

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF APRIL 28, 2003

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 28TH DAY OF APRIL, 2003, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURTHOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

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

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

Board member, D. L. Wright, noted the absence of Mr. R. S. Diggs indicating that Mr. Diggs has recently been hospitalized, and requested the County Administrator to send a card to Mr. Diggs on the Board's behalf.

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with one change and one addition – moved Consent Agenda item 6d to become item 7a; added item 15d – Resolution of Appreciation for Mrs. Lucille Minor.

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 D. L. Wright and carried unanimously, the Board approved the following items on its consent agenda:

- a. Minutes of the regular meeting of March 24, 2003, as written
- b. Claims against the County for April, 2003, in the amount of \$1,433,034.38 as follows:

(1) General Fund Warrants #53346-53541 and manual checks #13946-13951 in the amounts of \$1,221,027.78 and \$29,726.41; Direct Deposits #4584-4677 in the amount of \$135,781.03; and Electronic Tax Payment in the amount of \$46,499.16

(2) For informational purposes, Social Services expenditures for the month of March, 2003, Warrants #302352-302401 in the amount of \$24,465.03; Direct Deposits #763-780 in the amount of \$21,033.32; and Electronic Tax Payment in the amount of \$7,580.97

(3) For informational purposes, Circuit Court expenditures for the month of March, 2003, Warrants #53316-53324 in the amount of \$6,074.99; and Direct Deposits #75-77 in the amount of \$6,716.36

(4) For informational purposes, Comprehensive Services Act Fund expenditures for March, 2003, Warrants #53326-53343 in the amount of \$29,782.52

(5) Tax Refunds for the month of March, 2003, in the amount of \$319.63

c. Authorized advertisement of a public hearing to be held during a future Board meeting to consider an Ordinance Approving Participating in the Virginia Energy Purchasing Governmental Association (VEPGA)

RE: AUTHORIZATION FOR EMPLOYMENT OF SUMMER PLAYGROUND STAFF – 2003 SEASON

On motion by D. L. Wright, seconded by C. T. Redd, III and carried with the following vote, approval was given for the employment of the following individuals for the summer playground staff for the 2003 season with the Recreation Department:

Shelia Smith	Jamie Banks
Jeremy Myers	Jermaine Rogers
Justin Kirby	Diana Pearson
Brandon Mickens	Morgan Eppes

L. E. Byrum, Jr.	Abstain
C. T. Redd, III	Aye
R. S. Diggs	Absent
E. P. Sterowski	Aye
D. L. Wright	Aye

RE: VDOT MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER

Charlie Stunkle updated the Board on items discussed in previous meetings including the following:

a. Route 629 - Walkerton Road – Speed Study - Mr. Stunkle indicated that the requested speed study to determine the feasibility of lowering the speed limit to 45 MPH on the section of Route 629 from Route 30 to meet the existing 35 MPH zone, has been completed, and the recommendation was made not to lower the speed limit at this time.

b. Intersection of Routes 360 and 605 Signal Study - Mr. Stunkle reported that the traffic signal investigation for the intersection of Route 360 and Route 605 (Manfield Road) has been completed, and the study showed that the location met the warrant for peak hour volume for one hour during the day. Accident history for the period January 1, 1999, through January 1, 2003 indicated three reported accidents, only one of which was an angle collision, the type of accident susceptible to reduction by signalization. VDOT has determined that the intersection will function more efficiently unsignalized.

c. Application for Railroad Safety Projects - Mr. Stunkle inquired of the Board whether or not he should continue to apply for funds under the Railroad Safety Projects for the installation

of crossing arms and flashing lights on Route 632. The Board requested that he continue with these applications.

d. Route 648 - D. L. Wright questioned Mr. Stunkle regarding the status of obtaining rights-of-way on Route 648 and Mr. Stunkle indicated that VDOT has been in contact with the property owners.

e. Calno Road – The County Administrator inquired about the status of the requested “Watch for Turning Vehicles” sign on Calno Road, and Mr. Stunkle indicated that this sign is not recommended at this time.

f. Route 360, Eastbound Lane Above Manquin - D. L. Wright urged Mr. Stunkle to make it known to the paving contractor who will be working on this project, that this is a number one priority.

g. Portable Scales on Route 30 - D. L. Wright requested that VDOT place the portable scales on Route 30 near King William Courthouse more often in order to check trucks on a more frequent basis.

RE: RECOGNITION OF TOM DAVIDSON FOR ASSISTANCE WITH BOARD RETREAT – TERRI E. HALE, ASSISTANT COUNTY ADMINISTRATOR

Terri E. Hale, Assistant County Administrator, recognized Tom Davidson of Kineses International for his assistance to the Board in conducting a recent Retreat, and on behalf of the Board, presented him with a framed print of the King William County Coat of Arms.

