

MINUTES

KING WILLIAM COUNTY

BOARD OF SUPERVISORS

MEETING OF NOVEMBER 20, 2006

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 20TH DAY OF NOVEMBER, 2006, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, THE MEETING WAS CALLED TO ORDER WITH THE FOLLOWING PRESENT:

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

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

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd III, seconded by W. F. Adams and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with one addition. Item 6d – Consent Agenda – Authorization for Employment of Building Inspector/Plans Reviewer

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

Don Wagner of 5515 Herring Creek Road in Aylett, addressed the Board regarding a petition signed by 60 neighbors to be presented to VDOT later in this meeting requesting that through truck traffic be prohibited on Route 604, Herring Creek Road, between Route 600 and Route 609. They are concerned that when the reconstruction of Route 600 and Route 601 in Caroline County begins in early 2007, trucks traveling to the Luck Stone plant just east of the King William County line will use this road as an alternate route. He asked for the Board's support when considering this item to be presented to VDOT.

RE: CONSENT AGENDA

On motion by C. T. Redd III, seconded by W. F. Adams and carried unanimously, the Board approved the following items on its consent agenda:

- a. Minutes of the Regular Meeting of October 23, 2006, as written
- b. Claims against the County for November, 2006, in the amount of \$943,689.69

(1) General Fund Warrants #63431-63670 in the amount of \$594,976.14 for the month of November, 2006; Manual Checks #14112-14116 in the amount of in the amount of \$110,720.94; Direct Deposits #9149-9266 in the amount of \$178,963.82, and Electronic Tax Payments in the amount of \$59,028.79

(2) For informational purposes, Social Services expenditures for the month of October, 2006, Warrants #305438-305504 in the amount of \$41,574.92; Direct Deposits #1532-1548 in the amount of \$26,019.12; and Electronic Tax Payment in the amount of \$3,578.09

(3) For informational purposes, Circuit Court expenditures for the month of October, 2006, Warrants #63408-63415 in the amount of \$5,041.76; Direct Deposits #212-215 in the amount of \$9,540.60; and Electronic Tax Payment in the amount of \$3,578.09

(4) For informational purposes, Comprehensive Services Act Fund expenditures for October, 2006, Warrants #63417-63429 in the amount of \$39,370.28

(5) Tax Refunds for October, 2006, in the amount of \$2,150.32

c. Approved a supplemental appropriation for FY-06 in the amount of \$2,659.00 in additional local match resulting from increased state funding for the King William County Health Department

d. Approved the employment of Dean Collins as a Building Inspector/Plans Reviewer in the Building Department

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

Charles Stunkle, VDOT Residency Administrator, updated the Board on ongoing VDOT issues including the following:

a. Intersection of Route 662 and Route 667 (Horse Alley) Site Distance Complaint

- Mr. Stunkle reported that VDOT has cut the brush in the right-of-way at this intersection to help eliminate the site distance problem and has posted an advance Intersection warning sign so motorists on Route 360 will be aware.

b. Route 608 (Dover Lane) - The hard-surfacing work on Dover Lane has been completed, although some re-work may have to be done because of the heavy rains.

c. Discussion – Six Year Plan, Secondary Roads - Mr. Stunkle presented a draft Six Year Plan for Secondary Roads in King William County and reviewed this document with the Board. He reported that VDOT now has nine funding formula factors that have to be considered in the Six Year Plan.

All of them are federal monies with the exception of the State secondary unpaved road funds. State monies included in this Plan is only \$165,000 over the six year period and can be used on any projects. The TeleFee federal monies can be used basically on any projects, but, most of the federal money can only be used on eligible federal aid projects.

He informed the Board that the two Route 604 (Dabneys Mill Road) curve improvement projects are listed as “No State Funds Available to Finance”, and recommended taking these two projects off of the Six Year Plan and applying any funds assigned to them, and not yet expended, to other projects listed in the Plan. Mr. Stunkle advised that he would have more information about the actual amount of funds available from these two projects at the Board’s January meeting.

C. T. Redd III inquired about what makes a road eligible for federal funding? Mr. Stunkle indicated that there is what is known as the Federal Aid System and these roads were originally designated back in the early 1960’s. He has a map which shows these designated roads for King William County.

E. J. Rivara questioned about what becomes of a roadway deleted from the Six Year Plan due to the lack of funding. Mr. Stunkle responded that these roadways become pool candidates for, when and if, monies should become available.

Mr. Stunkle advised that one unpaved road, Route 606, (dead end of Commins Road), has been included in the Plan for surface treatment, and indicated that the

Board should consider adding one additional unpaved road. He will update the list of unpaved roads in the County, with traffic counts, and provide a copy of this list for the Board's review. There is \$180,000.00 in unobligated funds for unpaved roads after the Route 606 project.

