

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF MAY 23, 2005

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 23RD DAY OF MAY, 2005, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

W. F. ADAMS, CHAIRMAN
L. E. BYRUM, JR., VICE-CHAIRMAN
C. T. REDD III
T. G. SMILEY
O. O. WILLIAMS

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

RE: APPROVAL 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 one deletion.

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

a. Herb White, speaking as Chairman of the King William County Board of Zoning Appeals, asked the Board to act favorably on the reappointment of Mr. William Bryant Wilson as a member of the Board of Zoning Appeals, when this matter is before the Board later on in this meeting. He stated that Mr. Wilson has served very faithfully for two consecutive five year terms, and continues to serve extremely well. Mr. Wilson has attended seminars, on his own time and at his own expense, to better understand what his duties are in this position and to better serve the County.

b. LaVerne Abrams addressed the Board on behalf of her son, Hunt Abrams, who lives on Route 30 at 12723 King William Road. She stated that during Tropical Storm Gaston in September, 2004, her son's yard was flooded and remained

flooded for months. In addition, with every rainfall since then, water continues to stand there. He has contacted VDOT on numerous occasions to ask for assistance in correcting this problem, and thus far, VDOT has done little or nothing. Further, she indicated that about one half of the trees in the yard have died due to the constant standing of water, and these trees provided a buffer to Route 30 and the noise. Mrs. Abrams requested the Board's support in securing assistance from VDOT to correct this problem.

RE: CONSENT AGENDA

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

- a. Minutes of the April 25, 2005, Regular Meeting were approved as written
- b. Claims against the County for May, 2005, in the amount of \$679,612.17

as follows:

(1) General Fund Warrants #58857-59063 in the amount of \$469,429.45; Manual Checks #14053-14055 in the amount of \$10,642.52; Direct Deposits #7050-7252 in the amount of \$151,280.19; and Electronic Tax Payment in the amount of \$48,260.01

(2) For informational purposes, Social Services expenditures for the month of April, 2005, Warrants #304151-304219 in the amount of \$40,321.69; Direct Deposits #1199-1214 in the amount of \$22,701.53; and Electronic Tax Payment in the amount of \$7,598.71

(3) For informational purposes, Circuit Court expenditures for the month of April, 2005, Warrants #58833-58838 in the amount of \$2,927.73; Direct Deposits #156-158 in the amount of \$7,585.29; and Electronic Tax Payment in the amount of \$2,633.33

(4) For informational purposes, Comprehensive Services Act Fund expenditures for April, 2005, Warrants #58840-58855 in the amount of \$64,459.88

(5) Tax Refunds for April, 2005, in the amount of \$3,155.51

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENT ENGINEER

- a. Request Received by Board Regarding Water Standing in Yard at Home Located at 12723 King William Road Since Tropical Storm Gaston Occurred - Mr.

Stunkle reported that he is not familiar with the situation on Route 30 which was brought before the Board earlier in this meeting by Mrs. LaVerne Abrams, but he will investigate the matter and report back to the Board.

b. Mt. Olive/Cohoke Road - Mr. Stunkle reported that VDOT has made its annual application for Federal Safety Funds to install flashing lights and gates on the two railroad crossings on Mt. Olive/Cohoke Road. If these funds were to be approved, the County would have to provide ten percent of the amount from the Secondary Six Year Plan. Since this application has been made every year for the past eight years, he explained that most likely, King William County will not be successful in receiving any funding for this project, against all the other crossings in the State, due to the low train volume, low train speed, and low volume on the roadway itself.

c. Route 30 (King William Road) - Mr. Stunkle indicated that VDOT is currently in the process of cutting out the bad spots on Route 30, primarily in the south bound lane. This is being done prior to the paving contractor coming in. The exact date for the contractor to come in is unknown at this time.

d. Grass Mowing – Secondary Roads - Mr. Stunkle reported that mowing will be done on the secondary system roads in the County this week, weather permitting.

e. Route 618 Bridge over Moncuin Creek - Mr. Stunkle indicated that this project was discussed on Project Day at the monthly District meeting. It has to go through the environmental process, and the earliest time that all permits to do the work can be obtained is August. Therefore, his office is proceeding to advertise the project in August with the bids to return in September.

f. Route 30 Paving – Chairman, W. F. Adams, questioned Mr. Stunkle regarding where the paving on Route 30 will begin. Mr. Stunkle responded that it will be up to the contractor doing the job.