RE: LARRY LAND – VIRGINIA ASSOCIATION OF COUNTIES – PRESENTATION ON VACO ACTIVITIES

Mr. Larry Land, Director of Policy Development with the Virginia Association of Counties, addressed the Board to update members on some of the activities of the Association.

RE: REQUEST FOR ADDITIONAL FY-04 FUNDING – CIRCUIT COURT CLERK, PATRICIA NORMAN

Mrs. Patricia Norman, Clerk of Circuit Court, indicated that recent budget reductions in the amount of \$10,155.00 for her office, included \$6,473.00 from temporary salaries, and \$3,682.00 from salaries of her two employees. She requested the County to supplement her employees salaries in the amount of \$3,682.00 for FY-04.

The Board questioned if the Circuit Court Clerk and her employees are included in the County Personnel Plan, and Mrs. Norman indicated that her office is not included.

Thereupon, on motion by D. L. Wright, seconded by E. P. Sterowski and carried unanimously, the Board appropriated \$3,682.00 to the Circuit Court Clerk’s office to supplement the salaries of the two deputy clerks for FY-04, contingent upon Mrs. Norman negotiating with the County to bring her office under the King William County Personnel Plan.

RE: PUBLIC HEARING – BOUNDARY LINE ADJUSTMENT, DEATON TRACT, TO LONGWOOD FARMS OF VIRGINIA, INC. – GARRETT FAMILY REQUEST

The County Administrator presented information to the Board regarding a request from

John McE. Garrett representing Longwood Farms of Virginia, Inc. to convey a portion of County owned property to Longwood Farms. This request is for conveyance of 1.33 +/- acres of land from the Deaton Tract in order to straighten the existing property line which meanders along the Pollard's Pond, 15 feet above the normal high tide line.

Mr. Pleva further explained that Longwood Farms of Virginia, Inc. has indicated that it shall: (1) pay the County the fair market value of the subject property as well as all costs associated with the conveyance including surveying, legal fees, and recordation fees; and, (2) accept a deed restriction prohibiting the erection and occupancy of any dwelling on the subject property.

In addition, Mr. Pleva advised that after a site visit, the staff further recommends that: (1) hunting shall be prohibited on the subject property due to its proximity to passive, public and recreational facilities which may be situated on the abutting County property in the future; (2) if needed, adjust proposed property line at or near the top of the bank to ensure/protect the view shed (not access) of Pollard's Pond for passive, public recreational facilities which may be situated on the abutting County property in the future; and, (3) no fence or other structure shall be erected on the subject property that restricts or obstructs the view of Pollard's Pond and environs from the abutting County property without the prior written consent of the County.

Thereupon, the Chairman declared the public hearing open for comments and John Garrett appeared, stating that he and Longwood Farms of Virginia are willing to accept the conditions as stated above. He requested approval of this conveyance in order to straighten an existing boundary line between the County owned Deaton Tract and the Longwood Farms of Virginia (Garrett Family) owned Scotland Neck property.

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

By general consensus, the Board determined that Mr. John Garrett should have the property in question surveyed and flagged so that the Board can view the site before taking any action. The Board also requested that the County Administrator establish a fair market value on the property in question, and report back to the Board at a later date.

RE: PLANNING MATTERS - MATT WALKER, COMMUNITY DEVELOPMENT DIRECTOR

a. Public Hearing – Zoning Case Z-01-03 – Request for Rezoning, Applicant: Wakema, Inc. as represented by Peter Glubiak - Peter Glubiak, an attorney representing Wakema, Inc., presented this application to rezone approximately 172.8 acres from an A/C (Agricultural/Conservation) District to a RR (Rural Residential) District with proffers. This property is located on the north side of Wakema Road (Route 640) approximately one mile off of Route 30 in the West Point Magisterial District, and is further described as Section 48, Parcel 35 and part of Parcel 3 on the King William County Tax Maps.

Mr. Glubiak indicated that the purpose of this rezoning is to allow for the development of a ten unit single-family major subdivision on the property. The applicant has submitted a preliminary layout showing ten lots and has submitted cash and non-cash proffered conditions for the

development.

The public hearing was declared open for comments by the Chairman and no persons appeared to speak. The public hearing was declared closed.

