

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF JULY 25, 2005

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 25TH DAY OF JULY, 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

Prior to opening the meeting, the Chairman observed a moment of silence in memory of Mr. Leroy T. McAllister, Sr., who passed away on July 20, 2005. Mr. McAllister served as a member of the King William County Board for 28 years, beginning his first term on January 1, 1972, and retiring from service on December 31, 2000.

Also, in honor of "Mr. Mac" as he was affectionately known, Board member, C. T. Redd III requested that the County flag in front of the County buildings continue to be flown at half staff through the end of July.

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.

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

a. Mrs. Fran Freimarck, Director of the Pamunkey Regional Library, thanked the Board for the additional hours at the Upper King William Branch, which

will extend the library services to more people in the County. She also reported on the success of a new program started with the school system this summer for primary and elementary students to participate in a Student Summer Reading Club.

In addition, Mrs. Freimarck invited everyone to attend the Adult Summer Reading Club program grand finale, which is an ice cream social to be held on August 16, 2005, at 6:00 p.m. at the Upper King William Branch.

b. Herbert L. White, Jr. of 1186 Mill Road in Aylett, discussed a problem he has experienced with trying to get a new home built in King William County. He indicated that because of internal problems in the King William County Planning area, he has had to let his builder go. Mr. White stated that his builder no longer desires to do work in King William County because of all the problems it is bringing to him and all of the extra cost it is bringing to him. He also indicated that several other builders have told him that it costs them extra money to build in the County. Mr. White further stated that the problem is not with the employees the County has, but, rather the lack of enough employees. Mr. White feels the County needs more building inspectors, etc. in order to move the projects along, that have been approved for the County. He stated that the County has approved projects such as for Prospect, which is a national home builder chain, and Centex, which is another national home builder chain, as well as a number of other developments with up in the hundreds of available building lots, and more building inspectors, plans approval people, etc. are needed in the Building Department to take care of the workload on these building lots, so that things can progress along at a rate that is reasonable.

The County Administrator indicated that he and the Board would discuss this issue later in the agenda with Mr. Lee Yolton, Director of Planning and Community Development.

RE: CONSENT AGENDA

L. E. Byrum, Jr. motioned that Consent Agenda Item #6g "Authorization for Setting Public Hearing – Zoning Ordinance Amendment – Repeal and Re-Ordain Article IX, Division 3, entitled "Transportation Corridor Overlay District" on the draft amendment that is being presented, be deleted from the Consent Agenda, so that an addition can be made to the document prior to its authorization for publication for

public hearing, with this addition to the draft amendment reflecting the wording “that the Planning Commission shall recommend approval and exceptions to the site plan requirements and that the Board of Supervisors will have final approval of all site plans and all exceptions”. Mr. Byrum’s motion further stated that this proposed amendment then be advertised for public hearing to be held during the Board’s regular August meeting beginning at 7:00 p.m. in the Board Room of the King William County Administration Building. This motion was seconded by C. T. Redd III and carried unanimously.

Thereupon, on motion by C. T. Redd III, seconded by C. T. Redd III, seconded by T. G. Smiley and carried unanimously, the Board adopted the following items on the remainder of the consent agenda:

- a. Minutes of the June 27, 2005, Regular Meeting were approved as written
- b. Claims against the County for July, 2005, in the amount of \$1,341,259.61

as follows:

(1) General Fund Warrants #59410-59652, (FY-05) \$209,541.29 and (FY-06) \$805,646.44; Manual Checks #14059-14060 in the amount of \$97,460.82; Direct Deposits #7394-7505; and Electronic Tax Payment in the amount of \$56,346.76

(2) For informational purposes, Social Services expenditures for the month of June, 2005, Warrants #304326-304397 in the amount of \$43,210.72; Direct Deposits #1244-1251 in the amount of \$24,326.82; and Electronic Tax Payment in the amount of \$8,029.82

(3) For informational purposes, Circuit Court expenditures for the month of June, 2005, Warrants #59403-59408 in the amount of \$3,135.40; Direct Deposits #162-164 in the amount of \$7,634.31; and Electronic Tax Payment in the amount of \$2,649.27