g. Indian View Baptist Church – Heavy Trucks Using Parking Lot as a Turn Around Area - W. F. Adams, Chairman, made the Board and Mr. Stunkle aware of a problem existing at the Indian View Baptist Church parking lot with heavy trucks traveling on Route 30 to the kitty litter plant, who miss Dunluce Road, and then come into the church parking lot to turn around. As a result of this, the church parking lot is

being torn up. He requested Mr. Stunkle to investigate the possibility of installing a sign on Route 30, near Dunluce Road, indicating ‘Industrial Park’ or whatever signage is necessary to better mark the location of this plant. Mr. Stunkle responded that this issue was discussed some time back, and the Traffic Engineers looked at the area at that time, and determined that an “Industrial Park” sign could not be placed there. He indicated that he would request the Traffic Engineers to take another look at the situation to see what measures might exist there now, which might allow some type of signage.

h. Mansfield Road – Ditching Problem - T. G. Smiley reported that he has received a request from residents at 1193 Mansfield Road for assistance in clearing out the ditches in this area.

i. Prohibition of Through Truck Traffic on Route 600 - L. E. Byrum, Jr. questioned Mr. Stunkle regarding receipt of any information yet from the Virginia Transportation Board concerning the Board’s request to prohibit certain through traffic on a section of Route 600. Mr. Stunkle indicated that no word has been received yet.

j. Route 628 - O. O. Williams made the Board and Mr. Stunkle aware of a drainage problem occurring on Route 628, on the section coming off of Route 600, before Route 608. He reported that water is constantly running across Route 628 and has been for over a year. He requested Mr. Stunkle to investigate this problem.

RE: PROPOSED FY-06 BUDGET

a. Adoption of Proposed FY-06 Budget (Excluding School Fund Adopted April 25, 2005) - A motion was made by C. T. Redd III to adopt the proposed General Fund portion of the FY-06 Budget as presented in public hearing held on April 11, 2005, with the addition of \$14,000 to the Commonwealth’s Attorney line item, to adopt the Resolution setting levies for the General Fund portion of the FY-06 Budget for tax year, 2005, and to adopt the Resolution appropriating funds for the General Fund portion of the FY-06 Budget. This motion was seconded by L. E. Byrum, Jr. and carried with a unanimous roll call vote. (Note: The School Operating Fund portion of the FY-06 Budget was adopted by the Board at its April 25, 2005, meeting.)

RE: PROPOSED AMENDMENTS TO KING WILLIAM COUNTY CODE

REGARDING FEES

a. Authorization for Public Hearing for Amendment to King William County Code Chapter 14, Buildings and Building Regulations, Article II Building Regulations, Division 2, Fees, Section 14-52 Building Permit Fees - Lewis Heath, Building Official, presented detailed information regarding proposed increases in Building Permit Fees. He indicated that the fees collected help to offset part of the cost of operating the Building Department. There has been no increase in the County's Building Permit Fees for a number of years. The information presented to the Board showed a comparison of these proposed fees for King William County with the fees being collected in surrounding localities.

The Board discussed this proposal, and on motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, authorized that a public hearing be advertised to consider it at its next meeting to be held on June 27, 2005. Said meeting is to begin at 7:00 p.m. in the Board Room of the King William County Administration Building.

b. Authorization for Public Hearing for Amendment to King William County Code Chapter 18 Businesses, Article III Specific Licenses, Division 2 Licenses Taxable at Flat Rates, Section 18-114; Peddlers, Itinerant Merchants - At the Board's April meeting, the County Administrator addressed the request made to the Board by a citizen to lower the fee assessed on individuals purchasing a Peddlers License. Currently, King William County has a flat fee of \$500.00, which authorization there for, is contained in the BPOL Ordinance. Information was presented to the Board on the fees assessed by other Virginia localities, similar in size, and during the discussions, the Board questioned the legal definition of "perishable" and "non-perishable" items for sale, and the meaning of a \$500.00 fee "Maximum" as used by some localities.

The County Attorney explained that the Code of Virginia, Section 58.1-3706, allows counties to impose a business license tax, and Section 58-1-3717 governs itinerant merchants or peddlers. He continued that for the purpose of license taxation

pursuant to Section 58.1-3703, any person who shall carry from place to place any goods, wares or merchandise and offer to sell same shall be deemed a peddler, and that such tax shall not exceed \$500 per year. Mr. Chenault reported that this is all the direction given in the Code. It appears that the county may charge anything from \$0 to \$500.

The County Administrator reported that some jurisdictions have a two-tiered fee, for perishable items and for non-perishable items. The State Code has no definition of these terms.

Thereupon, on motion by L. E. Byrum, Jr., seconded by O. O. Williams and carried unanimously, the Board authorized a public hearing to be held during its June 27, 2005, meeting to consider an amendment to the King William County Code, Chapter 18 Businesses, Article III Specific Licenses, Division 2 Licenses Taxable at Flat Rates, Section 18-114 Peddlers, Itinerant Merchants. This amendment would change the current \$500 flat fee to a two-tiered fee as follows:

\$250.00 – Perishable items, which shall include, seafood, shellfish & ice cream
\$500.00 – Non-perishable items

c. Authorization for Public Hearing for Amendment to King William County Code Chapter 70 Taxation, Article II Real Property Tax, Division 3 Elderly and Disabled Persons, Section 70-103 Policy - The County Administrator stated that during the Board's Budget work sessions held earlier this year the Board discussed forms of tax relief for the elderly and disabled, since the County has just gone through a general reassessment of property. Mr. Pleva indicated that any type of tax relief would be eligible only to the elderly and disabled because that is what the State enabling legislation grants. Any relief is confined to people who are age 65 or older, and to people who are totally disabled as defined in the State Code. There are also some broad guidelines set out as to how much financial worth and property a person can own.

