

MINUTES

KING WILLIAM COUNTY

BOARD OF SUPERVISORS

MEETING OF NOVEMBER 19, 2007

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 19TH DAY OF NOVEMBER, 2007, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PERSONS PRESENT:

**C. T. REDD III, CHAIRMAN – ABSENT
W. F. ADAMS, VICE-CHAIRMAN
E. J. RIVARA
T. G. SMILEY
O. O. WILLIAMS**

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

Due to the absence of the Chairman, this meeting was presided over by Vice-Chairman, W. F. Adams.

RE: APPROVAL OF MEETING AGENDA

On motion by T. G. Smiley, 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 changes: Under Item 6, Consent Agenda, add sub-item “e” Authorization for Public Hearing on December 17, 2007, at 7:00 p.m. to Consider Conveyance of County Owned Real Property to the Mt. Olive Community Development Project.

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: CONSENT AGENDA

On motion by T. G. Smiley, 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 October 22, 2007, were approved as written

b. Claims against the County for November, 2007, in the amount of \$938,390.04 as follows:

(1) General Fund Warrants #66128-66331 in the amount of \$674,578.19; Manual Check #14152 in the amount of \$5,344.14; Direct Deposits #10417-105526 in the amount of \$195,233.22; and Electronic Tax Payment in the amount of \$63,234.49

(2) For informational purposes, Social Services expenditures for the month of October, 2007, Warrants # 306282-306343 in the amount of \$52,089.32; Direct Deposits #1759-1775 in the amount of \$26,425.20; and Electronic Tax Payment in the amount of \$9,097.44

(3) For informational purposes, Circuit Court expenditures for the month of October, 2007, Warrants #66102-66109 in the amount of \$5,057.50; Direct Deposits #260-263 in the amount of \$9,906.92; and Electronic Tax Payment in the amount of \$3,419.07

(4) For informational purposes, Comprehensive Services Act Fund expenditures for October, 2007, Warrants #66111-66126 in the amount of \$41,796.93

(5) Tax Refunds for the month of October, 2007 in the amount of \$99.87

c. Authorized advertisement of a public hearing during the Board's regular December 17, 2007, meeting beginning at 7:00 p.m. to consider adoption of the Rural Conservation (RC) Ordinance

d. Approved an additional FY-07 Year-End supplemental appropriation totaling \$43,059.30, which involves no local funds.

e. Authorized advertisement of a public hearing during the Board's regular December 17, 2007, meeting, beginning at 7:00 p.m. to consider a proposed conveyance of County owned real property to the Mt. Olive Community Development Project.

RE: ADOPTION AND PRESENTATION OF RESOLUTION OF APPRECIATION FOR THEODORE F. WOODY, JR.

On motion by T. G. Smiley, seconded by O. O. Williams and carried unanimously, the Board adopted the following Resolution expressing its deepest

appreciation to Mr. Theodore F. Woody, Jr. for his many contributions to the County of King William, the Commonwealth of Virginia, and beyond, and reaffirms to the Woody family its strong respect for Mr. Woody and its deep sadness at his passing.

RESOLUTION OF APPRECIATION

WHEREAS, Theodore Floyd Woody, Jr. was born on December 1, 1935 and died on October 5, 2007; and

WHEREAS, a lifelong resident of King William County, Mr. Woody opened Woody's Garage in Mangohick in 1957; and,

WHEREAS, a family man, Mr. Woody's two sons have helped run the business since they were teenagers, and his wife often rode along as he answered calls; and,

WHEREAS, an ally of the local fire departments and law enforcement, Woody spent many years assisting the County's first responders when they needed help, never charging them for a tow; and,

WHEREAS, Mr. Woody was well-known for his purple 1997 Freightliner, the family often referred to as "Ol Barney"; and,

WHEREAS, Mr. Woody enjoyed his job and helping people and always had a smile on his face; and,

WHEREAS, Mr. Woody was married to Mildred B. Woody for 52 years; the couple has two daughters, Carolyn Mathias and her husband Mike, and Evelyn W. Martin; two sons Linwood Woody and his wife, Tina, and Theodore "Tee" Woody and his wife, Lisa; nine grandchildren, Greg Mathias and his wife, Kim, Stacy Lantz and her husband, Lowell, Sarah Glazebrook and her husband Brandon, Ashley Lipscomb and her husband, B. J., Seth Martin, Morgan Woody, Emily Woody, Madison Woody and Koby Woody; and three great grandchildren, Amber Harrison, Hannah Mathias and Faith Lantz; and,

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors expresses its deepest appreciation to Mr. Woody for his many contributions to the County of King William, the Commonwealth of Virginia and beyond; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors reaffirms to the family its strong respect for Mr. Woody and its deep sadness at his passing; and,

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

Mrs. Mildred Woody and other members of the Woody family were present at this meeting and received this Resolution from Board member, O. O. Williams, on behalf of the Board.

