

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF MAY 21, 2007

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 21ST DAY OF MAY, 2007, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, THE MEETING WAS CALLED TO ORDER WITH THE FOLLOWING PRESENT:

C. T. REDD III, CHAIRMAN
W. F. ADAMS, VICE-CHAIRMAN
E. J. RIVARA
T. G. SMILEY
O. O. WILLIAMS

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

RE: APPROVAL OF MEETING AGENDA

On motion by T. G. Smiley, seconded by W. F. Adams and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the following additions: moved Item 7 up to become Item 6f, Consent Agenda, Adoption of Resolution of Appreciation – Judge Merlin M. Renne, On the Occasion of His Retirement as General District Court Judge for the Ninth Judicial District; Added Item 6g, Consent Agenda, Authorization for Public Hearing to Consider Abandonment of Portion of Route 606 (Commins Road); Moved Item 12a up to become Item 6h, Consent Agenda, Approval of Regional Animal Shelter Agreement; and Added a new Item 7 – Request for Supplemental Appropriation in FY-08 - Pamunkey Regional Library, Fran Freimarck, Director.

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

Herb White addressed the Board inquiring whether or not the proffer of a parcel of land in the Kennington Subdivision to the County designated for the location of a

public library is still in force, and if so, has the County taken advantage of the ownership of this parcel?

RE: CONSENT AGENDA

On motion by T. G. Smiley, seconded by W. F. Adams and carried unanimously, the Board approved the following items on its consent agenda:

a. Minutes of the Reconvened Meeting of April 16, 2007, and Minutes of the Regular Meeting of April 23, 2007, with one change, were approved as written.

b. Claims against the County for May, 2007, in the amount of \$820,399.80 as follows:

(1) General Fund Warrants #64786-64952 in the amount of \$579,913.74; Manual Check #14136 in the amount of \$4,692.35; Direct Deposits #9768-9865 in the amount of \$176,770.95; and Electronic Tax Payment in the amount of \$59,022.96

(2) For informational purposes, Social Services expenditures for the month of April, 2007, Warrants #305850-305911 in the amount of \$46,790.84; Direct Deposits #1645-1662 in the amount of \$26,361.85; and Electronic Tax Payment in the amount of \$8,981.15

(3) For informational purposes, Circuit Court expenditures for the month of April, 2007, Warrants #64761-64768 in the amount of \$5,106.12; Direct Deposits #236-239 in the amount of \$9,823.98; and Electronic Tax Payment in the amount of \$3,377.45

(4) For informational purposes, Comprehensive Services Act Fund expenditures for April, 2007, Warrants #64770-64784 in the amount of \$47,846.37

(5) Tax Refunds for April, 2007, in the amount of \$3,562.17

c. Authorized advertisement of a public hearing to be held during the Board's regular June, 2007, meeting to consider approval of electric utility easements.

d. Authorized advertisement of a public hearing to be held during the Board's regular June, 2007, meeting to consider amendment of King William County Code, Chapter 18, entitled "Businesses", Section 142, 143, 144, and 145 Regarding the Business, Professional, Occupational License (BPOL) Tax Rates

e. Designated the week of May 20-26, 2007, as Emergency Medical Services Week in King William County

f. Adopted a Resolution of Appreciation for Judge Merlin M. Renne, on the occasion of his retirement as General District Court Judge for the Ninth Judicial District (see attached Resolution)

g. Authorized advertisement of a public hearing to be held during the Board's regular June meeting to consider a proposed ordinance regarding Discontinuance and Vacation of a Certain Portion of Commins Road (Route 606)

h. Approved the Amended and Restated King William-King and Queen Animal Shelter Agreement

RE: REQUEST FOR SUPPLEMENTAL APPROPRIATION – FY-08, PAMUNKEY REGIONAL LIBRARY, FRAN FREIMARCK, DIRECTOR

Fran Freimarck, Director of Pamunkey Regional Library, addressed the Board to request a supplemental appropriation for FY-08 in the amount of \$3,750.00. Ms. Freimarck explained that the Upper King William Branch Friends of the Library and the West Point Branch Friends of the Library have each donated a check in the amount of \$1,875.00 to restore funds for the upgraded number of hours of library service that were included in the FY-07-08 Budget request. Mrs. Freimarck requested the Board to accept these two checks totaling \$3,750.00 and that the County provide a match of \$3,750.00 and appropriate the total of \$7,500.00 to the Pamunkey Regional Library as an addition to the Library appropriation in the previously adopted FY 2007-08 Budget.