(4) For informational purposes, Comprehensive Services Act Fund expenditures for June, 2005, Warrants #59089-59100 in the amount of \$29,929.99

(5) Tax Refunds for June, 2005, in the amount of \$730.31

c. Approved the employment of Wardell Carter as Recreation Specialist in the Department of Recreation

d. Adopted a Resolution Authorizing the Execution and Delivery of a Continuing Disclosure Agreement in Connection with the Issuance by the Virginia Public School Authority (VPSA) Bonds Funding Series

e. Adopted the following amendment to the Board of Supervisors By-Laws regarding Resubmittals and Reconsideration of Certain Matters by the Board:

**BY-LAWS OF THE
KING WILLIAM COUNTY BOARD OF SUPERVISORS**

AMENDMENT TO ARTICLE III, AGENDA

Add the following language: Any matter, which has been disposed by the Board of Supervisors during a recorded vote of its membership, shall not be placed on a meeting agenda of the Board and shall not be reconsidered by the Board for a period of twelve (12) months following the date of such recorded vote. The matter or a substantially similar matter may be placed on an agenda of a meeting of the Board and may be reconsidered by the Board within the aforesaid twelve (12) month period if:

(a) the action to dispose of the matter includes language to either table the matter or to revisit the matter at a future meeting specified in the motion, which is less than the twelve (12) month period; or,

(b) the laws of the County of King William, the Commonwealth of Virginia and/or the Federal Government permit or require resubmittal or reconsideration of the matter during a time period or at a date other than that specified above; or,

(c) two (2) or more members of the Board direct the County Administrator, in writing, to place the matter on the agenda of a meeting specified in the request.

The Board may table either action or reconsideration of action on any matter for a period of more than twelve (12) months if specified in the motion to table the matter and if the tabling of the matter is not in conflict with any County, State, or Federal Statute. In accordance with the exception cited in the paragraph above, the tabled matter may be placed on a meeting agenda and may be reconsidered by the Board prior to the expiration of the period of such deferral.

f. Approved a request from the Commissioner of the Revenue to Refund a Portion of Real Estate Taxes for the past five (5) years due to an acreage error to the Calvin Morris, Sr., Estate in the amount of \$622.99

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY

ADMINISTRATOR

Charles Stunkle, VDOT Residency Administrator, addressed the Board with the following transportation matters:

a. Route 628 - Mr. Stunkle reported that the failing drainage pipe on Route 628 was replaced this past week.

b. Indian Church Road (Route 654) - It was indicated by Mr. Stunkle that the developer of the housing project located on Indian Church Road has been

contacted by VDOT regarding the problem with the high shoulders created by the recent paving of the road, but, Mr. Stunkle indicated that no corrective work has been started yet. VDOT will be back in contact with him regarding this situation.

c. Route 618 Bridge over Moncuin Creek - Mr. Stunkle reported that there is no change in the schedule of the work for this project, but progress is being made. The project is scheduled to be bid in September, but, most likely, the bridge will not be ready for traffic by the end of this year.

d. Dunluce Road Intersection with Route 30 and Trucks Turning Around at Indian View Church Parking Lot - Mr. Stunkle reported the Traffic Engineer suggests that (1) Golden Cat might be interested in erecting an outdoor advertising sign on Route 30 denoting the location of their plant, but, he noted that Golden Cat does not own property on Route 30, so they would have to work with another property owner, as well as the VDOT Outdoor Advertising Department to get this sign erected, or (2) to consider that the name of Dunluce Road be changed to reflect something that would be more related to the business or industry.

L. E. Byrum, Jr. noted that the County Zoning Ordinance does not allow off-site advertising signs.

The County Administrator inquired about the possibility of VDOT installing an "Industrial Park" sign, and Mr. Stunkle responded that this is not possible.

e. Route 600 (West River Road) – Status Report on Request for Through Truck Traffic Prohibition – Mr. Stunkle reported that the posted time period for receipt of public comments expires during this week. At the close of this comment period, any comments received will be forwarded to the Traffic Engineering Department. Thus far, two written comments have been received in his office and both were in support of the proposed restriction.

f. Request for Route 618 Traffic Study - Chairman, W. F. Adams stated that the speed limit was reduced to 40 MPH on the section of Route 618 leaving the elementary/primary school complex and going towards the Manquin area, but then the speed limit increases to 55 MPH, but the road is still narrow and crooked. He inquired as to whether or not it would be possible to lower the speed limit to 40 MPH or 45 MPH all the way up to the intersection of Route 600 and Route 618, which is at Four

Forks. From that point on, out to Route 360, the road is much wider and much more safe. Mr. Stunkle indicated that he will request this Speed Study be performed.