If it is the Board's desire, Mr. Stunkle indicated that he will change the Six Year Plan, delete the two Route 604 (Dabneys Mill Road) curve improvement projects and show what the change in funding will be.

It was suggested that the Board conduct a public hearing on the proposed Six Year Plan at its January 22, 2007, regular meeting.

Thereupon, on motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board authorized advertisement for a joint public hearing with the Virginia Department of Transportation to consider the proposed Six Year Plan for Secondary Roads in King William County, to be held during the Board's regular January 22, 2007, meeting.

d. Route 613 (Dunluce Road) – Request for Posting of 45 MPH Speed Limit

T. G. Smiley indicated that he has received complaints that trucks are speeding on Route 613 (Dunluce Road) and asked that VDOT post signs indicating the 45 MPH.

e. West Point Maintenance Subarea Headquarters – Proposed Closure -

E. J. Rivara stated that he has concerns regarding the proposed closure of the West Point Maintenance Subarea Headquarters and inquired of Mr. Stunkle how this closure will affect the County. Mr. Stunkle responded that the West Point Headquarters will be consolidated with the Rumford Headquarters. The Board discussed this issue and upon motion by E. J. Rivara, seconded by C. T. Redd III and carried unanimously, directed the County Administrator to prepare a letter to Mr. David Ogle, Fredericksburg District Administrator of VDOT, conveying the Boards concerns regarding the proposed closure of the West Point Headquarters and relocating its responsibilities to the Rumford Headquarters.

f. Route 608 (Hazelwood Road) -

O. O. Williams cited problems occurring on Route 608 (Hazelwood Road) from the heavy rains recently occurring, and requested Mr. Stunkle to look into this matter.

g. Request to Prohibit Through Truck Traffic on Route 604 (Herring Creek Road) Between Route 600 and Route 609 - A petition bearing the signatures of 60 residents in the Herring Creek Road neighborhood, requesting the Board of Supervisors to seek “No Through Truck Traffic” restrictions for Route 604 (Herring Creek Road) between Route 600 and Route 609, was presented.

On motion by C. T. Redd III, seconded by E. J. Rivara and carried unanimously, action on this request was tabled until the Board’s January, 2007, meeting, and the County Administrator was requested to set up a meeting with VDOT and a representative from Luck Stone to obtain additional information.

RE: TAXATION MATTERS – SALLY PEARSON, COMMISSIONER OF THE REVENUE

Public Hearing – Proposed Amendment to King William County Code, Chapter 70, Taxation, Article III, Section 70-145, “Taxpayer to File Returns” Allowing the Filing of Personal Property Returns Only in the Event of a Situs or Status Change - Commissioner of the Revenue, Sally Pearson, addressed the Board requesting the Board of Supervisors to adopt an amendment to the King William County Code, Chapter 70, Article III, Section 70-145 establishing an alternative method of filing tax returns for motor vehicles, trailers and boats. She explained that the elimination of the King William County decal, which also served as the personal property return for motor vehicles, makes it necessary for an alternate filing method. The “file by exception” method would allow the Commissioner of the Revenue to use DMV and Department of Game and Inland Fisheries records instead of a personal property filing, when there have been no situs or status changes.

Thereupon, the public hearing was declared open by the Chairman. There being no persons appearing to speak, the public hearing was declared closed.

b. Consideration of Action - On motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board amended the King William County Code, Chapter 70, “Taxation”, Article III, “Tax on Tangible Personal Property, Etc.”, Section 70-145, “Taxpayer to File Returns”, to allow an alternative method of filing returns for motor vehicles, trailers and boats.

ADMINISTRATOR

a. Public Hearing – Zoning Case #Z-11-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to B-2 (General Business) (Conditional); Applicant: John Mull

Scott Lucchesi, Zoning Administrator, presented and reviewed the application of John Mull for a change in zoning district classification from A-C (Agricultural-Conservation) to B-2 (General Business) with proffered conditions on a 2.82 acre portion of a 22 acre tract located on the south side of Route 360, approximately two thousand seven hundred feet east of Route 604 (North Carolina Road). Said property is further described as Parcel 33-11B on the King William County tax maps. This site is located beside the existing development Mr. Mull has completed known as the King William County Industrial Park, located at 956 Richmond Tappahannock Highway.

Mr. Lucchesi stated that initially the applicant indicated the property would be used for a restaurant type use, but, now the focus is on a dealership for motorcycles. This is why the applicant is seeking a B-2 zoning. In this circumstance, the applicant cannot have a motorcycle dealership without a B-2 zone.

