

MINUTES

**KING WILLIAM COUNTY
BOARD OF SUPERVISORS**

MEETING OF JULY 25, 2011

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 25th day of July, 2011, beginning at 6:30 p.m. in the Conference Room of the County Administration Building, order was called with the following present:

C. L. Schools, Chairman
D. L. Wright, Vice-Chairman
T. G. Smiley
C. T. Redd, III
O. O. Williams (arrived at 6:40 p.m.)

T. L. Funkhouser, County Administrator
D. M. Stuck, County Attorney

RE: REVIEW OF MEETING AGENDA

Chairman, Cecil L. Schools, called the meeting to order at 6:30 p.m. and agenda changes were discussed. Item 8d was added to the Consent Agenda – Resolution #11-27 pertaining to Lease/Purchase Agreements for the Sheriff's Department.

The Board recessed and moved to the Board Meeting Room, of the County Administration Building, to continue the meeting.

The Chairman called the continued Board of Supervisors meeting to order at 7:00 p.m.

RE: INVOCATION

The opening invocation was delivered by Reverend Edward Shepard of Beulah Baptist Church in Aylett VA.

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd, seconded by D. L. Wright and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the addition of Item 8d to the Consent Agenda – Resolution #11-27 pertaining to Lease/Purchase Agreements for the Sheriff's Department.

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

The Chairman opened the First Public Comment Period.

There being no persons to appear the Chairman closed the First Public Comment Period.

RE: CONSENT AGENDA

On motion by C. T. Redd, seconded by T. G. Smiley and carried the following vote the Board approved the following items on its Consent Agenda:

- a. Minutes of the Regular Meeting of June 27, 2011, as presented
- b. Claims against the County for the month of July, 2011, in the amount of \$1,615,037.08 as follows:

- (1) General Fund Warrants #74566-74686 in the amount of \$489,378.95; Manual Check #12103 in the amount of \$29,500.00; ACH Direct Payments for July, 2011, #1265-1361 in the amount of \$691,339.59; Direct Deposits #15537-15650 in the amount of \$194,902.81; and Electronic Tax Payment in the amount of \$59,961.19.

- (2) For informational purposes, Social Services expenditures for the month of June, 2011, Warrants #308728-308770 in the amount of \$32,270.12; ACH Direct Payments #342-369 in the amount of \$32,043.87; Direct Deposits #2559-2581 in the amount of \$29,463.68; and Electronic Tax Payment in the amount of \$8,340.29.

- (3) For informational purposes, Circuit Court expenditures for the month of June, 2011, Warrants #74548-74556 in the amount of \$5,370.41; Direct Deposits #415-417 in the amount of \$8,826.30; and Electronic Tax Payment in the amount of \$2,855.13.

- (4) For informational purposes, Comprehensive Services Act Fund expenditures for the month of June, 2011, Warrants #74557-74565 in the amount of \$21,661.00; and ACH Direct Payments #1253-1264 in the amount of \$37,385.62.

- (5) Tax Refunds for the month of June, 2011, in the amount of \$1,238.09.

- c. Authorized advertisement of Public Hearing to be held at the August 22, 2011, regular monthly meeting for Zoning Matter Z-02-01 – To Rezone Tax Map #'s

56-11H and 56-16J from (A-C) Agricultural-Conservation to (B-2) General Business District to expand and renovate the existing auto body and paint business.

d. Adopted the following Resolution #11-27 - Authorization for the Purchase of Sheriff's Vehicles and the Execution of a Tax-Exempt Lease/Purchase Agreement for said Equipment:

**RESOLUTION #11-27
AUTHORIZATION FOR THE PURCHASE OF SHERIFF'S VEHICLES
AND THE EXECUTION OF A TAX-EXEMPT LEASE/PURCHASE AGREEMENT
FOR SAID EQUIPMENT**

WHEREAS, it is deemed necessary and advisable that the County of King William, (the "County") purchase three (3) sheriff's vehicles for use within the County (the "Equipment"), and

WHEREAS, the County desires to enter into a tax-exempt lease/purchase agreement to finance the Equipment (the "Agreement"); and

WHEREAS, The Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia (the Authority) has agreed to acquire the Agreement under terms favorable to this Board; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of King William County, Virginia, this 25th day of July, 2011, as follows:

Section 1. The County hereby authorizes the County Administrator, (the "executing official") on behalf of the County and without further action by the Board, to negotiate the terms of, and execute and deliver the Agreement and other related documentation necessary to carry out this Resolution and obtain financing for the Equipment.

Section 2. Maintenance of Tax-Exempt Status. The County covenants not to take any action or omit any action if the taking or omission would cause interest paid pursuant to the Agreement to be includable in gross income for federal income tax purposes pursuant to Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code"). The Executing Official may enter into additional covenants on behalf of the County to protect the tax-exempt status of interest which is payable under the Agreement.

This resolution shall become effective immediately upon its adoption.

Those Members Voting:

O. O. Williams	Aye
C. L. Schools	Aye
C. T. Redd III	Aye
D. L. Wright	Aye
T. G. Smiley	Aye

RE: APPOINTMENT

Community Policy and Management Team (CPMT) - On motion by T. G. Smiley, seconded by D. L. Wright and carried unanimously the Board appointed Otto O. Williams, Board of Supervisor Member, as a member to the Community Policy and Management Team (CPMT) for the Department of Social Services.

