

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF MARCH 25, 2002

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 25TH DAY OF MARCH, 2002, AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING, THE MEETING WAS CALLED TO ORDER WITH THE FOLLOWING PRESENT:

D. L. WRIGHT, CHAIRMAN
E. P. STEROWSKI, VICE-CHAIRMAN
L. E. BYRUM, JR.
R. S. DIGGS
C. T. REDD, III

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

RE: ADOPTION OF MEETING AGENDA

On motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the deletion of one item – Item #7, Adoption of Resolution of Appreciation, Eagle Scout, Ben Sanders; and the addition of two items – to Item #6, Consent Agenda, added “Set Public Hearing – Zoning Case #Z-06-01, Request for Zoning Map Amendment, with Proffers, Applicant: 3M Farms, LLC”; and to item #8, VDOT Matters, added “King William Volunteer Fire & Rescue – Route 360 Crossover”.

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

No one appeared to speak.

RE: CONSENT AGENDA

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

- a. The minutes of the February 25, 2002, regular meeting, as written.
- b. Claims against the County for February, 2002, in the amount of \$1,297,521.01 as follows:

(1) General Fund Warrants #50489-50668 and #13906-13908 in the amounts of \$1,123,268.67 and \$4,537.82; Direct Deposits #3344-3431 in the amount of \$127,157.09; and Electronic Tax Payment in the amount of \$42,557.43

(2) For informational purposes, Social Services expenditures for the month of February, 2002, Warrants #301508-301575 in the amount of \$41,352.51; Direct Deposits #560-574 in the amount of \$19,810.07; and Electronic Tax Payment in the amount of \$7,178.86

(3) For informational purposes, Circuit Court expenditures for the month of Febru-

ary, 2002, Warrants #50479-50487 in the amount of \$5,686.76 and Direct Deposits #36-38 in the amount of \$7,073.35

(4) For informational purposes, Comprehensive Services Act Fund expenditures for February, 2002, Warrants #50458-50477 in the amount of \$48,537.31

(5) Tax Refunds for the month of February, 2002, in the amount of \$113.12

c. Approved the employment of Sidney Potter as a summer Groundskeeper in the Department of Parks and Recreation

d. Authorized the advertisement of a public hearing for April 22, 2002, during the Board's regular monthly meeting beginning at 7:00 p.m. to consider Zoning Case #Z-02-02, Request for Zoning Map Amendment, Applicant: Queenfield Farm and H. Barnes Townsend

e. Authorized the advertisement of a public hearing for April, 22, 2002, during the Board's regular monthly meeting beginning at 7:00 p.m. to consider Zoning Case #Z-06-01, Request for Zoning Map Amendment, with Proffers, Applicant: 3M Farms, LLC and Wayne McDougale

RE: VDOT MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER

Charlie Stunkle, Resident Engineer, reported to the Board on the following matters:

a. Route 662 – Sharon Road - Mr. Stunkle indicated that a guard rail will be installed on Route 662 around the Sharon Road water basin pit the next time the guard rail contractor is working in the area.

b. Route 625 – Custis Mill Pond Road - Mr. Stunkle informed the Board that the VDOT Traffic Engineer will be investigating the Route 625, Custis Mill Pond Road, area where guard rails were recently installed, for the possibility of the need to put a double line at this location. At the February Board meeting, Mr. C. T. Redd, III indicated that when VDOT installed the guard rails around the pond on this route, it made the traffic come to the center of the road and there is a curve at this location, so he requested a double line in this area.

c. Route 629 From Pampatike Farm Entrance Out to Acquinton School - D. L. Wright stated his concern about the heavy flow of traffic on this route now and the high rate of speed, and requested VDOT to conduct a speed study on this route. Mr. Stunkle indicated that a speed study will be done and a recommendation made at a later Board meeting.

d. Adoption of Resolution – Industrial Access Funds – West Point Veneer, Widening of DuPont Street in Town of West Point - On motion by C. T. Redd, III, seconded by R. S. Diggs and carried unanimously, the Board adopted the following resolution requesting the Commonwealth Transportation Board to consider financing from the Industrial, Airport and Rail Access Fund for the widening of DuPont Street in the Town of West Point.

RESOLUTION

WHEREAS, Virginia Log has purchased property located in the Town of West Point and will soon enter into a firm contract to expand its facilities on that property for the purpose of producing veneer; and,

WHEREAS, this new facility is expected to involve a new private capital investment in land,

building, and manufacturing equipment of approximately \$1,590,000 and West Point Veneer is expected to retain 66 current jobs and employ 10-15 additional persons at this facility; and,

WHEREAS, manufacturing operations are expected to begin at this new facility on or about spring, 2002; and,

WHEREAS, the existing public road network does not provide for adequate access to this facility and it is deemed necessary that improvements be made to DuPont Street (Route 1608); and,

WHEREAS, King William County hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right of way for this improvement, and utility relocations or adjustments, if necessary, will be provided at no cost to the Industrial, Airport, and Rail Access Fund; and,

WHEREAS, King William County acknowledges that the State Environmental Review Process (SERP) must be conducted on this project as a condition of the use of the Industrial, Airport, and Rail Access Fund.