O. O. Williams pointed out that a lot of the land along this route is agricultural, and if a farmer is on the roadway with a tractor or other slow moving piece of farm equipment, a "Farm Equipment" sign is needed to alert motorists. Mr. Stunkle indicated that he will make this part of the request.

g. Request for Update Concerning Route 30 from Entrance Into McCauley Park Subdivision (Near Route 611) out to Route 360 - O. O. Williams questioned Mr. Stunkle as to why VDOT accepted the work performed on Route 30 by the developer of McCauley Park as this section of Route 30 is very rough and dangerous for motorists. Mr. Williams indicated that after previous Board discussions with VDOT, a sign denoting "Rough Road" was installed, but more than that needs to be done. Mr. Stunkle responded that this section of Route 30 meets the minimum standards set by VDOT. He continued that all of Route 30 through King William County will be overlaid this year, and that this section of Route 30 will be taken care of during this process, however, he does not know when the overlay work will begin, or on what portion of Route 30, the contractor will begin his work.

Mr. Stunkle announced that plans are for Route 30 to be widened into a four lane divided section from Interstate 95 down through the Meadow Farm property in the area of Paramount Kings Dominion and the Virginia State Fair. VDOT has received donated rights-of-way from Paramount Kings Dominion and the Virginia State Fair, so this will allow them to move forward a little faster. He advised that a public hearing has been set to receive comments on this matter for August 15, 2005, at the Dawn Progressive Association Building, which is the old Dawn School, on Route 30.

RE: VIRGINIA DEPARTMENT OF FORESTRY – R. GARY HEISER, STATE FOREST MANAGER, PRESENTATION OF CHECK IN LIEU OF TAXES

Mr. Gary Heiser, State Forest Manager for the State of Virginia, appeared before the Board to present funds to the County. He indicated that it has been approximately 25 years since a State Forest was acquired in King William County, which was Zoar State Forest, and just recently, another State Forest has been acquired, Sandy Point State Forest, which is a 2,000 acre parcel purchased from the

Nature Conservancy. He continued that the State Forest System is self-supporting in that it does not receive any tax monies for operations. Primarily, the timber is sold for support. In lieu of paying real estate taxes, 25% of their revenue is returned to the County in which the state forest is located. This year, for King William County, this amounts to approximately \$14,000.

**RE: PAMUNKEY REGIONAL LIBRARY, FRAN FREIMARCK –
PRESENTATION OF RESOLUTION OF APPRECIATION TO RUTH ARMATAGE
FOR SERVICE ON THE LIBRARY BOARD**

On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried unanimously, the Board adopted the following resolution expressing its appreciation to Mrs. Ruth Armatage for her years of service representing King William County on the Pamunkey Regional Library Board.

RESOLUTION OF APPRECIATION

WHEREAS, Ruth E. Armatage served on the Pamunkey Regional Library Board of Trustees from July 1, 1997, to June 30, 2005; and,

WHEREAS, Ms. Armatage served as Secretary of the Board from 1999 to 2005 and as a member of the Board's Technology Committee; and,

WHEREAS, during her tenure on the Board, the Library moved into the new Upper King William Branch location and opened a computer lab in the West Point Library; and,

WHEREAS, during her tenure, the Library opened new buildings in other regional library participating localities, in the Counties of Goochland, King and Queen, and Hanover; put a new bookmobile on the road; began providing public access to the Internet, and bought a new Integrated Library System that greatly improved access to the Library's collection; and,

WHEREAS, with Ms. Armatage's active leadership, the Library completed two five-year planning processes, completely revised the Library Policies and the Library Personnel Policies; and,

WHEREAS, Ms. Armatage's exemplary service as an active, involved, caring Library Board member resulted in improved public Library service for King William County's citizens.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors does hereby express its heartfelt appreciation to Ruth E. Armatage for her service to King William County as a member of the Pamunkey Regional Library Board of Trustees.

