

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF OCTOBER 25, 2004

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 25TH DAY OF OCTOBER, 2004, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURTHOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

C. T. REDD III, CHAIRMAN
W. F. ADAMS, VICE-CHAIRMAN
L. E. BYRUM, JR.
T. G. SMILEY
O. O. WILLIAMS

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

RE: APPROVAL OF MEETING AGENDA

On motion by W. F. Adams, 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 two changes.

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

Warren Clarke of 335 Herring Creek Road in the Mangohick District, addressed the Board with concerns regarding the County's lack of restrictions on the placement of cellular phone towers. He reported that he has just learned that one of his neighbors has the opportunity to place a cell tower in the immediate vicinity of his property, and there appears to be a lack of restrictions on cell towers in agricultural areas. He feels that the site being considered for placement of the tower is in a very inappropriate area because it is adjacent to a historic district (the Mangohick Church) and the area is a gateway to the County. It is a focal point of the County in that it is directly adjacent to Route 30. The individual planning to place the cell tower in the area is an absentee landowner and apparently no longer has any thoughts about the County, and his motivations are strictly financial. Mr. Clarke indicated his

understanding that the Mangohick Fire Department is also being considered for the possible location of this tower, and he feels this would be a much more appropriate site, and would give the Fire Department an opportunity to raise funds. They would receive approximately \$1,000 per month for the location of the tower on their property.

He requested the Board to consider more stringent regulations regarding the placement of such towers in agricultural areas.

RE: CONSENT AGENDA

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

a. Minutes of the September 27, 2004, Regular Meeting were approved as written.

b. Claims against the County for October, 2004, in the amount of \$860,814.81 as follows:

(1) General Fund Warrants #57214-57397 in the amount of \$545,500.48; Manual Checks #14020-14028 in the amount of \$122,090.16; Direct Deposits #6338-6528 in the amount of \$145,821.75; and Electronic Tax Payment in the amount of \$47,402.42

(2) For informational purposes, Social Services expenditures for the month of September, 2004, Warrants #303656-303731 in the amount of \$45,303.38; Manual Check #303683 in the amount of \$572.44; Direct Deposits #1071-1090 in the amount of \$23,663.96; and Electronic Tax Payment in the amount of \$7,705.36

(3) For informational purposes, Circuit Court expenditures for the month of September, 2004, Warrants #57200-57207 in the amount of \$5,431.24; Direct Deposits #133-136 in the amount of \$7,529.37

(4) For informational purposes, Comprehensive Services Act Fund expenditures for September, 2004, Warrants #57209-572128 in the amount of \$12,843.00

(5) Tax Refunds for the month of September, 2004, in the amount of \$4,851.65

c. Approved FY 2003-04 year end supplemental appropriations summarized as follows:

Additional Local Funds	\$ 105,104.30
State/Federal Funds	243,550.88
Offsetting Revenue	<u>9,309,558.07</u>
Total Supplemental Appropriations	\$9,658,213.25

Of the total additional local funding required, \$33,306.51 was for additional testing at the old landfill and a generator associated with this testing; \$31,506.80 was budgeted in another fiscal year; \$18,558.90 was for expenditures difficult to anticipate (i.e. a retiree payout); \$7,675.94 was due to a budgeting error; and \$7,428.53 was due to actual use of juvenile detention space. The offsetting revenue total of \$9,309,558.07 includes the expenditure of \$8,440,257.38 for construction at the high school. This amount is bond proceeds carried from one fiscal year to another, and the expenditure had been budgeted in the previous fiscal year.

d. Approved a supplemental appropriation for FY 2004-05 in the amount of \$243,466.00 for the School Budget for unanticipated State and Federal Grants and revenues

e. Approved an annual financial report requirement for an annual audit from volunteer fire departments and rescue squads

f. Approved a name change from the name Industrial Development Authority of King William County to the name of Economic Development Authority of King William County - The ability of local governing bodies to change their IDA's name to EDA was created by amendments to Section 15.2-4903 of the Virginia Industrial Development and Revenue Bond Act that were passed during the 2004 session of the General Assembly. Prior to enactment of these amendments, the General Assembly had to approve such name changes on an individual locality basis through passage of special legislation.

