

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF AUGUST 28, 2006

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 28TH DAY OF AUGUST, 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
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

RE: APPROVAL OF MEETING AGENDA

On motion by W. F. Adams, seconded by E. J. Rivara 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 6e was added – Approval of Change Orders for Reservoir Contractors, Draper Aden Associates; Jay B. Call, III Associates, Inc.; and Randolph, Boyd, Cherry & Vaughan.

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

Ronnie Helmick addressed the Board seeking a response to his recent request for information on the audit of the Community Development Department. The County Administrator indicated that this topic is to be discussed in Closed Meeting by the Board at the close of this meeting.

RE: CONSENT AGENDA

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

- a. Minutes of the Regular Meeting of July 24, 2006, as written.

b. Claims against the County for August, 2006, in the amount of \$711,549.73 as follows:

(1) General Fund Warrants #62708-62941 in the amount of \$43,151.02 for FY-06 and \$414,586.38 for FY-07; Manual Check #14107 in the amount of \$4,599.77; Direct Deposits #8830-8941 in the amount of \$187,422.67; and Electronic Tax Payment in the amount of \$61,789.89

(2) For informational purposes, Social Services expenditures for the month of July, 2006, Warrants #305231-305297 in the amount of \$42,721.56; Direct Deposits #1476-1492 in the amount of \$26,009.04; and Electronic Tax Payment in the amount of \$8,865.92

(3) For informational purposes, Circuit Court expenditures for the month of July, 2006, Warrants #62684-62690 in the amount of \$4,424.03; Direct Deposits #201-203 in the amount of \$8,002.39; and Electronic Tax Payment in the amount of \$2,834.78

(4) For informational purposes, Comprehensive Services Act Fund expenditures for July, 2006, Warrants #62696-62706 in the amount of \$34,009.76

(5) Tax Refunds for July, 2006, in the amount of \$6,830.70

c. Adopted the following Resolution Setting the Personal Property Tax Relief Percentage for the Personal Property 2006 Billing in Accordance with the 2004-2005 Changes to the Personal Property Tax Relief Act of 1998

**RESOLUTION SETTING THE PERSONAL PROPERTY TAX
RELIEF PERCENTAGE FOR THE PERSONAL PROPERTY 2006
BILLING IN ACCORDANCE WITH THE 2004-2005 CHANGES TO THE
PERSONAL PROPERTY TAX RELIEF ACT OF 1998**

WHEREAS, the Personal Property Tax Relief Act of 1998, Virginia Code 58.1-3523, et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session 1 (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-2006 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and,

WHEREAS, these legislative enactments required the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and,

WHEREAS, these legislative enactments provide for the appropriations to the County, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles; and,

WHEREAS, the County of King William enacted Ordinance Numbers 70-148 through 151, An Ordinance Implementing the 2004-2005 Changes to the Personal Property Tax Relief Act of 1998, in response to these legislative enactments; and,

WHEREAS, the Commissioner of the Revenue has received the amount of relief in the County's block grant from the State, and made a projection based upon the County's historical growth in personal property tax values of the level necessary to fully exhaust the PPTRA relief fund provided to the County by the Commonwealth, as called for in the Ordinance; and,

WHEREAS, it is necessary to set by Resolution the Personal Property Tax Relief Percentage for the personal property tax billing of 2006.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that the Personal Property Tax Relief Percentage be set at 56% of the first \$20,000 of market value for qualifying vehicles valued at over \$1,000, in accordance with Ordinance 70-149.

d. Adopted a Resolution Authorizing Additional Funding Up to \$6.5 M Under the County's Revenue Anticipation Note

e. Approved Change Orders for Reservoir Contractors – Draper-Aden Associates; Jay B. Call, III Associates; and Randolph, Boyd, Cherry & Vaughan.

RE: INDIAN RIVERS HUMANE SOCIETY – PHYLLIS JONES, MEMBERSHIP CHAIRPERSON – REPORT ON CURRENT PROGRAM AND INITIATIVES AND REQUEST FOR FY-07 FUNDING

Phyllis Jones, representing the Indian Rivers Humane Society, addressed the Board to provide an update on various programs and initiatives of the volunteer organization. She discussed the Spay/Neuter Program and the Pound Rescue Program and the accomplishments made in the County with these programs.

