

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF OCTOBER 28, 2002

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

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

Ms. Ronnie Koslowski, a resident of the Sweet Hall District, appeared to speak concerning actions of the Commonwealth's Attorney in the handling of a recent case involving one of her family members, and Ms. Koslowski was asked not to discuss this issue.

RE: CONSENT AGENDA

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

a. Minutes of the regular meeting of September 23, 2002, and minutes of the reconvened meeting of September 30, 2002

b. Claims against the County for October, 2002, in the amount of \$1,627,228.88 as follows:

(1) General Fund Warrants #52063-62265 and manual check #13928 in the amounts of \$1,441,499.00 and \$3,187.99; Direct Deposits #4015-4107 in the amount of \$136,358.07; and Electronic Tax Payment in the amount of \$46,183.82

(2) For informational purposes, Social Services expenditures for the month of September, 2002, Warrants #301981-302041 in the amount of \$31,116.20; Direct Deposits #667-684 in the amount of \$20,946.77; and Electronic Tax Payment in the amount of \$7,592.98

(3) For informational purposes, Circuit Court expenditures for the month of September 2002, Warrants #52042-52551 in the amount of \$6,199.13 and Direct Deposits #57-59 in the amount of \$6,592.22

(4) For informational purposes, Comprehensive Services Act Fund expenditures for September, 2002, Warrants #52053-52061 in the amount of \$13,573.57

(5) Tax Refunds for the month of September, 2002 in the amount of \$618.40

c. Adopted the following resolution of appreciation for Mrs. Jessie W. Walton, retiring Magistrate:

RESOLUTION OF APPRECIATION

WHEREAS, Mrs. Jessie W. Walton retires from her position as Magistrate for the Ninth Judicial District, which includes King William County, on October 31, 2002; and,

WHEREAS, Mrs. Walton gave 42 years of service to the Judicial Branch of Government of the Commonwealth of Virginia; and,

WHEREAS, Mrs. Walton was elected as Justice of the Peace by write-in ballot in November, 1959, and assumed her duties on January 1, 1960; and,

WHEREAS, Mrs. Walton graduated from Pleasant High School in King and Queen County and served as the class Valedictorian; and,

WHEREAS, Mrs. Walton is a member of Old Church United Methodist Church where she is a pianist, coordinator for public relations, treasurer, adult Sunday School teacher and member of the United Methodist Women; and,

WHEREAS, Mrs. Walton served as president of the Woman's Club of King and Queen County, public relations chairman and president of the President's Council for the Virginia Federation of Woman's Clubs of the Lee District; and,

WHEREAS, Mrs. Walton also served as the secretary-treasurer for the Board of Directors and as business manager of York Academy for 22 years; and,

WHEREAS, married to the late John Moses Walton for 51 years, the couple has two children, Robyn Walton Vincent and Beverly Walton Norris; six grandchildren, Christopher, Benjamin and Jessica Vincent, and Brad, Jonathan, and Ryan Norris; and one great-grandchild Camryn Vincent.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors recognizes Mrs. Walton and congratulates her on all of her accomplishments during her 42 years of service to the Ninth Judicial District; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors acknowledges Mrs. Walton's unselfish dedication to the Judicial system and commitment to King William County; and,

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

d. Adopted the following resolution approving FY-02 Year End Supplemental Appropriations in the amount of \$652,383.67:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF KING WILLIAM, VIRGINIA,
WITH RESPECT TO THE FY-02 YEAR-END
SUPPLEMENTAL APPROPRIATIONS**

WHEREAS, some County departments had total expenditures in excess of appropriations for the fiscal year that ended June 30, 2002; and,

WHEREAS, Section 15.1-162 of the Code of Virginia requires that all funds be appropriated to be expensed; and,

WHEREAS, the supplemental appropriations needed, include \$142,294.55 in additional local funds, \$97,352.65 in State/Federal funds and \$412,736.47 in offsetting revenues; and,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of King William County, Virginia, approves supplemental appropriations for the fiscal year ending June 30, 2002, in the amount of \$652,383.67.

RE: PROPOSED PREPARED FOOD AND BEVERAGE TAX

County Attorney, L. M. Chenault, indicated that the order authorizing placement of the proposed Meal and Beverage Tax Referendum on the November 5, 2002, election ballot required the Referendum to be advertised for three successive weeks in a paper having general circulation in the County. The required advertising did not occur.

The ballots have been printed and the Referendum is on the ballot. Notification will be placed at each voting precinct that this referendum is null and void.