The County Administrator presented information to compare what neighboring counties are doing, and reviewed this with the Board.

Thereupon, on motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the Board authorized a public hearing be set for its regular

meeting on June 27, 2005, to consider tax relief for the elderly, age 65 years or older, or disabled, by the following scale:

Net Financial Worth: \$75,000 – 1 Acre of Land Plus Home

Annual Family Income:	Under \$20,000	100% Relief
	\$20,001-\$30,000	75% Relief
	\$30,001-\$40,000	50% Relief

Maximum Amount of Relief: \$800.00

RE: PLANNING AND COMMUNITY DEVELOPMENT – LEE YOLTON,

DIRECTOR

a. Public Hearing – Zoning Case #Z-02-05, Request to Rezone 5.6 Acres from Agriculture-Conservation District to General Business, Applicants; Woodrow W. and Francesca Kellum - Lee Yolton, Director of Planning and Community Development, presented and reviewed the application of Woodrow W. and Francesca Kellum for a change in zoning classification from an Agricultural-Conservation (AC) District to a Business (B-2) District, with proffered conditions, on a 5.6 acre parcel located on the northwest side of Route 360, just east (0.2 mile) of Route 647, adjacent to and behind the Store-More, Inc. public storage business. The developable portion of the property lies about 400 feet from the right-of-way line of Route 360, behind two existing homes. In addition, this site will be surrounded on three sides by the future development of “Kennington”, a major residential subdivision with a mix of townhouses, single-family homes, and commercial use. The proposed access to this site is along a 50 feet wide stem with frontage on Route 360. This access stem was recently acquired by the applicant along the side property line of the property owner immediately adjacent to the site. Mr. Yolton explained that VDOT has reviewed this request for rezoning, and advised that an extension of the existing right turn/deceleration lane will be required to serve this property. The existing use of the property is undeveloped and vacant. There is no firm proposal for the ultimate use of the property. The owners have indicated the requested rezoning is for the purpose of marketing the property for sale.

Mr. Yolton continued indicating that the conceptual plan for “Kennington” shows that this site will be bordered on the west by a large townhouse development in the

future, and that the proffers for “Kennington” include the provision of a minimum 25-foot width wooded buffer adjacent to commercial uses. This perimeter buffer area, combined with the 50-foot buffer proffered by these applicants (total of 75 feet), should provide adequate protection for the future townhouse development.

Further, Mr. Yolton explained that this application includes proffered conditions that restrict certain uses from occurring on the property, that provide for a perimeter buffer, and that address architectural design considerations, etc. He reviewed some of the proffered conditions including Proffer #3 which requires any main buildings, or portions of buildings, facing Route 360 to be constructed featuring a brick or finished masonry facade for foundations. This should eliminate any metal, Quonset-hut style buildings being the main buildings facing Route 360. Mr. Yolton further stated that it is proffered by the applicant that the entranceway to the property will feature a ground-mounted landscaped entrance sign and a landscaped strip on each side of the entrance drive leading to the development on the site. In addition, Mr. Yolton indicated that Proffer #6 states that the parking area will be fully paved and provided with landscaped median islands at regular intervals. Wheel stops and striped parking spaces are to be provided, along with adequate travel aisles to help ensure safe on-site vehicular movements. Proffer #7 ensures that an adequate perimeter with landscaping will be provided in association with any on-site detention pond that may be necessary.

Mr. Yolton reported that this application does not comply with two of the policies contained in the County Comprehensive Plan for future commercial development. The applicant has not revealed any intent to serve the property with public water or sewer, even though it is anticipated to be available and feasible to serve this location in the not too distant future. In addition, there is no indication that the site will be designed with inter-parcel access to adjacent commercially zoned property.

T. G. Smiley questioned Mr. Yolton regarding the type of building materials proffered to be used on the front of, or any portion of a building visible from Route 360, and Mr. Yolton responded that the applicants have proffered with #3 Proffer that any portion of any principal building facing Route 360 shall be constructed featuring a brick or finished masonry facade for foundations. Mr. Yolton interpreted this to mean the

elimination of an all metal building from being on the site, like a Quonset-type hut or a metal shed. This proffer does permit some of the siding on the building/s to be made of a metal material or vinyl or something of that nature. The building would be placed on a brick foundation, but metal could be used for the siding material of the building.