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors acknowledges Ms. Armatage's leadership, dedication, and commitment to the Pamunkey Regional Library and to King William County; and,

BE IT FINALLY RESOLVED, that a copy of this Resolution expressing the sense of this Board of Supervisors on this matter shall be conveyed to Ms. Armatage, and shall be spread upon the meeting minutes of said Board of Supervisors.

RE: DOCTORS' HOSPITAL OF WILLIAMSBURG – STEPHEN H. MONTGOMERY, PROJECT MANAGER

Mr. Stephen Montgomery with Riverside Health System who serves as the Project Manager for the proposed Doctors' Hospital of Williamsburg, addressed the Board to inform the members of the plans for the proposed Doctors' Hospital of Williamsburg. He indicated that some portion of King William County residents seek health care services, including hospitalization, in the Williamsburg area, and he wanted to make the Board aware of the developments that may affect them. Mr. Montgomery reported that the greater Williamsburg area, as well as the eastern portion of King William County, King and Queen County, New Kent County, and Charles City County will experience significant growth by the year, 2015, which is the planning horizon for this project. The projections from the VEC, which they, as a hospital, are required to use, show a 36% growth in this area by the year, 2015, from the year, 2000, and, at the same time, there is a significant aging of this population going on. It is expected that the number of persons over the age of 65 to grow 68%. Most of this growth will be in the Williamsburg area, but it is throughout this entire region for which they are planning. Persons over the age of 65 are hospitalized four times more than persons under the age of 65. Even though Sentara Williamsburg Community Hospital is building a new replacement facility, it will not be able to serve this total increase. Riverside Health System sees this as an opportunity to better serve the community's expanded need, and is seeking permission to build a new hospital within the City of Williamsburg, at the intersection of Routes 60 and 199, right up from Anheuser-Busch and the tourist park, and very convenient to the College and to Colonial Williamsburg.

RE: PLANNING AND COMMUNITY DEVELOPMENT – LEE YOLTON, DIRECTOR

a. 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, dismissed himself from the room, stating a possible conflict of interest.

Lee Yolton, Director of 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, conditional, on 8.354 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 application was before the Board at its May 23, 2005, meeting for consideration in a public hearing, but, due to the Board's concerns about buffers that will be proffered on this site, and its request for more information from the applicant, the public hearing was not held. Revised proffers, dated June 20, 2005, were received from the applicant to address the Board's concerns. The applicant added more detail to the proffers addressing lighting, building materials, and the buffer area of the rear of the site. The proposed buffer area is also depicted on a revised plat showing the property. This information was presented to the Board at its June 27, 2005, meeting.

This application was again before the Board at its June 27, 2005, meeting for consideration in a public hearing, but, since the Board still had some unanswered questions regarding whether or not the requested vacation of certain public utilities easement sites (which was listed as a later agenda item for the Board's June 27, 2005, meeting) are located within the area of this rezoning request area, and the County Attorney was not available to the Board for legal advice on this question, as he had removed himself from any participation whatsoever in this matter, stating a possible conflict of interest, the public hearing was deferred again, until the Board's July 25, 2005, meeting. It was requested by the Board that Attorney Bill Hefty be invited to attend the Board's July 25, 2005, meeting to clarify some of the issues on this subject.