Ms. Jones indicated that somehow the Indian Rivers Humane Society has gotten off schedule for submitting its FY-07 Budget request, and now would like to present their submission for funds in the amount of \$2,500 for the spay/neuter program and \$1,000 for the feral cat trap/release program.

The Board discussed this FY-07 Budget request, indicating that their appropriation for FY-06 was in the amount of \$500.00.

On motion by W. F. Adams, seconded by E. J. Rivara and carried unanimously, the Board approved the appropriation of \$500.00 in the FY-07 Budget for the Indian Rivers Humane Society.

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

Residency Administrator, Charlie Stunkle, addressed the Board concerning ongoing VDOT matters.

a. Dover Lane – Route 603 - Mr. Stunkle reported that the hard surfacing construction work scheduled to begin in August will be delayed until late September, due to the contractor not being able to secure a disposal area. The environmental permit, therefore, can't be issued for the work until this is accomplished. Hopefully, this will be done this week and construction can begin in about 30 days.

b. Completion of Surface Treatment for the Year in King William County - Mr. Stunkle indicated that the surface treatment schedule for the year in King William was completed this last week and the paving contractors have moved out. In addition, the primary system mowing has been completed, and now VDOT is in the process of mowing the full cut of the secondary system. Previously, the secondary system was mowed at hot spots where sight distance was a concern.

c. Route 618 - T. G. Smiley requested that the grass on the bank on Route 616 (Mt. Pleasant Road) at the intersection with Route 618 be kept mowed or maybe some of the bank be cut down for driver safety.

d. Intersections on Route 30 in the Town of West Point - C. T. Redd III asked for an update on the status of the situation where water stands at intersections on Route 30 in the Town of West Point. Mr. Stunkle reported that the paving contractor will be coming in to do this work as well as some other work in the Town.

e. New Traffic Signal at Intersection of Route 600 with Route 360 at Aylett E. J. Rivara inquired about the timing of the new traffic signal located at the intersection of Route 600 with Route 360, as was discussed at the Board's last meeting. Mr. Stunkle indicated that he has not received the Traffic Engineers' report on this, as they not only are looking at the timing, but the performance, the sight distance and problems the east bound traffic is experiencing, at this intersection.

RE: PLANNING MATTERS – SCOTT LUCCHESI, ZONING ADMINISTRATOR

a. Public Hearing – Zoning Case #TXT-01-06, Zoning Text Amendment of Section 86-173(1) to Add “MotoCross Track” as a Use Permitted with a Conditional Use Permit in the A-C (Agricultural-Conservation) Zoning District - Scott Lucchesi,

Zoning Administrator, presented and reviewed proposed text amendment, #TXT-01-06. He indicated that a developer of MotoCross Track facilities approached the County staff to inquire about zoning regulations pertaining to this use. It was determined that the table of permitted uses (Sec. 86-173) contained in the Zoning Ordinance does not list MotoCross Track, and therefore, the use currently is not permitted in King William County per Section 86-173(1). A zoning text amendment is required if one is to be established in King William County.

The Planning Commission, at its May 15, 2006, initiated an amendment to the text of the zoning ordinance pursuant to Section 86-701(b), entitled "Amendments".

Mr. Luchessi explained that the nature of the proposed amendment is to add a new use to the table of permitted uses (Section 86-173), and to specify certain standards and conditions under which the new use may be established. Specifically, the proposed text amendment is to add "MotoCross Track" to the use table under the subheading entitled "Recreational, Public or Commercial". A MotoCross Track would be permitted with an approved Conditional Use Permit (CUP) in the A-C District. The proposed amendment specifies that a site consisting of 300 acres is necessary to accommodate a MotoCross Track, and within the 300 tract, minimum setbacks are proposed so that ample buffering of the track and accessory uses can occur. MotoCross Tracks would be prohibited in the Transportation Corridor Overlay (TCO) District or in any Historic Overlay District.

Further, Mr. Luchessi advised that staff recommends approval of the proposed text amendment based on the feeling that the development standards as proposed would ensure a positive environment in which to operate a MotoCross Track, and that such a facility would be beneficial to the economic development of the County.

