charles Stunkle, addressed the Board to provide an update on transportation issues.

a. Mitchell's Mill Dam - He had reported at the Board's November meeting that Mitchell's Mill was awaiting the final inspection and certification of the Dam. There still is no real update on this yet, but Mr. Stunkle indicated his understanding that the Dam owner has gone back and put a cable across the roadway behind the VDOT signs. The owner apparently felt there could be some potential liability from people going around the signs and driving through.

b. Road Closures Due to High Water - Mr. Stunkle reported that numerous roads were closed with minor washouts due to the recent rains

c. West Point Creek Fill Settlement - Mr. Stunkle advised that a consultant is working on plans for the final fix for the West Point Creek fill settlement at the Mattaponi River Bridge. Once these plans are firm and VDOT has some proposed traffic control, public comments will be solicited. Once the project gets underway, the current timeline sets the advertisement date for September, 2010. This will be a fairly lengthy process with lane restrictions, etc.

d. Changes in the VDOT Residency Offices - Mr. Stunkle made the Board aware that the blueprint for VDOT, Phase III, which includes the consolidation of the Residency offices, including the Bowling Green office out of which he works, will be notified the week of January 4, 2010, and final consolidation will take place by April 23, 2010. In this interim, he would like to get whoever the VDOT contact person for King William County will be, to a Board meeting for introduction.

e. Water and Drainage Problems - O. O. Williams again discussed water problems and drainage problems created by stopped up ditches along several roadways in his area. He reported that he has received many calls from his constituents during this last rain ordeal about their properties being flooded because of water draining off the highway onto their land due to stopped up drainage ditches. Mr. Williams questioned if all of the pipes under the roads have easements that the run-off water drains onto or does the water just run into the woods and no one has to maintain the drainage? It was indicated by Mr. Stunkle that not all of VDOT's outfalls are within easements, unfortunately, particularly on the secondary roadways. These outfalls have been in place for many years and the landowners at the time, knew they were there, but there are no easements, and perhaps now there may even be new landowners. Mr. Williams then questioned who is responsible for keeping the drainage pipes open so they will operate properly. Mr. Stunkle responded that VDOT will do what is necessary in an emergency to get them open. Mr. Williams advised Mr. Stunkle of a property owner in his area that had 6 ½ inches of water in the garage of his new house because the water did not flow through the pipe to go across the street as it should have. Mr. Stunkle indicated that VDOT is aware of this problem and is on site and trying to get the pipes opened up. He explained it is unfortunate that 40% of the annual rainfall has come in 10% of the time period, and has created drainage conditions that VDOT has never experienced before. He assured Mr. Williams that if VDOT receives a call, they will go out and try to open up the drainage pipes to make sure they are functioning.

RE: PRESENTATION OF VIRGINIA STATE FIRE & EMS STUDY FOR KING WILLIAM COUNTY – CHIEF KEN BROWN, VIRGINIA FIRE BOARD

Chief Ken Brown of the Virginia Fire Board, addressed the Board to review the Fire and EMS Study conducted for King William County, as was requested. Chief Brown explained that, when requested, the Virginia Fire Board will conduct a Study for localities and give recommendations of things that may improve the delivery of fire and rescue services. He indicated that this report/Study only provides suggestions of what might be done. He explained that some of the areas they were requested to look at included: Department locations; Equipment needs; Departmental staffing; Budgeting; and Fire and EMS response targets. This was broken down into four themes – Personnel; Organizational development; Budget; and All Hazards Committee. In Theme 1 (Personnel) it became very apparent as was very clearly heard from the responders that daytime coverage is in need of some help. He indicated that this is not because there aren't any volunteers, it is because there are not enough volunteers available during the day to cover the call volume that is steadily increasing. Continuing his review of this Study with Theme 2 (Organizational Development), Chief Brown stated the need for more leadership training, some incentives for the volunteers and improved internal communication. Also, cited was the need to initiate a title change for a County-wide Fire-Rescue Emergency Management Chief position, which would have decision-making powers and oversee and enforce the decisions, in conjunction with the individual department chiefs, and the need to also create a volunteer Countywide Deputy Fire-Rescue Chief position, that would be second in rank structure. There already exists a great job description for this position, it just needs to have the backing of the Board of Supervisors to carry out the duties and oversee the total operation. A need was also seen for training coordination. A good training program is needed in today's time because there are so many advances and changes that a good training program is required for the volunteers' safety and the safety of the citizens. The Board might wish to think about establishing a Career Training Officer position.

