

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF JULY 24, 2006

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 24TH DAY OF JULY, 2006, 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:

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

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

In the absence of the Chairman, this meeting was chaired by Vice-Chairman, O. Williams.

RE: APPROVAL OF MEETING AGENDA

On motion by E. J. Rivara, 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 change: (1) under Consent Agenda, Item 6i was added – Authorization for Public Hearing for Preliminary Site Plan Approval under Conditional Use Permit for Kennington Place.

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

Mrs. Gaynell G. Smith, a resident of 23394 King William Road in the Second Election District, addressed the Board concerning a problem she recently experienced with County personnel when trying to obtain information concerning her property.

Don Wagner of 5515 Herring Creek Road discussed the proposed zoning text amendment concerning a MotoCross Track being permitted by right in the A-C zoning district, that is to be considered by the Board at its August meeting.

Herb White of 1186 Mill Road appeared before the Board to congratulate the Virginia Department of Transportation for their extremely cooperative service. In addition, he spoke of his concern about the volume of large truck traffic on Route 30, and noted an article he saw recently in the Richmond Times-Dispatch about a lady in King and Queen County who is organizing a committee to study possibilities or ways to help solve the heavy truck traffic on Route 14 in that county. He feels that King William County should also be considering safety measures regarding the heavy volume on Route 30.

RE: CONSENT AGENDA

On motion by E. J. Rivara, seconded by W. F. Adams and carried unanimously by those present, the Board approved the following items on its consent agenda:

- a. Minutes of the Regular Meeting of June 26, 2006, as written
- b. Claims against the County for July, 2006, in the amount of \$1,860,447.87

as follows:

(1) General Fund Warrants #62419-62682 in the amount of \$270,200.05; Manual Checks #14105-14106 in the amount of \$77,633.94; Direct Deposits #8705-8829 in the amount of \$193,868.24; and Electronic Tax Payment in the amount of \$63,511.20

(2) For informational purposes, Social Services expenditures for the month of June, 2006, Warrants #305165-305229 in the amount of \$41,013.17; Direct Deposits #1454-1475 in the amount of \$36,928.78; and Electronic Tax Payment in the amount of \$8,743.44

(3) For informational purposes, Circuit Court expenditures for the month of June, 2006, Warrants #62391-62396 in the amount of \$3,789.86; Direct Deposits #198-200 in the amount of \$7,929.01; and Electronic Tax Payment in the amount of \$2,800.94

(4) For informational purposes, Comprehensive Services Act Fund expenditures for June, 2006, Warrants #62398-62416 in the amount of \$64,747.92

(5) Tax Refunds for June, 2006, in the amount of \$2,456.34

c. Authorized advertisement for a public hearing to consider amendment of the King William County Code Article II, Vehicle License Tax, to Discontinue Sale of

County Decals effective Tax Year, 2007, to be held during the Board's regular August 28, 2006, meeting.

d. Accepted the Commonwealth Attorney's staff into the King William County Personnel Plan

e. Authorized advertisement of a public hearing to consider Zoning Case #TXT-01-06, Zoning Text Amendment of Section 86-173(1) to add "MotoCross Track" as a permitted Use in the A-C Zoning District with a Conditional Use Permit, to be held during the Board's regular August 28, 2006, meeting.

f. Authorized advertisement of a public hearing to consider Zoning Case #CUP-01-06, Request for Conditional Use Permit to construct and operate a new meeting hall facility, Applicant: King William Ruritan Club to be held during the Board's regular August 28, 2006, meeting.

g. Approved the employment of Kevin Johnson to fill the position of Groundskeeper in the Public Works Department

h. Accepted the Deed for the Well Lot and Access Easement from Kennington Place, LLC to King William County

i. Authorized advertisement of a public hearing to consider Zoning Case #CUP-02-06, Request for Preliminary Site Plan Approval on Kennington Place Townhouses to be held during the Board's regular August 28, 2006, meeting.