g. Authorized advertisement for a public hearing to be held during the Board's regular monthly meeting for November 22, 2004, beginning at 7:00 p.m. to consider the Proposed Repeal and Reenactment of Article IX, Division 4 (formerly Division 20) of the King William County Zoning Ordinance, entitled Chesapeake Bay Preservation Area. Said hearing is to be in the King William County Administration Building Board Room,

h. Authorized advertisement for a public hearing to be held during the Board's regular monthly meeting for November 22, 2004, beginning at 7:00 p.m. to

consider the Proposed Repeal and Reenactment of the King William County Erosion and Sediment Control Ordinance. Said hearing is to be in the King William County Administration Building Board Room.

- i. Awarded the FY-05 fuels bids to the following two vendors:

W. F. Parker Oil Company	Gasolines, Diesel Fuel	\$.0398/gallon margin
Massey Oil Company, Inc.	#2 Fuel Oil, Propane	\$.10/gallon margin

- j. Authorized that a survey be included in the next issue of the Community Companion concerning the County Burning Ordinance

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENT ENGINEER

a. Public Hearing - Six Year Secondary Road Plan (2005-2011) and Construction Priority List (2005-2006) - VDOT Resident Engineer, Charlie Stunkle, appeared before the Board to conduct a joint public hearing with the Board on the proposed Six-Year Plan (2005-2011) on Secondary Roads and the Construction Priority List (2005-2006) for King William County. Mr. Stunkle reviewed the Plan and Priority List indicating that as was discussed by the Board at its September 27th meeting, the Plant Mix Overlay Candidate designated for 2005-2006 is Route 601 (Calno Road), and has been included in this proposed Plan for public hearing.

L. E. Byrum, Jr. questioned whether or not an unpaved road could be added to the Six Year Plan even if no funding is available at this time. Mr. Stunkle responded that a road cannot be added unless there is some funding on it.

Thereupon, L. E. Byrum, Jr. made a motion to add .20 mile of unpaved roadway, Route 606 (Commins Road), to the Six Year Plan as an unpaved road candidate for projected fiscal year allocations beginning in 2008-2009. This .20 mile of unpaved Route 606 intersects with Route 611 to the south. This motion was seconded by T. G. Smiley and carried unanimously.

Prior to opening the public hearing, T. G. Smiley questioned Mr. Stunkle regarding the status of the request of the residents in Choctaw Ridge Subdivision for road improvements. Mr. Stunkle responded that during his last discussion with Mr. Charles W. Smith, it was his understanding at that time, that the residents could not give a plat for an unencumbered right of way.

Thereupon, the Chairman declared the joint public hearing open for comments. No persons appeared to speak for or against the proposed Six Year Plan and Construction Priority List.

Whereupon, the Chairman declared the public hearing closed.

b. Adoption of Resolution Approving the Six Year Secondary Road Plan (2005-2011) and the Construction Priority List (2005-2006), As Amended - On motion by L. E. Byrum, Jr., seconded by W. F. Adams and carried unanimously, the Board adopted the following resolution approving the Six Year Plan for Secondary Roads (2005-2011), and the Construction Priority List (2005-2006), as amended and presented in public hearing, for King William County.

RESOLUTION

WHEREAS, the 1977 session of the Virginia General Assembly amended Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, which in part, provided the opportunity for each county to work with the Virginia Department of Transportation in developing a Six Year Road Plan.

WHEREAS, this Board had previously agreed to assist in the preparation of the Plan in accordance with the Virginia Department of Transportation policies and procedures and participated in the public hearing on the proposed Plan as well as the Construction Priority List (2005-2006) on October 25, 2004, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and priority list; and,

WHEREAS, Charles E. Stunkle, Resident Engineer, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six Year for Secondary Roads (2005-2011), and the Construction Priority List (2005-2006) for King William County.