Thereupon, the public hearing was declared open by the Chairman and the following persons appeared to speak:

Don Wagner of the Mangohick District indicated his opposition to any recommendation to permit a MotoCross Track, by right, in the A-C District because it eliminates rights of citizens. He feels locating such a business in an A-C District is inconsistent with zoning. It should be located near other similar activities. He

discussed the extra traffic that will be generated by such a business and the dangers involved on the narrow roadways in the County that already are busy.

Phillip Rose of 214 White Bank Road, addressed the Board indicating his feeling that MotoCross Track does not fit in an A-C District. He cited several concerns such as where the 300 acres would be located, hours of operation that would be permitted, security at the Track, EMS coverage, noise level, campground store, parking, etc. He asked the Board to please consider all of these concerns when making its decision.

Bob Hubbard a resident of Route 604 in Mangohick, indicated that this could be a good activity for youngsters, but he is opposed to destroying forests and farm lands in the County. Careful consideration needs to be given to where it will be located.

Chris Hubbard, Herring Creek Road in the Mangohick District, expressed concern about this type of business operating in an Agricultural zoned district and the conditions under which it would function. He requested the Board to maintain caution in establishing the rules and regulations that will govern its use.

Pam Much of Wysor Drive in Manquin Farms Subdivision, addressed the Board on behalf of the children who would like to participate in the MotoCross activity.

There being no other persons appearing before the Board to speak for or against this proposed text amendment, the public hearing was declared closed.

It was noted by C. T. Redd III that Mr. Paul Coleman was unable to attend this meeting tonight due to his wife being hospitalized this day.

b. Consideration of Action – Zoning Case #TXT-01-06 - At the request of O. O. Williams, action on Zoning Case #TXT-01-06 was tabled until the Board's regular September, 2006, meeting.

c. Public Hearing – Zoning Case #Z-07-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to B-1 (Suburban Residential) (Conditional): Applicant/Contract Purchaser: R. P. James River Investment Group, LLC: Owners, Emmett M. and Marion F. Upshaw - Scott Lucchesi, Zoning Administrator, presented and reviewed the application of R. P. James River Investment Group LLC, applicant/contract purchaser/W. Rand Cook, Esq., representative/Emmett M. and Marion F. Upshaw, owners, to rezone 225 acres

located along the south side of Route 611 (Venter Road), approximately 0.7 mile west of the intersection of Route 611 and Route 30 from an A-C (Agricultural-Conservation) District to an R-1 (Suburban Residential) District with proffered conditions. This property is further described as Section 28, Parcel 1 on the King William County Tax Maps. Mr. Luchessi explained that this matter had been on the Board's agenda for its June 26, 2006, meeting, but, the public hearing was deferred until the Board's August 28, 2006, meeting. The applicant requested the deferral in order to explore the possibility of installing public water and sewer.

Further, Mr. Luchessi indicated that the Planning Commission conducted a public hearing on this application with proffers at its April, 2006, meeting, and two persons in attendance from the public provided testimony – one with concerns about the traffic volumes and safety considerations on the road network in this vicinity, as well as the durability of wooden porches on some new homes. The other speaker was an adjacent property owner with concerns about the accuracy of the tax maps in this vicinity. The matter was forwarded to the Board with a recommendation for approval.

As this matter was deferred by the Board to the August meeting, the applicant had more time to research the parcel boundary information in this vicinity and provide an accurate update to the existing tax maps.

Rand Cook, attorney representing the applicant/owners, explained that the issue discussed at the Planning Commission public hearing by an adjacent property owner concerning property tax map numbers has been resolved and the adjacent property owners have been satisfied. Mr. Cook also explained that the idea for this application site to join the County water and sewer did not work out.