RE: VDOT MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER

a. Joint Public Hearing – Six Year Plan for Secondary Roads (2003-2009) and Construction Priority List (2003-2004) - VDOT Resident Engineer, Charlie Stunkle, indicated that the changes made by the Board at the Work Session held during the September meeting, have been made. Priority of Scotland Landing Lane and Horse Landing Lane have been moved up. He also indicated that the traffic count for Green Level Road is 18 VPD and does not meet the 50 VPD requirement.

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

Renee' Gregory, a resident of Choctaw Ridge Subdivision, speaking on behalf of all the subdivision residents, questioned when Clarks Lane would be taken into the state secondary system. She indicated that the deed to her property located on Clarks Lane shows it to be a public road, not a private road. Mrs. Gregory reported that the street is full of potholes and badly needs attention. It was stated that subdivision streets have to be brought up to State standards prior to being taken into the State secondary road system by VDOT.

Charles Smith, speaking on behalf of the Choctaw Ridge residents, discussed the possibility of Clarks Lane being added to the County's Six-Year Plan or the possibility of it being eligible under the State Rural Road Addition Act. Phase I of this subdivision was recorded in 1969 and at that time, according to Mr. Smith, the only County requirements were that the Health Department perform a percolation test on the lots, and that the subdivision plat be approved and signed by the County Administrator. This was done.

Charles Stunkle responded that the subdivision met the County's requirements in 1969 and there was never any road construction plan developed or submitted to VDOT. In addition, he discussed information regarding the Rural Road Addition Act, which is funded by using 2% of the total construction budget for one year for the designated road. This funding will affect every other project in the County's Six Year Plan.

Garland Smith, a resident of Choctaw Ridge for 34 years, indicated that the school bus has to stop in the subdivision entrance way, which creates a traffic hazard.

The Board requested Mr. Stunkle to provide a cost estimate to the Board at its next month's meeting on bringing Clark's Lane in Choctaw Ridge Subdivision up to state standards.

There being no other persons appearing to speak, on motion by C. T. Redd, III, seconded by R. S. Diggs and carried unanimously, the joint public hearing was declared closed.

b. Adoption of Six Year Plan (2003-2009) and Construction Priority List (2003-2004)

- Mr. Stunkle indicated that one more unpaved road could be added to the Six Year Plan since Green Level Road was dropped.

On motion by L. E. Byrum, Jr., seconded by C. T. Redd, III and carried unanimously, Route 603 – Dover Lane, an unpaved state secondary road, was added to the Six Year Plan.

At the request of E. P. Sterowski, action on adoption of the Six Year Plan and Construction Priority List was tabled until the Board's November meeting, and Charles Stunkle was requested to provide background information on Choctaw Ridge Subdivision roads to the County Administrator prior to this meeting.

In addition, C. T. Redd, III suggested that the County Attorney provide a legal opinion on this matter to the Board at its November meeting.

c. Route 647 – Mill Road - The County Administrator questioned Mr. Stunkle about the speed study to have been performed on Route 647, Mill Road, and requested Mr. Stunkle to report on this at the November Board meeting.

d. Route 360 & Route 604 Intersection at Manquin - D. L. Wright requested Mr. Stunkle to investigate the possibility of installing a stop light at this intersection.

e. Route 360 and Route 30 Intersection at Central Garage - D. L. Wright discussed with Mr. Stunkle the need to add another traffic lane on both sides of Route 360 due to increased traffic flow.

f. Stop Lights at Route 360 and Route 30 Intersection - L. E. Byrum, Jr. indicated the need to raise the height of the stop lights at the intersection of Route 360 and 30 and urged the Board to make this need known to VDOT in Richmond at the next preallocation hearing.

g. Westbound Lane of Route 360 Above Manquin – E. P. Sterowski questioned Mr. Stunkle as to when the westbound lane section of Route 360, above Manquin, will be repaired. Mr. Stunkle indicated that it is on the State's schedule for next year to rebuild this section of pavement.