NOW, THEREFORE, BE IT RESOLVED, that since said plans appear to be in the best interests of the Secondary Road System in King William County, and of the citizens residing on the Secondary Systems, said Six Year Plan (2005-2011) and Construction Priority List (2005-2006) are hereby approved as presented at the public hearing, as amended.

c. Euclid Boulevard off of Route 30 in West Point - The Chairman thanked Mr. Stunkle and VDOT for having made the repairs to Euclid Boulevard since the Board's meeting last month.

d. Speed Study Completed on Route 629 (Walkerton Road) from Route 30 Down to Where the Speed Reduces - Mr. Stunkle reported that this Speed Study has been completed and the Traffic Engineer, based on the speed of the traffic, is not recommending a reduction in the speed limit at this time. However, the signage will be changed. One of the complaints was regarding the speed of trucks and VDOT will be installing new signs indicating the 55/45 MPH speed limits on this section of roadway.

e. Route 360 – Speed Limit Increased from 55 MPH to 60 MPH - W. F. Adams noted the newly posted increased speed limit on Route 360 from 55 MPH to 60 MPH and questioned Mr. Stunkle why this was done. The Resident Engineer responded that during its last session, the General Assembly passed a Bill that directed VDOT to conduct a speed study on the entire length of Route 360, and unless evidence to the contrary was present, to post the speed limit at 60 MPH. This Bill covered Route 360 throughout the counties in the Fredericksburg District, the Northern Neck, and the Richmond District out west of Richmond into Lynchburg.

f. White Bank Road and Scotland Landing Road - W. F. Adams inquired about the status of the project on White Bank Road. Mr. Stunkle reported that the VDOT contractor will be coming in the County to work on the White Bank Road project and on the Scotland Landing Road project within the next few days. The wet weather has been the delaying factor with these projects.

g. Route 360 – Mud Slide Caused by Tropical Storm Gaston and Route 661 (Mt. Pleasant Road) Mud Slide - W. F. Adams commented that he has noticed work has begun on the Route 360 mud slice problem, but, also noted an issue with another mud slide situation on Route 661 (Mt. Pleasant Road). He indicated this mud slide has stopped up the ditch and is causing water to trickle across the pavement. With the cold weather approaching, this trickling water on Route 661 could cause a traffic hazard at some point.

h. Route 611 – Speed Study - L. E. Byrum, Jr. inquired about the status of the speed study being conducted on Route 611. Mr. Stunkle responded that it is one of several that is still pending.

i. Route 600 (East River Road) - L. E. Byrum, Jr. stated that the posted speed limit on Route 600 (East River Road) from Route 30 out to Route 360 carries three different limits. Most of the route is posted at 45 MPH, except a section from the Route 647 (Mill Road) intersection towards Route 360 is posted at 35 MPH, and is followed by a section near Route 360 posted at 25MPH. He inquired about the possibility of increasing the speed from 25 MPH to 35 MPH on this section. Mr. Stunkle indicated he would investigate the matter.

j. Route 600 (East River Road) - L. E. Byrum, Jr. discussed the possibility of limiting "Through Truck Traffic" on Route 600 (East River Road). Mr. Stunkle informed him that it would be necessary for the Board to conduct a public hearing on this and adopt a resolution asking VDOT for this restriction.

Thereupon, L. E. Byrum, Jr. motioned that the Board set a public hearing for its November, 2004, regular meeting beginning at 7:00 p.m. to receive comments regarding the possibility of requesting VDOT to limit "Through Truck Traffic" on Route 600 (East River Road) from Route 30 to Route 360. This motion was seconded by W. F. Adams and carried with the following roll call vote:

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

k. Route 30 and Courthouse Lane in front of newly constructed King William County Courthouse - Frank A. Pleva, County Administrator, thanked Mr. Stunkle and the VDOT staff for cutting the grass on Route 30 and on Courthouse Lane for the Dedication Ceremony held on October 15, 2004, for the newly constructed King William County Courthouse.