Continuing, Mr. Cook reviewed the proffered conditions which have been submitted with this request, including the cash proffers which are in accord with the County's policy on cash proffers. He indicated that these proffers are intended to address certain aspects of the proposed development of the property that will help ensure a compatible, high-quality residential development at this location. Proffer #1 is a cash payment to the County as each new home is developed to help offset the impacts of the new homes/residents on the County's infrastructure. The amount is set forth for a ten-year period to account for inflation factors in accord with the County's

cash proffer policy. It was noted that almost ninety percent of the cash proffer amount is earmarked for school system capital needs, with the remaining amount to be distributed among parks, libraries, and fire and rescue facilities. Proffer #2 limits the total number of homes to 180. Proffer #3 caps the number of building permits at 40 in any twelve-month period. This means the subdivision could be built-out over a period of not less than 4 ½ years. Proffer #6 requires a minimum floor area for each new home. Proffer #8 includes general architectural elevations for each of the models of homes that will be built. Proffer #7 addresses the construction materials that can be used. Proffer #4 establishes restrictive covenants, and Proffer #5 establishes a homeowner's association. Proffers #9, 10, and 12, relate to transportation. These proffers help ensure that appropriate right-of-way dedication and entrances are provided, and in addition, an "all purpose" contribution of \$50,000 is provided to the County to help offset the transportation impacts from this residential development. Proffer #11 provides for a fifty-foot buffer/planting strip easement along the property's frontage with Venter Road. Proffers #13 and 14 provide for tree preservation on the property and for the provision of a substantial recreation area for the future residents.

Thereupon, the Chairman declared the public hearing open for comments and the following appeared.

Herb White of 1186 Mill Road in Aylett stated his opinion that this proposed subdivision will create more traffic at the intersection of Venter Road and Route 30 and will require a traffic signal. In addition, this subdivision will also create more traffic on Venter Road (Route 611) as it intersects with Route 605 (Mansfield Road) and comes out onto Route 360, and will require a traffic signal, particularly, in view of the fact that another large subdivision on Route 605 has been approved. He feels all of this should be considered very carefully by the Board. He also cited the fact that Venter Road is narrow and has two very sharp tricky curves and with the increased traffic, could present safety hazards.

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

d. Consideration of Zoning Case #Z-07-06 - In discussing this application, C. T. Redd III questioned Mr. Charles Stunkle, VDOT Residency Administrator, about

future widening of Route 611 (Venter Road). He indicated that the Planning staff report to the Board states that the main access to this property is from Venter Road, and that VDOT has indicated a need for additional right-of-way dedication along Venter Road for eventual widening, and that adequate site distance will need to be verified at any further subdivision entrances. Mr. Redd indicated that the applicant has agreed to dedicate the needed right-of-way at no cost to the County, but, the wording “eventual widening” concerns him. He questioned Mr. Stunkle, VDOT Residency Administrator, that based on the present Six Year VDOT Plan for the County, what his projection date for the widening of Route 611 (Venter Road) would be. Mr. Stunkle indicated that he could not provide this answer, but the dedication of right-of-way is a standard feature that VDOT likes to see, because if they don’t have a minimum of 25 feet from the center line of the road already available in right-of-way, they like to see this dedication as a property develops. Mr. Redd indicated that “eventual widening” concerns him because it is unknown when this will occur. Continuing, Mr. Redd referred to the Planning staff report which states that the transportation impact from future residents is anticipated to affect the intersections, both at Venter Road/Route 30 and at Venter Road/Route 605 (Mansfield Road), and neither of these intersections is currently signalized. Mr. Redd expressed concerns about the increased traffic on Venter Road and on Route 30, and the fact that VDOT cannot say when Venter Road will be widened. He feels these are real issues with this many more homes being on Venter Road.

W. F. Adams also questioned Mr. Stunkle regarding the proffer of 50 feet in width for improvements to Venter Road – the curve on Venter Road is so sharp, he questioned whether or not the fifty feet is enough area to make it a safe curve. Mr. Stunkle responded that VDOT has not gotten down to the level of detail to evaluate this.

O. O. Williams discussed the standards for cul-de-sacs in subdivisions. He indicated his understanding that the cul-de-sacs are built to VDOT standards, but there is a low traffic standard and a high traffic standard. Many times he has witnessed the fact that fire trucks and big delivery trucks do not have enough space to turn around in the cul-de-sacs, and asked why requirements can’t be changed to the high traffic

standards in order to provide more space for these large vehicles to turn around. Mr. Stunkle responded that the County could stipulate this as part of its Subdivision Ordinance, because if the locality's standards exceed the VDOT standards, then VDOT will follow the locality's standards.

d. Consideration of Zoning Case #Z-07-06 - A motion was made by E. J. Rivara, seconded by W. F. Adams and carried with the following roll call vote, to approve Zoning Case #Z-07-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to B-1 (Suburban Residential) (Conditional); Applicant/Contract Purchaser: R. P. James River Investment Group, LLC and Emmett M. and Marion F. Upshaw, owners, with the proffered conditions submitted, on 225 acres located along the south side of Route 611 (Venter Road), approximately 0.7 mile west of the intersection of Venter Road and Route 30. Said property is further described as Section 28, Parcel 1 on the King William County tax maps.