WHEREAS, King William County hereby guarantees that all ineligible project costs and all costs not justified by eligible capital outlay will be provided from sources other than the Industrial, Airport, and Rail Access Fund.

NOW, THEREFORE, BE IT RESOLVED, that the County of King William, Virginia, hereby requests that the Commonwealth Transportation Board provide financing from the Industrial, Airport, and Rail Access Fund to provide an adequate road to this new manufacturing facility.

e. Discussion Concerning Cross Over on Route 360 at Entrance to New King William County Volunteer Fire Department and Rescue Squad, Inc. - C. T. Redd, III questioned Mr. Stunkle about the results of the Traffic Engineer's investigation into the matter of placing a cross-over on Route 360 in front of the entrance to the new King William Fire & Rescue Building, and Mr. Stunkle responded that VDOT's Engineer looked at the site, found that it is feasible, but marginal, to do this, but it can be worked out. However, financing for this type of work is not available from VDOT. Further, Mr. Stunkle indicated that VDOT has just now recently received a sketch and design for this project from the Fire Department, and he has sent it to the Design Department for review and comments.

RE: PUBLIC HEARING – PROPOSED AMENDMENT OF CHAPTER 7.5, ARTICLE II, ENTITLED “MOVING VIOLATIONS”, SECTION 7.5-26, ENTITLED “LITTERING PROHIBITED; PENALTIES” AND SECTION 7.5-27, ENTITLED “UNCOVERED VEHICLES; ALLOWING ESCAPE OF LOAD MATERIAL; PENALTIES” OF THE CODE OF KING WILLIAM COUNTY, VIRGINIA

Frank A. Pleva, County Administrator, advised that these proposed amendments to the Code of King William County, as indicated above, increase penalties for violations of the Code's provisions regarding Littering and Allowing the Escape of Load Materials.

Thereupon, the Chairman declared the public hearing open for comments on these proposed Code amendments.

LaVerne Abrams appeared to speak in favor of these amendments indicating there is a definite problem in the County with trash blowing from moving vehicles.

No one appeared to speak against these proposed amendments.

On motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the public

hearing was declared closed.

**RE: ADOPTION OF AMENDMENTS TO CODE OF KING WILLIAM COUNTY, VIRGINIA,
CHAPTER 7.5, ARTICLE II “MOVING VIOLATIONS”, SECTION 7.5-26 AND SECTION 7.5.27**

On motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the following amendments to the Code of King William County:

**AMENDMENT TO CODE OF KING WILLIAM COUNTY, VIRGINIA
CHAPTER 7.5, ARTICLE II “MOVING VIOLATIONS”
SECTION 7.5-26 AND SECTION 7.5-27**

Sec. 7.5-26. Littering prohibited; penalties.

- (a) It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter or other unsightly matter, in or upon any public property, including highway, right-of-way, property adjacent to such highway or right-of-way or on private property in King William County without the written consent of the owner thereof or his agent.
- (b) Any conviction of violating this section shall constitute a misdemeanor and be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00), and by imprisonment for not more than twelve (12) months in jail, either or both. (A sentence to pick up litter is an effective alternative which might be considered by the court in lieu of a fine or jail sentence.)
- (c) When a violation of the provisions of this section has been observed by any person, and the matter dumped or disposed of in the right-of-way, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse, or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.

Sec. 7.5-27. Uncovered vehicles; Allowing escape of load material; penalty

No vehicle shall be driven or moved on any highway unless the vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom. However, sand or any substance for increasing traction during times of snow and ice may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway by the Commonwealth or local government agency having that responsibility. Any person operating a vehicle from which any glass or objects have fallen or escaped which could constitute an obstruction or damage a vehicle or otherwise endanger travel upon a public highway shall immediately cause the highway to be cleaned of all glass or objects and shall pay any costs therefor. Violation of this section shall constitute a Class I Misdemeanor and be punished by a fine of not more than \$2,500.00, and by imprisonment for not more than twelve (12) months in jail, either or both.

