

**MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF OCTOBER 22, 2012**

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 22nd day of October, 2012, beginning at 7:00 p.m. in the Conference Room of the County Administration Building, order was called with the following present:

C. T. Redd III, Chairman
T. J. Moskalski, Vice-Chairman
S. K. Greenwood
T. S. Stone
O. O. Williams

T. L. Funkhouser, County Administrator
D. M. Stuck, County Attorney

RE: REVIEW OF MEETING AGENDA

Chairman, C. T. Redd III called the meeting to order at 7:00 p.m. and agenda changes were discussed.

There was general discussion of the meeting agenda items.

The Board recessed and moved to the Board Meeting Room of the County Administration Building to continue the meeting.

Chairman, C. T. Redd III called the Board of Supervisors meeting to order at 7:30 p.m.

RE: APPROVAL OF MEETING AGENDA

a. On motion by T. J. Moskalski, seconded by T. S. Stone, with the following roll call vote, the Board adopted the agenda for this meeting as presented by the County Administrator.

Those members voting:

S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Aye
T. J. Moskalski	Aye
C. T. Redd III	Aye

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

The Chairman opened the First Public Comment Period.

Ms. Dale Weakley, of the 3rd district, addressed the Board and explained she applied for a permit to build a deck on her property located on West River Road in the 5th district. As part of the process of obtaining a building permit she said was told she is required to apply for an onsite sewage disposal permit with the King William County Health Department. Ms. Weakley said she is very confused and does not understand why this is required and would like the Board to review for an explanation.

Chairman Redd stated Ms. Weakley can request to be put on the agenda for next month but he said he feels this matter can be resolved prior to that meeting.

Ms. Weakley thanked the Board for their consideration and time.

There being no other persons to appear before the Board the Chairman closed the First Public Comment Period.

RE: CONSENT AGENDA

On motion by S. K. Greenwood, seconded by T. J. Moskalski, with the following roll call vote, the Board approved the following items on its Consent Agenda:

- a. Minutes of the Regular Meeting of September 24, 2012.
- b. Claims against the County for the month of October, 2012, in the amount of \$1,325,342.73 as follows:

(1) General Fund Warrants #76937-76938 in the amount of \$818.93 and #76943-77021 in the amount of \$392,929.12; ACH Direct Payments for #2795-2803 in the amount of \$33,033.93 and #2804-2906 in the amount of \$559,653.67; Direct Deposits #17210-17317 in the amount of \$184,924.88; and Electronic Tax Payment in the amount of \$67,972.81 for October, 2012.

(2) For informational purposes, Social Services expenditures for the month of September, 2012, Warrants #309405-309445 in the amount of \$28,443.40; ACH Direct Payments #713-734 in the amount of \$12,164.96; Direct Deposits #2866-2889 in the amount of \$31,434.16; and Electronic Tax Payment in the amount of \$11,328.87.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of September, 2012, Warrants #76939-76942 in the amount of \$2,538.00; and there were no ACH Direct Payments for the month of September.

(4) Tax Refunds for the month of October, 2012, in the amount of \$100.00.

Those members voting:

T. S. Stone	Aye
O. O. Williams	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
C. T. Redd III	Aye

RE: PRESENTATIONS TO THE BOARD

a. VDOT Matters – Sean Trapani, Resident Engineer – Mr. Trapani reported over the last month a lot of maintenance work has been performed in the Town of West Point. He said joint work is in progress with RockTenn at the entrance of the paper mill; work should be completed on this project in the next couple of days.

Mr. Trapani stated all primary route mowing in the County is complete and they are currently working on the secondary route mowing. Some curb and gutter work, to fix some drainage issues, are being addressed on Kirby Street in West Point. Ditching work is being performed on Route 628 and Venter Heights. He said crews will be working on brush cutting in the next couple of weeks on Marl Hill; explaining that Marl Hill is the next road on the County six year secondary road plan list.

Chairman Redd called for questions of Mr. Trapani from Board members.