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

e. Public Hearing – Zoning Case #Z-09-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to B-1 (Local Business) With Proffers; Applicant/Contract Purchaser: Chryl Shaw and Owner: Henry Stephens Scott Luchessi, Zoning Administrator, presented and reviewed the application of Chryl Shaw, contract purchaser and Henry Stephens, owner, to change the zoning district classification from A-C (Agricultural-Conservation) to B-1 (Local Business) with proffers, on a 1 acre property located on the west side of Route 360 (5983 Richmond-Tappahannock Highway), approximately 0.15 mile northeast of the intersection of Route 360 and Route 611 (Venter Road). This property is further described as Section 22, Parcel 23B on the King William County tax maps. Mr. Luchessi explained that the property owner has a lease agreement with the applicant to use the existing dwelling on the property as a mortgage loan office. He reported that Mrs. Shaw has met with the Building Department and had them look at the structure to advise her of what has to be done to allow the mortgage company office at this location. The Building Department advised that three items need to be addressed – (1) a

handicapped ramp has to be constructed on the front entrance; (2) installation of exit lights at all outside doors; and (3) emergency lights installed in the old living room/den area, and old basement hallway. Mrs. Shaw has agreed to these improvements. Continuing, Mr. Luchessi reported that VDOT has also met with Mrs. Shaw and requested that a 150 foot deceleration lane be constructed, which has been agreed to by the applicant. There is a swimming pool on the rear of this property, which she would like to maintain, to be used for her clients as well as for her own family enjoyment. Doors to the pool have been alarmed and everyone on her staff is aware that the pool is there. In addition, the pool is fenced.

A list of three proffers have been signed and submitted with this application by the applicant. Proffer #1 limits the uses of the property to office-type use. Proffer #2 provides for landscaping in the event a stormwater detention pond is needed, and Proffer #3 limits the property to only one commercial entrance on Route 360 in compliance with VDOT design standards.

Mr. Luchessi reported that the Planning Commission and the Planning staff recommend approval of this application with the submitted proffers.

Thereupon, the public hearing was declared open by the Chairman and the following appeared to speak:

Chryl Shaw, applicant and resident of 206 Fairwoods Road, addressed the Board to answer any questions. She indicated that she has contacted a contractor regarding the installation of the required deceleration lane and that she will be responsible for this. A handicapped entrance is already in place and the Health Department has inspected this facility for compliance.

Herb White of 1186 Mill Road in Aylett spoke in favor of this application indicating that this proposal is in general form with what has occurred on the opposite side of Route 360 with two other homes.

Robert Coats of 5816 King William Road addressed the Board stating that this business will be an asset to the County and asked the Board to act favorably on this application.

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

f. Consideration of Zoning Case #Z-09-06 - On motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board approved the application of Chryl Shaw, applicant/lessee and Henry Stephens, owner, for a change in zoning district classification from A-C (Agricultural-Conservation) to B-1 (Local Business) with the submitted proffered conditions as presented in public hearing, on a 1 acre parcel located on the west side of Route 360 (5983 Richmond-Tappahannock Highway), approximately 0.15 mile northeast of the intersection of Route 360 and Route 611 (Venter Road). Said property is further described as Section 22, Parcel 23B on the King William County tax maps.

g. Public Hearing – Zoning Case #CUP-01-06, Request for Conditional Use Permit to Construct and Operate a Meeting Hall Facility; Applicant: Balzer & Associates (engineering firm); Owner: King William Ruritan Club, representative: Steve Sykes, club member - Zoning Administrator, Scott Luchessi, presented and reviewed the request of the King William Ruritan Club for a Conditional Use Permit (CUP) to construct and operate a meeting hall facility on a 21 acre parcel located along the west side of Route 30, approximately 3 miles southeast of Central Garage. Said property is further described as Tax Map Parcel 29-80B.