The Board discussed this request quite extensively with Mrs. Freimarck, and upon motion by E. J. Rivara, seconded by W. F. Adams and carried with the following vote, accepted the two gifts of \$1,875.00 each, from the Upper King William Branch Friends and the West Point Branch Friends, and appropriated a match of \$3,750.00, totaling an appropriation of \$7,500.00, to the Pamunkey Regional Library as an addition to the previously adopted FY-08 Budget.

C. T. Redd III	Nay
W. F. Adams	Aye
E. J. Rivara	Aye
T. G. Smiley	Nay
O. O. Williams	Aye

RE: TRANSPORTATION MATTERS – DAVID G. COOPER, ASSISTANT

RESIDENCY ADMINISTRATOR

Mr. Emmett Elsel, interim VDOT Residency Administrator, addressed the Board to update on VDOT matters including the following:

a. Routes 621, 625, 626, 633, and 640 Patchwork - Mr. Elsel reported that the resurfacing patchwork on these routes should be completed by the end of this week, and that beginning the week of May 27th, the mowing operations on the primary routes should begin, followed by the secondary routes being mowed, depending on the completion of the paving work.

b. Adoption of Resolution Approving the Secondary System Six-Year Plan (2007/08 – 2012/13) and Construction Priority List (2007/08) - On motion by E. J. Rivara, seconded by T. G. Smiley and carried unanimously, the Board adopted the following resolution approving the Secondary System Six-Year Plan

RESOLUTION

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each County to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2007/08 through 2012/13) as well as the Construction Priority List (2007/08) on February 26, 2007, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

WHEREAS, Charles E. Stunkle, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six Year Plan for Secondary Roads (2007-08 through 2012/13) and the Construction Priority List (2007-08) for King William County.

NOW, THEREFORE, BE IT RESOLVED, that since said Plan appears to be in the best interests of the Secondary Road System in King William County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2007/08 through 2012/13) and Construction Priority List (2007/08) are hereby approved as presented at the public hearing.

RE: PRESENTATION ON VIRGINIA BROADBAND – ALLEN TALIAFERRO,

DIRECTOR OF OPERATIONS

Mr. Allen Taliaferro, Director of Operations for Virginia Broadband, addressed the Board to provide information on VABB's services and potential business within

King William County. He inquired of the Board's interest in working with VABB to provide "high speed" access to the Internet within King William County.

Various Board members stated the need for additional information regarding costs involved, etc. and suggested that Mr. Taliaferro meet with the County Administrator to provide a proposal for the Board's consideration.

RE: PLANNING MATTERS – SCOTT LUCCHESI, ACTING DIRECTOR OF COMMUNITY DEVELOPMENT

a. Public Hearing – Zoning Case #CUP-01-07, Request for Conditional Use Permit to Conduct a Mining Operation; Applicant: King William Sand & Gravel Co., Inc. Scott Lucchesi, Acting Director of Community Development, presented and reviewed the application of John D. Fulks, President of King William Sand and Gravel Company, Inc., and James Townsend and Howard Townsend, property owners, for a Conditional Use Permit to allow for a new mining operation to be conducted on 632 acres of land over several parcels that total over 1515 acres. The proposed mining will take place in phases. Phase I is 192 acres within the first 6 years; Phase II is 266 acres between 4-20 years; and Phase III is 174 acres between 15 and 28 years. The projected life of the mine is 20-28 years. This proposed operation will occur on the Queenfield Farm and the Manskin Lodge Farm which are located northwest of the intersection of Route 360 and Route 604, bordering the Pamunkey River at Hanover County and following Route 604. Tax Map Parcels on these locations include:33-1; 33-2; 27-15A; 32-5; and 32-2A

In reviewing this application, Mr. Lucchesi explained that the closest homes in the area adjacent to the mining site are approximately 1,000 feet from the proposed mining area and located on the southern side of Dabney's Mill Road (Route 604). A 12' tall berm with a 3:1 slope will be constructed on the site to aid the screening and the impact of the site to the public and adjoining landowners. The berm will be located along the entrance to the site and follow the road into the mine on the northern side buffering Dabney's Mill Road as well. The berm will be approximately 10' across at the top and will be seeded and supplemented with landscaping for additional screening and appearance. The berm will also aid in keeping the noise, dust, and site lighting down. Site lighting will be "dark sky" designed to minimize upward reflections.

