

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF SEPTEMBER 23, 2002

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 23RD DAY OF SEPTEMBER, 2002, BEGINNING AT 7:00 P. M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURTHOUSE, THE MEETING WAS CALLED TO ORDER WITH THE FOLLOWING PRESENT:

D. L. WRIGHT, CHAIRMAN
E. P. STEROWSKI, VICE-CHAIRMAN
L. E. BYRUM, JR.
R. S. DIGGS
C. T. REDD, III

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

RE: ADOPTION OF AGENDA

On motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator, with one addition and three deletions – added to Item #6, Consent Agenda – “Approval of Resolution in Support of Passage of Both the Virginia State Parks and Natural Areas and the Higher Education and Museum General Obligation Bonds”; and deleted Item #10b – “Adoption of Two Resolutions for VPSA Bond Issue”, Item #10e – “Discussion of Dates – Courts Facility Groundbreaking”; and Item #10g – Status Report on Employment of Clerk-of-the-Works”.

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

a. Mr. Gene Campbell updated the Board on events and activities being planned by the King William County Tricentennial Celebration Committee for the December 20, 2002, “Old Fashioned Christmas and Time Capsule Burial”. The program will begin at 6:00 p.m. and will include musical selections by the local choirs and other individuals, the lighting of 4 Christmas trees on the Court green, the appearance of Santa, real reindeer, and old fashioned buggy/sleigh rides.

Refreshments will be served. The program will end at 8:00 p.m. with the "Time Capsule Burial Ceremony" on the Court Green.

b. Mr. Andy Conklin, recently elected Mayor of the Town of West Point, was present and extended the cooperation of the Town of West Point to the County of King William.

RE: CONSENT AGENDA

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

a. Minutes of the regular meeting of August 26, 2002

b. Claim against the County for September, 2002, in the amount of \$2,402,377.67 as follows:

(1) General Fund Warrants #51846-52040 and manual check #13927 in the amounts of \$2,219,288.56 and \$5,898.49; Direct Deposits #3920-4014 in the amount of \$132,430.71; and Electronic Tax Payment in the amount of \$44,759.91

(2) For informational purposes, Social Services expenditures for the month of August, 2002, Warrants #301911-301979 in the amount of \$34,141.12; Direct Deposits #653-666 in the amount of \$20,456.62; and Electronic Tax Payment in the amount of \$7,508.68

(3) For informational purposes, Circuit Court expenditures for the month of August, 2002, Warrants #51817-51826 in the amount of \$5,643.35 and Direct Deposits #54-56 in the amount of \$6,882.63

(4) For informational purposes, Comprehensive Services Act Fund expenditures for August, 2002, Warrants #51828-51844 in the amount of \$18,361.90

(5) There were no Tax Refunds for the month of August, 2002.

c. Authorized the employment of Gina Beale for the position of GIS Technician in the Planning Department. Ms. Beale is to begin her duties with the County on October 1, 2002.

d. Authorized advertisement of a public hearing set for October 28, 2002, during the Board's regular monthly meeting beginning at 7:00 p.m. to consider Zoning Case CUP-96-148, Request for Amendment to Conditional Use Permit, Applicant: Nestle-Purina Pet Care Co.

e. Authorized advertisement of a public hearing set for October 28, 2002, during the Board's regular monthly meeting beginning at 7:00 p.m. to consider Zoning Case Z-03-02, Request for Rezoning, Applicant: Carroll Sanders, Represented by Joey and Kara Sanders

f. Adopted the following Resolution in Support of Passage of Both the Virginia State Parks and Natural Areas and the Higher Education and Museum General Obligation Bonds:

**RESOLUTION IN SUPPORT OF PASSAGE OF BOTH THE
VIRGINIA STATE PARKS AND NATURAL AREAS AND THE
HIGHER EDUCATION AND MUSEUM GENERAL OBLIGATION
BONDS**

WHEREAS, on November 5, 2002, the voters of Virginia will have the opportunity to approve two important General Obligation Bond referenda: a \$119 million bond for State Parks and Natural Areas and a \$900 million bond for Higher Education and Museums; and,

WHEREAS, Virginia's State Park system was recently recognized as the best managed system in the nation, despite ranking 50th in percentage of state funds spent on parks; and,

WHEREAS, State Park visitors, over seven million annually with nearly 40 percent from outside the state, contributed \$144 million to the state's economy in 2001; and,

