

MINUTES

KING WILLIAM COUNTY

BOARD OF SUPERVISORS

MEETING OF NOVEMBER 24, 2008

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 24TH DAY OF NOVEMBER, 2008, 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
O. O. WILLIAMS, VICE-CHAIRMAN
D. L. WRIGHT
C. L. SCHOOLS
T. G. SMILEY**

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

RE: APPROVAL OF MEETING AGENDA

On motion by T. G. Smiley, seconded by O. O. Williams and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the following additions: Consent Agenda Item 6, add 6c, Approval of Tax Rebate on the Mary Roslyn Holmes (Tax Map 30-69) property; and add Consent Agenda Item 6d, Approval of Supplemental Appropriation in the FY-09 School Budget; and add Item 7a – Report from the King William County Community Connections Citizens' Action Team – Alinda Uzel and Carolyn Yager.

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 D. L. Wright, seconded by T. G. Smiley and carried unanimously, the Board approved the following items on its Consent Agenda:

- a. Minutes of the Regular Meeting of October 27, 2008, as written
- b. Claims against the County for November, 2008, in the amount of \$926,024.87 as follows:

(1) General Fund Warrants #68907-69083 in the amount of \$602,902.52; Manual Checks #14183-14185 in the amount of \$55,093.84; Direct Deposits #11878-12034 in the amount \$203,151.15; and Electronic Tax Payment in the amount of \$64,877.36

(2) For informational purposes, Social Services expenditures for the month of October, 2008, Warrants #307055-307110 in the amount of \$50,404.81; Direct Deposits #1997-2013 in the amount of \$28,501.88; and Electronic Tax Payment in the amount of \$10,229.18

(3) For informational purposes, Circuit Court expenditures for the month of October, 2008, Warrants #68882-68889 in the amount of \$5,672.66; Direct Deposits #1997-2013 in the amount of \$28,501.88; and Electronic Tax Payment in the amount of \$10,229.18

(4) For informational purposes, Comprehensive Services Act Fund expenditures for October, 2008, Warrants #68891-68905 in the amount of \$51,017.69

(5) There were no Tax Refunds for the month of October, 2008.

c. Approved a request for a refund of three years back taxes on Tax Map Number 30-69 in the amount of \$117.60, for property owner, Mary Roslyn Holmes.

d. Approved supplemental appropriations for the FY-09 School Budget in the amount of \$499,228.00

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

a. VDOT Residency Administrator, Charles E. Stunkle, reported to the Board on several projects that are scheduled to be advertised for bids in 2012 – The Route 600 at Herring Creek (Foxes Mill Run) bridge replacement project is scheduled to advertise in August, 2012; and shortly thereafter, the other bridge on Route 600, which is technically in Caroline County at the County line, Booth's Swamp bridge is scheduled to advertise in November, 2012. Mr. Stunkle indicated that federal bridge monies are to be used for both of these projects.

b. Mr. Stunkle advised that after last month's Board meeting, there was some question as to whether the Dam owners on Millwood Road would actually be achieving what they wanted to, through the abandonment of that section of roadway,

and that he and Mr. Pleva are going to meet with them on site, in the near future, to decide what exactly they want to do. VDOT had proposed abandonment from the turnaround point on one side to the turnaround point on the other side, a distance of .41 mile. They are questioning whether this would give them the access to the Dam that they really desire. Mr. Stunkle indicated there is a possibility that VDOT may shorten the portion to be abandoned, and the Board would request the remainder be discontinued by the Commonwealth Transportation Board, meaning that the right-of-way would stay there and it would still be a public road, but, it just would not be in the State Secondary System.

c. Herring Creek Road - O. O. Williams discussed an ongoing problem on Herring Creek Road, just down the hill from the recent VDOT renovation job, indicating that water still runs across the road in this area and will freeze over. He requested Mr. Stunkle to investigate this situation before cold weather.

d. Route 610 (Globe Road) - O. O. Williams also reported on a sunken spot that needs to be repaired located on the section of Route 610 that leads out to Route 30, along in between where VDOT did the repair work and is now doing an overlay.

e. Marl Hill Subdivision Roadway - D. L. Wright thanked Mr. Stunkle, on behalf of the Marl Hill residents, for coming out to meet with them.

f. Glass Island Road - C. T. Reed III thanked VDOT for the removal of a sign on this roadway.

g. "Do Not Litter" Signs - D. L. Wright inquired when the four "Do Not Litter" signs will be placed. Mr. Stunkle indicated that he still needs an answer from the VDOT Traffic Engineers.