Continuing, Mr. Lucchesi explained that the hours of operation for mining materials and trucks are independent of one another. The mining operation continues around the clock even when delivery trucks are not running. The actual mining may not continue but equipment and plant maintenance must continue. The applicant is asking to operate the mine 6:00 a.m. Monday morning straight through until 6:00 p.m. Saturday evening when the plant would close until the following Monday.

In order to eliminate some traffic concerns, delivery trucks start early in the morning. The applicant is asking to allow the trucks to run from 6:00 a.m. until 9:00 p.m. M-F, and 6:00 a.m. to 5:00 p.m. on Saturdays and no truck traffic on Sundays. However, staff suggests 6:00 a.m. to 6:00 p.m. for the truck delivery Monday through Saturday, with no truck traffic at all on Sundays or National Holidays.

Further, Mr. Lucchesi advised that the proposed mine would only have one entrance that would provide ingress/egress to the mine. This entrance would be accessed from Route 604 (Dabney's Mill Road), approximately 1400 feet north of the intersection of Route 360 and Route 604. Dabney's Mill Road (Route 604) will need to be improved from Route 360 to the mine entrance. VDOT has reviewed the preliminary site plan and supplied preliminary comments. If the proposed entrance is to be used, the section of Route 604 from the mine entrance to Route 360 will have to be rebuilt and widened to handle the truck traffic. This would entail Route 604 being widened to incorporate trenches being completed fully on both side of the roadway and repaving the entire surface with an additional 2 inches of pavement instead of the tar and gravel present now. Dedication of additional right-of-way to accommodate the road improvements will be required. The required Route 604 improvements will be completed at the expense of the applicant.

In addition, Mr. Lucchesi explained that the Route 604, Route 360 intersection is currently operating without the benefit of a traffic light. A Traffic Impact Study has been performed by Dominion Development Services, Inc. for the applicant, which indicates the projected traffic flow as well as the existing flow. This analysis indicates the projected traffic count and existing flow would warrant a signaled intersection. Acceleration and deceleration lanes will need to be added on Route 360 with a 200 foot turn lane and a 200 foot taper. The projected cost of the signal and installation is

well over \$200,000.00 and will be paid entirely by the applicant along with any additional improvements required.

Following Mr. Lucchesi's review of the proposed Conditional Use Permit and Conditions, he indicated that staff recommends approval of the requested Permit, with the conditions presented, as the proposed use of the property for sand and gravel extraction has the benefit of providing a substantial source of commercial tax revenue for the County, while at the same time being a temporary use that, once reclamation is complete, leaves little or no trace. Considering all the essential characteristics of the proposed operation that will be generated such as truck traffic, noise, lighting and on-site activity that occurs practically around the clock, staff feels the proposed use is a logical and reasonable request. The requested Conditional Use Permit is in accord with the Land Use Plan for the area, and would not have an adverse impact on adjacent property as a large commercial farming operation is already in place elsewhere on the site.

The public hearing was declared open by the Chairman and the following persons appeared to speak in favor of the application:

Richard Rapp, a resident of 13592 King William Road, advised that he retired in 2001 as an Inspector for the Virginia Department of Mines, Minerals and Energy (DMME), and that during his tenure, he had the privilege of working with Mr. John Fulks, the applicant for this proposed CUP, and that Mr. Fulks always maintained a well run operation, always did safety training for his employees, and his office never received complaints regarding Mr. Fulks or his operation, and that it was a pleasure to have worked with him.

Herb White of East Spring Forest Road also spoke in favor of this application, stating that in the past, he has had the opportunity to work with Mr. Fulks through the Board of Zoning Appeals for applications for special exceptions to operate mining operations, and that Mr. Fulks has always been a very reliable citizen in this community.

Mr. White asked the Board about the possibility of including the installation of a dry hydrant on this site for the benefit of the Emergency Fire Services personnel as a water source to fill up when needed.

Bob Ehrhart of the Fifth Election District, stated concern about the proposed hours of operation, and the additional traffic that will be generated from this operation as well as from the day care center that has been approved to be located at the intersection of Route 360 and Route 604.

The applicant, Mr. John Fulks advised that Safety First, is a big issue for him and his company, therefore, a stop light, with proper turn lanes, will be installed at the intersection of Route 360 and Route 604, as well as advance warning signals along Route 604.