Thereupon, Attorney Bill Hefty, briefed the Board on the history of these two utility easements, a "Sewer Easement" and a "Grading Easement" (also referred to as a "Top Soil Disposal Site Easement"). In 1987, the property owners gave easements to the developers at that time, King William Associates. These easements were for

drainfields and for a dirt/soil storage area. When this rezoning occurred, Mr. Myrtetus had some questions about whether the County really had any interest in those 1987 easements because they were never directly deeded to the County. In 2000, there was a well lot that was deeded to the County, so there was a question as to whether or not there was any relationship legally, between the well lot and the 1987 easements. In an abundance of caution to protect the title on the property, Mr. Myrtetus decided to ask the County to vacate any interest that the County might have, in those easements. When the issue came before the Board and started to get confusing for the Board, Mr. Myrteus made the decision to withdraw the request. Mr. Myrtetus has gone to the title insurance company and they have agreed to insure over any interest that the County may have. Mr. Hefty continued, stating that whatever interest the County may have in these easements, the County still has, and if the County ever wishes to exercise these easements, it can be done. It does not affect this rezoning in any way. That would simply be an issue between the owner of the property at the time, and the County. Withdrawing this request was simply an attempt to clear up what had become a cloudy issue, which Mr. Myrtetus was able to address in another manner, by getting the title insurance company to insure over any interest the County may have.

Mr. Hefty advised the Board, that after reviewing this matter, it is his opinion that the withdrawing of the request was reasonable, and it should not affect the Board's action on the rezoning application in any way.

C. T. Redd III questioned if the County still has the easement on the well lot, and Mr. Hefty confirmed that the County does still have the easement on the well lot. This rezoning application does not affect this at all.

L. E. Byrum, Jr. raised the question that if, after this property is rezoned, some parties build on this easement, and at a later date, the County decides it wants to expand the water capacity or install a second well there, will the County then be open for litigation from the person who has built on this easement. Mr. Hefty replied that the parties may take the position that the 1987 easements do not run to the County, and that is something that would have to be determined at that point, but, to the extent that the County hasn't given up any interest in those easements that it might have, the County would still have the argument that it would have an easement for whatever was

given in 1987. It was Mr. Hefty's opinion that the Board's action on this rezoning request could not be viewed as relinquishing any right to that easement. The rezoning only affects the use of the property, it does not affect the easement. All of the deeds that would go from the developer to anyone building on these properties would indicate "subject to all easements that may be legal easements". When title transfer occurred, it would be subject to any easements that would be on the property, including the County's. All the Board would be saying by the rezoning, is that they have the right to use the property for the purposes in that zoning classification.

L. E. Byrum, Jr., in referring to a section of the staff report presented by Lee Yolton, dealing with an existing detention basin that handles stormwater runoff from the Food Lion shopping center, asked if the easements the County now has, have any affect or any contact with this detention basin easement. Mr. Yolton responded that this is a totally separate easement. This detention basin has been in existence for some time and continues to be in use.

The public hearing was declared open by the Chairman to receive comments on this request for a change in zoning district classification as described above.

No persons appeared to speak for or against the proposed zoning district classification change.

Thereupon, the public hearing was declared closed by the Chairman.

b. Consideration of Zoning Case #Z-04-05, Request to Rezone 7.82 Acres from (R-1) Suburban-Residential to (B-2) General Business, with Proffered Conditions; Applicant: Central Crossing, LLC - In discussing this rezoning request, O. O. Williams noted that this developer is the same one that did McCauley Park Subdivision, and how rough the section of Route 30 in front of the entrance into McCauley Park was left by the road contractor who performed this work for them. This situation has created somewhat of a traffic safety issue, and he questioned why this type of workmanship was accepted by this developer from their contractor, and why was it allowed by VDOT to happen. It was stated that VDOT has plans to overlay Route 30 throughout the County at some point this fall, and the situation at the entrance into McCauley Park Subdivision is only temporary until the overlay work is done by VDOT.

C. T. Redd III also stated his opinion that this is a lousy job and that this developer should not have accepted this work from his road building contractor. This issue has been discussed by the Board with VDOT several times in the past, and all that VDOT did was to install a sign indicating "Rough Road". He stated his concern about whether or not the County will be subjected to the same type of sloppy work and disregard to the citizens of the County that have to ride on this road, if the Board approves the request now before it.