RE: PRESENTATION FROM THE KING WILLIAM COMMUNITY ACTION TEAM – ALINDA UZEL AND CAROLYN YAGER

Ms. Alinda Uzel and Ms. Carolyn Yager appeared before the Board to give a combined report from the Extension Service and the Community Action Team. They, along with Mary Beth Hawn and Dr. Mark Jones, discussed several topics including environmental/developmental issues, education issues, and community services. Ms. Yager presented copies of the newly released directory of "Family and Community

Resources in and for King William Citizens” which was funded by the King William Business Association and compiled and produced by the King William Citizens’ Action Team.

RE: PLANNING MATTERS – SCOTT LUCCHESI, COMMUNITY DEVELOPMENT DIRECTOR

a. Public Hearing – Zoning Case #Z-03-03, Request to Revise Proffers, Tax Map Numbers 22-20; 22-20E; 22-20F – Owner: Kennington Place, LLC - Prior to any discussion on this case, County Attorney, L. M. Chenault, removed himself from the room, to avoid any possibility of a conflict of interest. Attorney Bill Hefty served as the Board’s legal advisor during this discussion.

Scott Lucchesi, presented and reviewed the application of Kennington, LLC requesting that the proffers approved with Zoning Case Z-03-03 be amended to allow for 43 additional building lots to the existing Kennington Subdivision. This property is located on the northwest side Route 360 approximately one mile north of the intersection of Route 30 and Route 360 in Central Garage, and is further described as Map 22-20; 22-20E and 22-20F on the King William County Tax Maps.

Further, Mr. Lucchesi summarized the history on this zoning case indicating that on April 15, 2003, the applicant applied for rezoning to R-1, with proffers, to allow for the development of a 229 lot single-family major subdivision and a 172 unit multi-family development consisting of townhouse and carriage style homes for sale. The request also included rezoning an area to B-2 with proffers to allow future marketing and development of commercial uses along Route 360. This application was approved by the Board of Supervisors on March 29, 2004.

On February 28, 2008, Kennington Place, LLC submitted an application to amend the proffers approved with the original zoning case Z-03-03 to request an increase in the number of allowed building lots by 43 additional single-family building lots to the major subdivision for a total of 272. The 172 multi-family units consisting of townhomes and carriage houses for sale will remain as planned with no changes. The applicant has submitted a preliminary layout and has submitted cash and non-cash proffered conditions for the development.

The Planning Commission considered this application in public hearing on April 21, 2008, and forwarded it to the Board with a recommendation of approval.

At the Board of Supervisors meeting of May, 2008, the scheduled public hearing on this case was opened and continued until the June, 2008, meeting. The Board had two members absent and the continued public hearing would allow a full vote by the Board. The case has been granted a deferral until the November, 2008, Board meeting. The deferral allowed the applicant time to research the remote read metering system used by King William County Public Utilities, and has submitted revised proffers that now reflect that research.

Thereupon, the Chairman declared the public hearing open for comments. No persons appeared to speak.

Whereupon, the public hearing was declared closed by the Chairman.

b. Consideration of Action on Zoning Case #Z-03-03 - On motion by C. L. Schools, seconded by T. G. Smiley and carried with the following vote, the Board accepted the recommendation of the Planning Commission and approved the request of Kennington Place, LLC to amend proffers with Zoning Case #Z-03-03 to allow for 43 additional single-family building lots to the existing Kennington Subdivision for a total of 272. The 172 multi-family units consisting of townhomes and carriage houses for sale will remain as planned with no changes. This property is located on the northwest side of Route 360 approximately one mile north of intersection of Route 30 and Route 360 in Central Garage, and is further described as Map 22-20; 22-20E and 22-20F on the King William County Tax Maps.