Another topic Mr. Brown indicated he heard about from the responders for this Study was the need for a Combination System. He explained that there are two types of Combination Systems, one is a Volunteer System supplemented by Career Staffing in the times of need, and the other is a Career System supplemented by Volunteers.

It was also suggested that the Board review the Response Districts and re-evaluate some of the boundary lines to make sure that assets can get to the scene as quickly as possible. There is a need to locate a new fire-EMS station in the Courthouse area.

In discussing Theme 3 (Budget issues), the Study recommends that each Company create its own suggested Budget, justify its expenses, send it in, and it then be administered by the Fire-EMS Management Chief. He would be able to adjust it so as to have the best use of resources. A central purchasing program for larger items like group insurance, fuel, personal protective equipment, etc. is suggested. In addition, some type of system-wide capital improvement plan should be put into place for major expenses like apparatus.

Continuing the Study review under Theme 3 (Budget issues), Mr. Brown suggested that some type of Accountability Practices be put into place by developing a written policy for Fire and EMS short and long-term goals for public safety. He only briefly discussed the need for a Radio System Upgrade because he understood it currently is in the state of being upgraded. He stated that this will greatly improve the cooperation between organizations as well as the quality of the operations once the new Dispatch System is in place, as well as the recommendation to add some dispatchers to insure adequate coverage at all times, with the possibility of having several calls going on simultaneously. Another topic discussed was the need for a comprehensive funding analysis including the establishment of a Revenue Recovery Program.

Finally, Theme 4 (All Hazards Committee), Mr. Brown indicated that this Committee is already in place, but it is suggested that the Board refine/re-structure it somewhat, give more direction to the group, and have them become more of an overall policy board to determine general policies. Also, develop a Chief's management committee that would develop these policies, put them into place, and actually govern the policies.

He completed his review of the Study indicating that this document merely provides findings and recommendations and identifies opportunities for improvement.

RE: DISCUSSION ON STATE REVENUE REDUCTIONS FOR FY-10

Frank Pleva, County Administrator, advised the Board that information was received in November that reductions in state aid to the Constitutional Offices and the Registrar's Office will total approximately \$80,000.00. These reductions are not included in the County's budget since they were made subsequent to the state budget approved by the General Assembly. Each of the Constitutional Officers and the Registrar have been asked to submit a report detailing where the cut will be made from their departmental budget. These reports have been received and presented to the Board for review.

Thereupon, the Chairman invited the Constitutional Officers and the Registrar to address the Board.

Stephen Palmer, Commonwealth's Attorney, addressed the Board stating if the Board determines that the state cut for his office in the amount of \$3,462.97 cannot be absorbed by the County, it will mean that it will have to come from the salary of his one staff person. He explained that the Commonwealth's Attorney's office is the only office of the five Constitutional officers with one paid staff employee. This one employee is responsible for handling all criminal matters affecting King William County. Every work day the caseload is constant and therefore, this employee does not even take the vacation time she is allotted each year. She has come to work when she was ill, to assist him in Court. He stated that she has been an excellent employee for the County since 1998, and could not be replaced if she chose to seek other employment due to a reduction in her current salary. He continued that he has consistently kept his operating budget at a minimum and does not spend County funds except on necessities. This fiscal year, his budget is \$5,300.00. With such a low operating budget amount, there is no room for cuts to any specific line item, and he strongly opposes any salary reduction to the salary of his one staff employee. He indicated that the proposed reduction by the Compensation Board of \$3,462.97 would place the salary of his one employee at an income level below her 2006 salary. He is therefore, requesting that this budget reduction be absorbed by the County.

In the alternative, Mr. Palmer suggested that Commonwealth Attorney's asset forfeiture funds be used of help offset any reductions. He stated that as part of

criminal drug convictions in King William County, his office received asset forfeiture money from the Department of Criminal Justice Services (DCJS). He currently has \$1,756.72 available. Normally these funds have limited spending parameters, however, DCJS has recently approved the use of these funds for budget reductions this fiscal year. Mr. Palmer continued, requesting that the budget reduction of \$1,706.25 (\$3,462.97 less \$1,756.72) be absorbed by the County to maintain this critical position of legal assistant to the Office of the Commonwealth's Attorney of King William.

