

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF APRIL 22, 2002

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 22ND DAY OF APRIL, 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
F. A. PLEVA, COUNTY ADMINISTRATOR

RE: ADOPTION OF 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 addition of two items – to Item #6, Consent Agenda, added “Proposal to Amend Hunting Ordinance” and “Appointment to Tricentennial Committee”.

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 R. S. Diggs and carried on a vote of three in favor of, and two members (Mr. L. E. Byrum, Jr. and Mr. E. P. Sterowski) abstaining from voting, the Board approved the following items on its consent agenda:

- a. The minutes of the Reconvened Meeting with the Architect of March 14, 2002; the Minutes of the Reconvened Meeting with the School Board on the FY-03 School Budget of March 14, 2002; the Minutes of the FY-03

Budget Work Session of March 23, 2002; and the Minutes of the Regular Monthly Meeting of March 25, 2002 as written

b. Claims against the County for March, 2002, in the amount of \$1,283,479.46 as follows:

(1) General Fund Warrants #50696-50866 and #13909-13911 in the amounts of \$1,063,323.92 and \$49,847.26; Direct Deposits #3431-3523 in the amount of \$127,147.49; and Electronic Tax Payment in the amount of \$43,161.60

(2) For informational purposes, Social Services expenditures for the month of March, 2002, Warrants #301508-301575 in the amount of \$23,861.22; Direct Deposits #575-592 in the amount of \$20,303.98; and Electronic Tax Payment in the amount of \$7,267.98

(3) For informational purposes, Circuit Court expenditures for the month of March, 2002, Warrants # 50670-50678 in the amount of \$5,720.96 and Direct Deposits #39-41 in the amount of \$7,039.15

(4) For informational purposes, Comprehensive Services Act Fund expenditures for March, 2002, Warrants #50680-50694 in the amount of \$41,813.98

(5) Tax Refunds for the month of March, 2002, in the amount of \$192.89

c. Authorized advertisement of a public hearing set for May 20, 2002, during the Board's regular monthly meeting to begin at 7:00 p.m. to consider the proposed 2003 Proffer Methodology update. Said meeting is to be held in the Board's meeting room in the County Administration Building at King William Courthouse.

d. Approved a Background Check Policy for King William County Recreation and Parks Sponsored Youth Organizations

e. Approved the employment of Karen Potter, Casey Harvey, Jr., Kelley Byrum, and Ashley Jones as part-time Summer Playground staff persons in the King William Recreation and Parks Dept.

f. Authorized advertisement of a public hearing to be held on May 20, 2002, during the Board's regular monthly meeting beginning at 7:00 p.m. to consider Zoning Text Amendment T-01-02 to redefine the maximum number of lots allowed in a minor subdivision from seven to five, as defined in the King William County

Subdivision Ordinance. Said meeting is to be held in the Board Meeting Room of the King William County Administration Building at King William Courthouse.

g. Authorized the County Attorney to prepare an amendment to the King William County Hunting Ordinance to consider changing the 100 yard distance requirement from any primary or secondary highway in the County before being allowed to discharge a firearm, for the Board’s review at a future meeting.

h. Appointed Mrs. Marian A. White to serve as a member of the King William County Tricentennial Board of Directors.

RE: ADOPTION OF RESOLUTION OF APPRECIATION – EAGLE SCOUT,

BEN SANDERS

On motion by L. E. Byrum, Jr., seconded by R. S. Diggs and carried unanimously, the Board adopted the following Resolution recognizing and congratulating Ben Sanders on his accomplishment of earning the rank of Eagle Scout, the highest rank in Boy Scouts. Following its adoption, Ben Sanders came forward and was presented with the Resolution.