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

VDOT Residency Administrator, Charles E. Stunkle, addressed the Board to provide an update on the following:

a. Mattaponi River Bridge Railing Repaired - Mr. Stunkle reported that the repair work on the railing of the new Mattaponi River Bridge has now been completed. This damage to the Bridge railing was done by an automobile accident which occurred earlier in the spring of this year.

b. Route 360 Corridor Through the County from River to River Speed Study Results - Information was provided by Mr. Stunkle that the requested Speed Study on Route 360 has been completed and it was recommended by the Traffic Engineers, at this time, not to lower the speed limit back to 55 MPH based on the fact that 85% of motorists are currently driving 63 MPH, which falls in the pace speed between 55 MPH to 65 MPH. He indicated that there has been no increase in traffic accidents since the speed limit was raised to 60 MPH.

c. Mitchell's Mill Road - O. O. Williams inquired about the progress being made on the repairs to the Mitchell's Mill Road Dam.

d. Herring Creek Road Dam - O. O. Williams also inquired about progress, if any, that has been done to rebuild the Herring Creek Road Road which was taken out during the Gaston Storm in 2004. Mr. Stunkle advised that he has been contacted by the Dam owners regarding the cost of this project, and that most likely, the property owners have given up on getting relief with this project from the new DEQ standards.

The Dam Safety Standards have been raised and this project will have to be covered by these new standards, which indicate that replacement will have to be made to a 200/300 year event instead of to a 50 year event.

E. J. Rivara questioned whether or not there is any possibility that Senator Ryan McDougale and Delegate Chris Peace may be of some assistance with this project.

e. Route 30 Between Route 662 (Sharon Road) and Route 658 (Indian Church Road) - E. J. Rivara inquired about the possibility of VDOT erecting signage on Route 30 near the home of Mr. and Mrs. Harold Jones indicating "Handicapped Van Entering Highway", if VDOT does not recommend lowering the speed limit along this section of Route 30.

Mr. Stunkle indicated that he will refer this suggestion to the VDOT Engineering Department.

f. Authorization for Joint Work Session of the Board with VDOT – Secondary Roads Six Year Plan - Mr. Stunkle advised that the deadline for completion of the Secondary Roads Six Year Plan is June 1, 2008, and requested that the Board authorize a Work Session to be conducted during its January, 2008, regular meeting.

By general consensus, the Board authorized the above stated Work Session with VDOT at its regular January, 2008, meeting.

RE: PLANNING MATTERS – SCOTT LUCCHESI, COMMUNITY DEVELOPMENT DIRECTOR

a. Public Hearing – Zoning Case #Z-01-07, Request to Rezone 2.66 Acres from A-C (Agricultural-Conservation) to B-1 (Local Business) and R-1 (Suburban Residential); Applicant/Owner: Darrell Kellum - Community Development Director, Scott Lucchesi, presented and reviewed the application of Darrell Kellum for a change of zoning classification on 2.66 acres located on the east side of Route 600 (West River Road), approximately 1800 feet south of the intersection of Routes 360 and 600, from A-C (Agricultural-Conservation) to B-1 (Local Business) and R-1 (Suburban Residence) with proffered conditions. This property is further described as Tax Map parcel 22-71 on the King William County Tax Maps.

Mr. Lucchesi explained that the applicant proposes to divide this 2.66 acre tract into 3 separate parcels. Parcel one is proposed to be 35,991 square feet with the B-1 (Local Business) zoning. The remainder of the parcel would be split into 2 individual residential building lots with R-1 (Suburban Residential) zoning, each lot being 40,000 square feet in size and served by well and septic.

Continuing, Mr. Lucchesi explained that the commercial parcel would gain ingress/egress directly from West River Road (Route 600) with a commercial entrance installed at time of development. The existing home will remain a residential use until a site plan is submitted and approved.

Mr. Lucchesi also explained that the proposed residential lots will use the existing Loomis Road for access. The two additional lots will be added to the 7 existing lots Loomis Road currently serves and the future homes would be built facing Loomis Road.