Mr. Greenwood commented that a constituent in his district expressed concerns about the 35 mph speed limit on Route 658, Indian Church Road. He said this route is very narrow and gravel covers half of the length of the road which is about ½ mile long. He stated the citizen is concerned because several pets and animals have been killed on this road. He asked for the procedures of lowering the speed limit on a specific road.

Mr. Trapani said a study can be requested and gave details of what information is gathered for the study. He stated a study can be performed and completed within 30 days. He also said the Sheriff's office is consulted in the process.

Mr. Williams inquired if a sign can be posted at the end of Commins Road as this is a dead end road. He said there is a lot of truck traffic that goes down this road and there is not enough room for them to turn around when they get to the end.

Mr. Trapani said VDOT will look into the issue and said a sign can be posted.

Mr. Williams asked for an update on the work that is being done on Route 610; the road that goes over Mitchell's Mill pond.

Mr. Trapani said VDOT has the right of way over the dam but the dam does not belong to VDOT. It is his understanding all the work has been completed on the dam but the paperwork from the engineer, certifying the work, has not been approved by dam safety. Until the engineer's paperwork has been approved VDOT cannot complete the work over the dam and the road cannot be opened back up until then.

Mr. Williams also asked about the stretch of road on Route 30 in the area of Cherry Hill and Venter Road, saying the road is very rough in this area.

Mr. Trapani stated this is scheduled for repair on next year's schedule. He said he is aware of this area and they are watching but feels it will be okay until next year.

Mr. Moskalski said there is also a turnaround issue on VFW Road and said a sign needs to be posted to alert traffic. He explained that GPS devices are directing traffic down VFW Road or Chelsea Road which includes truck traffic with a destination to the Industrial Park at the end of VFW. He asked if a sign could be posted.

Mr. Trapani said VDOT can reinforce the through truck sign in this area.

Ms. Stone asked for clarification if a guardrail is a future phase on Venter Road at the creek.

Mr. Trapani said this is special design and not a standard area and is being designed by traffic engineering right now. He said as soon as they receive the design the guardrail will be installed; within a month or two.

Mr. Redd asked for the status on Prospect Road in the Town of West Point and asked if it could be surface treated for the time being.

Mr. Trapani stated the Town will have to designate the funding to build the road. He said VDOT is scheduled to meet with the Town soon to designate funds. He also said the Town has funds from the six year program they can designate to this road.

RE: OLD BUSINESS

The County Administrator mentioned the gas line dedication and ribbon cutting that was hosted by RockTenn on October 9th. He said three Board members were in attendance along with a good turn out from the General Assembly and Virginia Natural Gas. He commented it was a very nice event.

RE: NEW BUSINESS

a. Public Hearing – Proposal to Abandon a Section of State Route 633 (Powhatan Trail) Resolution #12-65 – Chairman Redd opened the public hearing.

Mr. Funkhouser read a written letter received from Ann Brummer Todd opposing the proposed abandonment of the section of State Route 633 (Powhatan Trail). He stated Ms. Todd spoke of her opposition of this proposal during the public comment period at the regularly scheduled business meeting of the Board of Supervisors on October 22, 2012.

Tim Davidson, of Davidson Land Surveying, appeared before the Board representing Lester Manor Village and the owners of Lester Manor Club. Mr. Davidson said Lester Manor is a gem, a privately funded historical interpretation. He explained at present Rt. 633 intersects at the property and ends at the railroad. He said there have been some problems of vandalism most notably trash being thrown on property during the night time hours and this has lead the owners to seek abandonment of this section of the road so they can secure the site. Through the proposed abandonment they are seeking to convert the 30 ft. right of way into a private right of way for the ingress and egress for all the parties concerned.

Continuing he said Norfolk Southern has been contacted; they have given their conditional approval. One condition is the railroad will be provided with a key or combination to the lock of the gate, should one be built. Norfolk Southern will have unlimited, unobstructed gratis access. Norfolk Southern will not be responsible for the maintenance or the upkeep of the road; and no gate will be constructed on railroad property. Both owners are willing to stipulate to these conditions.