RESOLUTION

WHEREAS, Ben Sanders has been involved in Boy Scouts since he joined as a Tiger Cub in 1990; and,

WHEREAS, Ben recently earned the rank of Eagle Scout, the highest rank in Boy Scouts; and,

WHEREAS, Ben has worked very hard to become an Eagle Scout earning 31 merit badges and completing a community service project which was building the retaining wall at Beach Park; and,

WHEREAS, while doing his community service project, Ben had the honor of meeting and working with the Army Corps of Engineers to approve his project because neighbors thought the retaining wall would not work; and,

WHEREAS, Ben is an honor student at West Point High School; and,

WHEREAS, Ben has played football since he was 10 years old; and,

WHEREAS, when Ben graduates from high school, he plans to go to college to become a civil engineer.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors recognizes Ben and congratulates him on all of his accomplishments; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors acknowledges Ben’s leadership, dedication to the Boy Scouts and commitment to his 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 conveyed to Ben, and shall be spread upon the meeting minutes of said Board of Supervisors.

RE: VDOT MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER

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

a. Route 625 – Custis Mill Pond Road – Mr. Stunkle indicated that the center double line is now in place on Route 625, Custis Mill Pond Road, as was discussed with the Board at its March 25, 2002, meeting.

b. Route 629 from Route 30 to Route 618 Speed Study - Mr. Stunkle informed the Board that a Speed Study is being performed on Route 629 from Route 30 to Route 618, as was requested by the Board in its March 25, 2002, meeting, but the results are not yet available.

c. Traffic Messaging Boards for King William County Tricentennial Festival Day, April 27, 2002 - Mr. Stunkle indicated that David Cooper of his office has been working with members of the King William Tricentennial Celebration Committee regarding traffic flow, detour routes, etc. for Saturday, April 27, 2002, on Tricentennial Festival Day. He advised that VDOT message boards indicating the closure of the portion of Route 30 from Route 629, Walkerton Road, to Route 633, Powhatan Trail, from 8:00 a.m. to 4:00 p.m. on April 27th will be put in place on Wednesday, April 24, 2002.

RE: PUBLIC HEARING – ZONING CASE #Z-02-02, REQUEST FOR ZONING MAP AMENDMENT – APPLICANT: QUEENFIELD FARM AND H. BARNES TOWNSEND

Matt Walker, Director of Community Development, presented the application of Queenfield Golf, L.C., Queenfield Farm, and H. Barnes Townsend for a zoning map amendment to rezone 1 acre of Tax Map Section 33, Parcel 5, to allow erection of an offsite General Advertising Sign. The remaining portion of this parcel (Tax Map 33-5) will be conserved in its agricultural use. Case #Z-02-02 is a request to rezone 1 acre from an A-C District to a B-2 District. The property is located at the northwest corner of the intersection of Route 360 and Route 604, Dabneys Mill Road in Manquin.

Mr. Walker explained that Mr. Townsend is applying for this rezoning due to a VDOT regulation regarding off-site advertising in agriculturally zoned property. The applicant received a Special Exception Permit from the King William County Board of Zoning Appeals on June 26, 2001, to place the General Advertising Sign for the Queenfield Golf Course. It is now learned that, due to VDOT accepting Federal Maintenance Funds for Route 360, their regulations indicate that any off-site signage must be placed on properties with Commercial and Industrial Zonings.

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

The applicant, Barnes Townsend, advised that there are no plans at this time to develop this parcel further or to market this site.

No other persons appeared to speak for or against this proposed rezoning.

Thereupon, on motion by C. T. Redd, III, seconded by R. S. Diggs and carried unanimously, the public hearing was declared closed.

RE: CONSIDERATION OF ZONING CASE #Z-02-02

The Director of Community Development, Matt Walker, advised the Board that the Planning Commission considered this application in public hearing and unanimously recommended its approval to the Board of Supervisors.