Applicant, Woodrow W. Kellum, stated that any portion of any principal building facing Route 360 will be constructed featuring a brick or finished masonry facade for foundations. He indicated that metal buildings do not typically have foundations, they are built on concrete slabs, so this would eliminate the metal building.

Due to the questions raised by the Board regarding the type of materials that could be used for construction of any building/s that might be established on this site, it determined that more information is needed from the applicant prior to the Board holding a public hearing and making its decision. At the request of C. T. Redd III, the public hearing on this application was tabled at this meeting and rescheduled for the Board's June 27, 2005, meeting.

b. Public Hearing – Zoning Case #Z-04-05, Request to Rezone 7.82 Acres from Suburban-Residential to General Business, Applicant: Central Crossing , LLC - Prior to any discussion on this application, County Attorney, L. M. Chenault, stated a possible conflict of interest with this application and dismissed himself from the room.

Lee Yolton, Director of Planning and Community Development, presented and reviewed the application of Central Crossing, LLC (owner), James Duke (applicant), and E. Duffy Myrtetus (representative) for a change in zoning district classification from an R-1 (Suburban Residential) District to a B-2 (General Business) District on 7.82 acres located on the north side of Route 360, approximately 0.3 mile east of Route 30. This parcel is further described as Parcel 28-42 (portion) on the King William County Tax Maps.

Mr. Yolton advised that this property is shown for commercial use on the County Land Use Plan Map with the intent that the Route 360 corridor, especially in this vicinity, be used to accommodate future commercial growth in the County. The subject property is well suited for commercial type use, and is located in the County's water and sewer service area. A drainage valley and a lake provide a natural transition and buffer on the southern side of the property, adjacent to the Choctaw

Ridge Subdivision. On the western side of the property, the same owner/applicant intends to build a major housing development of single-family homes called Central Crossing. This commercial zoning request aligns with the rear of the adjacent Food Lion shopping center and will help provide a clear definition between future commercial uses and housing development further to the west. The ultimate user of this property is unknown at this time.

Continuing his review of this application, Mr. Yolton stated that a good portion of the subject property is reserved for the existing detention basin that handles stormwater runoff of the Food Lion shopping center. The detention basin traps sediment before eventually draining into the Choctaw Lake. It appears that about 1/3 of this property is dedicated as an easement for the detention basin, and therefore, would not be useable for commercial construction. Most likely, there will be two separate commercial uses developed on this site.

In addition, Mr. Yolton indicated that this commercial zoning request essentially surrounds an existing single-family residence (the Stone's residence), whose driveway entrance is directly on Route 360. The entrance to this subject property would be along a 50 foot right-of-way next to the Stone's driveway. This 50 foot right-of-way is also owned by the applicant and will be one of the future entrance roads to the Central Crossing subdivision. Also, it will serve as a second means of access for the commercial out-parcels adjacent to the Food Lion shopping center.

On the County Land Use Plan, the Stone's property is recommended for commercial use. Mr. Yolton advised it is reported that, despite offers to purchase the Stone's property, these homeowners plan to continue living at this location for the foreseeable future. Logic dictates that the Stone's property will eventually be redeveloped for commercial use, therefore, it does not seem necessary to provide significant buffers next to the residential property. Upon development of this site, for safety reasons, the Stones will need to cease using their existing driveway entrance, and instead access their property from the new public road. Two entrances directly on Route 360 should not be right next to each other.

Continuing, Mr. Yolton reviewed the proposed proffered conditions, stating that the application includes eight proffered conditions, which are organized into three

categories: General Conditions, Architectural Matters, and Use Limitation. Regarding the General Conditions, the applicant has chosen to leave design details to the approval of the Planning Commission at the time a site plan is submitted for the development of the property. With the exception of Proffer #A-3, which addresses building materials to be used, the proffers addressing lighting, buffers, and the entrance feature, essentially leave the details to be determined at a later date. Mr. Yolton advised that the Planning Commission considered this situation and felt comfortable with the proffers as written, however, staff feels these proffers could benefit from more detail.

In further reviewing the proposed proffers, Mr. Yolton reported that the remaining proffers are more specific and help ensure quality development that is compatible at this location. The applicant has proffered to screen central trash receptacle areas from view (dumpster screening) and to provide pitched roofs facing Route 360. The limitation on uses of the property as reflected in Proffer #C-1 eliminates all the uses that could be objectionable or incompatible at this location that otherwise would be permitted in requested B-2 (General Business) Zoning District.