He also introduced the following persons who were present to answer any questions the Board might have concerning this application and the proposed mining operation:

Linda Fulks – Secretary/Treasurer, King William Sand & Gravel Co., Inc.
Jerry Simpson – Vice President, King William Sand & Gravel Co., Inc.
Mac Fulks – Director, King William Sand & Gravel Co., Inc./Reclamation
Robert Easterling – Corporate Attorney, King William Sand & Gravel, Inc.
Joe Wallace – Dominion Development Services/VDOT Study
Thad Loucks – Angler Environmental/Wetlands Delineation
Joe Caterino – Angler Environmental/Site Plan Engineer
Richard Rapp – DMME Inspector/Retired
James Townsend – Queenfield Farm Land Owner
Howard Townsend – Manskin Lodge Farm Land Owner

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

b. Consideration of Action – Zoning Case #CUP-01-07

The Board discussed this application quite extensively, including the widening of Dabney's Mill Road, the installation of traffic lights on Route 360, the installation of turn lanes on Route 360, the placement of a dry hydrant on the site, the placement of a commercial well on site, etc., and upon motion by T. G. Smiley, seconded by O. O. Williams and carried unanimously, the Board approved the application of King William Sand and Gravel Co., Inc., John Fulks, applicant, and James Townsend and Howard Townsend, property owners, for a Conditional Use Permit (Case #CUP-01-07) as presented in public hearing, with conditions. (These conditions are being finalized by the County Attorney with the applicant.)

c. Setting of Date for Joint Work Session of Board of Supervisors and Planning Commission Regarding PUD and/or RC

By general consensus, the Board set the date of Monday, June 18, 2007, beginning at 5:00 p.m. to conduct a joint work session with the Planning Commission on the PUD. This work session will be held in the King William County Administration Building Board Room and is scheduled to be held just prior to the regular monthly Planning Commission meeting.

**RE: PUBLIC HEARING – AMENDMENT OF KING WILLIAM COUNTY CODE
CHAPTER 74 ENTITLED “TRAFFIC AND VEHICLES” TO ADD A DUE DATE**

County Administrator, Frank A. Pleva, advised that previously the Board has approved the discontinuance of annual vehicle decals, therefore, this proposed amendment will establish the date on which the annual vehicle license fee shall be paid. The proposed amendment follows:

Section 74-33. Amount; Payment Due Date.

- (c) Annual vehicle license fee assessed within the County shall be paid in an annual payment being due and payable on or before December 5th of the taxable year in which it was imposed.

Thereupon, the public hearing was declared open for comments by the Chairman. No persons appeared to speak.

The public hearing was declared closed.

b. Consideration of Action on Proposed Amendment

On motion by E. J. Rivara, seconded by O. O. Williams and carried unanimously, the Board adopted the amendment to the King William County Code, Chapter 74, Entitled “Traffic and Vehicles” Section 74-33(c) as stated above.

**RE: UPDATE ON COUNTY PROJECTS – FRANK A. PLEVA, COUNTY
ADMINISTRATOR**

a. Mt. Olive Community Development Project - Mr. Pleva advised that the next Management Team meeting is scheduled for May 22, 2007.

b. Approval of Kennington Public Water Service Agreement - On motion by W. F. Adams, seconded by T. G. Smiley and carried unanimously, the Board approved the Public Water Service Agreement for Kennington Place as presented.

RE: APPOINTMENTS

a. Building and Code Appeals Board – One Member, Five Year Term, Term of Sam Martin (Contractor) Expired 3/1/07 – NOTE: Mr. Martin is not seeking reappointment - Action on this appointment was tabled by the Board until its June regular meeting.

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

Bob Ehrhart stated that the sewage treatment plant for the County is a state-of-the-art facility and the persons responsible for this should be complimented.

It was announced that the Dedication Ceremony for the Eltham Bridge over the Pamunkey River has now been set for Thursday, May 24, 2007, at 6:00 p.m. Keynote speaker for this ceremony will be Senator Ryan McDougle.

RE: BOARD OF SUPERVISORS' COMMENTS

Various Board members thanked the citizens for participation and attendance at this meeting.

RE: CONTINUANCE OF MEETING TO JUNE 18, 2007 – 5:00 P.M.

On motion by T. G. Smiley, seconded by E. J. Rivara and carried unanimously, the Board adjourned this meeting to be reconvened at 5:00 p.m. on Monday, June 18, 2007, in the Board Meeting Board of the County Administration Building, at which time the Board will conduct a joint work session with the Planning Commission on the proposed PUD (Planning Unit Development) amendment.

COPY TESTE:

Frank A. Pleva
County Administrator