RE: PAMUNKEY REGIONAL LIBRARY , FRAN FREIMARCK, DIRECTOR, RUTH ARMATAGE AND JIM MICKENS, KING WILLIAM COUNTY LIBRARY BOARD MEMBERS - PRESENTATION OF LONG-RANGE PLAN, 2005-2009

Mrs. Fran Freimarck, Director of the Pamunkey Regional Library, outlined the Library's Long-Range Plan, 2005-2009, explaining that in King William County, the Library has two major goals. The most immediate goal is more library hours open at both West Point and Upper King William. The Library aims to open each branch 60 hours per week, and currently, the West Point branch is open 49 hours per week, and the Upper King William branch is open 40 hours per week. Mrs. Freimarck indicated that the Library would like to work with the County, over the next five years, to increase the availability of service. Further, she indicated that the other major goal, over the next five years, is to build a permanent library for Upper King William. The Library feels that as the Central Garage area develops, a permanent County owned building will be a great asset to the community.

RE: PLANNING AND COMMUNITY DEVELOPMENT – LEE YOLTON,

DIRECTOR

a. Public Hearing - Zoning Case #CUP-01-04 – Request for Conditional Use Permit for Sand and Gravel Excavation Operation, Applicant: Luck Stone Corporation - Lee Yolton, Community Development Director, introduced Zoning Case, CUP-01-04, and advised that this is an application for a Conditional Use Permit to expand an existing sand and gravel extraction and processing operation now being conducted by Luck Stone Corporation on property located on the Hays 1 (King William County Tax Map Section 1, Parcel 1) and on part of Hays II (Tax Map Section 1, Parcel 1A) parcels. These properties are owned by the Hays Farm Limited Partnership (John and Linda Fulks) and leased to Luck Stone Corporation, and are located along Route 600 in the northeastern portion of King William County, adjacent to the Mattaponi River, bordering Caroline County. This existing activity is authorized by a Special Exception granted by the King William County Board of Zoning Appeals in July, 1988, for approximately 614 acres. Luck Stone Corporation took over the site from the former operator, King William Sand and Gravel, in 1999. The current Zoning Ordinance requires approval of a Conditional Use Permit by the Board of Supervisors for sand and gravel extraction in the Agricultural-Conservation (A-C) zoning district. This Conditional Use Permit application covers the remaining portion of the Hays II property, of approximately 320 acres.

Mr. Yolton further advised the Board that the Planning Commission has considered this application in public hearing, and recommends approval of the request to the Board of Supervisors with a list of proposed conditions to regulate the activities on the site.

Thereupon, Joe Andrews, Vice-President of Luck Stone Corporation, addressed the Board explaining that Luck Stone has been in business for 81 years and has been operating a sand and gravel extraction, processing, and selling facility in King William County for the past 5 years. He reported his understanding that some of the adjoining neighbors have concerns regarding the proposed hours of operation stated in this application for the Conditional Use Permit. He stated that currently the existing facility, for the past 7 months, has been operating until 2:00 a.m. and there

have been no complaints from the neighbors during this time. Mr. Andrews continued, indicating that Luck Stone has always been a good corporate citizen, and in that spirit, sent a packet of information concerning this application to all the neighbors. He indicated that he is willing to work towards a compromise between Luck Stone and the neighbors on any issues of concern. He reviewed the proposed hours for operation of 6:00 a.m. to 9:30 p.m. Monday through Friday; 6:00 a.m. to 6:00 p.m. Saturday; and hours for off-site hauling of 6:00 a.m. to 7:00 p.m. Monday through Friday; 6:00 a.m. to 6 p.m. Saturday. In the event of a natural disaster/emergency, he requested permission to operate hours as needed to assist in the emergency. Mr. Andrews stated that Luck Stone has been meeting with the neighbors to work out a compromise on the hours of operation and off-site hauling, and the above stated hours were acceptable to the neighbors.