In addition, Mr. Lucchesi reviewed the proposed proffered conditions submitted by the applicant including a Cash Proffer of \$7,152.00 per residential lot; a contribution of \$5,000 to the existing homeowners on Loomis Road when a Home Owners Association, with a maintenance agreement to maintain Loomis Road, is formed; minimum square footage of homes to be built is 1,600 sq. ft. and homes will have brick foundations and either vinyl or brick exteriors and dimensional shingles; the commercial building shall have a maximum size of 4,000 square feet; there will be only one access to the commercial parcel on Route 600; limitations on the use of the commercial property; and a landscape buffer to be planted to screen the commercial building from the residential dwellings consisting of a minimum of six-foot tall Leland Cypress trees.

Further, Mr. Lucchesi informed the Board that the Homeowners Association has requested that the screening buffer not be planted with the Leland Cypress trees as proffered, but rather another type of evergreen hedgerow. This change is in agreement with the applicant. This proffer is written to include the planting of Leland Cypress trees so would like to revise the proffer to allow a Landscaping Plan along with the Site Plan to be submitted to the Planning Office for review.

It was noted by Mr. Lucchesi that the Planning Commission has considered this application in public hearing, and recommends approval to the Board with the proffered conditions dated August 27, 2007.

Thereupon, the Vice-Chairman declared the public hearing open for comments and the following persons appeared to speak:

Pete Glubiak, attorney representing the applicant, Darrell Kellum, addressed the Board advising that the Mattaponi Estates Home Owners Association has been formed, and in a recent meeting, Ms. Deanna Taylor was elected as President and Joseph Childress as the Secretary/Treasurer.

He asked the Board to rezone this parcel as requested by the applicant and recommended by the Planning staff.

Herb White of 101 Bea's Lane, spoke in favor of this application, stating that this is an extremely good example of where the applicant, the neighbors, and the County have worked together and all will benefit. He felt this project will enhance the appearance of this area.

There being no other persons appearing to speak for or against this proposal, the public hearing was declared closed.

b. Consideration of Action - On motion by T. G. Smiley, seconded by E. J. Rivara and carried unanimously, the Board approved the application of Darrell Kellum as presented above, for a zoning classification change from an A-C (Agricultural-Conservation) District to a B-1 (Local Business) District and R-1 (Suburban Residential) District with the conditions proffered (dated August 27, 2007), plus the change in Proffer #7 relating to a landscaping buffer to screen the commercial building from the residential dwellings to consist of an evergreen hedgerow instead of Leland Cypress trees, and allows for a Landscaping Plan showing this change to be submitted as part of the Site Plan to the Planning Office for review and approval.

c. Public Hearing – Zoning Case #Z-02-07, Request to Rezone 375 Acres from A-C (Agricultural-Conservation) to R-1 (Suburban Residential); Applicant/Owner: Watkins Farm, Inc. - Prior to any discussion on this topic, County Attorney, L. M. Chenault, stepped down, and on motion by E. J. Rivara, seconded by T. G. Smiley

and carried unanimously, the Board appointed William J. Hefty as Acting Attorney for the County on this topic.

Scott Lucchesi, Director of Community Development, presented and reviewed the application of Watkins Farm, Inc. to rezone 375 acres from A-C (Agricultural-Conservation) to R-1 (Suburban Residential) with proffered conditions. Said property is located on the southern side of Route 360 approximately 1,000 feet south of the intersection of Route 605 (Old Newcastle Road) and Route 360, and is further described as Tax Map Parcels 34-8 and 34-15 on the King William County Tax Maps. The two parcels total approximately 375 acres and are currently owned and farmed by Watkins Farm, Inc. Watkins Farm, Inc. is owned in part by Charles S. Watkins, III who is also the President of Watkins Farm, Inc. He is a long time resident of King William County and has operated a dairy farm at this location for over 35 years. The applicant is proposing a residential development for the property that would consist of 300 residential building lots. The parcels are out of the Water and Sewer Service area and would be served by a central water system from an independent well. An individual septic system will be utilized for each building lot.

Further, Mr. Lucchesi reviewed the set of proffered conditions submitted by the applicant including the following: A cash payment will be made to the County as each new home is developed to offset the impacts of the new homes/residents on the County's infrastructure. The cash proffer amount is clearly set forth for a ten year period to account for inflation factors in accord with the County's cash proffer policy. The homes would be limited to 40 permits in any twelve month period, with no activity prior to January 1, 2010. This would extend the build out for over seven years or until 2017. Minimum floor areas are required for each new home. Proffers are submitted that relate to transportation to ensure that appropriate right-of-way dedication and entrances are provided. The applicant is proffering to buffer the entire development with natural wetlands and planted buffers fifty feet in width at all public or private roads, and will provide for tree preservation wherever possible. It is also proffered that the development will have a minimum of one substantial recreation area of at least twenty five acres for the future residents and a common open space of not less than fifty acres.