Sheriff Jeff Walton addressed the Board to discuss the budget reductions from the State Compensation Board in the amount of \$45,898.07 for the Sheriff's Department. The only funds the Sheriff's Department receives from the State is for salaries. He explained that his current operating budget is bare minimum to begin with and there is little room for adjustments. He indicated, however, that there has been a vacancy for the last 4 months due to a deputy being deployed to Afghanistan in the Air Force Reserves, which is a savings on the local level of \$18,512.52 that can be used to offset the reduction. Also, he indicated that he has \$14,868.00 in part time funds from the Compensation Board remaining, and he has frozen these funds. The Sheriff indicated that he has developed three options for suggested cuts for his Department, and would prefer that option 3 be an absolute last resort situation because it would essentially eliminate one deputy position. These options have previously been forwarded to the Board.

Patricia Norman, Circuit Court Clerk, appeared before the Board to discuss the state reductions for the Circuit Court Clerk's office. She stated that the reduction of \$14,116.13 would have to come from the salary of the DC1 position in her office. She has received notification from the State Compensation Board that this position will have to be let go in mid or late December, 2009. She asked the Board to consider keeping this position either part time or full time.

Harry L. Whitt, Treasurer, addressed the Board stating that the state reduction in funding to his Office is \$4,949.00, and if cuts must be made, he has only two line items where these funds can be cut from, which are Postage and Part-time Help. He explained that less past due notices will be mailed out, less warrants, less collection

efforts. This will mean that taxpayers who pay their taxes on time, will have to pay for the ones not collected from. He indicated this creates a big concern for him in that the less funding and the less personnel he has, the less taxes he will be able to collect. He reported that if the tax collection rate decreases by only ½%, that doesn't sound significant, but that translates into approximately \$100,000.00 in tax revenue. He cautioned the Board to be mindful of how its Revenue Source is cut.

Susan Mickens, General Registrar, addressed the Board regarding the state reductions to her office. She indicated that the Electoral Board budget can absorb its decreases and the cuts from the General Registrar's budget can come from the line item for her Hospital/Medical Insurance. She explained that this line item has \$7,120.00 and at the present time, she is not enrolled. She stated her understanding that it is the County's responsibility to have this coverage for its employees, but she is enrolled with her husband, therefore, she took half of this amount for the six months of the current fiscal year that have already passed, and applied it to the reduction. Continuing, she advised that she did not take the full amount because she may come to have to rely on this insurance coverage for the remaining six months of this fiscal year.

Sally Pearson, Commissioner of the Revenue, was not present at this meeting but did submit written information to the Board concerning the line items where she would like the state reduction of \$5,053.00 to be taken from.

Following these presentations, the Board, by general consensus, determined that it would leave it up to each individual Constitutional Officer and the Registrar to make the decisions regarding where the reductions in their departments would be made.

Whereupon, following discussion by various Board members, a motion was made by C. L. Schools to not fund the State Compensation Board reduction in the amount of \$79,047.74. This motion was seconded by C. T. Redd III, and carried with the following roll call vote:

O. O. Williams	Nay
T. G. Smiley	Aye
C. T. Redd III	Aye
D. L. Wright	Nay
C. L. Schools	Aye

**RE: PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION TO
CREATE THE MIDDLE PENINSULA BROADBAND AUTHORITY – FRANK A.
PLEVA, COUNTY ADMINISTRATOR**

County Administrator, Frank A. Pleva, advised that this is a public hearing being held by each of the respective Board of Supervisors of Essex, Gloucester, King & Queen, King William, Mathews, and Middlesex Counties to receive comment on and to consider the proposed adoption of a concurrent resolution to create the Middle Peninsula Broadband Authority as authorized by the Virginia Wireless Service Authorities Act of the Code of Virginia. The purpose of the proposed regional broadband authority is to facilitate the deployment of high speed internet and communications services (broadband) to residents, businesses, institutions and governmental agencies throughout the unserved and underserved portions of each county on the Middle Peninsula.