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

Don Wagner, a neighbor, made the Board aware that he and Mrs. Wagner have met with representatives of Luck Stone to review the impact of this proposal, both during the mining operation over the next five to ten years and following the restoration of the property. He indicated that at the meeting they expressed their concerns with noise, lighting, aesthetics and the traffic and safety impact. He reported that Luck Stone expressed a desire to work with the neighbors to mitigate the impact of the requested expanded operation, however, they had reservations in regard to issues which may impact their operation. Mr. Wagner noted that Luck Stone has resisted any regulation of their hours of operation, and that the issues to which they have agreed with the exception of hours of operation are generally controlled by the Department of Mines, Minerals, & Energy.

Mr. Wagner continued that he does not feel the County staff and the County Planning Commission recommendations go far enough to protect his interests or those of his neighbors. He, therefore, requested that the following issues be addressed in granting the Conditional Use Permit: Noise Levels, Lighting; Aesthetics; and Transportation and Safety Issues.

Mr. Wagner requested that the hours of operation be confined to a maximum period between the hours of 6 a.m. to 6 p.m. Monday through Friday, and 6 a.m. to 12:00 noon on Saturday, with the hours for off-site hauling to be restricted to the same hours.

He requested that the existing entrance from Route 600 be reconstructed prior to any expanded operations beginning. He suggested that the entrance have an asphalt paved surface with a 24' width for a minimum distance of 150' north of Route 600 with asphalt paved turning radii to meet VDOT's requirements for tandem and tractor trailer trucks, and that the pavement structure meet VDOT's requirements for truck and axle weights. He also requested that the remainder of the entrance be continually maintained in a dust free condition – free of pot holes, bumps, or other surface irregularities. He asked that any gravel, sand or other debris accumulating on the entrance road or Route 600 at the entrance to be removed immediately.

In addition, Mr. Wagner requested that the six foot berm located 200' north of Route 600 have a 50' wide landscaped buffer strip containing a combination of evergreen trees and plantings to provide a dense year round cover to minimize noise, light and dust pollution. He suggested that the trees have a minimum of 2" caliper and a minimum height of eight feet at planting, and that all planting be completed prior to beginning excavation in the proposed expanded mining area. He asked that the 50' landscaping buffer extend along each side of the entrance road for a minimum distance of 200' north of the berm.

Further, Mr. Wagner requested that this permit also be conditioned upon Luck Stone developing a proactive safety program for all truck operators which shall detail safe driving practices including adherence to the posted 45 MPH speed limit along the entire length of Route 600, the posted maximum safe speed limits and the reduced speed zones. He further asked that this safety program be provided to each truck driver hauling from this facility and be reviewed with each driver at least once each month.

He asked the Board to consider the above stated requests when taking action on this application for the Conditional Use Permit.

John Fulks, owner of Hays Farm Limited Partnership, addressed the Board indicating that Luck Stone Corporation has been a good business partner and is a very civic minded corporation. They have always been very sympathetic to concerns of its neighbors.

Linwood Agee, a resident of 2914 West River Road, indicated that he had no prior knowledge of any proposed expansion of the sand and gravel operation when he purchased his property. He explained that he has two horses that get very hysterical due to the noise created by the trucks banging their tailgates while entering this site. He requested the Board to condition approval of this Permit to disallow any of this noise.

P. J. Edmonds of 5989 Herring Creek Road, requested the Board to consider conditions on this Permit that will prevent the dust and noise levels and restrict the hours of operation and hauling, to help preserve the quality of life of the residents in this community.

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

Frank A. Pleva, County Administrator, reported that all written correspondence received regarding this application was copied and forwarded to all Board of Supervisors members.

b. Consideration of Zoning Case #CUP-01-04 - On motion by T. G. Smiley, seconded by W. F. Adams and carried with a unanimous roll call vote, the Board approved Zoning Case #CUP-01-04 for a Conditional Use Permit to expand an existing sand and gravel extraction and processing operation now being conducted by Luck Stone Corporation on property located on the Hays 1 (King William County Tax Map Section 1, Parcel 1) and on part of Hays II (Tax Map Section 1, Parcel 1A). These properties are owned by the Hays Farm Limited Partnership (John and Linda Fulks) and leased to Luck Stone Corporation, and are located along Route 600 in the northeastern portion of King William County, adjacent to the Mattaponi River, bordering Caroline County. This Conditional Use Permit covers the remaining portion of the Hays II property, of approximately 320 acres, and is approved with the following eight conditions:

1. An approved mining permit from Virginia authorities (i.e. DMME) shall serve in place of a site plan approved by the County for quarrying this property. Upon issuance of a Virginia mining permit, a copy shall be provided to the County and kept as part of the zoning file on this matter. The County shall be provided with any official amendments to the DMME permit, and shall be notified upon completion of the requirements for reclamation of the site, at which time authority to continue extraction on the site by virtue of this Conditional Use Permit shall cease. Non-compliance with the DMME permit shall be deemed to be sufficient reason to revoke this Conditional Use Permit.
2. Except for machinery and equipment used for extraction and transport of materials, machinery used for washing, sorting and in any other ways processing the material for delivery, shall not be located on the area subject to this Conditional Use Permit.
3. Lighting shall be used only to the minimum extent necessary to facilitate the extraction process and shall be directed away from neighboring homes to the extent practicable. Lighting shall be reduced to no more than a security level after close of operations.
4. Noise shall be kept to a minimum. This shall include measures, as allowed, such as using strobe lights instead of back-up warning signals on mobile equipment; no loudspeakers, whistles or horns to be used as part of daily operations; no use of explosives/blasting on site. Cleaning/securing of tailgates, body cleaning and vibrations shall be confined to the plant processing operations area.
5. The operation of the excavation of sand and gravel from the proposed mining areas shall be confined to a maximum period between the hours of 6:00 a.m. and 9:30 p.m., Monday through Friday, and 6:00 a.m. to 6:00 p.m. on Saturday. The hours of operation for hauling (trucks entering and leaving the site) shall be restricted to 6:00 a.m. to 7:00 p.m., Monday through Friday, and 6:00 a.m. to 6:00 p.m. on Saturday. There shall be no operation of the plant or trucks leaving in and out on Sunday or on the following major holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day. In the event of an emergency such as a natural disaster, restrictions on hours of operation shall be waived as needed upon permission being given by the County Public Safety Officer.
6. The existing entrance from Route 600 shall be reconstructed before any new operations in the proposed mining area begin. The entrance shall have an asphalt paved surface with a 24 foot width for a minimum distance of 150 feet north of Route 600 with asphalt paved turning radii to meet VDOT's requirements for tandem, and tractor trailer trucks. The pavement structure shall meet VDOT's requirements for truck and axle weights. The remainder of the entrance shall be continually maintained in a dust free condition – free of potholes, bumps, or other surface irregularities. Any gravel, sand, or other debris accumulating on the entrance road or Route 600 at the entrance shall be removed immediately.
7. The proposed six foot berm located 200 feet north of Route 600 shall have a 50 foot wide landscaped buffer strip containing a combination of evergreen trees and plantings that will provide a reasonably dense year round cover to minimize noise, light, and dust pollution. Trees shall have a minimum 2 inch caliper with no height restriction at the time of planting. All planting shall be complete before beginning excavation in the new mining area. The fifty foot wide landscaping buffer shall extend along each side of the entrance road for a minimum distance of 150 feet north of the berm, consistent with DMME standards.

8. Luck Stone shall develop a proactive traffic safety program, which shall be provided to each driver hauling from Luck Stone, in a "Driver Expectations" brochure, which shall detail expectations for safe driving practices, including adherence to the posted 45 MPH speed limit for the entire length of Route 600, the maximum safe speed limits, and the reduced speed zones. The brochure shall detail consequences for improper driving and violation of traffic laws and shall be reviewed and certified by the Sheriffs of King William County and Caroline County as being in place. The brochure for the traffic safety program is to be provided to each driver and reviewed with the driver on a quarterly basis. A record of distribution and review shall be maintained at the scales and be available for review by County staff.