C. T. Redd III	Aye
O. O. Williams	Nay
D. L. Wright	Aye
C. L. Schools	Aye
T. G. Smiley	Aye

At this point in the meeting, County Attorney, L. M. Chenault, returned to the meeting with the Board.

c. Public Hearing – Zoning Case #Z-02-08, Request to Rezone 2.03 Acres from A-C (Agricultural-Conservation) to M (Industrial); Owner/Applicant: Carroll Sanders - Planning Director, Scott Lucchesi, presented and reviewed the application of Carroll Sanders to rezone 2.03 acres from A-C (Agricultural-Conservation) to M

(Industrial) on property located just off of Route 30 on Route 627 (East St. Johns Church Road). This property is further described as Map # 55-9A on the King William County tax maps. Mr. Lucchesi explained that the applicant is seeking to open a wood-recycling yard on Tax Map Parcel 55-5, and this site (Map #55-9A) will provide access to the parcel in question. Mr. Sanders has attempted this in the past and encountered traffic-engineering deficiencies when providing ingress/egress to the site. The original proposal was to use the existing Route 627, but, VDOT reviewed the plans for the facility and would require the site to be accessed via Route 30 with a commercial entrance with the required turn/taper lanes. At that time, Mr. Saunders was unable to obtain the parcel and withdrew his request for a Special Exception.

Continuing, Mr. Lucchesi explained that Mr. Saunders has now obtained the 2.03 acre parcel and is proposing to use it to provide ingress/egress to the existing facilities on Tax Map Parcel 55-9A. The existing barrow pit that will be accessed is currently zoned M (Industrial) and Section 86-58 of King William County Zoning Ordinance requires the zoning to be the same on both parcels, in order not to go across land which is not zoned, to permit the use served by such access. The applicant is requesting the zoning change to allow the parcel to be used to provide ingress/egress to the existing borrow pit and possibly a wood recycling facility in the future.

The Planning Commission considered this application in public hearing, and voted to forward this case to the Board with a recommendation of approval.

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

Mr. Eugene Pierce of 463 East St. Johns Church Road, indicated his support of this application because it would take the truck traffic off of Route 627 going by his house, that he has been complaining about for a long time.

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

d. Consideration of Action on Zoning Case #Z-02-08 - On motion by T. G. Smiley, seconded by D. L. Wright and carried unanimously, the Board accepted the recommendation of the Planning Commission and approved the application of Carroll

Sanders for rezoning of a 2.03 parcel located off of Route 30 on Route 627 from A-C (Agricultural-Conservation) to M (Industrial) with an additional condition that hard surfacing be installed from Route 30 to Route 627 (East St. Johns Road) pursuant to VDOT design and construction standards, be added to the list of conditions proffered by the applicant. This property is further described as Map #55-9A on the King William County Tax Maps.

**RE: KING WILLIAM COUNTY CODE MATTERS – FRANK A. PLEVA,
COUNTY ADMINISTRATOR**

a. Public Hearing - To Consider The Adoption of New King William County Code Section 42-51 Entitled “Loitering Upon Premises” and The Repeal of Existing King William County Code Section 42-51 - Frank A. Pleva, County Administrator presented the proposed amendment to King William County Code section 42-51 as follows:

KING WILLIAM COUNTY CODE - DIVISION 2. PUBLIC PREMISES

Sec. 42-51. Loitering upon premises.

- a. It shall be unlawful for any person to loiter in, upon or around any public place, whether on public or private property.
- b. It shall be unlawful for any minor, who is not attended by their parents, from frequenting or being in public places, whether on public or private property between 10:00 p.m. and 6:00 a.m.
- c. A violation of this ordinance by a minor shall be disposed of as provided in Sec. 16.1-278.4 and Sec. 16.1-278.5 of the Code of Virginia, as amended.

This proposed amendment will replace the existing Section 42-51 of the King William County Code with the new language as stated above.

Thereupon, the public hearing was declared open for comments by the Chairman.

No persons appeared to speak.