Jim Duke, Director of Development for Rogers and Chenault, Inc. and McCauley Park Subdivision, was present and was asked to respond to this issue. Mr. Duke indicated that there is a cove surface on Route 30 and two entrances coming into Route 30 with a transition. There was not a requirement for overlay made by the State. To avoid any feeling of the transition, you would have to go a considerable distance both ways to do an overlay to make it a smooth surface. It's in the way it was designed, and no overlay was required, and it will be corrected with an overlay, but, it wasn't imposed on Rogers and Chenault, Inc. to go the distance necessary to make the transition. The transition was designed under acceptable design standards between the engineers and VDOT. VDOT did not require an overlay because it would have had to be taken to extremes beyond what would be normal for them to be held responsible for, and, because the overlay was on track to be done. The engineering standards of the transition are within the range of what the design calls for.

A motion was made by T. G. Smiley, seconded by C. T. Redd III and carried with the following roll call vote, to approve, with the submitted list of proffers dated June 20, 2005, the application (Case #Z-05-05) 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.

In further discussing this zoning case, #Z-05-05, C. T. Redd III indicated that he still has concerns about the entry onto Route 360, the turning lane, etc. for this application, but, also he understands where the developer stands in regard to VDOT

advising they would be coming back with the planned overlay on the Route 30 project in the near future. Mr. Redd indicted that he would like to hear some assurances from the developer that a situation will not be created on Route 360, as was left on Route 30, and that they will go beyond what is required by VDOT, if necessary, to avoid a situation like this.

L. E. Byrum, Jr. stated his concurrence with Mr. Redd's statement, and would like some assurance from the developer that they will go above and beyond the minimum required by VDOT as the Route 360/Route 30 (Central Garage area) is what everyone visualizes as the "face" of King William County. He feels it behooves this Board to make sure that this area is developed properly, and that the roads are safe, as well as nice looking.

L. E. Byrum, Jr. also stated that if this rezoning application is approved, when the Site Plan for the project is submitted, it will come before the Board for approval, as this property lies within the Transportation Overlay District. At that time, the Board will have the opportunity to review the documents submitted, for compliance with all County ordinances and regulations, and make suggestions, if necessary.

At the conclusion of this discussion, Zoning Case #Z-04-05 received the following roll call vote on the above stated motion offered by Mr. Smiley and seconded by Mr. Redd:

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

c. Public Hearing – Zoning Matter – SP-05-05, Request for Approval of Site Plan to Develop an Extension of Colonial Square Apartments, Applicant: John Hubbard - On motion by L. E. Byrum, Jr., seconded by C. T. Redd III and carried unanimously, the Board deferred the holding of this public hearing on the above stated Site Plan until the Board's August, 2005, meeting. At the Planning Commission's review of this matter, changes were discussed and a revised Site Plan was to have been submitted for the Board's review. This revised Site Plan has not been received.

d. Public Hearing – Zoning Case #Z-05-05, Request to Rezone 38 Acres from an Agricultural-Conservation (A-C) District to a General Business (B-2) District (Conditional), Applicant: King William Land Development, Inc. – William M. Pohlig, III

Lee Yolton, Director of Community Development, presented and reviewed the application of King William Land Development, Inc., William M. Pohlig, III for a change in zoning classification from an Agricultural-Conservation (A-C) District to a General Business (B-2) District with proffered conditions, on a 38 acre parcel (Tax Map Parcel 34-7H and 34-7K) located adjacent to the west side of Old Newcastle Road (Route 605), approximately one-half mile southeast of Route 360. If approved, this requested rezoning will allow the site to be developed for a range of uses permitted in the B-2 zoning classification, with the exception of a number of specific uses excluded by the proffered conditions.

The Planning Commission considered this application in public hearing at its June 20, 2005, meeting, and recommended its approval to the Board of Supervisors with the list of revised proffered conditions, dated June 20, 2005. At the Planning Commission hearing, one change to Proffer #8, to better define the term “truck”, was offered to clarify the wording. Mr. Yolton continued, indicating that a revised set of proffers, dated July 21, 2005, has been submitted to include this definition change and presented copies of this document to the Board. The word “truck” is to be defined in accordance with State Statutes.