Continuing, Mr. Yolton indicated that staff feels the proffered conditions should be more specific, for instance, detailing the type of lighting to be provided, the width of the buffer, etc. The proffered conditions seem to address the range of concerns about the development of the site, but the details are left to the site plan review stage. Staff is cognizant of the difficulty of determining details of this nature prior to the beginning stages of site development, but is still reluctant to set aside these decisions until a later date. Mr. Yolton advised that in consideration of all of the factors associated with the application, staff would not object to the approval of the request as it stands, but, feels the case could further be strengthened with the inclusion of additional detail in some of the proffers.

Mr. Duffy Mrytetus, attorney representing the applicant, was present, along with Mr. Terry Cave and Mr. Jim Duke. Mr. Mrytetus addressed the Board indicating that the applicant has worked very hard with Mr. Yolton and the planning staff to develop proffers as part of its submission with this application. He pointed out that this property is located within the County's Transportation Corridor Overlay District, which

means that a site plan that is submitted under 86-493c of the Code will be reviewed by the Planning Commission. That has been the backdrop to their efforts in working with the staff. The commercial rezoning that is sought is consistent with the objectives in the County Comprehensive Plan, however, there has been no determination made at this point about the ultimate user. In working with Mr. Yolton on this submission, he made a request that the applicant consider adding some additional acreage to configure this property in such a way to maximize the commercial uses, and that has been done. To the extent that can be done without knowing the ultimate user of the property, the applicant has developed proffers which they believe are consistent with the Comprehensive Plan and will ensure very high quality commercial development of this property, however, they do maintain that the site plan process being submitted to the Planning Commission is the correct time to develop the necessary detail, once the determination is made about how this property will be developed. For example, particular users will require particular lighting, and the applicant believes, that as part of the planning process (site plan review), the Planning Commission would be the appropriate time for those details to be developed.

Following Mr. Mrytetus's presentation, Board member, L. E. Byrum, Jr., indicated his opinion that the point made regarding the Planning Commission site plan review being the appropriate time for development of specific details is good, but, the role of the Planning Commission in a site plan review is just to make sure that the site plan adheres to the County's regulations and ordinances and standards. If the County does not have any regulations requiring specific setbacks, buffers, etc., then the Planning Commission can't necessarily require the developer to comply. Mr. Yolton responded that the applicant's submitted set of proffers gives the Planning Commission more authority than normal is setting these details during the site plan review process.

Mr. Mrytetus responded to this, using the buffer situation for example, indicating one thing the applicant has attempted to do, and that is to work with the adjoining property owner, Mr. George Duke, to develop an area along the boundary line of the properties where the applicant hopes to install a soil berm to create that transition between commercial and residential areas. This is a pretty significant undertaking so

in the submitted proffers, the applicant proffers that there will be a buffer, including potentially a soil berm, but, he is sure the Board can appreciate both the expense and the planning that goes into developing the detail, and why a requirement like that would be tied to a particular use, before the ultimate determination is made about development.

Mr. Mrytetus advised that the applicant did tie the request to the site plan review process with the Planning Commission by design. This was done so that the Planning Commission would be able to consider those alternatives with greater flexibility.

Board members discussed this aspect and felt more detailed information should be given with this application, that too much is being left open for interpretation by the Planning Commission, in the event that they really don't have the authority to do this on a site plan review, if there are no set regulations in place to govern this.

Mr. Mrytetus stated his belief that the Ordinance does give the Planning Commission the authority to actually include additional requirements as part of their review of the site plan.

The County Administrator stated that the site plan review process is more of an administrative aspect for the Planning Commission and the staff; it is not designed to approve or disapprove of a use, like a rezoning request would be. The question is, in that administrative process, how much leeway or latitude does the Planning Commission have, to require changes to the site plan that, if they were implemented, would result in approval of the site plan.

L. E. Byrum, Jr. stated that the Board of Supervisors and the Planning Commission have a lot more leeway to require changes, prior to approval of a rezoning request than after its approval. The County Administrator advised that there are two separate processes, the rezoning of a property is a legislative act, in which the Board has some discretion, and the site plan review process is more of an administrative act wherein, if the applicant meets the criteria, theoretically, it will be approved by the Planning Commission.

L. E. Byrum, Jr. questioned whether or not any site work has been done as yet on this property, and Mr. Mrytetus responded that it has not.

T. G. Smiley questioned what type of buffer will be around the Stone family residence, and whether or not they will have access to their residence from the new boulevard to be constructed, or will they continue to use their existing entrance driveway on Route 360. If no access is made from their residence to the new boulevard, two entrances side by side will be created long Route 360, and this could be a safety hazard.

Mr. Mrytetus reported that the Stone family has been contacted regarding their entrance but no commitment has been made.

In addition, Mr. Mrytetus answered Mr Smiley's concern regarding the proffering of a definite buffer area indicating the only significant mitigating factor that he would offer to support the way the buffer proffer was framed was again the unique need to create this soil berm. Also, the residential parcel is encumbered right now by two easements, one of which is an old sewer easement, and one is an old grading easement. That easement burdens the residential parcel for the benefit of all the commercial parcels that adjoin.