Thereupon, on motion by C. T. Redd, III, seconded by E. P. Sterowski and carried unanimously, the Board accepted the recommendation of the Planning Commission and approved Zoning Case #Z-02-02, as submitted by Queenfield Farm and H. Barnes Townsend, for a zoning map amendment from an A-C (Agricultural/Conservation) District to a B-2 (General Business) District, on a one acre portion of Tax Map 33, Parcel 5. Said one acre portion is located on the northwest corner of the intersection of Route 360 and Route 604 (Dabneys Mill Road) in Manquin.

RE: PUBLIC HEARING – ZONING CASE #Z-06-01, REQUEST FOR ZONING MAP AMENDMENT, WITH PROFFERS – APPLICANT: 3M FARMS, LLC AND WAYNE McDOUGLE

Matt Walker, Director of Community Development, summarized this application of 3M Farms, LLC, represented by Wayne McDougle, to rezone, with Proffers,

approximately 14 acres from an A-C Zoning District to a R-1 Zoning District, located at the end of, and on the east side of Route 658 (Indian Church Road), approximately 1 mile east of the intersection of Route 360 and 30 at Central Garage. The rezoning will allow for the development of a 14 unit single-family subdivision.

Mr. Walker indicated that this application was first submitted to the Department of Community Development on September 28, 2001, but was revised due to safety concerns raised by VDOT during the process. It was first presented to the Planning Commission in October, 2001, and a public hearing before the Planning Commission was conducted in November, 2001. At the November hearing, the applicant requested the case be deferred until the January, 2002, Commission meeting to allow more time to address VDOT's concerns. As a result, the applicant amended the request from a 68 acre rezoning that would allow 78 units to be constructed, to a 14 acre rezoning that would consist of 14 units. This reduction in proposed lots in the subdivision reduced the traffic count on Route 658 (Indian Church Road) and its connection with Route 30, however, the road used to access the development has been found to be substandard by VDOT through their preliminary review, to handle the additional vehicular traffic generated by the proposed subdivision. While the County cannot legally require the developer to make the necessary offsite improvements to approximately .15 mile of Route 658 located out of the project area, the County is allowed to not approve rezoning the property due to safety concerns regarding the stretch of unimproved roadway.

The Planning Commission, therefore, withheld its recommendation during their November meeting until the safety issues involving the road could be remedied to VDOT's satisfaction.

The Board of Supervisors conducted a public hearing on this zoning case at its meeting of February 25, 2002, and based on the safety issues raised by VDOT, remanded the case back to the Planning Commission for further review.

The Planning Commission again considered this zoning case in public hearing on March 18, 2002, and recommends its approval to the Board of Supervisors with the acceptance of the applicant's most recent list of proffers dated February 4, 2002.

Thereupon, the Chairman declared the public hearing open for comments and the following persons appeared to speak:

Randy Cook, Attorney representing Mr. Wayne McDougale, advised that the Planning Commission, after being apprized of the position of VDOT on this matter, voted unanimously to recommend approval of this application.

Charlie Stunkle, Resident Engineer with VDOT, indicated that when VDOT initially received this application, there were some concerns about increased traffic on the Route 658 access from Route 30, which would require right and left turn lanes. Since the proposed development has now been downsized, it is more in perspective and has relieved the necessity for a left turn lane off of Route 30. A representative from VDOT met with the developer on site to review all proposed roadway improvements, and the developer has agreed to reconstruct Route 658 to VDOT standards, which would consist of an 18ft. surface, 2ft. shoulders and 3ft. ditch section and surface treatment.

Mr. Stunkle further indicated that a right turn lane is still needed but for two reasons, it will not be required. (1) The bulk of the traffic will be coming from the Central Garage side, and (2) Route 30, at the intersection of Route 658, has a 50ft. right of way and is on a 4-5ft. fill through the intersection. It would not be possible to construct a 12ft. wide right turn lane, shoulder and slope within the existing right of way, and the developer does not own the adjacent property at this location.

E. P. Sterowski questioned about the school bus turning around at the end of Route 658, and indicated the bus currently has difficulty making this turn. It was indicated by Mr. Stunkle that a new cul-de-sac will be constructed and this will provide better use for the school bus to turn around.