c. Zoning Case #Z-03-04 – Request to Amend Proffered Conditions on Rezoning Case #92-102; Applicant: Fontainebleau Farm, Inc. - L. E. Byrum, Jr. stated that this application was deferred for action by the Planning Commission at its October 18th meeting, and motioned that the Board table this application until the Planning Commission considers it in public hearing and makes a recommendation to the Board. This motion was seconded by O. O. Williams and carried unanimously.

d. Zoning Case #Z-04-04 – Request to Rezone 25 +/- Acres from Agricultural-Conservation Zoning District to Industrial Zoning District with Proffered Conditions; Applicant: Fontainebleau Farm, Inc. - L. E. Byrum, Jr. stated that this application was also deferred for action by the Planning Commission at its October 18th meeting, and motioned that the Board table this application until the Planning Commission considers it in public hearing and makes a recommendation to the Board. This motion was seconded by O. O. Williams and carried unanimously.

RE: MOUNT OLIVE COMMUNITY IMPROVEMENT PROJECT – FRANK A. PLEVA, COUNTY ADMINISTRATOR

a. Adoption of Resolution to Acquire Real Properties for Community Sewage Disposal Systems - On motion by T. G. Smiley, seconded by L. E. Byrum, Jr. and carried unanimously, the Board adopted the following resolution to acquire property for public sewage disposal system purposes.

RESOLUTION

WHEREAS, in the opinion of the Board of Supervisors of King William County, Virginia, a public necessity exists for the acquisition of certain real property, hereinafter more particularly described, for public sewage disposal system purposes (including pipes and lines) and for the preservation of the health, safety, peace, good order, comfort, convenience, morals and public welfare of King William County, Virginia.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia:

1. That the acquisition of the hereinafter described property for public sewage disposal system purposes is declared to be a public necessity and to constitute a use necessary for public purposes is declared to be a public necessity and to constitute a use necessary for purpose purposes pursuant to Section 15.2-1900, Code of Virginia, 1950, as amended and an authorized public undertaking pursuant to Section 15.2-1901.1, Code of Virginia, 1950, as amended.
2. That the County Attorney and/or law firm of Randolph, Boyd, Cherry and Vaughan, be and they are, hereby authorized and directed to acquire by voluntary acquisition or by condemnation, if necessary, in the manner provided by Chapter 3, Section 25.1-300 et seq. of Title 25.1 and Sections 15.21904 and 15.2-1905 the property hereinafter described for the aforesaid public purposes and they are hereby specifically authorized and directed to use all those statutory procedures available to enter upon and take possession of the land hereinafter described before the conclusion of condemnation proceedings. The County Attorney and/or law firm of Randolph, Boyd, Cherry and Vaughan and/or the Middle Peninsula Planning District Commission, as agent for the County of King William, shall notify the owners of the parcels of real property, by certified mail pursuant to Section 15.2-1905 that the County intends to enter and take possession of the property before conclusion of condemnation proceedings. Such notice shall be sent on November 9, 2004. Such notice shall set forth the compensation offered by the County as set forth in Paragraph 5 of this Resolution.
3. The names of the present owners of the parcels to be acquired are:

Parcel 1

Ellen Garlick aka Ella Garlick Washington, Queen Garlick aka Queen Garlick Baylor, the heirs at law or devisees of Mary Lou Garlick, the heirs at law or devisees of Fred Douglas Garlick, the heirs at law or devisees of Elsie Bernice Garlick aka Elsie Bernice Garlick Montague, and unknown owners including, but not limited to, the heirs, devisees or successors in interest to any of the aforesaid persons who may be deceased.

Parcel 2

West Point Log Corporation, a Virginia corporation.

4. A substantial description of the parcels is as follows:

Parcel 1

All that certain lot, piece or parcel of land with the improvements thereon and the appurtenances thereto belonging, lying, and being in West Point District, King William County, Virginia, containing 15 acres, more or less, and being the same tract of land as shown on the plat of survey made by Resource International, Ltd. dated August 9, 2004, entitled "PLAT OF 15+/- ACRES OF LAND LYING ON THE EAST LINE OF STATE ROUTE 632" to which plat reference is hereby made for a more particular description of the property, a copy of which plat is attached hereto and made a part hereof and being the same tract of land conveyed to John Ghalett by deed from J. F. Allen and others recorded in the aforesaid Clerk's Office in Deed Book 26, page 396, and is the same land inherited by Soloman Ghalett from his brother John Ghalett.