Mr. Davidson recommended to the Board that this section of the road be abandoned so this area can be secured. He said one other consideration of the abandonment is that the abandonment would eliminate any public liability that may exist in the existence and operation of Lester Manor.

Mr. Williams asked for further explanation if this is a private village then there would be no public liability.

Mr. Davidson stated before the County maintained roads the Byrd Act brought the road into being maintained under the VDOT domain, which made it a public right of

way. The station that used to be there no longer exists and the whole purpose for the road was to go to the station and to Lester Manor.

Mr. Williams asked for clarification of any preexisting right of way that went down to the pier and down to the water.

Mr. Davidson stated under the plan no party that has legitimate access rights would be denied. He said there are two parcels, owned by Lester Manor Club, and they are allowed access.

Mr. Funkhouser said he thinks Mr. Williams is referring to the historical road that may or may not have existed as a County road that went down to the landing.

Mr. Greenwood asked what would happen in the future if the land no longer belonged to Lester Manor and someone wanted to get the road back.

Mr. Davidson said if Lester Manor Club should change hands the right of way that exists would transfer to the new property owner.

Continuing Mr. Davidson said the abandonment would mean the County would not have to designate funds for the upkeep for the 200 ft. stretch of road. He pointed out there is a railroad crossing at the site and the reduced traffic would be less liability for everyone.

Ms. Stone asked Mr. Davidson if the stipulations Norfolk Southern has requested have been documented.

Mr. Davidson stated he has an email from Norfolk Southern stating the stipulations.

Ms. Stone asked the County Administrator if the County could obtain something official in writing from Norfolk Southern with these stipulations.

Chairman Redd stated conditions of the Board can be made a part of the approval to abandon.

The County Administrator said he would suggest conditions be made a part of the approval of the Board.

Ms. Stone said she would be more comfortable with official documentation from Norfolk Southern.

There was a discussion between Board members, the County Attorney and the County Administrator of suggested changes to the language of the resolution for Board approval.

Don Wagner, of the Mangohick district, asked for clarification if this is a public landing that was taken in under the Byrd Act and if so said the public has the right to use this landing until the County abandons.

Chairman Redd stated there is no physical landing there now.

Mr. Trapani stated the Byrd Act takes the road to the Norfolk Southern railroad. If there is a public right of way on the other side of the railroad VDOT is not aware of it.

Continuing Mr. Trapani said he wanted to make the Board aware that under Section 33.1-151 of the Code of Virginia the minute the Board passes the resolution of abandonment the road is abandoned. He also said if the resolution of abandonment is modified in anyway it will need to be reviewed by the central office of VDOT.

Mr. Redd asked for clarification from the County Attorney that even if the County abandons the road the land owner will need to obtain easements from Norfolk Southern.

The County Attorney stated it is up to the landowner to obtain the easements from the railroad. He pointed out that the railroad does not object to the abandonment given these conditions. He also said the railroad does not control whether the Board abandons the road or not. He said if the Board wants to guarantee these conditions in some way then there is a time period in which the resolution has to be adopted after the advertisement of a public hearing.

There being no other persons to speak for or against this matter Chairman Redd closed the public hearing.

b. Consideration of Action – On motion by S. K. Greenwood, seconded by O. O. Williams, moved to deny Resolution #12-65.

There was a discussion between the Board members regarding the motion to deny Resolution #12-65 with conditions.

Chairman Redd said he personally feels Lester Manor is an asset to the County, Ms. Stone agreed. He said he appreciates the railroad saying they don't have a problem with the abandonment if you agree to the conditions; that is actually

between the railroad and the property owner. He said the job of the Board is to decide whether or not to abandon. He feels the Board has the opportunity to support the individuals who have made the improvements to the property and have actually made it nice for citizens to be able to go and see.

The County Attorney clarified that the statute says within four months after the public hearing you have to enter the order of abandonment.

Chairman Redd called for the vote on the motion to deny Resolution #12-65.