WHEREAS, the Commonwealth's natural landscapes are vanishing at an alarming rate and Virginia's citizens have voiced concern over the lack of open space; and,

WHEREAS, approval of the \$119 million Parks and Natural Areas Bond referendum will enable the state to purchase land from willing sellers for three new State Parks, including one in Virginia's Middle Peninsula, additional land for 11 existing parks, 10 new Natural Area Preserves, and additions to 8 existing Natural Area Preserves, as well as allow for more than 70 construction and renovation projects at nearly all of Virginia's 34 State Parks; and,

WHEREAS, the Parks and Natural Areas bond referendum will enhance Virginia's tourism potential, increasing the flow of out-of-state revenue and helping to stimulate Virginia's sluggish economy, particularly, in rural areas, and improve recreational offerings throughout the Commonwealth for the enjoyment of our families; and,

WHEREAS, it has been 10 years since Virginia has made a substantial investment in its community colleges, public four-year colleges, and universities, and,

WHEREAS, the \$900 million Higher Education Bond will pay new construction and urgently needed renovations to classrooms, libraries and labs that have an average age of 45 years old; and,

WHEREAS, \$200 million of the funding provided by the bond will support medical and other types of research, most notably the doubling in size of the Massey Cancer center at VCU, which will help attract the best researchers from across the country, expand the Center's clinical trials of new treatments, and position it to become the premiere cancer research center in the country; and,

WHEREAS, passage of the bond will generate more than \$1.5 billion in economic activity and create nearly 14,000 new jobs, without raising taxes; and,

WHEREAS, Virginia does not have the facilities necessary to absorb the additional 32,000 qualified high school graduates that are expected to enroll at Virginia's institutions of higher education by the end of this decade; and,

WHEREAS, Virginia's popular community colleges will be strengthened and expanded in order to provide the opportunity for all Virginians to have greater educational opportunities and to learn new, high-tech job skills.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors joins with hundreds of Virginia's elected officials, business leaders, parents, students, educators and environmentalists in endorsing the passage of the Virginia State Parks and Natural Areas and the Higher Education and Museum General Obligation Bonds and encourages Virginia's voters to vote "**YES**" on the referenda on November 5, 2002.

RE: VDOT MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER

a. Joint Work Session – Six Year Plan for Secondary Roads – 2003-2009

Charlie Stunkle, VDOT Resident Engineer, presented and reviewed VDOT's draft Six Year Secondary Road Plan for the years, 2003-2009, a Supplemental Project List for both regular advertised projects and for unpaved road projects, and a list of existing unpaved roads in the County. Mr. Stunkle stated that the Six Year Plan is basically the same as the existing plan due to financial constraints. VDOT is not proposing any new major projects in this Plan. In addition, Mr. Stunkle reminded the Board that based on earlier financial forecasts, Route 608 (Upshaw Road) from Aylett back out to Route 30, was deleted.

Mr. Stunkle indicated that one road could be designated for plant mix overlay, and suggested the candidate to be a portion of Route 629, beginning beside Hamilton-Holmes School, (from Route 30 west) and go as far up the County with the project as the amount of money will carry it. He advised that with the current financial constraints, it will probably take two years of work to complete this all the way out to Route 618.

In reviewing allocations for unpaved construction, Mr. Stunkle suggested that Route 621 (Green Level Road) be considered. It would be necessary to split the project into two sections due to financial conditions. Various Board members discussed other roads on the unpaved list including Dover Lane with 90 VPD; Horse Landing Lane with 110 VPD, and Scotland Landing Road with 70 VPD.

On motion by C. T. Redd, III, seconded by R. S. Diggs and carried with the following roll call vote, the Board added Route Route 670 (Horse Landing Lane) and Route 620 (Scotland Landing Road) to the priority list for unpaved construction in the proposed Six Year Plan for Secondary construction, in place of Route 621 (Green Level Road) to be considered in public hearing at the Board's October, 2002, meeting.