Mr. Lucchesi reported that the Planning Commission considered this application in public hearing and forwards the case to the Board with a recommendation of approval. Approval is also recommended by the staff based on the feeling that the request for an R-1 Major Subdivision at this location is reasonable, and the voluntary proffered conditions are substantial and will ensure that the proposed subdivision will be of high quality.

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

Peter Glubiak, attorney representing the applicant, Watkins Farm, Inc. addressed the Board indicating that Mr. Lucchesi has presented this case well, but if the Board has further questions he would be glad to answer them. He stated that the Watkins family is making this application at this time as a planning tool for retirement, and would appreciate the Board's support.

Herb White of 101 Bea's Lane, spoke in favor of this application, stating that the Watkins family have been known as good stewards of the land for a number of years and he feels they will continue.

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

d. Consideration of Zoning Case #Z-02-07, Request to Rezone 375 Acres from A-C (Agricultural-Conservation) to R-1 (Suburban Residential); Applicant/Owner: Watkins Farm, Inc. - On motion by E. J. Rivara, seconded by T. G. Smiley and carried unanimously, the Board approved the application of Watkins Farm, Inc. as presented in public hearing to rezone 375 acres from an A-C (Agricultural-Conservation) District to an R-1 (Suburban Residential) District, with the proffered conditions. Said property is located on the southern side of Route 360 approximately 1,000 feet south of the intersection of Route 605 (Old Newcastle Road) and Route 360, and is further described as Tax Map Parcels 34-8 and 34-15 on the King William County Tax Maps.

At this point, Mr. Hefty left the meeting and County Attorney, L. M. Chenault reassumed his seat with the Board.

RE: PUBLIC HEARING – PROPOSED CONVEYANCE OF PORTION OF COUNTY OWNED PROPERTY (TAX MAP 37-102) TO ST. JAMES PRESBYTERIAN

CHURCH - Frank A. Pleva, County Administrator, explained that this is a public hearing to consider the proposed conveyance/sale of a portion of county-owned real property, described as a part of Section 37, Parcel 102 on the County Tax Maps to St. James Presbyterian Church, which abuts the Church property on three sides. The approximate dimensions of this proposed conveyance are as follows: Northeast side (rear) – 100 feet from the Church's existing rear property line; Northwest side (Route 1301 frontage) – 25 feet from Church's existing northwest property line, including the 100 foot rear year extension; Southeast side (Route 30 frontage) – 50 feet from Church's existing southeast property line, including the 100 foot rear year extension. The approximate size of the proposed conveyance is 50,245.25 square feet or 1.15354 acres. St. James Church is requesting the conveyance for future expansion of its cemetery and/or other church related purposes.

Thereupon, T. G. Smiley discussed the fact that there is a drainage ditch located within the 100 feet requested at the rear of the Church property, and suggested that the proposed conveyance line be moved 20 feet closer to the existing Church property line to the top of the drainage ditch line, as a buffer, in the event there ever is a need for anything to be done to the ditch.

Sale price was discussed at \$3,000.00 to \$3,500.00 per acre and the Church paying for the land survey and deed preparation and recordation.

Thereupon, the public hearing was declared open for comments.

John Garrett, a Trustee of St. James Presbyterian Church, asked the Board to act favorably on this request from the Church.

No other persons appeared to speak for or against this proposed conveyance, therefore, the public hearing was declared closed by the Vice-Chairman.

Consideration of Proposed Conveyance - On motion by T. G. Smiley, seconded by W. F. Adams and carried unanimously, the Board approved the conveyance of this property, with the boundary line adjustment as discussed above, to St. James Presbyterian Church at a price of \$3,000.00 and the Church paying for the land survey and deed preparation and recordation.

RE: APPOINTMENTS

a. Tri-River Alcohol Safety Action Program (ASAP) – One Member to Fill Vacated, Unexpired Term Ending December 31, 2009 - Action on this appointment was tabled until the Board's December meeting.

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 the citizens for their participation at this meeting.

RE: ADJOURNMENT

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

COPY TESTE:

Frank A. Pleva
County Administrator