Those members voting:

O.O. Williams	Nay
T. J. Moskalski	Nay
S. K. Greenwood	Aye
T. S. Stone	Nay
C. T. Redd III	Aye

Chairman Redd announced the motion to deny Resolution #12-65 failed.

On motion by T. J. Moskalski, seconded by C. T. Redd III, voted to approve Resolution #12-65 as written.

Mr. Moskalski said the conditions set by Norfolk Southern, them not raising any objections and not being present at this meeting, it seems to him that they feel the conditions have been satisfied and are confident the landowner will take every step to give them reasonable access. He said again the Board can put the conditions in the resolution but once the road is abandoned the Board cannot enforce the conditions.

Ms. Stone said she supports the abandonment of this portion of the road but given the email from Norfolk Southern stating their conditions, she feels they are relying on this Board to ensure that at least their conditions are documented.

Chairman Redd asked the County Attorney for clarification if the Board can make those conditions a part of the abandonment.

The County Attorney said the Board has four months to review before approving the resolution of abandonment.

Ms. Stone said she believes it is the property owners intent to meet the railroad's conditions and to document.

Chairman Redd called for the vote on the motion to approve Resolution #12-65 as written.

Those members voting:

T. J. Moskalski	Aye
S. K. Greenwood	Nay
T. S. Stone	Nay
O. O. Williams	Nay
C. T. Redd III	Aye

Chairman Redd announced the motion to approve Resolution #12-65 as written failed.

On motion by T. S. Stone, seconded by O. O. Williams, with the following roll call vote, the Board voted to table item 11b, proposal to abandon a section of State Route 633 (Powhatan Trail) Resolution #12-65 and requested the County Administrator to gather additional information.

Those members voting:

S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Aye
T. J. Moskalski	Nay
C. T. Redd III	Nay

RE: ADMINISTRATIVE MATTERS – TRENTON L. FUNKHOUSER,

COUNTY ADMINISTRATOR

The County Administrator had no additional information.

RE: PUBLIC COMMENT PERIOD – SPEAKERS: ONE OPPORTUNITY OF 3

MINUTES PER INDIVIDUAL OR 5 MINUTES PER GROUP ON NON-PUBLIC

HEARING MATTERS

The Chairman opened the Second Public Comment Period.

There being no persons to appear before the Board the Chairman closed the Second Public Comment Period.

RE: BOARD OF SUPERVISORS COMMENTS

All Board members thanked citizens for their participation at the monthly Board meetings.

Mr. Greenwood said vandalism occurs no matter whether a road is closed or not; he said doesn't feel rich people can get whatever they want. He also mentioned that the signs of political nature on Rt. 360 and Central Garage are getting out of hand and are obnoxious and prejudice; he said he dislikes the sign on display. He asked that citizens come out and vote on November 6th.

Mr. Moskalski thanked everyone for coming to the meeting and also encouraged everyone to come out and vote.

Ms. Stone said she supports the abandonment of the road but feels the Board should show due diligence and be thoughtful in the approach. She also asked that everyone come out and vote on Election Day.

Mr. Williams said the Board listens to public comments and takes them into consideration. He said hopefully the issue with the deck brought up in the public comment period can be resolved quickly. He also said he hates to see the County abandon any road because they are hard to get back. He also reminded everyone to vote.

Mr. Redd thanked everyone for coming to the meeting and encouraged everyone to vote.

RE: APPOINTMENTS

No appointments

RE: ADJOURNMENT OF MEETING

There being no further business to come before this Board, the meeting was adjourned at 8:20 p.m. on motion by O. O. Williams, seconded by T. S. Stone, and carried unanimously.

Those members voting:

- T. S. Stone Aye
- O. O. Williams Aye
- T. J. Moskalski Aye
- S. K. Greenwood Aye
- C. T. Redd III Aye

COPY TESTE:

C. T. Redd III, Chairman
Board of Supervisors

T. L. Funkhouser,
County Administrator
Clerk to the Board