William Adams, a property owner on Route 658, questioned where the VDOT right of way extends along his property line. Matt Walker responded that the right of way ends at the top of the ditch. Mr. Adams stated that there are only 19 feet from his front steps to the top of the ditch.

There being no other persons appearing to comment, on motion by C. T. Redd, III, seconded by R. S. Diggs and carried unanimously, the public hearing was declared closed.

RE: CONSIDERATION OF ZONING CASE #Z-06-01

On motion by R. S. Diggs, seconded by E. P. Sterowski and carried, the Board accepted the recommendation of the Planning Commission and approved Zoning Case #Z-06-01, the application of 3M Farms, LLC represented by Wayne McDougle, as presented, and with the applicant's most recent list of proffers dated February 4, 2002, as listed below:

3M Farms, LLC, Owner of Tax Map Parcel 29-51, hereinafter the "Owner" hereby proffers for itself, its successors and assigns that, in the event the subject property (the "Property") is rezoned as requested in Zoning Case Z-06-01, the development and use of the property will be subject to the following conditions:

1. The owner, for itself, its successors and assigns, agrees to pay King William County prior to issuance of each building permit for the property, the amount of three thousand, eight hundred, twenty-seven and 00/100 dollars (\$3,827.00) per single family dwelling unit built on the property.
2. Exterior foundation of all houses constructed on the property shall be of brick or stone (veneer) construction. No cinder block, cement block, solite block or shingle siding shall be permitted for the finished exterior of any structure.
3. Newly installed utility lines serving the lots to be developed from the property shall be installed underground, unless prohibited by applicable utility company policy.
4. Minimum house sizes shall be as follows: 1,150 square feet for a one-story building; 1,400 square feet for a one and one-half story building; and 1,800 square feet for a two-story building. Minimum floor area shall be measured along the exterior walls of the structure.
5. Indian Church Road shall be paved with asphalt from the point of intersection with State Route 30 to the entrance road leading into the subdivision.

RE: CONSIDERATION OF REVISED FEE SCHEDULE FOR PLANNING AND ZONING SERVICES

Matt Walker, Director of Community Development, presented a revised fee schedule for planning and zoning services, and recommended that the Board revise the existing fee schedule to reflect the current demands made upon the Planning Department, to reflect what surrounding communities charge for similar services, and the impending amount of development the County faces. He indicated that, in many cases, the existing fees do not even cover the costs of advertising and paying the respective boards hearing the cases. It was his feeling that the proposed 2003 revised fee schedule does a better job of covering the costs associated with plan and proposal reviews.

Thereupon, on motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board authorized advertisement of a public hearing to consider the proposed 2003 revised fee schedule as presented by Mr. Walker. Said public hearing is to be conducted during the Board's next monthly meeting set for May 20, 2002, beginning at 7:00 p.m.

RE: ADOPTION OF FY-03 BUDGET

a. **Adoption of Resolution Approving FY-03 Budget** - The County Administrator stated that the Board held a duly advertised public hearing on April 15, 2002, to receive comments on the proposed FY-03 Budget document including tax levies.

Thereupon, on motion by L. E. Byrum, Jr., seconded by C. T. Redd, III and carried unanimously, the Board, with the following resolution, adopted the General Fund Budget for FY-2003 in the amount of \$13,124,850.00, which includes a transfer of \$5,797,490.00 to the School Fund, adopted the FY-2003 School fund Budget in the amount of \$15,016,630.00, the Special Revenue Funds in the amount of \$1,822,470.00, and the Capital Projects Funds in the amount of \$16,761,010.00. (SEE ATTACHED COPY OF RESOLUTION)

b. **Adoption of Resolution Setting Levies for Tax Year, 2002** - On motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the following resolution setting the tax levies for the tax year, 2002. (SEE ATTACHED COPY OF RESOLUTION)

c. **Adoption of Resolution Appropriating Funds for FY-03** - On motion by L. E. Byrum, Jr., seconded by C. T. Redd, III and carried unanimously, the Board adopted the following resolution appropriating \$13,124,850.00 to the General Fund, \$15,016,630.00 to the School Fund, \$1,822,470.00 to the Special Revenue Funds and \$16,761,010.00 to the Capital Projects Funds. (SEE ATTACHED COPY OF RESOLUTION)