RE: ADMINISTRATIVE MATTERS – T. L. FUNKHOUSER, COUNTY

ADMINISTRATOR

The County Administrator had no items to report on.

RE: PLANNING MATTERS – SCOTT LUCCHESI, DIRECTOR PLANNING

AND COMMUNITY DEVELOPMENT

Consideration of Transportation Corridor Overlay Exception – SP-02-11 – Applicant: Walt Bailey – Applicant is requesting an exception to the TCO development standards to relocate the sidewalk outside the streetscape buffer as required by 86-374(4)(a); Applicant: Walt Bailey.

Scott Lucchesi, Planning Director, gave a brief case history summary. The applicant submitted an application for the Site Plan (SP-02-11) approval to the Planning Commission on March 18, 2011, for a 1600 square foot Automobile Service Center. The Site Plan was approved by the Commission on June 21, 2011.

The new site is located in the Transportation Corridor Overlay District (TCO) at the intersection of U.S. Highway 360 and Sharon Road (State Route 662). The TCO has development standards that require a sidewalk to be located within a streetscape buffer (86-374(4)(a)). The standards were approved on August 22, 2005. The Staff/Applicant is requesting an Exception to the TCO development standards to relocate the sidewalk.

Staff is concerned the area the TCO requirements will place the sidewalk is not safe and may be an issue of public health, safety and welfare. Staff is requesting the exception to the TCO requirements be approved to allow the sidewalk to be installed along U.S. Highway 360 on the U.S. Highway 360 side of the guardrail, if approved by VDOT. If the applicant is unsuccessful in obtaining the proper VDOT approval, the requirement is proposed to be waived.

Mr. Lucchesi presented pictures of the proposed location of the sidewalk. The Board reviewed the site plan drawings. There was some discussion between the Board, the Applicant, Planning Director, County Administrator and County Attorney on the proposed location of the sidewalk. Much of the discussion was related to health and safety concerns if the sidewalk were to be placed along the guardrail of Route 360.

The Chairman addressed the Applicant and asked if the Board waived the sidewalk requirement on Route 360 would he be willing to put the sidewalk in front of the business location on Horse Alley. The Applicant asked the Chairman if the sidewalk is required for

looks. The Chairman clarified the reason for the sidewalk is for future pedestrian connections. The Applicant agreed with the Board's recommendation of the sidewalk being installed in front of the business and on both sides of the entrance way, to be located from the corner of Sharon Road (State Route 662) and Horse Alley (Private Road) to the corner of Horse Alley and Route 360.

Upon motion by C. T. Redd III, seconded by T. G. Smiley and carried with the following roll call vote, the Board approved the waiver of the Transportation Corridor Overlay requirement on Route 360 due to health and safety issues and require the same sidewalk be placed from the corner of Sharon Road (State Route 662) and Horse Alley (Private Road) to the corner of Horse Alley and Route 360.

Vote:

D. L. Wright	Aye
T. G. Smiley	Aye
O. O. Williams	Nay
C. L. Schools	Aye
C. T. Redd III	Aye

Mr. Redd asked the Chairman if a motion was necessary to have the Planning Commission review the sidewalk portion of the TCO again. The Chairman stated a motion was not necessary and directed the Planning Director to address the Board's concerns of the TCO requirement with the Planning Commission. The Planning Director confirmed he would address with the Planning Commission.

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

Don Wagner, of the Fifth District, spoke of the TCO requirements to provide connectivity to all the businesses on Route 360. He feels developers need to take the responsibility to do what needs to be done to make the property work. He feels there are several solutions to the case presented tonight. Putting sidewalks on the shoulder, VDOT absolutely will not go along with; the standard for guardrail is 11 feet from the edge of pavement. Hopefully we will get an 8 or 10 foot shoulder in the not to distant future but the Board has to request from VDOT, we need shoulders all through the Route 360 corridor and we should not be encouraging pedestrians on those. The applicant could have come down the slope, extend the pipe out about 12 or 15 feet, raise the fill at the bottom about 5 feet and put the sidewalk along the total slope.

Another option would be to build a pedestrian bridge. He said he understands the need to help small businesses get established but we need to look at where they are being established. He thinks there are some good solutions and the developers have the responsibility to make those things work.

There being no other persons to appear the Chairman closed the Second Public Comments Period.

RE: BOARD OF SUPERVISORS COMMENTS

All Board members thanked citizens for their participation at the monthly Board meetings.

Mr. Williams spoke of the TCO requirement discussed tonight restricting the small businesses that are already in the community. He said he did not like this requirement when it was developed, he feels there was not enough planning put into it to figure out how to make it work to promote business and as well as quality; he is not saying we don't need some quality in the design going in it but we need to work with, and work to promote, business in the community. He feels the TCO does not promote the best interest of our businesses and then we complain we don't get enough business.

Mr. Smiley spoke of the ordinances put in place; over time changes may be needed; maybe it is time the Board looks at some of these to see if they require changes; believes some types of ordinances are needed to provide direction on expectations.

Chairman Schools expressed his appreciation to the citizens for coming out and showing their concerns and interest in local government.

RE: ADJOURNMENT OF MEETING

There being no further business to come before this Board, the meeting was adjourned at 7:45 p.m. on motion by C. T. Redd III, seconded by D. L. Wright, and carried unanimously.

COPY TESTE:

C. L. Schools Chairman
Board of Supervisors

T. L. Funkhouser,
County Administrator
Clerk to the Board