Continuing, Mr. Lucchesi reviewed the proffers submitted indicating that although the B-2 (General Business) District is the most intense of the commercial zoning districts, Proffer #1 eliminates several uses that could have a detrimental effect at this location. To help protect the adjoining residential uses, Proffer #1 eliminates the development of the property as a billiard/pool hall, an automobile service station, an indoor flea market, and a carwash. Proffer #4 also addresses the protection of adjacent use by providing for a 30-foot buffer along the perimeter of the property along the eastern and western property lines. This is twice the width of what otherwise would be required on the property. In addition, Proffer #4 requires the clearing of the site to be kept to a minimum necessary for development.

Proffer #2 essentially is a standard proffer for the design of any stormwater detention pond that may be needed when the site develops.

Proffer # 3 addresses the transportation aspects of site development, providing that only one entrance will be available on Route 60, and providing for a deceleration lane, as required by VDOT, at the future commercial entrance to the property.

Thereupon, the Chairman declared the public hearing open for comments for or against this proposal.

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

b. Consideration of Zoning Case #Z-11-06 - On motion by W. F. Adams, seconded by E. J. Rivara and carried with the following roll call vote, the Board approved the application of John Mull, Zoning Case #Z-11-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to B-2 (General Business) with Proffered Conditions as submitted, on a 2.82 acre portion of a 22 acre tract (Tax Map Parcel 33-11B) located on the south side of Route 360, approximately two thousand seven hundred feet east of Route 604 (North Carolina Road)

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

c. Consideration of Request for Sign Exemption in Transportation Corridor Overlay District (TCO) – Applicant: Image Works, Inc. Sign Contractor for Union Bank and Trust - Scott Lucchesi, Zoning Administrator, presented and reviewed the application of Image Works, Inc., sign contractor for Union Bank and Trust, to install a replacement sign for the bank. The existing sign is 15 feet in height, and the new sign is proposed to be 13 feet, 6 inches high. The new standards in the Transportation Corridor Overlay District (TCO) will not allow any detached sign over 10 feet in height without approval by the Board of Supervisors for an exception to the sign height.

Mr. Lucchesi explained that Section 86-374 (5) Exceptions of the TCO allows the Board of Supervisors to approve exceptions to the Overlay only when such exception or deviation will not impair the health, safety, comfort and welfare of the inhabitants of the County. Continuing, he indicated that staff feels that the additional 3 feet, 6 inches in height will not impair the health, safety, comfort and welfare of the

residents and is in favor of this request if the applicant can provide a valid reason to the Board for the additional height.

The applicant indicates that the new sign will be a monument, which complies with the new code, however, the 10 feet height restriction will cause a hardship. At 10 feet, the message on the sign will not be visible to passing traffic on Route 360 due to parked cars and landscaping. Because of the building setback, it is imperative that this sign be seen in time for traffic to safely exit the highway and enter the lot. The applicant feels this proposed monument sign is in keeping with the intent of the TCO Ordinance to make certain that signs do not interfere with traffic, cause congestion or detract from an aesthetically pleasing landscape.

The Board discussed this application, and on motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board approved the request of Image Works, Inc. sign contractor for Union Bank and Trust for a sign exemption in the Transportation Corridor Overlay District, as stated above.

RE: COMMUNICATIONS COMMITTEE – STEVE PUCKETT, EMERGENCY SERVICES DIRECTOR – UPDATE ON RESEARCH CONCERNING COMMUNICATIONS EQUIPMENT

Emergency Services Director, Steve Puckett, was called away from this meeting on an emergency call and Jeff Walton, Sheriff, addressed the Board to provide an update.

Sheriff Walton reported that a meeting of representatives from King William County, King and Queen County, and Mattaponi Vol. Rescue Squad (representatives from Town of West Point were unable to attend due to conflicts) met on October 24th. It was decided that to improve the ability to receive grant monies to help defray the cost and the need to have a compatible system, it would be best to work on a regional concept. Currently the Committee is researching available options and discussing the cost of each. The next Committee meeting is scheduled for November 29th.

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

a. Regional Animal Shelter - Frank A. Pleva, County Administrator, reported on construction progress advising that the under slab utility work has been

completed and backfill of the same area has also been done. Moisture treatment, installation of the vapor barrier and floor slab steel reinforcement have also been completed.

b. Mt. Olive Community Improvement Project - Construction bids are soon to be executed on the 14 lots subdivision.

RE: APPOINTMENTS

a. Planning Commission – One Member to Fill Vacated, Unexpired Term of Troy Linville ending 12/31/07 - On motion by E. J. Rivara, seconded by W. F. Adams and carried unanimously, action on this appointment was tabled until the Board's January, 2007, 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 in attendance for their participation.

RE: ADJOURNMENT

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

COPY TESTE:

Frank A. Pleva, County Administrator