D. L. Wright	Aye
E. P. Sterowski	Aye
L. E. Byrum, Jr.	Nay
R. S. Diggs	Aye
C. T. Redd, III	Aye

b. Route 621 (Green Level Road) - Chairman, D. L. Wright, requested Mr. Stunkle to provide a VPD count on Route 621 (Green Level Road) to the Board at its October, 2002 meeting.

c. Route 360, Westbound Side, Above Manquin – Right Hand Lane - D. L. Wright questioned Mr. Stunkle about the condition of the section of the right hand lane of the westbound side of Route 360 above Manquin. Mr. Stunkle responded that this section was milled out and paved last year, but the condition now is worse. He indicated the right hand lane will have to be excavated down and everything replaced, which will cost approximately \$150,000 to \$175,000. At the present time testing and drilling is being done on Route 360.

d. Choctaw Ridge Subdivision Road – E. P. Sterowski questioned Mr. Stunkle about the possibility of the State taking over Choctaw Ridge Subdivision Road, and Mr. Stunkle indicated that Charles Smith, a consultant working with property owners in Choctaw Ridge, has contacted him, and that he has instructed Mr. Smith on the type of construction needed to be done to bring the road up to state subdivision standards, and on the regulations for the Board of Supervisors doing an addition under the Rural Addition Policy. At present, the County has no Rural Addition Plan. The Six Year Plan Budget will need to be amended if a road is to be considered as a rural addition.

e. Poplar Road in Venter Heights Subdivision - L. E. Byrum, Jr. checked on the status of Poplar Road in Venter Heights Subdivision, and Mr. Stunkle responded that VDOT is to meet with the developer that did the work, to discuss what needs to be done to Poplar Road.

RE: QUIN RIVERS AGENCY FOR COMMUNITY ACTION – STACIE VECCHIETTI, PROJECT HOPE DIRECTOR – PRESENTATION BY KW/K&Q DOMESTIC VIOLENCE & SEXUAL ASSAULT TASK FORCE - Stacie Vecchietti

updated the Board on upcoming events sponsored by the Task Force to observe the month of October as “Domestic Violence and Sexual Assault Awareness” month.

RE: PLANNING MATTERS – TOM WILLIAMS, ZONING ADMINISTRATOR

a. Public Hearing – Zoning Case Z-06-01 – Request for Amendment to Revert Portion of R1 Zoned Property Back to A/C and Rezone Similar Size Area R1, Applicant: 3M Farms, LLC, Wayne McDougale - The public hearing to consider the above stated case was opened for comments by Chairman, D. L. Wright. Mr. Randy Cooke, an attorney representing the applicant, Mr. Wayne McDougale, addressed the Board stating that the applicant seeks to amend a previous Rezoning Approval to shift approximately 2 acres zoned R-1 to a location further away from adjoining property owners. Mr. Cooke indicated that the applicant has been approached by an adjacent property owner to purchase 2 acres, therefore, Mr. McDougale is applying to revise the earlier development configuration. He desires to trade the zoning classification on two lots near an adjoining landowner to two lots in the rear of the development to allow a buffer for the adjoining landowner from the development.

No other persons appeared before the Board to speak for or against this proposal.

Thereupon, on motion by R. S. Diggs, seconded by C. T. Redd, III and carried unanimously, the public hearing was declared closed.

b. Consideration of Zoning Case Z-06-01 - Tom Williams summarized Case Z-06-01 indicating that this revised request proposes to rezone 2 acres from the A/C Zoning District to the R-1 Zoning District in the rear of the proposed development, and 2 acres from the R-1 Zoning District to A/C Zoning in the front of the development, next to the Custalow property. The subject property is located on Route 658 (Indian Church Road), approximately 1 mile east of the intersection of Routes 360 and 30 at Central Garage. Mr. Williams further indicated that all provisions and conditions previously issued remain. It is the recommendation of the Planning Commission to the Board of Supervisors to approve this revised request, Case #Z-06-01.

On motion by L. E. Byrum, Jr., seconded by R. S. Diggs and carried with a unanimous roll call vote, the Board accepted the recommendation of the Planning Commission and approved the revised request of 3M Farms, LLC, Wayne McDougle, Case #Z-06-01 as presented above, (King William County Tax Map Section 29, Parcel 51).

c. Public Hearing – Zoning Case #Z-04-02 – Request for Rezoning of Tax Map Section 27, Parcels 30, 30D and part of 34, from A/C to R-1; Applicant: Balducci Developers, LLC - The public hearing to consider the above stated case was declared open for comments by Chairman, D. L. Wright. Mr. Randy Cooke, an attorney representing the applicant, Balducci Developers, LLC, addressed the Board stating that the applicant wishes to rezone 149.22 acres located approximately one mile off of Route 360 on Route 605 (Manfield Road) from an A/C Zoning District to a R-1 Zoning District, with proffers. Case #Z-04-02 is further described as Section 27, Parcels 30, 30D, and part of Parcel 34, on the King William County Tax Maps.