Mr. Luchessi reported that this site owned by the King William Ruritan Club is part of a former farm known as “Belle Acre”, and the property was transferred by deed to the Ruritan Club in February, 2006. This parcel was subdivided for the Ruritan Club, and the front portion of approximately 6 acres recently was rezoned to the B-1 (Local Business) District. The B-1 portion is proffered to be used only as an office park.

Continuing, Mr. Luchessi indicated that Balzer & Associates, an engineering firm, is preparing the site plan/construction drawings for the proposed Ruritan Club meeting hall facility. In accord with Section 86-173 of the King William County Zoning Ordinance, the proposed meeting hall requires a Conditional Use Permit on property zoned for Agriculture. A “private club, lodge, meeting hall or fraternal organization” is one of the uses permitted in areas zoned Agricultural-Conservation with a Conditional Use Permit, granted by the Board of Supervisors. This suggests that these types of uses are appropriate in these areas, but that careful consideration needs to be given

to regulating these uses with special conditions tailored to each situation. The proposed Ruritan facility is a charitable use that benefits the County in numerous ways. The property appears to be well suited for the proposed use, and any possible adverse impacts will be minimized. Mr. Luchessi listed the following conditions that are being proposed by Staff, and indicated that these conditions have been discussed and accepted as appropriate by the representative of the Ruritan Club, Mr. Steve Sykes:

1. The meeting hall shall be used to hold monthly membership meetings and to conduct Ruritan Club business. Any fund raising activities on the property shall be for the purpose of community based projects in accord with the Ruritan Club mission.
2. The hours of operation for any outdoor activities shall be 6 A.M. to 10 P. M. All activities on the property shall cease by 12 AM (Midnight) with the exception of cleanup and securing the facility.
2. There shall be no permanent outdoor speaker systems used on the property.
- 3.
4. Any lighting installed on the property shall be "shoe-box" style, designed to minimize glare and spillover on adjoining property.
5. A perimeter buffer area, a minimum of 30 feet in width, shall be maintained around the edges of the property. An exception to the buffer area shall be allowed only for the access drive and entrance on Route 30, and for the installation of utilities. No accessory structures or activities will occur in the perimeter buffer, and existing vegetation in the buffer area will be maintained to the extent practicable.
6. The meeting hall structure shall be set back from the property line a minimum of 60 feet.
7. There shall be no logging operation conducted on the property, and existing trees shall be preserved to the maximum extent possible.

Mr. Luchessi informed the Board that the Planning Commission and Staff recommend approval of this application to the Board of Supervisors.

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

h. Consideration of Zoning Case #CUP-01-06 - On motion by C. T. Redd III, seconded by E. J. Rivara and carried unanimously, the Board approved the application of the King William Ruritan Club, owner, and Balzer & Associates for a Conditional Use Permit for a "private club, lodge, meeting hall or fraternal organization" as set forth in Section 86-173 of the King William County Zoning Ordinance, with the list of 7 conditions as stated above, and in public hearing, on a parcel located along

the west side of Route 30, approximately 3 miles southeast of Central Garage. This property is further described as Section 29, Parcel 80B on the King William County Tax Maps.

i. Public Hearing – Request for Preliminary Site Plan Approval Under Case #CUP-02-03 – Kennington Townhomes; Applicant: Balzer & Associates, (Engineering Firm); Owner: Kennington Place, LLC - Prior to any discussion on this matter, L. M. Chenault, County Attorney, stepped down from the podium.

Zoning Administrator, Scott Luchessi, presented and reviewed the request for preliminary subdivision plat/site plan approval under Zoning Case #CUP-02-03, Kennington Townhomes, applicant: Balzer & Associates, engineering firm on behalf of Kennington Place, LLC, owner, for a proposed development of 172 townhomes as part of the overall Kennington residential development project. Kennington is located along the northwest side of Route 360, across from the Aylett Post Office, and the townhomes project consists of about 39 acres.