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY ADMINISTRATOR

a. West Point Industrial Park, Phase II, Industrial Access Road - On motion by C. T. Redd III, seconded by E. J. Rivara and carried unanimously, the Board adopted an Agreement for Phase II of the West Point Industrial Park. The Town of West Point desires to apply for Revenue Sharing Funds for the design and construction of a new roadway for access to Phase II of the West Point Industrial Park, and towns with a population of under 3,500 cannot participate in the Revenue Sharing Programs on their own, but, have to go through the County. King William County will act as agent for the Town.

b. Route 360 and Route 600 at Aylett Traffic Signal - Mr. Stunkle reported that the new traffic signal at the intersection of Route 360 and Route 600 at Aylett is

now operational. Sheriff Jeff Walton requested that VDOT take a look at the timing and the placement of advance warning signs on Route 600 and on Route 360 for this traffic signal.

c. Traffic Signal at Intersection of Route 360 and Route 30 at Central Garage - Mr. Stunkle indicated that the VDOT Engineers are looking at the timing on this traffic signal during the 6:00 – 9:00 AM peak traffic period to determine if more traffic can be moved off of Route 30, specifically, the left turn traffic headed towards Richmond, without visiting the change in the lane assignments.

d. Dedication Ceremony and Opening of the New Lord Delaware Bridge at West Point - Mr. Stunkle announced that a Dedication Ceremony for the new Lord Delaware Bridge at West Point will be held at 9:30 a.m. on Saturday, July 29, 2006.

e. Dover Lane – Route 603 - Mr. Stunkle reported that the hard surfacing work should begin in August on Route 603 (Dover Lane), and should be completed in FY-06/07 of the County's Secondary Six Year Plan.

RE: PLANNING MATTERS – LEE YOLTON, COMMUNITY DEVELOPMENT

DIRECTOR

a. Public Hearing – Zoning Case #Z-10-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to R-1 (Suburban Residential); Applicant: King William County - Lee Yolton, Community Development Director, presented and reviewed the application of King William County to rezone 15 acres of land located on the northeast side of Route 632 (Mt. Olive/Cohoke Road), approximately 2000 feet south of the intersection of Route 632 and Route 621 (Green Level Road), from an A-C (Agricultural-Conservation) District to an R-1 (Suburban Residential) District with proffered conditions. This property is further described as Section 44, Parcel 104 on the King William County Tax Maps. The rezoning of this property is being requested in connection with the Mt. Olive Community Development Project, Phase 2. Funds for the Mt. Olive Community Development Project are provided through a Community Development Block Grant, which will be used to relocate up to ten, and possibly several more, low-to-moderate income families qualified for assistance through this program. The families to be relocated currently live in the area, but are unable to acquire clear title to the property on which they

reside. Their present homes are blighted and the residents quality for reconstruction services. Continuing his review, Mr. Yolton indicated that the request for the R-1 zoning for the property is necessary to accommodate the development of at least seven (7) new modular homes sites. Each of the new lots will average approximately $\frac{3}{4}$ acre. Under its current A-C District zoning, the property could only be subdivided for a minor subdivision containing a maximum of four lots, plus a residual. The proposed new homes will be provided with public water and sewer service, therefore, the property can accommodate smaller lots than what otherwise would be appropriate for this area. The new sewer treatment facility, which is part of the Mt. Olive Project, is sized to provide service only for the participants in the project. The state-of-the-art treatment facility is sized to treat 8,000 gallons per day, and is located on approximately 4 acres of the available 15 acres. The treatment process is completely enclosed and odor free. The existing trees and vegetation on this site will screen the facility and it will have a separate entrance from Mt. Olive-Cohoke Road. A minimum 200-foot setback is required adjacent to residential use.

In continuing his presentation, Mr. Yolton reviewed the list of 12 proffers submitted. Proffer #1 and #2 ensure that each lot can only be used for one principal dwelling, and that mobile homes are excluded as permanent living quarters. Proffers #4 through #7 eliminate the storage of junk items on the site, the use of lots for business or industrial purposes, control animal ownership, and restrict the use of firearms. Proffer #9 requires the establishment of a property owners association for the ongoing maintenance of the road and common areas, and possible restrictive covenants. Other proffers address development quality by ensuring that each lot will be served by public water and sewer, that the subdivision road will be built to VDOT standards, that the "extra" lot can only be used for a wastewater treatment facility, and that, in general, the development will fully comply with federal, state, and local codes.