Due to the questions raised by the Board regarding buffers that will be proffered on this site, it was determined that more information is needed from the applicant prior to the Board holding a public hearing and making its decision. At the request of T. G. Smiley, the public hearing on this application was tabled at this meeting and rescheduled for the Board's June 27, 2005, meeting.

L. E. Byrum, Jr. requested the County Administrator to have the Board's legal counsel in attendance at this meeting, as the County Attorney has stated a possible conflict of interest and has removed himself from any discussion on this matter.

**RE: KING WILLIAM COUNTY CODE, CHAPTER 10, ANIMALS, ARTICLE II
ANIMAL CONTROL, DIVISION 2 LICENSING OF DOGS, SECTION 10-69(b), DOGS
RUNNING AT LARGE (YEAR ROUND LEASH LAW)**

a. Public Hearing – Proposed Amendment on Subdivisions Included in Corr-Walker Subdivision and Omitted From Recodified King William County Code - The County Administrator explained that Beaver Creek, King William Estates, and Timberland Estates Subdivisions collectively encompass part or all of the territory included in the Corr-Walker Subdivision, which was included in the year-round leash

law provisions in 1996. In addition, Cherry Hill, Rosewood and Spring Pleasants Subdivisions were included in the year-round leash law provisions in 2001, but all were inadvertently omitted from the newly recodified County Code. These proposed amendments to Section 10-69, entitled "Dogs Running at Large", subsection (b) of the King William County Code do not include any new subdivisions or parts thereof, but rather the aforementioned subdivisions and/or their territories were originally included in the County Code's year-round leash law provisions, but were either renamed or inadvertently omitted in the newly recodified County Code.

Thereupon, the Chairman declared the public hearing open for comments on the above stated proposed amendments.

Herbert L. White, Jr., a resident of Mill Road in Aylett, requested the Board to consider more widespread Leash Laws for the County and not just for specific subdivisions. He explained that when he bought his home, his property and three other homes were all that were located on Mill Road, and now he has subdivisions in front of, in back of, and to the side of his property, but, his property is not part of any of them. He feels the County definitely needs year-round Leash Laws and requested the Board to consider encompassing more widespread areas, particularly, in the Central Garage/Route 360 Corridor area.

There being no other persons appearing to speak for or against the above stated amendments, the public hearing was declared closed.

b. Consideration of Action - On motion by T. G. Smiley, seconded by C. T. Redd III and carried unanimously, the Board amended Section 10-69, entitled "Dogs Running at Large", subsection (b) of the King William County Code to include Beaver Creek, King William Estates, and Timberland Estates which collectively encompass part or all of the territory included in the Corr-Walker Subdivision, and Cherry Hill, Rosewood, and Spring Pleasants Subdivisions, all of which were originally included in the County Code, but were either renamed or omitted in the recodification of the County Code.

c. Authorization of Public Hearing to Consider Inclusion of Woodruff Subdivision in King William County Code - The County Administrator informed the Board of a request received from the residents of Woodruff Subdivision located on

Route 600 (West River Road) in Aylett to have their subdivision designated as a year round lease law subdivision. He indicated that the Board would need to authorize a public hearing to consider such an amendment to Section 10-69 (b) of the King William County Code.

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 be held during its June 27, 2005, regular meeting to consider this request.

RE: PUBLIC HEARING – PROPOSED VACATION OF CERTAIN PUBLIC UTILITIES EASEMENTS RELATED TO CENTRAL CROSSING SHOPPING CENTER

Prior to the opening of the public hearing on this matter, L. E. Byrum, Jr. questioned whether or not this proposed vacation of public utilities easements has any bearing on Zoning Case #Z-04-05 which was tabled earlier in this meeting. The County Attorney responded that this proposal is a cleaning up issue as the County no longer has any need for on-site sewer disposal and the County has no reason to have any stockpiling of top soil. The County Administrator indicated that the sewer area easement was done in anticipation of sewer/septic drain fields for the shopping center, and obviously, the shopping center is not going to be constructed with septic drain fields, as it has been, and will continue to be, developed on public central sewer. Continuing, the County Administrator explained that the topsoil easement is located behind the existing shopping center, in response to a question raised by T. G. Smiley. The Chairman questioned information contained in the Board's material in a letter from Andrea Harlow, an attorney of the firm, Kaufman and Canoles, indicating that these two parcels are well lots located at the Central Crossing intersection, and may have certain appurtenant rights in and to the sewer easement and the top soil disposal site easement. The County Administrator responded that the well lot referred to is the lot actually owned by the County that was conveyed to the County by the developer of the shopping center when the shopping center was built. This is where the County well is located.

At the request of C. T. Redd III, the public hearing on this matter was tabled until the Board's June 27, 2005, regular meeting, and the County Administrator was requested to obtain additional information.