**RE: PUBLIC HEARING – ZONING CASE #Z-09-01, REQUEST FOR ZONING MAP
AMENDMENT, WITH PROFFERS, APPLICANT: DAVID S. ROBINSON, JR.**

Matt Walker, Director of Community Development, presented the application of Fontainebleau Farm, Inc., David S. Robinson, Jr. for a zoning map amendment to rezone a portion of Tax Map Parcel 28-69 to allow for the planning and development of an eight unit major subdivision. The remaining portion of this parcel (Tax Map 28-69) will be conserved in its agricultural use. Case #Z-09-01 is a request to rezone approximately 62.6 acres from an A-C District to a R-R District, with proffers. The property is located immediately on the right as one turns onto Route 654 (Pampatike Road) from Route 618 (Acquinton Church Road), and is approximately 1 mile from the intersection of Route 661 (Mt. Pleasant Road) and Route 360 at Manquin. The applicant has proffered a strong

list of conditions that address such matters as square footage requirements for homes, prohibited items, and underground utilities.

The Chairman declared the public hearing open for comments on this request for rezoning.

Applicant, David S. Robinson, Jr., addressed the Board explaining that if this rezoning request is approved, he plans an up-scale community using the mini estate concept with large homes. The 62.6 acre portion of this parcel will contain eight homes, each with the minimum square footage of living space of 2,850 sq. ft. He reviewed his list of proffers submitted on February 22, 2002.

David Hoover, an adjacent property owner, spoke in favor of this proposal, indicating that a development of this nature would be an asset to King William County.

Tom Smiley, a resident of 599 Pampatike Road expressed his concern about safety factors if the entrance to this proposed subdivision is placed on Route 654 as indicated. He stated his opinion that there would be better visibility and less chance of an accident occurring if ingress/egress came straight out onto Route 618. He indicated he was not opposed to the type of subdivision, but only has traffic safety concerns.

There being no other persons appearing to speak for or against this proposal, on motion by L. E. Byrum, Jr., seconded by C. T. Redd, III and carried unanimously, the public hearing was declared closed.

b. Consideration of Zoning Case #Z-09-01, Request for Zoning Map Amendment, with Proffers, Applicant: David S. Robinson, Jr. - The Board discussed the location of the ingress/egress road for this proposed subdivision with Charles Stunkle of VDOT, and Mr. Stunkle indicated that VDOT has looked at the site and would prefer the road to be in the location as planned, that Route 654 is a low volume road and Route 618 carries a lot of cut-through traffic and a higher rate of speed.

Matt Walker informed the Board that this application complies with and conforms to the Future Land Use designations contained in the Comprehensive Plan, and that the Planning Commission has considered this application in public hearing and recommends its approval to the Board of Supervisors with the applicant's list of proffers dated February 22, 2002.

Thereupon, on motion by R. S. Diggs, seconded by C. T. Redd, III and carried unanimously, the Board accepted the recommendation of the Planning Commission and approved Zoning Case #Z-09-01, as submitted by Fontainebleau Farm, Inc., David S. Robinson, Jr. for a zoning map amendment, with the following proffers (dated

February 22, 2002), from an Agricultural/Conservation (A-C) District to a Rural/Residential (R-R) District . Said property contains 62.6 acres and is a portion of Tax Map 28, Parcel 69, located immediately on the right as you turn onto Route 654 (Pampatike Road) from Route 618 (Acquinton Church Road) and is approximately one mile from the intersection of Route 661 (Mt. Pleasant Road) and Route 360 at Manquin.

"We hereby proffer that the development of the subject property of this application shall be in strict accordance with the following conditions set forth in this submission."

A. ZONING

1. Highway entrance and access road will meet or exceed the Va. Department of Transportation requirements for state roads to be taken into their system.
2. Minimum lot size will be 5 acres, no further subdivisions of individual lots will be allowed.
3. All lots will be serviced by individual wells and septic systems unless and until public utilities are made available to the individual lots.
4. Soils evaluation and Health Department Septic Disposal Permits will determine the final number of lots up to a maximum of eight (8) dwelling units.

B. DEVELOPMENT STANDARDS:

1. Open Space, Natural Areas and View Shed will be preserved to the maximum extent practical.
2. All utility lines will be underground.
3. Electric Transformers will be located in discrete locations.
4. All weather surfaces on private driveways.

C. BUILDING STANDARDS:

1. Minimum square footage of living space will be 2,850 sq. ft.
2. All homes will have minimum two car attached garage.
3. Homes will be custom constructed; stick built, with primarily brick (*w/coins, water table, etc.*), stucco, and/or other high-grade exteriors; to Class A or B+ (*as currently used by the Commissioner of the Revenue to assess value*) type construction standards.
4. Accessory buildings will be constructed to the same architectural standards as the main dwellings.