It was the recommendation of the Planning Commission and the staff to the Board of Supervisors to approve this request as presented with the submitted proffers.

Thereupon, the public hearing was declared open by the Vice-Chairman for comments.

Leon Brooks of 767 Mt. Olive/Cohoke Road addressed the Board as the representative of the Mt. Olive community. Mr. Brooks indicated that the Mt. Olive Community Development Project has raised the standards of living for this community, has diminished the calls for police service and for rescue squad service, and overall has improved the economic standards for community residents. Residents now enjoy a better quality of life. He thanked the County Administrator and all others involved for all of their efforts to make this project the success that it has been. He reported that the Mt. Olive community is no longer blighted because of this Community Development Project.

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

b. Consideration of Zoning Case #Z-10-06 - On motion by W. F. Adams, seconded by C. T. Redd III and carried unanimously by those present, the Board approved the request of King William County to rezone 15 acres of land located on the northeast side of Route 632 (Mt. Olive/Cohoke Road), approximately 2000 feet south of the intersection of 632 and Route 621 (Green Level Road), from an A-C (Agricultural-Conservation) District to an R-1 (Suburban Residential) District with Proffered Conditions. Said property is further described as Parcel 44-104 on the King William County Tax Maps.

RE: PUBLIC UTILITIES MATTERS – FRANK A. PLEVA, COUNTY ADMINISTRATOR

a. Consideration of Amendment #3 to HRSD Agreement for Wastewater Collection, Treatment, and Disposal Services for Wastewater Treatment System Expansion – Jim Pyne, HRSD - Dr. James C. Pyne, P. E. , Chief of the Small Communities Division of the Hampton Roads Sanitation District (HRSD) addressed the Board explaining that Addendum #3 to the HRSD Agreement is for expansion of wastewater collection, treatment and disposal services for wastewater treatment system. He indicated that in accordance with a 1999 Agreement with the County, the Hampton Roads Sanitation District provides wastewater management services to a portion of King William County, primarily, the Central Garage area. HRSD is now in the process of expanding the existing wastewater treatment plant from 25,000 gallons

per day to 100,000 gallons per day to accommodate projected increased wastewater flows from development along the Route 360 corridor, especially the Central Garage area. In order to insure that HRSD has sufficient revenue to pay for the capital debt service, operation and maintenance costs of the wastewater treatment plant expansion, Addendum #3 to the 1999 Agreement is proposed. Under this Addendum, the County will fund, if needed, the difference between the amount of actual revenue (service fees) billed, if less than the amount of billable revenue that would be received at 50% of the expanded capacity, and the amount of billable revenue that would be received at 50% of the expanded capacity. As soon as the actual billable flow reaches or exceeds 50% of the expanded capacity, the County's funding obligation will terminate.

The Board discussed this proposed Addendum #3, and upon motion by E. J. Rivara, seconded by W. F. Adams and carried with the following vote, approved Addendum # 3 to the 1999 Agreement with Hampton Roads Sanitation District for expansion of the existing wastewater treatment plant at Central Garage to 100,000 gallons per day.

b. Consideration of Public Utility wastewater Service Agreement for Rogers-Chenault Projects - Frank A. Pleva, County Administrator - Prior to any discussion on this matter, County Attorney, L. M. Chenault, stepped down from his seat with the Board, and Mr. William H. Hefty, special legal counsel for the County, assumed his seat. Also in attendance for this meeting, were Mr. Charles D. Riedlinger of Resource International, Inc., Engineer for King William County, and Mr. E. Duffy Myrtetus, legal counsel for Rogers-Chenault.

County Administrator, Frank A. Pleva, indicated that the County has previously entered into a Public Utility Water Service Agreement with Rogers-Chenault, Inc. to cost share the off-site water transmission line serving Section I of McCauley Park because the line was located and had the capacity to serve properties located outside of the McCauley Park development. The County's cost share of the water line was funded through facility/connection fee credits given to the developer rather than through a direct cash outlay to the developer or his utility contractor. This arrangement provided the County a means of funding greater off-site or downstream

water facility capacity that was cost-effective, cash-flow friendly and debt-free. The waterline installation and facilities fee credit portions of the Agreement have been satisfied.