RE: UPDATE ON COUNTY PROJECTS AND ACTIVITIES

a. Regional Animal Shelter - The County Administrator reported that the Animal Shelter Site Plan went to the Planning Commission at its meeting last week and most of the comments received had to do more with the location and not the site plan, and the Commission tabled action on it until its June 20th meeting. C. T. Redd III questioned why the Planning Commission tabled this matter. The County Administrator explained that because this site is situated in the Transportation Corridor of Route 30, (which is 1,000 feet off the center line or either 1,000 feet off the right-of-way of Route 30), and this facility site is only approximately 300 feet off the right-of-way, the site plan has to be reviewed by the Planning Commission. If the site were located outside the Transportation Corridor area, the Planning Staff would administratively approve it, but, because it is in this Corridor, it has to go before the Planning Commission. This facility is located on a 180+ parcel, so not only was it an advertised hearing, but every property owner around the 180 parcel received a notification of the public hearing on the site plan. This is a use permitted by right in that zone which is Agriculture-Conservation, but the comments received by the Planning Commission were basically more the kind you would get at a rezoning hearing or a special exception hearing. Approximately six persons spoke and no one objected to the need for the facility when the reason for the facility was explained and the State requirements, etc. It was more of a location issue. No comments were received about the site plan itself, it was more about location, either moving the facility back further on the property or finding another site.

Following these comments, the Planning Commission asked the staff to look at other options - one being to move the facility back further on the property away from the church and several houses in the general area, and also to look at the old landfill site on Route 30. There is no space at the old landfill to locate an animal shelter, but the staff will look into the possibility. It is not compatible because there is already

located there the closed landfill, a burn pile, a shooting range for the Sheriff's Department, a convenience center, and a borrow pit.

In further discussing the proposed animal shelter location, the County Administrator advised that even though the County owns 180 acres in this parcel, a lot of it is undevelopable because of the topography, the deep ravines, or is too narrow to situate a building of any size, etc. In addition, soils studies showed spots of marginal soils which are not that good for drain fields. The better soils for drain fields just happen to be closer to Route 30.

L. E. Byrum, Jr. suggested that the requested information be provided to the Planning Commission so that the Commission can take action deemed appropriate, and then the Board of Supervisors can take the appropriate action.

b. Mt. Olive Community Improvement Project – Award of Bid for Area (1) On-Site Wastewater Treatment Facility - The County Administrator reported that 26 houses, so far, in the Mt. Olive Community Project that have been rehabbed or replaced, have either been occupied, or given some form of a Certificate of Occupancy. The work on the community well is progressing and should be completed in the 30 to 60 days. The plans for the sewage treatment plant, which will serve most, but not all of the area, are near completion. The permit has been issued by DEQ, but DEQ also has to review and approve the plans and well as the Permit. The plans should be submitted to DEQ for review within the next 30 days, and DEQ typically takes about 30 to 45 days to review, assuming there is no major problem. The plans for the plant can then be put out for bids.

Continuing, Mr. Pleva advised that part of this community project is not serviced by the central sewage treatment plant because it is located out on one end of the project area, and is not economically feasible to get the lines to, so this area is proposed for a mass drain field, which will service 10 to 12 homes. This mass drain field has been put out for bids and on March 22, 2005, three bids were received. These bids have been tabulated by Resource International, and the low bidder is Enviroscope, Inc. in Mechanicsville, Virginia in the amount of \$287,700.00. This bid is significantly higher than was anticipated due to a substantial cost in the bid for clearing the site. It appears that the site can be cleared by self help or other means, therefore,

Resource International has negotiated with the low bidder and modified some of the design specifications, and the low bidder has agreed to perform the work based on a cleared site and minor modifications for \$207,439.00. This total bid for the work is within the total project funding for Mount Olive, therefore, it is the recommendation of Resource International that the contracts be awarded to Enviroscape, Inc. for \$207,439.00.

Thereupon, on motion by L. E. Byrum, Jr., seconded by C. T. Redd III and carried unanimously, the Board awarded the bid to Enviroscape, Inc. of Mechanicsville, Virginia, in the amount of \$207,439.00 for the mass drain field (waste water treatment system) for the Mount Olive Community Project.

c. VACO Legislative Agenda for 2006 - The County Administrator reminded the Board to submit any items of concern for the 2006 Virginia Association of Counties (VACO) Legislative Agenda.

RE: APPOINTMENTS

a. Rappahannock Community College – One Member, Four Year Term, Term of James E. Mickens Expires June 30, 2005 - (Mr. Mickens is eligible for a Second Term, but is not seeking reappointment) - On motion by L. E. Byrum, Jr., seconded by C. T. Redd III and carried with the following vote, the Board appointed Joan A. Faulkner as the King William County representative on the Rappahannock Community College Board for a term of four years. Said term to expire June 30, 2009.