Mr. Cooke reviewed the list of proffers submitted which sets a 1,400 square foot minimum on 75% of the housing units while requiring the remaining 25% to have 2,000 square foot minimums for all two story units, and 1,700 square foot minimums for ranch style homes. A cash proffer of \$5,976.00 for each home built on the property is to be paid prior to the issuance of each building permit. No more than 150 lots shall be created through the subdivision of this property, and no more than 40 building permits shall be issued in any calendar year.

No other persons appeared before the Board to speak for or against this proposal.

It was noted by the Board that one letter of opposition was received from Joshua Rellick regarding the request for a zoning classification change.

Thereupon, on motion by L. E. Byrum, Jr., seconded by C. T. Redd, III and carried unanimously, the public hearing was declared closed.

d. Consideration of Zoning Case Z-04-02 - Tom Williams, Zoning Administrator, summarized Case Z-04-02 indicating that this request for rezoning complies with and conforms to the Future Land Use map contained in the County Comprehensive Plan. In evaluating the proffered conditions submitted, it was the

opinion of Mr. Williams, that the non-cash proffers and the cash proffer of \$5,976.00 per home adequately mitigate the impacts of the proposed project on the County's capital infrastructure based upon current existing methodology. It is the recommendation of the Planning Commission to the Board of Supervisors to approve this request, Zoning Case Z-04-02, with proffers, as submitted.

Board member, C. T. Redd, III, discussed Proffer #5B, second paragraph which indicates: "Minimum floor area shall be measured along the exterior walls of the structure." Mr. Redd suggested that this sentence be removed from the proffers and be replaced with the following: "Minimum floor area shall exclude garages, porches, and shall not include breezeways or open decks."

Thereupon, on motion by R. S. Diggs, seconded by L. E. Byrum, Jr. and carried with a unanimous roll call vote, the Board accepted the recommendation of the Planning Commission and approved Zoning Case Z-04-02 to change the zoning classification from an A/C District to an R-1 District on 149.22 acres located on Manfield Road (Route 605) approximately one mile off of Route 360, and owned by Balducci Developers, LLC, with the list of proffers as submitted, with the exception of the one proffer change as cited above. This property is further described as Section 27, Parcel 30, 27, 30D and part of Parcel 34 on the King William County Tax Maps.

e. Public Hearing – Zoning Case Z-05-02 – Request for Rezoning of 80 Acres Described as Tax Map Section 34, Parcel 7J, from A/C to B-2 with Proffers – Applicant: King William Land Development Group, William Pohlig & Stuart "Sonny" Haynes - The public hearing to consider the above stated case was opened for comments by Chairman, D. L. Wright. Mr. William "Bubba" Pohlig, applicant, addressed the Board indicating that King William Land Development has applied for this rezoning with proffers to allow for the operation of a business park on this property. He reviewed the non-cash proffers as submitted – (1) Design of this development will meet all VDOT regulations and requirements. (2) Entrance(s) and roads will be paved. (3) Brick entrance signage will be in conformance with County Ordinance regulations. (4) All buildings will have brick facades. (5) All highly visible areas will be landscaped. (6) All storage areas will be fenced and screened from view as per the County Ordinance regulations.

Mr. Tom Smiley, a resident of 599 Pampatike Farm Road, and Chairman of the King William County Industrial Development Authority, appeared to speak in favor of approval of this application indicating that this business is a good way to offset some of the homes being built.

No other persons appeared to speak for or against this application, therefore, on motion by C. T. Redd, III, seconded by L. E. Byrum and carried unanimously, the public hearing was declared closed.

f. Consideration of Zoning Case Z-05-02 - Tom Williams summarized Case Z-05-02 indicating this request complies with and conforms to the Future Land Use Map contained in the King William County Comprehensive Plan. It is the recommendation of the Planning Commission and the staff to the Board of Supervisors to approve this request, with proffers, as presented.

On motion by C. T. Redd, III, seconded by E. P. Sterowski and carried unanimously, the Board accepted the recommendation of the Planning Commission and approved Zoning Case Z-05-02, application of King William Land Development Group, William Pohlig and Stuart "Sonny" Haynes, with proffers, as presented above. This property contains 80 acres and is further described as Section 34, Parcel 7J on the King William County Tax Maps.