Matt Walker, Director of Community Development, reported that the Planning Commission has considered this application in public hearing and recommends to the Board that approval be given with the latest set of submitted proffered conditions dated April 9, 2003.

b. Consideration of Zoning Case Z-01-03 - On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board accepted the recommendation of the Planning Commission and approved the application of Wakema, Inc. to rezone 172.8 acres of Tax Map Section 48, Parcel 35 and a portion of Parcel 3, from A/C to RR, with the latest set of submitted proffered conditions dated April 9, 2003.

c. Public Hearing – Zoning Case Z-02-03 – Request for Rezoning, Applicant: Mapledale, LLC as represented by Cary E. Longest, President - Randy Cook, an attorney representing Cary Longest, President of Mapledale, LLC, presented this application to rezone approximately 347 acres from an A/C (Agricultural/Conservation) District to a RR (Rural Residential) District with proffers. This property is located on the south side of Route 30, approximately one-half mile east of Route 644 (Old Footpath Road) in the Mangohick Magisterial District, and is further described as Section 19, Parcel 1 and 2 on the King William County Tax Maps.

Mr. Cook indicated that the purpose of this rezoning is to allow for the development of a no more than 110 unit single family subdivision. The applicant has submitted a preliminary layout which shows only 106 lots and has also submitted cash and non-cash proffered conditions for the development.

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

Forrist Jewell, a member of the King William County Volunteer Fire Department and Rescue Squad, Inc., expressed concern about no central water fire hydrants being included in a subdivision of this size, for fire protection, and suggested that the Board consider requiring some type of hydrant.

A letter was presented from Frances and Kermit Gwathmey stating their opposition to this rezoning, as their property is adjacent to this site. Their opposition involves concerns about the increased flow of traffic which will be created by this subdivision, and their safety. Mrs. Gwathmey indicated that her vehicle has been struck two different times while turning into her driveway, and the increased traffic will only create additional problems.

There being no other persons appearing to speak for or against this application, the public hearing was declared closed.

Matt Walker, Director of Community Development, reported that the Planning Commission has considered this application in public hearing and recommends to the Board that ap-

proval be given with the proffered submitted April 9, 2003.

d. Consideration of Zoning Case Z-02-03 - The Board discussed the concern for fire hydrants in this proposed subdivision and questioned Mr. Cook about the possibility of the applicant installing them. Mr. Cook responded that this has never been considered so he has no information on cost, or requirements, and no engineering experience. Mr. Cook indicated that fire hydrants are well beyond the scope of this subdivision.

In discussing the possibility of not approving this application for rezoning based on a public safety issue, the County Attorney indicated an alternative to this issue may be the use of dry hydrants at a nearby source of water.

Mr. Cook indicated that the applicant would be willing to consider looking at the use of a topping off station at a nearby water supply point, for fire protection.

Thereupon, on motion by D. L. Wright, seconded by E. P. Sterowski and carried with the following vote, the Board accepted the recommendation of the Planning Commission and approved the application of Mapledale, LLC, Cary Longest, President, as represented by Randy Cook, to rezone 347 acres of Tax Map 19, Parcels 1 and 2, from A/C to RR, with the set of proffered conditions submitted on April 9, 2003.

L. E. Byrum, Jr.	Aye
C. T. Redd, III	Nay
R. S. Diggs	Absent
E. P. Sterowski	Aye
D. L. Wright	Aye

Mr. Redd explained his vote against this application indicating his concern that the local volunteer emergency service departments may not physically be able to handle another 110 homes in this area.

e. Public Hearing - Proffer Methodology for FY-04 - Matt Walker, Director of Community Development, presented and explained the proposed 2004 proffer update. He recommended that the County update the 2003 proffer methodology to reflect certain fiscal changes that have occurred since its adoption in May, 2002. This calculation should be updated annually to reflect current service levels at current capital costs for schools, parks, libraries, and fire and rescue stations. The proposed 2003 proffer is \$6,583.00 compared to the 2002 proffer of \$5,976.00.

The public hearing was declared open. No persons appeared to speak for or against the proposal. The public hearing was declared closed.

f. Consideration of Proffer Methodology for FY-04 - On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the updated Proffer Methodology for FY-04 was approved as presented in public hearing, to be effective May 1, 2003.

g. Presentation of 2002 Comprehensive Plan Update - Matt Walker, Director of Community Development, presented the 2002 Comprehensive Plan Update to the Board. He indicated that the Planning Commission recommends that the Board update/revise the 1991

Comprehensive Plan to reflect certain planning and development changes that have occurred in the County since the existing plan was adopted in 1991. It is the intention of the Planning Commission to annually review and amend, as necessary, the updated Comprehensive Plan to reflect current and future conditions. Mr. Walker reviewed key concerns and planning issues in the draft 2002 Update.

By general consensus, the Board determined that it should conduct a joint work session with the Planning Commission prior to the setting of its required public hearing on the Plan, and set the date of May 12, 2003, beginning at 5:30 p.m. to conduct the joint work session with the Planning Commission. Said joint work session is to be held in the Board Meeting Room of the County Administration Building.