The Northern Neck will be forming its own Authority and will be part of the two-regional stimulus application to build a regional backbone for broadband service, which is estimated to cost approximately \$19M dollars. We have made the second round of the evaluation process because the federal government, that evaluates the grant applications, has asked for information relating to zoning regulations governing communications facilities, etc.

Thereupon, the Chairman declared the public hearing open and the following persons addressed the Board:

Robert Kenney, a resident of Marl Hill Road in the Second District, spoke in favor of this proposed Authority. He stated that today's businesses are unable to efficiently operate without high speed data or internet connections. If the County expects to compete with surrounding localities for new businesses and industries, we must be able to provide that type of infrastructure, therefore, he strongly supports the resolution to create the Broadband Authority. It is a necessary step to build the infrastructure needed to attract new businesses to this area.

Mr. Kenney did state several concerns including, why the Middle Peninsula counties and the Northern Neck counties are creating two separate authorities to implement the creation and operation of this fiber optic network. Also, why is the

Middle Peninsula Planning District Commission listed as the lead applicant? In addition, according to the proposed Resolution, all the initial members of this Authority are to be the County Administrators. He felt this gives the Authority tremendous administrative capabilities but not much experience in operating and construction of this fiber optic network.

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

Whereupon, the County Administrator responded to the questions raised by Mr. Kenney. He indicated that the Northern Neck, if the grant is funded, wanted to create its own small Authority to manage the portion of the backbone of the Northern Neck. It was then decided that a similar Authority needed to be created in the Middle Peninsula.

The Northern Neck Planning District Commission was the lead agency in applying for the grant because there is no Authority existing on either Neck at this time. There had to be an applicant. The counties in the Northern Neck and in the Middle Peninsula came together through the regional Planning District Commissions, actually in the Northern Neck first, and that is why the Northern Neck PDC became the applicant and the lead contact agency for the grant. If and when the grant is funded, the Authorities take over and implement the grant.

As far as the County Administrators of the counties of the Middle Peninsula being the initial members of the Authority, the structure was just based after other areas such as on the Eastern Shore. Once under implementation, the County Administrators will most likely rely on information from individuals who have actually done this for a living.

Thereupon, at the request of C. T. Redd III, action on consideration of adoption of the concurrent Resolution Creating the Middle Peninsula Broadband Authority was tabled until the Board's January meeting.

RE: DISCUSSION OF DRAFT SHOOTING ORDINANCE AND CONSIDERATION OF SETTING PUBLIC HEARING ON SAME

T. G. Smiley expressed his opinion that he does not feel a countywide ordinance for control of the discharge of firearms is needed. He compared this to the

County leash law of several years ago, when it was determined that the leash law was needed in subdivisions. He suggested that this proposed ordinance be patterned in the same fashion as the County leash law, with the homeowners in a particular subdivision petitioning the Board to adopt such an ordinance for that subdivision.

D. L. Wright stated that he concurs with Mr. Smiley, and asked the County Attorney if this can be done. L. M. Chenault, County Attorney, responded that the Board requested that a very simple straight forward ordinance be drafted, which was done, to generate discussion, and this is what has been done. Mr. Chenault indicated that the State Code states that control can be set in limited areas for the reason of safety. Also, in the draft ordinance, the lot size of 5 acres was used. This can be reduced to a smaller lot size. Continuing, Mr. Chenault indicated his understanding that there could be some concern in the smaller lot subdivisions, because there isn't much room between the residences.

C. T. Redd III stated that he agrees with Mr. Smiley and Mr. Wright, and recommended that the County Administrator and the County Attorney rework the draft ordinance to make it more subdivision oriented and change the language to require a majority of the homeowners to petition the Board that this be adopted in that particular subdivision. This would be done subdivision by subdivision.

C. L. Schools stated concern about how the Sheriff's Department would be able to enforce this law if only adopted for certain subdivisions as requested by petition from the homeowners. He would prefer to have a Countywide ordinance that would permit this on a lot of a certain size that is not within 300 feet of another residence. He indicated he is in favor of this ordinance also for subdivisions, but he also sees a problem where some areas have developed that may have 6,7,8, maybe 10, five acre tracts of land that were split off and built on, but were never really classed as a subdivision. He feels this ordinance needs to contain a provision that would allow residents who are really in close proximity to each other on a five acre lot, three acre lot, etc. to be able to be covered by this.