Whereupon, the Chairman declared the public hearing closed.

b. Consideration of Adoption of New King William County Code Section 42-51 entitled “Loitering Upon Premises” and The Repeal of Existing King William County Section 42-51 - On motion by D. L. Wright, seconded by T. G. Smiley and carried

unanimously, the Board adopted the new language in Section 42-51 of the King William County Code and repealed the existing Section 42-51.

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

a. Regional Animal Shelter - The County Administrator indicated that Grand Metro had 120 days from July 29, 2008, to complete this project unless the County grants them an extension, and that time runs out on November 26th. Tomorrow the Project's Architect will be meeting with Grand Metro representatives to get an update on the status of the project and their anticipated completion date. Grand Metro just received approval last week from the Health Department to install an approved sanitary drain field and septic system facility. This work still remains to be done. Quite a lot of work has been done on the site and the parking lot -- the site has been cleaned up and most all the paving has been completed, the commercial entrance has been completed, and some, if not all, of the stripping of the parking lot and the drive ways has been done.

b. Mt. Olive Community Improvement Project - Mr. Pleva updated the Board on the Mt. Olive Community Improvement Project. He indicated that recently he and Assistant County Administrator, Terri Hale, met with a representative from Rural Development, which was formerly known as the Farmers Home Administration (FHA). One of the last things to be done on this project is to do some borings under roads to get water and sewer lines across the street, depending on where the main trunk line is. Self help in doing this is quite difficult, so Rural Development has been very optimistic in indicating they can provide 100% grant funding to accomplish this task.

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

a. Bob Ehrhart of 644 Edgar Road inquired about the status of employment of a new individual for the vacant position of Public Information Officer. He expressed his opinion that this is a much needed and very beneficial position to the County.

RE: BOARD OF SUPERVISORS' COMMENTS

D. L. Wright inquired about the status of a meeting date for a joint meeting of the Board of Supervisors, the Planning Commission and the Board of Zoning Appeals. The County Administrator responded that this meeting is to be scheduled for sometime in early January, 2009.

Chairman, C. T. Redd III asked that a choice of dates be provided to the Board for this joint meeting at the Board's monthly December meeting.

The County Administrator also indicated that another meeting is to be scheduled with the School Board regarding the energy performance issue.

D. L. Wright announced that the next meeting of the new King William Chamber of Commerce is scheduled for December 9, 2008, at 7:00 p.m. at a newly opened business in the County, the Overtime Sports Bar and Grill in Manquin, and invited all interested persons to attend.

C. T. Redd III thanked Mr. Wright for all of his efforts in getting the King William Chamber of Commerce established.

RE: CLOSED MEETING PURUSANT TO SECTION 2.2-3711(A)(29), CODE OF VIRGINIA, 1950, AS AMENDED, FOR DISCUSSION OF CONTRACTUAL OBLIGATIONS

On motion by D. L. Wright, seconded by T. G. Smiley and carried with a unanimous roll call vote, the Board entered Closed Meeting pursuant to Section 2.2-3711(A)(29), Code of Virginia, 1950, as amended, for Discussion of Contractual Obligations.

Having completed the Closed Meeting, the Board reconvened in open meeting, on motion by O. O. Williams, seconded by D. L. Wright and carried with a unanimous roll call vote.

In accordance with Section 2.2-3412D of the Code of Virginia, 1950, as amended, T. G. Smiley moved that the King William County Board of Supervisors adopt the following resolution certifying that this Closed Meeting's procedures comply with the requirements of the Virginia freedom of Information Act. This motion was seconded by O. O. Williams and carried with a unanimous roll call vote.

RESOLUTION

WHEREAS, the King William County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3417D of the Code of Virginia, 1950, as amended, requires a certification by the King William County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors hereby certifies that, to each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification resolution applies, by the King William County Board of Supervisors.
2. Only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the closed meeting by the King William County Board of Supervisors.

Chairman, C. T. Redd III, stated that no action is to be taken by the Board as a result of discussion in the closed meeting.

RE: ADJOURNMENT OF MEETING

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

Adjourned.

COPY TESTE:

Frank A. Pleva
County Administrator

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