Mr. Yolton reported that the main access into this property will be a continuation of Commerce Park Drive, which intersects with Route 360. There is a median break on Route 360 aligned with the entrance (Commerce Park Drive) that will serve this site. In addition, turn lanes in both directions already exist that serve this entrance, as well. Mr. Yolton also advised that with a development this large, it is wise, from a public safety standpoint, to have a second point of access in case of emergencies. However, Old Newcastle Road is not up to the standards to accommodate commercial traffic, therefore, Proffer #8 insures that the developer (Mr. Pohlig) will include a deed restriction on each of the property owners in this future business park. The deed restriction will appear in the Restrictive Covenants for the property and will be enforced by the Property Owners Association.

Continuing, Mr. Yolton stated that overall staff feels commercial use is reasonable and appropriate for this location, particularly, since it is recommended for commercial use on the Land Use Plan and is supported by many of the adopted goals and objectives in the Plan. At this point, it is unknown who the end user will be of the property, but, the addition of this 38 acres is a logical continuation of the King William Commerce Park. Staff, therefore, supports approval of this application by the Board of Supervisors, with the latest set of proffers submitted on July 21, 2005.

Chairman, W. F. Adams, questioned Mr. Yolton regarding specifications for the entrance road and where on the property will the access point be located. Mr. Yolton responded that the access road onto Old Newcastle Road will be located just about in the middle of the property frontage on Old Newcastle Road. There are some wetlands on this property, so the road will have to be designed around the wetlands to come out onto Old Newcastle Road. Mr. Adams further questioned how close to someone's driveway across Old Newcastle Road will this entrance road be located. Mr. William Pohlig was present and stated that the entrance road onto Old Newcastle Road will be located down from the Watkins' Farm, between their house and their milking operation. This is the most logical place for the entrance as the visibility is very clear, both to the left and to right. Mr. Pohlig advised that this is a flat, low-type area and their access to Old Newcastle Road will have very little traffic on it, due to the condition of Old Newcastle, and that is the way they intend for it to remain. In addition, Mr. Pohlig advised that this access road out to Old Newcastle Road is meant strictly for emergency egress.

Mr. Pohlig responded to Mr. Adams' question regarding the specifications of this road indicating that it will be a paved road constructed to VDOT specifications, just like Commerce Park Drive now. It was then questioned how Mr. Pohlig intended to control traffic on this emergency egress road coming out onto Old Newcastle Road. Mr. Pohlig stated that signs will be posted on both ends of the road, and it will be narrower, will be tiered, and come to a point and almost cul-de-sac, because of its intended use. In addition, he has been discussing with the Planning Department ways in which traffic can be controlled on this roadway, when special events in the area are held, such as the "Mud Bog" at the Watkins' Farm.

County Attorney, L. M. Chenault, indicated that from a planning standpoint, this second access is really needed, because if the primary access is blocked in some way, you have to have some access to the property, not just for egress, but also for ingress of emergency equipment. One way to handle this situation would be to install a locked gate at the entrance, with a key given to the Sheriff's Office, and the fire department and rescue squad, as well as the developer. This will control unauthorized traffic.

O. O. Williams pointed out that the cul-de-sac to be on this emergency roadway should be designed full size so that it will large enough for large vehicles to maneuver.

Thereupon, the public hearing on this zoning Case #Z-05-05 was declared open for comments.

No persons appeared to speak for or against this request.

The public hearing was declared closed.

e. Consideration of Zoning Case #Z-05-05 - On motion by L. E. Byrum, Jr., seconded by T. G. Smiley and carried with a unanimous roll call vote, the request of King William Land Development, Inc., William M. Pohlig, III for a change in zoning classification from an Agricultural-Conservation (A-C) District to a General Business (B-2) District with proffered conditions, on a 38 acre parcel (Tax Map Parcel 34-7H and 34-7K) located adjacent to the west side of Old Newcastle Road (Route 605, approximately one-half mile southeast of Route 360, was approved, with the set of revised proffered conditions, dated July 21, 2005.

f. Response to Building Permit Situation – Building - Frank A. Pleva, County Administrator, updated the Board concerning issues within the Building Department. He reminded the Board that during its FY-06 Budget deliberations, at the request of Lewis Heath, Building Official, the hiring of an additional Building Inspector was approved. This position was filled and the new Inspector began his duties effective July 1, 2005. Also, approved in the FY-06 Budget was the position for an Emergency Medical Technician (EMT) to be shared jointly by the County and the School System. This individual will probably be in the schools during the morning hours and in the County offices during the afternoon hours. It is hope that this new position will relieve Mr. Lewis Heath of some of his non-building duties, such as

Homeland Security, and he would then be able to devote more time to building department duties. It is also the hope that with Mr. Heath devoting more time to plan reviews, inspections, etc., plus the fact that the County no longer does Maintenance and Code inspections in the Town of West Point, that this will effectively create a fourth position at this time. It will probably be a 60 to 90 day time period for the EMT position to be filled.