RE: TRICENTENNIAL CELEBRATION CORPORATION

a. **Update on Heritage Festival Day – April 27, 2002** - Katy Lloyd, Public Information Officer for the County, updated the Board on events being planned for the County's Tricentennial and reported on the various items purchased by the

Tricentennial Corporation to be sold during the Heritage Festival and throughout the year.

b. Adoption of Resolution of Appreciation – Members of Tricentennial Celebration Corporation Board of Directors - On motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the following Resolution recognizing and commending the members of the King William County Tricentennial Celebration, Inc. Board of Directors for their dedication to the planning and realization of the 300th Anniversary Celebration of King William County. This Resolution is to be presented by Board Chairman, D. L. Wright, to the members during the April 27, 2002, Heritage Festival Day festivities. The Board also designated that members of the Public Works Staff be recognized and awarded this Resolution of Appreciation for their dedicated efforts in these events. (SEE ATTACHED COPY OF RESOLUTION)

c. Presentation of Resolution from Town of West Point Town Council Recognizing the 300th Anniversary of King William County - The County Administrator presented a Resolution received from the West Point Town Council in recognition of the County's 300th Anniversary.

The Board requested the County Administrator to prepare a letter to the West Point Town Council expressing the County's deepest appreciation for their Resolution commemorating the 300th Anniversary of King William County.

RE: APPOINTMENTS

a. Building & Code Appeals Board – 2 Members – Five Year Terms: Terms of Sam Martin (Contractor) and Lenzy Alexander (Contractor) Expired March, 2002 - On motion by C. T. Redd, III, seconded by E. P. Sterowski and carried unanimously, the Board reappointed Mr. Sam Martin and Mr. Lenzy Alexander to the King William County Building & Code Appeals Board, each for a five year term ending March 31, 2007.

b. Board of Zoning Appeals – One Member – To Be Nominated for Appointment by Circuit Court Judge, Five Year Term, Term of Herbert L. White, Jr. Expires June 30, 2002 - On motion by C. T. Redd, III, seconded by R. S. Diggs and carried unanimously, the Board nominated Mr. Herbert L. White, Jr. to the Circuit Court

Judge for reappointment as a member of the Board of Zoning Appeals. Such appointment will expire June 30, 2007.

c. Bay Consortium Workforce Investment Board, Inc. – Two Members, One to Serve a Two Year Term & One to Serve a Four Year Term; Current members are James Mickens and Allen Campbell - Mr. L. E. Byrum, Jr. made the Board aware that he was contacted by Mr. Allen Campbell, who stated his desire not to be reappointed to this position.

The Board, thereupon, on motion by L. E. Byrum, Jr., seconded by C. T. Redd, III and carried unanimously, appointed Mr. James E. Mickens to serve a four year term representing the County on the Bay Consortium Workforce Investment Board, Inc. The appointment for the two year term was tabled by the Board until its May, 2002, meeting.

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

Wesley Walker, representing the King William Business Association, thanked the Board for the time and interest shown to them regarding tax issues.

BOARD OF SUPERVISORS' COMMENTS

The Board thanked Mr. Brian Purvis for taking care of having the “old Jail Building” painted prior to April 27th.

Other individuals and agencies recognized by the Board members as playing a role in beautifying the Courthouse grounds in time for Heritage Festival Day were Mr. Terry Taylor, Virginia Power, and Virginia Department of Transportation.

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

COPY TESTE:

D. L. Wright, Chairman

Frank A. Pleva, County Administrator