Being the same property conveyed to Ellen Garlick, Queen Garlick, Mary Lou Garlick, Fred Douglas Garlick and Elsie Bernice Garlick by deed from Solomon Ghalett, dated August 5, 1932, and recorded August 5, 1932, in the Clerk's Office, Circuit Court, King William County, Virginia, in Deed Book 49, page 54.

Parcel 2

All of that certain parcel of land, with the improvements thereon, and the appurtenances thereto belonging, lying and being in West Point Magisterial District, King William County, containing 4.002 acres, more or less, as shown on a plat of survey made by Resource International, Ltd., dated July 15, 2004, entitled 'PLAT OF 4.002 ACRES OF LAND LYING NORTH OF ROUTE 623', a copy of which is attached hereto and made a part hereof.

Being a part of the same property conveyed to West Point Log Corporation, a Virginia corporation, by deed from Dean L. Greer and Christine H. Greer, husband and wife, dated April 21, 1981, recorded April 24, 1981, in the Circuit Court Clerk's Office of King William County in Deed book 143, page 397.

5. Based upon appraisals, the County has determined that just compensation due to the owner for the land being acquired for public purposes is as follows:

Parcel 1

\$37,500 total just compensation, there being no residue parcel.

Parcel 2

\$12,006 for 4.002 acres, and \$0 for damages to the residue for a total just compensation of \$12,006.

6. In the event that the property described in Paragraph 4 has been conveyed, the County Attorney and/or law firm of Randolph, Boyd, Cherry and Vaughan are authorized to and directed to take all of the actions recited above with respect to and against the successors in title. In the event that the Middle Peninsula Planning District Commission, as agent for the County, sends the notice referenced in Paragraph 2 of this Resolution, the Commission is authorized and directed to send same to any successor in title.

7. No condemnation proceedings shall be commenced until the requirements of Section 25.1-204 have been met.

8. This Resolution shall be in effect from the date of its passage.

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

a. Courts and Public Safety Building - The County Administrator reported that the Dedication Ceremony for the new Courts and Public Safety Building was held on October 15, 2004, at 5:00 p.m.

b. Regional Animal Shelter - Frank A. Pleva, County Administrator, indicated that information has been received from the Soils Scientist. This report indicates that the soil, down about 6 feet, under the power line easement is not as good a quality for the disposal of wastes as was hoped, however, a couple of good sites closer to Route 30 were found. The positive to this fact is that there will be less

pumping to a remote site. Both of the sites may be marginal soils and may require some type of system that may require a type of pretreatment of wastes.

RE: APPOINTMENTS

a. Board of Building and Code Appeals – One Member, Five Year Term, Incumbent Ernest A. Burcham (Builder) Deceased – Current Term Expired on September 1, 2004; New Term Expires on September 1, 2009 - Action on this appointment was tabled.

b. Industrial Development Authority – One Member to Fill Unexpired Portion of Term of Cynthia Rinaldi - Current Term Expires June 30, 2006 - On motion by W. F. Adams, seconded by L. E. Byrum, Jr. and carried unanimously, the Board appointed Mr. Thomas D. Stuart to complete the vacated, unexpired term as a member of the King William County Industrial Development Authority. Said term will expire June 30, 2006.

d. Wetlands Board – One Member, Five Year Term, Incumbent Carolyn J. Elliott, Current Term Expired September 30, 2004 – New Term Expires September 30, 2009 - Action on this appointment was tabled.

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

No persons appeared to speak.

RE: BOARD OF SUPERVISORS' COMMENTS

Various Board members thanked Luck Stone Corporation and the surrounding community members for working together during the Conditional Use Permit application process.

RE: ADJOURNMENT OF MEETING

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

COPY TESTE:

C. T. Redd, III
Chairman

Frank A. Pleva
County Administrator