The townhome project will have two points of access, one from the main entrance road to Kennington, and one secondary access point directly on Route 360. Continuing, Mr. Luchessi indicated that in accord with Section 86-493(c)(3) of the King William County Zoning Ordinance, preliminary site plans within the Transportation Corridor Overlay District (TCO) require approval by the Planning Commission, and in addition, Section 86-493 of the Zoning Ordinance, site plans subject to a Conditional Use Permit require review and approval by the Board of Supervisors. The underlying zoning at this location is R-1 (Suburban Residential) with proffered conditions. The developer also received a Conditional Use Permit for a multi family development as part of the overall Kennington residential development. As part of the zoning (Case #Z-03-03 and #CUP-02-03), proffered conditions pertaining to the townhomes were accepted by the Board of Supervisors. These proffers address various elements of the proposed townhomes, including paved parking areas and drives, a phasing plan, and a plan regulating leasing of the townhomes by the developer.

Mr. Luchessi reported that the Planning Commission and the Staff find that the proposed site plan is in accord with the proffers and meets the minimum requirements for approval for a site plan.

Mr. Bart Lewis of Balzer and Associates was present to answer any questions. The Board requested that consideration be given to increasing the size of cul-de-sacs to allow a 50 foot turning radius to accommodate fire and EMS vehicles

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

j. Consideration of Request for Preliminary Site Plan Approval Under Zoning Case #CUP-02-03 - On motion by C. T. Redd III, seconded by W. F. Adams and carried unanimously, the Board approved the preliminary subdivision plat/site plan for development of 172 townhomes as part of the overall Kennington residential development project as submitted by Balzer & Associates, applicant; and Kennington Place LLC, owner, with a strong request that consideration be given to increasing the size of cul-de-sacs to allow a 50 feet turning radius to accommodate fire and EMS vehicles.

RE: ADMINISTRATIVE MATTERS – TERRI E. HALE, ASSISTANT COUNTY ADMINISTRATOR

a. Public Hearing – Proposed Amendment to King William County Code, Article II, Vehicle License Tax, to Discontinue Sale of County Decals Effective Tax Year, 2007 - Assistant County Administrator, Terri E. Hale, addressed the Board explaining that during the FY-07 budget work session, the Board directed County staff to prepare an amendment to the King William County Code to eliminate the annual sale of County decals and add the applicable fee to the Personal Property Tax bills for all vehicles registered with DMV on January 1, as being housed or stored in King William County, outside of the Town of West Point.

The Chairman declared the public hearing open for comments. No persons appeared to speak for or against the proposed amendment. The public hearing was declared closed.

On motion by E. J. Rivara, seconded by C. T. Redd III and carried unanimously, the Board adopted the proposed amendment to Article II, "Vehicle License Tax", in Chapter 74, "Traffic and Vehicles", in the King William County Code regarding the elimination of the annual license (decal sales) for motor vehicles housed or stored in

the County, outside of the Town of West Point, with the annual fee being retained and added to the Personal Property Tax bills, as presented in public hearing.

b. Award of Reassessment Services Contract for Two (2) Cycles, Effective Tax Years, 2008 and 2010 - Assistant County Administrator, Terri E. Hale, reported that three proposals were submitted for the 2008 and 2010 general reassessment of real property. These included: (1) Blue Ridge Mass Appraisal Company of Staunton, Virginia; (2) Tri-County Appraisals, Inc. of King William, Virginia; and (3) Wingate Appraisal Service of Roanoke, Virginia. In addition, the firm of Wampler-Eanes Appraisal Group, Ltd. of Danville, Virginia, submitted a “no bid” due to workload.

An Evaluation Committee consisting of Board Chairman, T. G. Smiley, County Administrator, Frank A. Pleva, Assistant County Administrator, Terri E. Hale, Commissioner of the Revenue, Sally Pearson, and Finance Officer, Rebecca Sears, was formed to review the three proposals and conduct interviews with the vendors. Mrs. Hale reported that the Evaluation Committee ranked Tri-County Appraisals, Inc. of King William, Virginia, as first. The Tri-County Appraisals, Inc. proposal was for a cost of \$13.00 per parcel.

On motion by E. J. Rivara, seconded by W. F. Adams and carried unanimously, the Board awarded the contract for reassessment services to Tri-County Appraisals, Inc. of King William, Virginia, for the 2008 and 2010 general reassessment cycles at an amount of \$13.00 per parcel.