W. F. Adams	Abstain
L. E. Byrum, Jr.	Aye
C. T. Redd III	Aye
T. G. Smiley	Aye
O. O. Williams	Aye

b. Community Criminal Justice Board – One Member, Sheriff Jeff Walton to Replace Assistant County Administrator, Terri E. Hale - On motion by C. T. Redd III, seconded by T. G. Smiley and carried unanimously, the Board appointed Sheriff Jeff Walton to replace Assistant County Administrator, Terri E. Hale, on the Community Criminal Justice Board.

c. Economic Development Authority – One Member, Four Year Staggered Term, Term of Daniel L. Wright Expires June 30, 2005. (Mr. Wright completed Mr. Smiley's unexpired term) - On motion by L. E. Byrum, Jr., seconded by C. T. Redd III

and carried unanimously, the Board reappointed Daniel L. Wright to serve a four year term as a member of the King William County Economic Development Authority. Said term will expire June 30, 2009.

d. Social Services Board – One Member, Four Year Staggered Term, Term of Otto O. Williams Expires June 30, 2005 (Mr. Williams completed Mr. Sterowski's unexpired term) - On motion by C. T. Redd III, seconded by T. G. Smiley and carried unanimously, the Board reappointed Otto O. Williams to serve a four year term on the King William County Social Services Board. Said term will expire June 30, 2009.

e. Board of Zoning Appeals – One Member – To Be Nominated for Appointment by Circuit Court Judge, Five Year Term, Term of William Bryant Wilson Expires June 30, 2005 - On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the Board nominated William Bryant Wilson to the Judge of the Circuit Court to be reappointed to serve a five year term as a member of the King William County Board of Zoning Appeals. Said term will expire June 30, 2010.

f. Recreation Commission – Three Members, Three Year Terms, Term of Thomas G. Smiley (Board of Supervisors Member) Expires June 30, 2005 (Mr. Smiley Completed Mr. Wright's Unexpired Term); Term of Delores A. Owens (3rd Election District) Expires June 30, 2005; Term of Rosalin E. Ball (West Point Public Schools) Expires June 30, 2005 - On motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board reappointed Thomas G. Smiley as the Board's representative on the Recreation Commission for a three year term ending June 30, 2008, and reappointed Delores A. Owens from the Third Election District for a three year term ending June 30, 2008. Action on reappointment of Rosalin E. Ball (West Point Public Schools) was tabled until the Board's June meeting.

g. Historic Preservation and Architectural Review Board – One Member, Five Year Term, Term of Jerry Cox Expires June 30, 2005 - Action on this appointment was tabled until the Board's June 27, 2005, meeting.

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

a. Herbert L. White, Jr. addressed the Board concerning comments made earlier in the meeting regarding heavy trucks using the parking lot at Indian View Baptist Church located on Route 30 as a turn around area, and the possibility of VDOT installing a sign on Route 30, near Dunluce Road, indicating "Industrial Park" to better mark the location of the kitty litter plant on Dunluce Road. Mr. White made the Board aware that such a VDOT sign is located in Hanover County denoting the location of Bear Island Paper Company. In addition, he noted that trucks traveling South on Route 30 and miss the Dunluce Road entrance to the kitty litter plant are also turning around at the Route 600/Route 30 intersection. This also creates a traffic hazard.

b. Stephen Palmer, Commonwealth's Attorney, addressed the Board concerning comments made earlier in this meeting regarding his proposed FY-06 Budget, and thanked the Board for approval of his Budget with the addition of the \$14,000 line item.

c. Eugene Rivara commented on the Planning Commission's review of the site plan on the proposed animal shelter. He indicated that at the Commission meeting, a group of citizens from the church questioned the location of the facility. From the public comments received, he feels that more of a buffer is needed to the rear of the facility, possibly some type of plastic screening in the proposed chain length fencing, and more buffering along the side by adding some type of landscaping in addition to the existing trees. This is an excellent site and an excellent location, just needs a little extra buffering. He felt the people realized the need for this facility.

RE: BOARD OF SUPERVISORS' COMMENTS

a. Chairman, W. F. Adams, announced that the Upper Mattaponi Indian Tribe will be holding its annual Pow Wow on Saturday, May 28th and on Sunday, May 29th, and invited everyone to attend. The event begins at 12 Noon on Saturday, and at 1:00 p.m. on Sunday.

b. L. E. Byrum, Jr. announced the King William VFW Post will be holding a Memorial Ceremony on Sunday, May 29th at 3:00 p.m. in honor of Memorial Day. The Honorable Jeff Walton, Sheriff of the County, will be the guest speaker. Everyone is invited to attend.

RE: ADJOURNMENT OF MEETING

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

COPY TESTE:

W. F. Adams
Chairman

Frank A. Pleva
County Administrator