Lee Yolton, Community Development Director, stated that there has been a continual increase in the volume of work during the past six to seven months. For the first time ever, the Building Department has performed over 1,000 inspections in a one month period.

In addition, Mr. Yolton, in addressing the concerns of Mr. Herb White in the public comment period at the beginning of this meeting, stated that where the Building Department is getting backlogged is in the Plans Review, because it takes an experienced person that is certified to review building plans. Also, the demands for inspectors, for instance, if someone is out pouring a foundation or has just finished the framing, they need to get it inspected right away before they can go to the next step, so that means that the Department's top people are out in the field inspecting, when they have all these skills to be reviewing plans.

Frank A. Pleva, County Administrator, indicated that it is the hope to move toward a process where individuals are dedicated or assigned to be doing specific duties, instead of doing everything, like plan review, inspections, etc.

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

a. Regional Animal Shelter - County Administrator, Frank A. Pleva, reported that the Planning Commission, at its July 18, 2005, meeting, approved the Animal Shelter Site Plan. He indicated that he has been in contact with the architect on this project since that meeting, and some modifications will be made to the Plan to comply with suggestions made at the meeting, such as additional screening around the facility, etc. The project should go out for bid in the next two to four weeks.

b. Mt. Olive Community Improvement Project - Frank A. Pleva, County Administrator, reported that the monthly meeting is scheduled for tomorrow (July 26).

Approximately 20 structures, under this project, are now occupied. Work on the community well is still continuing. The contract for the mass drainfield has been executed and the work should begin shortly. Comments are still to be forthcoming from DEQ regarding the wastewater treatment plant. The Permit has been issued and once approval is received from DEQ, bids will go out on this.

c. Middle Peninsula Regional Airport - The airport is up and running. An article on Tim Gaylord, Airport Manager, appeared in the *Daily Press* recently. A dedication and open house for the new terminal building is to be held on Friday, August 26, 2005, at 2:00 p.m.

RE: APPOINTMENTS

a. Historic Preservation & Architectural Review Board – One Member, Five Year Term, Term of Jerry Cox Expired June 30, 2005 (NOTE: Mr. Cox is not seeking reappointment) - On motion by C. T. Redd III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board appointed LaVerne Abrams to serve a five year term on the King William County Historic Preservation & Architectural Review Board. Said term will expire June 30, 2010.

b. Wetlands Board – One Member to Fill Vacated, Unexpired Term of William R. Perritt, Ending September 30, 2005 - On motion by C. T. Redd III., seconded by L. E. Byrum, Jr., and carried unanimously, action on this appointment was tabled until the Board's September, 2005, meeting, and at that time, the individual will be appointed for a full five year term instead of being appointed to fill the remainder of the current vacated term.

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

Judiann Shaver, Director of Parks and Recreation, expressed her appreciation to the Board for the opportunity to move her Department into a much larger space in the County Administration Building. She thanked the Board for hiring Mr. Wardell Carter, as Recreation Specialist. He will replace Mrs. Kitty Cox, who has stayed on as the Litter Prevention Coordinator for the County.

RE: BOARD OF SUPERVISORS' COMMENTS

L. E. Byrum, Jr. spoke about the passing of Mr. L. T. McAllister, Sr., a former member of the Board of Supervisors, and how he dedicated his time and his life to the citizens of King William County. He suggested that maybe those now serving on the Board should look to the example that he set as they strive to meet the needs of their constituents. He asked that the Board's condolences be sent to Mrs. McAllister.

RE: ADJOURMENT

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