Various other Board members stated their opinions that the more exceptions to the ordinance there are, the more difficult it will be to enforce.

L. M. Chenault, County Attorney, advised that one thing the Board may wish to consider is the concern about homeowners not being able to protect themselves, and their rights to own firearms. This Board has no right to infringe upon any Second Amendment rights of a citizen to own firearms. He would strongly suggest that the Board add some language to the proposed ordinance that clarifies this, that would relieve any anxiety that anyone may have. As far as shooting outside of subdivisions, some language can be added to the ordinance to prohibit shooting within a certain yardage of a residence. If this is done, some exception needs to be included that would allow a homeowner to shoot within 100 yards of their own house.

Thereupon, T. G. Smiley made a motion to have the County Administrator and the County Attorney prepare a draft ordinance for the Board's review at its January, 2010, meeting, relating to the discharge of firearms in subdivisions, with the provision that the majority of the homeowners in any particular subdivision can petition the Board of Supervisors to adopt this ordinance in their particular subdivision. This motion was seconded by C. T. Redd III, and carried unanimously.

RE: APPOINTMENTS

a. Middle Peninsula Disability Services Board – Two Year Terms, Terms of Frank A. Pleva, Primary Member, and Terri E. Hale, Alternate Member, Expire 12/31/09 - On motion by C. T. Redd III, seconded by C. L. Schools and carried unanimously, the Board reappointed Frank A. Pleva, as the Primary Member, and Terri E. Hale as the Alternate Member, representing King William County on the Middle Peninsula Disability Services Board for a term of two years. Said terms will expire December 31, 2011.

b. Middle Peninsula Regional Airport Authority – Primary Member, to Fill Vacated, Unexpired Term Ending June 30, 2010 - On motion by C. T. Redd III, seconded by C. L. Schools and carried unanimously, the Board appointed T. G. Smiley to fill the vacated, unexpired term ending June 30, 2010, as the primary member representing King William County on the Middle Peninsula Regional Airport Authority.

c. Tri-River Alcohol Safety Action Program – One Member, Three Year Term, Term of J. Terry Osborne Expires 12/31/09 - Action on this appointment was tabled until the Board's January, 2010, meeting, at the request of D. L. Wright.

d. Virginia Peninsulas Public Service Authority – For Year Terms, Terms of Frank A. Pleva, Primary Member, and Terri E. Hale, Alternate Member, Expire 12/31/09 - On motion by T. G. Smiley, seconded by D. L. Wright and carried unanimously, the Board reappointed Frank A. Pleva as the Primary Member and Terrie E. Hale, as the Alternate Member representing King William County on the Virginia Peninsulas Public Service Authority for a term of four years. Said terms will expire December 31, 2013.

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

a. Request from King William County Volunteer Fire Department and Rescue Squad, Inc. for Extension of Time on the Repayment of \$15,738.34 - During the Board's first public comment period at the beginning of this meeting, Mr. Robbie Sparks, President of the King William County Volunteer Fire Department and Rescue Squad, Inc. asked the Board for an extension of the due date for the repayment of \$15,738.34, which was appropriated to the Department at the Board's March 23, 2009, meeting for the purchase of cardiac monitors for their ambulances.

C. T. Redd III made a motion to forgive the repayment of the \$15,738.34 by the King William Fire & Rescue and that this money be taken out of the funds collected in the King William County Meals Tax, with the stipulation that some of these funds be used for repairs to the fire and rescue apparatus. Mr. Redd indicated that fire and rescue services is one of the areas where these funds can be expended. This motion was seconded by D. L. Wright and carried unanimously.

b. Outgoing Chairman, O. O. Williams, expressed his appreciation to the Board for the opportunity to have served as Chairman for the past year.

c. Various members expressed appreciation to the citizens for their participation at this meeting.

d. D. L. Wright congratulated Marian A. White, Executive Assistant to the Board and the County Administrator, for her 35 years of service with King William County.

Mr. Wright also thanked all County employees for their dedication and service in their various jobs with the County.

e. County Administrator, Frank A. Pleva, commended Mr. Williams as Board Chairman for 2009, and thanked the Board for all of their support throughout the year.

RE: ADJOURNMENT OF MEETING

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

COPY TESTE:

Frank A. Pleva
County Administrator