The County Administrator further advised that a companion wastewater services agreement was not developed because the residential lots in Section I of McCauley Park were served by on-site wastewater disposal systems. The remainder of the McCauley Park mixed use project as well as the Central Crossing residential project and the Kennington Place mixed use project will be served by public, central wastewater collection, treatment and disposal facilities. A public utility wastewater service agreement, similar in structure to the previously mentioned public utility water service agreement, has been developed to allocate the costs of the off-site or downstream wastewater facilities. These off-site facilities will not only serve the remainder of McCauley Park, Central Crossing and Kennington Place projects, but will also contain additional capacities capable of serving properties not part of these three projects. The County's share of the off-site facilities costs will be funded through facility/connection fee credits given to the developer rather than through a direct cash outlay to the developer or his utility contractor.

The Board discussed this matter, and upon motion by C. T. Redd III, seconded by E. J. Rivara and carried unanimously by those present, approved the Public Utility Wastewater Service Agreement for Rogers-Chenault, Inc., projects.

Following all discussion on this issue, County Attorney, L. M. Chenault, reassumed his seat with the Board.

RE: DISCUSSION OF EMERGENCY COMMUNICATIONS SYSTEM – JEFF WALTON, SHERIFF, AND STEVE PUCKETT, EMERGENCY SERVICES DIRECTOR

Sheriff Jeff Walton, and Emergency Services Director Steve Puckett, each addressed the Board regarding safety issues and concerns with the outdated, antiquated radio communications system still in use in King William County. Mr. Puckett discussed how emergency services personnel are put in jeopardy when their communication system fails. There is only one frequency available for both fire and rescue personnel and often, this frequency is very crowded and causes difficulties in communications with Dispatch and with each other. It is not unusual to have two or

more incidents going at the same time, and there has been as many as four happening at the same time, causing extreme difficulty with communications becoming very jumbled and creating many problems. He discussed a mass casualty incident which occurred on July 19th on Route 360 with 10 patients involved, and 8 of those patients being transported. Response to this mass casualty required 6 ambulances, 2 first response units, and two pieces of fire apparatus. With all of this occurring on one communications frequency, it causes extreme confusion with Dispatch getting needed personnel and equipment to the scene, creates delays, and places the responders in jeopardy of being hurt.

The second problem is that communication coverage is extremely lacking in several parts of the County. There are locations where the fire and rescue personnel have no communication with Dispatch or almost with each other. This places responders in jeopardy and in situations that could cause injury to them and to leading up to death. Mr. Puckett noted that the history of the injuries and death in fire and rescue service is directly related back to the communications in almost every incident. There is only one tower in the County, with no back up. If this tower is lost, all fire and EMS communications are lost. This tower has been maintained by donations, primarily, by the fire and EMS volunteers. If a fire or rescue unit has to respond to a location in the north eastern section of the County, or the lower southern end of the County, there is no communication. At times, it has been necessary to try to use cell phones for communication with Dispatch. The system was put into operation in 1985 and is so outdated that parts for repair are no longer available, and with the growth rate now occurring in the County, it is going to become harder and harder to communicate. Mr. Puckett requested the Board to consider updating the communication system for the protection of fire and rescue responding personnel and for the protection of the public.

Sheriff Jeff Walton also addressed the Board concerning safety issues he and his deputies and dispatchers experience every day with the existing outdated communications system. Sheriff Walton indicated that his side of this situation is not much different from the EMS side, except that his system has been in operation since the early 1970's. The Sheriff's Office operates off of a low band radio system, which

traditionally has been a good system because it transmits further, but, over the years, for some reason, this has changed, and the range is slowly dwindling away. This situation is not unique to King William County. King and Queen County, which shares the same radio frequency with King William, has the same problems. A real fear is that if lightning should strike the building and put the radio system out, repair parts are no longer readily available because the system is so old. It may take a week or longer to find the needed parts if the system fails, and during that time, he is relying on the graciousness of Sheriff Walton of King and Queen County to dispatch for his deputies in King William. The last base radio, a 300-watt radio, was replaced in 1988, and it is slowly losing its power. If King and Queen 's system should go down at the same time, both counties would be completely without a radio system. Currently, they back each other up when something happens, and it is happening more and more frequently. His fear is that his deputies will be put in jeopardy when they are out answering calls and putting their lives on the line, and cannot communicate with Dispatch on the radio. Also, Dispatch is trying to call the deputies, and getting no response, they do not know what might have happened to the deputies out in the field because there is no way to communicate. The deputies are relying on their own cell phones to call back to Dispatch to let them know that everything is okay, or to get more information on a call. Sometimes the system works like there is no problem, and then there are instances when the deputies have no communication at all.