RE: PLANNING MATTERS – MATT WALKER, COMMUNITY DEVELOPMENT DIRECTOR

a. Public Hearing – Zoning Case CUP-96-148, Request for Amendment to Conditional Use Permit – Applicant: Nestle-Purina Pet Care Co. - The public hearing to consider the above stated case was opened for comments by D. L. Wright, Chairman. Ms. Gloria Freye, an attorney representing the applicant from the firm of McQuire, Woods, and Mr. Jim Baugh, plant manager of Nestle-Purina, addressed the Board indicating that Nestle Purina is applying for an amendment to their existing Conditional Use Permit granted to allow mining of clay on a parcel of land described as Tax Map 28-69. This property is located on Dunluce Road (Route 613) between Route 613, 618, and Jackpen Creek. The mine site area is located behind the Nestle Purina Cat litter processing facility in the Fontainebleau Industrial Park. A portion of the property is currently being mined to supply the Nestle Purina processing facility with clay for converting into kitty litter. The requested amendment is for expansion of the current mine site allowed under the existing CUP. The proposed expansion is toward the north and the west. This would allow for future mining and reclamation of a larger portion of the property. The applicant is also requesting that the daylight hours of operation restrictions be deleted from the CUP.

Ms. Freye indicated that all surrounding neighbors of this site have been contacted. Of the ten neighbors, seven of them have indicated their support of this proposed amendment, and three of them never responded to letters sent to them.

Vince Ackenbaugh, a resident of Beaver Creek Estates Subdivision, indicated his opinion that Nestle Purina Company has gone beyond what is reasonable to meet concessions to the area residents, and he is very supportive of this Company.

There being no other persons appearing to speak for or against this proposed amendment to the above stated case, the public hearing was declared closed on motion by C. T. Redd, III, seconded by R. S. Diggs and carried unanimously.

b. Consideration of Zoning Case CUP-96-148 - Matt Walker, Director of Community Development, informed the Board that the Planning Commission has considered this application in public hearing and recommends its approval to the Board of Supervisors with the following conditions:

1. The applicant is to terminate “Back Up Beepers” after sunset and before sunrise by switching to strobe lights to indicate vehicles backing up. It is understood by staff that the applicant has cleared this activity with VOSHA.
2. The applicant is to continue current reclamation practices and extend current plan into the expanded area when mining operations are initiated in those areas.
3. Acceptance and application of the applicant’s entire list of suggested conditions, referring to area, mining hours, strobe light usage, overburden, buffers, notices, and posting of the property, with clarification from the applicant of mining operations to be conducted within the expanded hours of operation.
4. All other conditions from the previous permit, CUP-96-148, not subject of this amended request, shall remain in force.

On motion by C. T. Redd, III, seconded by E. P. Sterowski and carried with a unanimous roll call vote, the Board accepted the recommendation of the Planning Commission and approved the request of Nestle Purina Pet Care Company for amendment of CUP-96-148, with conditions set out by the Planning Commission, as stated above.

c. Public Hearing – Zoning Case Z-03-02 – Request for Rezoning, Applicant: Carroll Sanders, Represented by Joey and Kara Sanders - The public hearing to consider the above stated case was opened for comments by Chairman, D. L. Wright. Joey Sanders, representing the applicant, Carroll Sanders, appeared before the Board indicating that this application is for rezoning of a parcel described as Tax Map 55, 5 from its current zoning of approximately ½ in Agricultural/Conservation (A/C) and ½ in Industrial (M) to entirely in Industrial (M) zoning. The parcel contains 100 acres and is located just off of Route 30 on Route 627, (E. St. Johns Church Road). Currently, the property is used as a contractor's storage yard and an abandoned saw mill. This rezoning request is for the purpose of continued use as a contractor's storage yard and for possibly applying for a permit for a small burrow pit operation at a later time.

There being no other persons appearing before the Board to speak for or against this application, the public hearing was declared closed on motion by C. T. Redd, III, seconded by R. S. Diggs and carried unanimously.

e. Consideration of Zoning Case Z-03-02 - Matt Walker, Community Development Director, advised that the Planning Commission has considered this application in public hearing, and recommends its approval to the Board of Supervisors.

On motion by R. S. Diggs, seconded by C. T. Redd, III and carried with a unanimous roll call vote, the Board accepted the recommendation of the Planning Commission and approved the application of Carroll Sanders, as represented by Joey and Kara Sanders, for rezoning as stated above.

RE: RECODIFICATION OF KING WILLIAM COUNTY CODE – TERRI HALE

a. Consideration of Award of Contract - Terri Hale, Assistant County Administrator, reported that a Request for Proposals (RFP) was issued in late August for recodification of the County Ordinances, and that only one response was received. This was from the firm that completed the original codification, which was last completed in 1991. Two other responses were received after the time set forth in the RFP, and had to be refused. These responses were delivered late because Federal Express and UPS do not guarantee delivery before 10:00 a.m. due to our rural location.