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

a. East Court House Wall Restoration - County Administrator, Frank A. Pleva, reported that the East Court House Wall has been taken down because the previous wall was four inches off center, and the weep holes were not functional because they were not connected to anything.

b. Regional Animal Shelter - The County Administrator reported that site grading and grubbing on this property have been completed, and that the construction trailer has been placed on site. Virginia Power has supplied temporary and permanent service to site.

c. Mt. Olive Community Improvement Project - Frank A. Pleva, County Administrator, indicated that the site adjacent to the treatment plant has been finished and that ½ dozen people are interested in relocating to this property.

d. Announcement of Manquin Gardens Grand Opening - Mr. Pleva announced that a Grand Opening Ceremony will be held at the new Manquin Gardens on Wednesday, September 6, 2006, beginning at 2:00 p.m. The public is invited to attend.

RE: APPOINTMENTS

a. Sheriff/EMS Communications System Committee - On motion by C. T. Redd III, seconded by E. J. Rivara and carried unanimously, the Board appointed the following persons to serve on the Sheriff's Department/EMS Communications System Committee to investigate the communication system needs and report back to the Board.

Jeff Walton, Sheriff
Steve Puckett, Emergency Management Administrator
Bill Hodges, West Point Town Police Chief
Trent Funkhouser, West Point Town Manager
Charles S. Shaver, Industry Representative, King William Citizen
Otto O. Williams, Board Member

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

Herb White of 1186 Mill Road in Aylett, requested the Board to investigate the possibility of VDOT lowering the speed limit on Route 360 approaching the new traffic signal at the intersection of Route 360 and Route 600 at Aylett, from 60 MPH to 45 MPH for safety. He indicated that he has witnessed several vehicles come up on the stop signal traveling at 60 MPH, and before the driver comes to a stop, the vehicle is in the middle of the intersection.

RE: BOARD OF SUPERVISORS' COMMENTS

Various Board members thanked the public for their participation in attending the monthly Board meetings.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711A.(7) OF THE CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH LEGAL COUNSEL REGARDING SPECIFIC LEGAL MATTERS REQUIRING THE

**PROVISION OF LEGAL ADVICE BY SUCH COUNSEL AND ACTUAL LITIGATION
PERTAINING TO THE KING WILLIAM RESERVOIR PROJECT, AND SECTION 2.2-
3711A.(1) FOR DISCUSSION AND CONSIDERATION OF THE PERFORMANCE
AND EMPLOYMENT OF SPECIFIC PUBLIC EMPLOYEES IN THE DIVISION OF
COMMUNITY DEVELOPMENT**

On motion by C. T. Redd III, seconded by W. F. Adams and carried unanimously, the Board entered Closed Meeting pursuant to Section 2.2-3711A.(7) of the Code of Virginia, 1950, as amended, for Consultation with Legal Counsel Regarding Specific Legal Matters Requiring the Provision of Legal Advice by Such Counsel and Actual Litigation Pertaining to the King William Reservoir Project, and Section 2.2-03711A(1) for Discussion and consideration of the Performance and Employment of Specific Public Employees in the Division of Community Development.

Having completed the Closed Meeting, the Board reconvened in open meeting, on motion by C. T. Redd III, seconded by W. F. Adams and carried with a unanimous roll call vote.

In accordance with Section 2.2-3712(d) of the Code of Virginia, 1950, as amended, C. T. Redd III moved that the King William County Board of Supervisors adopt the following resolution certifying that this closed meeting's procedures comply with the requirements of the Virginia Freedom of Information Act. This motion was seconded by W. F. Adams and carried with a unanimous roll call vote.

RESOLUTION

WHEREAS, the King William County Board of Supervisors convened a Closed Meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-33712(d) of the Code of Virginia, 1950, as amended, requires a certification by the King William County Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors hereby certifies that, to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the freedom of Information Act were heard, discussed, or considered in the Closed Meeting to which this certification resolution applies, by the King William County Board of Supervisors.

2. Only such public business matters as were identified in the motion by which the Closed Meeting was convened, were heard, discussed, or considered in the Closed Meeting by the King William County Board of Supervisors.

The Chairman stated that no action would be taken as a result of discussions in Closed Meeting.

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

COPY TESTE:

Frank A. Pleva
County Administrator