Sheriff Walton noted that the EMS side is experiencing the same problems as his Department, and so is King and Queen County. He indicated that he has spoken to Sheriff Walton in King and Queen, and they are looking at upgrading their system. He suggested that the Board consider working with King and Queen and doing something regional. In addition, the Town of West Point might wish to be included, as they are experiencing similar problems. Perhaps a grant could be secured to help defray the cost of a new system.

He asked for guidance, assistance, and support from the Board in upgrading the communications system for the County. Perhaps form a committee, or hire a consultant to come in and look at the situation to determine what needs to be done.

The Board determined that a Committee should be formed, and requested that Sheriff Walton and Mr. Puckett come back to the Board at its August 28th meeting with a list of names. It was suggested that a Board member, Steve Puckett, Emergency Services Director, and Sheriff Jeff Walton be included, and that representatives from King and Queen County and the Town of West Point be invited to participate.

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

ADMINISTRATOR

a. East Court House Wall - The County Administrator advised that representatives of the King William Historical Society, and the Public Works Department staff have been meeting several times recently with the project architect to inspect the East Wall to formulate specifications to solicit bids. Some of the issues looked at and discussed included whether or not to take the whole wall down and rebuild it or do something short of that, how to address some of the integrity issues such as the stability of the wall itself, how to correct the drainage issues which are part of the existing problem because it is on a down hill slope. There are several weep holes at the base of the wall, but they are not functioning properly.

b. Regional Animal Shelter - Mr. Pleva reported that clearing began about 2 weeks ago on the site, and all the erosion and sediment control measures have been completed. There is a general soils approval for two separate drainfields for the shelter, one for human waste and one for animal waste. The bid on this project included the clause that the contractor hire a consultant to design the drainfield system himself, and then install the system that is approved by the Health Department. One drainfield is to be to the front of the property, and the other will be to the right side of the property.

c. Mt. Olive Community Improvement Project - County Administrator, Frank A. Pleva, indicated that the rezoning application was approved by the Board earlier in this meeting, and that all of these lots will be served by public water and public sewer. The next Mt. Olive Management Team Committee meeting is scheduled for July 25, 2006, at 2:00 p.m.

RE: APPOINTMENTS

a. Bay Consortium Local Workforce Investment Board – One Member, Four Year Term, Term of James E. Mickens Expired June 30, 2006 (NOTE: Mr. Mickens does not wish to be considered for reappointment) - On motion by C. T. Redd III, seconded by E. J. Rivara and carried unanimously by those present, the Board appointed Mrs. Kathy Morrison to serve a four year term representing King William County on the Bay Consortium Local Workforce Investment Board. Said term will expire June 30, 2010.

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

Mr. Paul Coleman of Dinwiddie, Virginia, addressed the Board regarding a topic to be on the Board's upcoming August meeting. He indicated that he was the initiator of the discussions concerning the text amendment to the Zoning Ordinance, and that did not happen arbitrarily. He stated that all the current "motocross tracks" in the State of Virginia are located west of I-95, and all of the riders of "motocross track", or about 75% of them, are located east of I-95, so in looking for a new location for a "motocross track", he was approached by people in King William County to see if it could be built here. When originally reading the King William County Ordinances, he thought this use would qualify as a recreational area, which does not require any particular amount of acreage, just by-right. However, in discussions with the County, it was determined that this was not the situation. He stated that he would like to send the Board a packet of information regarding this matter prior to its next meeting.

RE: BOARD OF SUPERVISORS' COMMENTS

C. T. Redd III recognized Katy Lloyd, Public Information Officer for the County, on receiving the 2006 APEX Award for Publication Excellence for the "Community Companion".

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

COPY TESTE: _____2
Frank A. Pleva, County Administrator