Ms. Hale further explained that Municipal Code Corporation proposes to update the County Ordinances at a base cost of \$12,250.00. Other associated costs such as software license, the number of pages, the number of copies printed, etc. totaling \$1,825.00 would be added for a total to be appropriated of \$14,075.00.

Thereupon, on motion by L. E. Byrum, Jr., seconded by R. S. Diggs and carried with a unanimous roll call vote, the Board awarded the contract to Municipal Code Corporation in the

amount of \$14,075.00 for recodification of the King William County Ordinances.

RE: COUNTY PROJECTS AND ACTIVITIES – FRANK A. PLEVA

a. Update on Courts Facility Project - The County Administrator reported that the Groundbreaking Ceremony for the new Courts Facility Project was held on October 24th, and that a Pre-construction conference with the contractor, engineer and County was also conducted on October 24th. Construction is due to begin on November 18, 2002, with completion scheduled for January/February, 2004.

b. Update on Animal Shelter - The County Administrator reported that the Virginia Department of Agriculture and Consumer Affairs and humane societies are reviewing and commenting on the proposed plans during October, and that the architect will be finalizing the bid plans and specifications in November. Bids on the project will be opened in December, 2002, and awarded in January, 2003. Construction should begin in January/February, 2003, and completed in June/July, 2003.

c. Update on Mt. Olive Community Improvement Project - The County Administrator indicated that the findings of the Mt. Olive Project Management Team were submitted to the Virginia Department of Housing and Community Development on October 8, 2002. The next phase will be a contact from the Department of Housing and Community Development advising of the next step.

d. Approval of Letter from Board to School Board – Reductions in FY-03 Budget - On motion by C. T. Redd, III, seconded by E. P. Sterowski and carried with a unanimous roll call vote, the Board authorized the sending of a letter, under the Chairman's signature, to the King William County School Board requesting them to provide, in writing, a prioritized list of potential reductions from the FY-03 budget. This is being done in light of the recent and future state funding reductions. This request is being made to all County departments.

RE: STATUS OF TRICENTENNIAL YEAR-END ACTIVITIES – KATY LLOYD

Katy Lloyd, Vice-President of the King William County Tricentennial Celebration, Inc. reported on the planned activities for the Tricentennial's "Old Fashion Christmas and Time Capsule Burial Ceremony" to be held on December 20, 2002. The festivities will begin at 6:00 p.m. on the Courthouse grounds.

RE: APPOINTMENTS

a. Planning Commission – Two Members – Four Year Terms – Terms of Carlyle Clements and Alvin Carter Expire 10/31/02 - On motion by C. T. Redd, III, seconded by R. S. Diggs and carried unanimously, the Board reappointed Carlyle Clements and Alvin Carter to serve a four year term on the King William County Planning Commission. Said terms will expire October 31, 2006.

b. 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 - On motion by C. T. Redd, III, seconded by R. S. Diggs and carried unani-

mously, the Board appointed Mr. Pete Glubiak to serve as the County's representative on the Tri-Rivers Safety Action Program (ASAP) Board of Directors for a three year term expiring December 31, 2005.

c. 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 for 30 days.

d. 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 for 30 days.

e. Middle Peninsula Juvenile Detention Commission – Appointment of County Administrator to Serve as County's Representative – Four Year Term and Appointment of Alternate Member - On motion by R. S. Diggs, seconded by L. E. Byrum, Jr. and carried unanimously, the Board reappointed Frank A. Pleva, County Administrator, to serve a four year term as the County's representative on the MP Juvenile Detention Commission and appointed Terri E. Hale, Assistant County Administrator, as the alternate member for the same term. Terms will expire October 31, 2006.

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

Herb White, newly elected President of the King William-West Point Crime Solvers, Inc., appeared to update the Board on activities being planned by Crime Solvers to revitalize this organization. Currently, the organization has gained 8 new members. Mr. White requested both Mr. Diggs and Mr. Redd to check on the possibility of securing some new members from the Town of West Point. He also reported on the possibility of King and Queen County joining the organization with King William and West Point.

RE: BOARD OF SUPERVISORS' COMMENTS

L. E. Byrum, Jr. thanked Frank Pleva and Brian Purvis for the replacement of the United States Flag on the Central Garage water tower.

RE: ADJOURNMENT

There being no further business to come before this Board, on motion by C. T. Redd, III, seconded by L. E. Byrum, Jr. and carried unanimously, the meeting was adjourned.

COPY TESTE:

D. L. Wright
Chairman

Frank A. Pleva
County Administrator