D. PROHIBITED ITEMS:

1. Flat roofs
2. Metal Buildings
3. Cedar shake roofing
4. Non-masonry chimneys
5. Unlicensed motor vehicles
6. Truck or heavy equipment storage
7. Temporary dwelling units

RE: ADOPTION OF RESOLUTION – TO ENTER AGREEMENT TO ESTABLISH REGIONAL ECONOMIC DEVELOPMENT PARTNERSHIP – VIRGINIA’S RIVER COUNTRY

On motion by L. E. Byrum, Jr., seconded by R. S. Diggs and carried unanimously, the Board adopted the following resolution entering King William County into an Agreement with the Counties of Essex, Gloucester, King and Queen, Mathews, Middlesex, and the Towns of Tappahannock, Urbanna, and West Point to work as partners in economic development activities by joining together to establish the Virginia’s River Country Regional Economic Development Partnership:

RESOLUTION CREATIGN THE “REGIONAL PARTNERSHIP”

WHEREAS, the King William County Board of Supervisors is desirous of participating in Virginia’s River Country Economic Development Partnership as a “Regional Partnership” according to the Regional Competitiveness Act.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of King William County designates Virginia’s River Country Regional Economic Development Partnership as the Regional Partnership representing King William County.

BE IT FURTHER RESOLVED, that the Board of Supervisors of King William County agrees to enter into the attached Agreement among the localities creating Virginia’s River Country Economic Development Partnership and agrees to allow Virginia’s River Country to determine the method of distribution of funding available from the Regional Competitiveness Act.

RE: TRICENTENNIAL CELEBRATION CORPORATION – HERB WHITE, MEMBER, BOARD OF DIRECTORS

a. Update on Tricentennial Activities - Herb White, representing the Tricentennial Celebration Corporation Board of Directors, updated the Board on upcoming activities to celebrate the County’s 300th Birthday. He made the Board aware of Route 30 being closed on Saturday, April 27th, from 8:00 a.m. to 4:00 p.m. for the Tricentennial Parade and day long Festival on the Courthouse grounds, and also about the various satellite parking stations around the Courthouse on Festival Day, and indicated that maps depicting the detour routes off of Route 30, as well as maps showing the locations of the various satellite parking stations will be placed in the local newspapers during the month of April. He elaborated on some of the many activities that have been planned by the Tricentennial Board of Directors, and invited everyone to attend.

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

LaVerne Abrams, a resident of King William County who is also currently the Co-Chairman of the Middle Peninsula Garden Club Historic Garden Week Tours of Homes and Historic Buildings in King William County being held on April 26th, addressed the Board concerning the need for the “old Jail Building” on the Courthouse grounds to be painted and made more attractive for the Court House Tour on April 26th and the Tricentennial activities on April 27th. The Board indicated to Mrs. Abrams that the needed work is being taken care of.

RE: BOARD OF SUPERVISORS’ COMMENTS

No comments were made.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(1), CODE OF VIRGINIA, 1950, AS AMENDED, REGARDING PERSONNEL MATTERS, EMPLOYMENT OF ZONING ADMINISTRATOR

On motion by L. E. Byrum, Jr., seconded by C. T. Redd, III and carried unanimously, the Board entered Closed Meeting pursuant to Section 2.2-3711(1), Code of Virginia, 1950, as amended, regarding Personnel Matters pertaining to the employment of a Zoning Administrator.

Having completed the Closed Meeting, the Board reconvened in open meeting, on motion by C. T. Redd, III, seconded by E. P. Sterowski and carried with a unanimous roll call vote.

In accordance with Section 2.2-3711B of the Code of Virginia, 1950, as amended, C. T. Redd, III moved that the King William County Board of Supervisors adopt the following resolution certifying that this Closed Meeting's procedures comply with the requirements of the Virginia Freedom of Information Act. This motion was seconded by E. P. Sterowski and carried with a unanimous roll call vote.

RESOLUTION

WHEREAS, the King William County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3711B of the Code of Virginia, 1950, as amended, requires a certification by the King William County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors hereby certifies that, to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were heard, discussed, or considered in the closed meeting to which this certification resolution applies, by the King William County Board of Supervisors; and,
2. Only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered in the closed meeting by the King William County Board of Supervisors.

RE: ACTION ON CLOSED MEETING MATTERS

a. Employment of Zoning Administrator – On motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board approved the employment of Thomas W. Williams as Zoning Administrator. Mr. Williams will begin his duties with King William County on April 1, 2002, at a salary of \$35,000.00 annually.

b. Director of Community Development Interim Compensation for Performance of Zoning Administrator Duties - On motion by R. S. Diggs, seconded by E. P. Sterowski and carried with a four to one vote, the Board authorized that the Director of Community Development, Matthew L. Walker, shall continue to be compensated at a rate of \$400.00 for the month of April, 2002, for the continued performance of Zoning Administrator duties.

RE: ADJOURNMENT OF MEETING

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

COPY TESTE:

D. L. Wright, Chairman

Frank A. Pleva, Co. Administrator