RE: COUNTY PROJECTS AND ACTIVITIES – FRANK A. PLEVA

a. Consideration of Bid Award – Courts Facility Project - The County Administrator advised the Board that twelve bids were received and publicly opened on September 5, 2002, at 2:00 p.m. by Randy Vaughan, the Project Manager with Wiley & Wilson, Inc., the County's consulting architectural and engineering services firm on the project. Wiley & Wilson had developed a total pre-bid construction cost estimate of \$4,734,000 including site work. The apparent low bid of \$4,340,000, with an estimated construction time of 420 days, was submitted by Viking Enterprise, Inc. of Richmond, Virginia. However, the apparent low bidder, Viking Enterprise, Inc. notified the County that it made a material error in its bid and its intention to withdraw its bid and submitted documentation to that effect by 2:00 p.m. on Monday, September 9, 2002. The bid withdrawal was within two (2) business days of the bid opening as

provided in the project's bid documents and in accordance with the Virginia Public Procurement Act.

The County Administrator further advised that with the withdrawal of Viking Enterprise, Inc., SEVAC Corporation of Portsmouth, Virginia, which submitted the second lowest bid in the amount of \$4,394,400, with 420 estimated construction days, becomes the apparent low bidder, and that it is the recommendation of Wiley & Wilson to award the contract to SEVAC Corporation.

The Board reviewed this information, and by general consensus, decided to table action on this matter until its next meeting to be held on September 30, 2002.

b. Update on Regional Animal Shelter – Frank A. Pleva - The County Administrator updated the Board indicating that Middlesex County has now approved the shelter enabling and operational agreement, along with King and Queen County and King William County. King and Queen County has exercised the option for the five acres of land on which the shelter is to be built and the property has been rezoned. Representatives of the three counties met with the architect to review the design plans and the architect will be finalizing these plans and bid specifications. The State Veterinarian has been invited to review and comment on these plans.

c. Update on Mt. Olive Community Improvement Project - Frank Pleva, County Administrator, reported on the implementation schedule for the Virginia Community Development Block Grant for the Mt. Olive Community Improvement Project.

d. Setting of Date – Board of Supervisors Retreat - On motion by L. E. Byrum, Jr., seconded by R. S. Diggs and carried unanimously, the date of Saturday, October 19, 2002, beginning at 8:00 a.m. was set for the Board of Supervisors Retreat to be held at Tom Davidson's home located on Route 600 near Aylett.

e. Status Report on Employment of Clerk-of-the-Works - The County Administrator reported that 23 applications were received in response to the advertisement for employment of a Clerk-of-the-Works for the Courts Facility Project. The Administrative Staff will interview qualified applicants and develop an employment recommendation for the Board's consideration at its September 30, 2002, special meeting.

RE: APPOINTMENTS

- a. Tri-Rivers Alcohol Safety Action Program (ASAP) Board of Directors – One Member – Three Year Term – Term of Stephen Palmer Expires 12/31/02 – Mr. Palmer is not seeking reappointment - Action on this appointment was tabled.
- b. Middle Peninsula Disability Services Board – One Member – Two year Term – Term of Lucille Minor Expires 12/31/02 – Mrs. Minor is not seeking reappointment - Action on this appointment was tabled.
- c. Wetlands Board – Two Members – To Fill Vacated, Unexpired Terms – Term of Harden Gwathmey Expires 10/31/06 – Mr. Gwathmey has resigned his position; - Term of David R. Payne Expires 9/30/04 – Mr. Payne is no longer a County Resident - Action on these appointments was tabled.

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

Herb White, a resident of Mill Road in Aylett, questioned the status of his recent request to the Board to seek assistance from VDOT to lower the speed limit on Route 647 (Mill Road) due to the increased amount of traffic and the number of fatal accidents which have occurred on this route. He requested the Board to review this request with VDOT and provide an answer from VDOT at the Board's October meeting.

RE: BOARD OF SUPERVISORS' COMMENTS

Chairman, D. L. Wright, reminded the Board of the 15th Anniversary Celebration of the Middle King William Senior Citizens Center set for 5:00 p.m. on September 28, 2002.

RE: RECESS OF MEETING

On motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, this meeting was recessed until 7:00 p.m. on September 30, 2002, at King William County Administration Building Board meeting room.

COPY TESTE:

D. L. Wright
Chairman

Frank A. Pleva
County Administrator