RE: MATTAPONI CRIME SOLVERS, INC. – HERB WHITE, CHAIRMAN

Herb White, Chairman of the Mattaponi Crime Solvers, Inc., formerly the King William & West Point Crime Solvers, Inc., updated the Board on some of the current activities of Crime Solvers, including its name change. This change was due to the organization expanding and including the County of King and Queen, along with King William and the Town of West Point. Currently, the organization is comprised of 33 very enthusiastic citizens from the three jurisdictions, and these members are planning two upcoming events – the first annual Golf Tournament at Queenfield Plantation Golf Course on Monday, May 5, 2003, and a Family Day and Dinner on Saturday, May 10, 2003, at Dick Campbell's property on the Mattaponi River.

RE: ADOPTION OF FY-04 BUDGET

a. Adoption of Resolution Approving FY-04 Budget - The County Administrator stated that the Board held a duly advertised public hearing on April 21, 2003, to receive comments on the proposed FY-04 Budget document including tax levies.

Thereupon, on motion by C. T. Redd, III, seconded by D. L. Wright and carried with the following vote, the Board, with the following resolution, adopted the General Fund Budget for FY-2004 in the amount of \$14,012,250.00 , which includes a transfer of \$6,276,580.00 to the School Fund, adopted the FY-2004 School Fund Budget in the amount of \$17,124,080.00, the Special Revenue Funds in the amount of \$1,867,840.00, and the Capital Projects Funds in the amount of \$5,859,650.00. (SEE ATTACHED COPY OF RESOLUTION)

L. E. Byrum, Jr.	Aye
C. T. Redd, III	Aye
R. S. Diggs	Absent
E. P. Sterowski	Nay
D. L. Wright	Aye

b. Adoption of Resolution Setting Levies for Tax Year, 2003 - On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted the following resolution setting the tax levies for the tax year, 2003. (SEE ATTACHED COPY OF RESOLUTION)

c. Adoption of Resolution Appropriating Funds for FY-04 - On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted the following resolution appropriating \$14,012,250.00 to the General Fund, \$17,124,080.00 to the School Fund, \$1,867,840.00 to the Special Revenue Funds and \$5,859,650.00 to the Capital Projects Funds. (SEE ATTACHED COPY OF RESOLUTION)

RE: UPDATE ON COUNTY PROJECTS – FRANK A. PLEVA

a. Regional Airport - The County Administrator reported that currently this project is on hold awaiting the outcome while Congress is dealing with transportation funding.

b. Courts Facility Project - Frank A. Pleva, County Administrator, reported that the Courts Facility Project is basically on schedule, that the red steel will be going up in the very near future.

c. Animal Shelter - The County Administrator reported that three bids on this project were received and opened on April 4th with the lowest bidder being J. Sanders Construction at \$790,000.00. Since that time Middlesex County has indicated its concern about the high bids and will not agree to adopt a resolution awarding a construction contract for this amount. In addition, in a letter from Charles Culley, County Administrator in Middlesex, it was indicated that the Middlesex Board has instructed its County Administrator to notify King William and King and Queen Counties not to incur any additional costs on this project that Middlesex County would be required to contribute a share to.

This action holds the remainder of the Counties up with the project. A definite response from Middlesex County is needed regarding their intentions to withdraw or to continue in the regional project.

Thereupon, by consensus of the Board, the County Administrator was instructed to send a letter to Middlesex County seeking a response from them by May 15, 2003, as to their intent to withdraw or to proceed with King and Queen and King William Counties in this regional animal shelter project.

RE: READING OF RESOLUTION OF APPRECIATION FOR LUCILLE MINOR, ADOPTED BY BOARD ON APRIL 21, 2003

D. L. Wright presented a Resolution of Appreciation adopted by the Board on April 21, 2003, for Mrs. Lucille Minor of her years of community service, on the occasion of her retirement as manger of the Middle King William Senior Center. (SEE ATTACHED RESOLUTION)

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

a. Forrist Jewell, a member of the King William County Volunteer Fire Department and Rescue Squad, Inc., thanked the Board for its budget appropriation for the upcoming fiscal year, and for the years past.

He asked about the possibility of the County supporting the volunteer organization in

getting VDOT to install flashing lights at the newly constructed crossover on Route 360 at their entrance.

Mr. Jewell invited any members of the Board desiring to do so, to meet with the officers of the volunteer organization to discuss some concerns and issues.

RE: BOARD OF SUPERVISORS' COMMENTS

a. L. E. Byrum, Jr. thanked Judiann Shaver, Recreation Director, and Katy Lloyd, Public Information Officer, for their work in putting together the 2003 Heritage Day celebration.

RE: RECESS OF MEETING

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board recessed this meeting until May 12, 2003, at 5:30 p.m. at King William Courthouse, at which time the Board will conduct a joint work session with the Planning Commission on the 2003 Comprehensive Plan Update.

COPY TESTE:

L. E. Byrum, Jr.
Chairman

Frank A. Pleva
County Administrator