

MINUTES

KING WILLIAM COUNTY

BOARD OF SUPERVISORS

MEETING OF DECEMBER 15, 2003

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 15TH DAY OF DECEMBER, 2003, AT 7:00 P.M. AT THE KING WILLIAM COUNTY ADMINISTRATION BUILDING, THE MEETING WAS CALLED TO ORDER WITH THE FOLLOWING PRESENT:

L. E. BRYUM, JR., CHAIRMAN
C. T. REDD, III, VICE-CHAIRMAN
G. E. JENKINS
E. P. STEROWSKI
D. L. WRIGHT

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

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with one addition: Add Item 11d, Adoption of Resolution Recognizing Charlie Company of the 276th Engineering Battalion of the Virginia Army National Guard in West Point, Virginia, who have been called to active duty in support of Operation Iraqi Freedom.

RE: RECOGNITION OF MARIAN A. WHITE, EXECUTIVE ASSISTANT TO BOARD OF SUPERVISORS AND THE COUNTY ADMINISTRATOR

Chairman, L. E. Byrum, Jr., and other Board members recognized Mrs. Marian A. White for her 29 years of service, as of December 9, 2003, with King William County.

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

No persons appeared to speak.

RE: CONSENT AGENDA

On motion by D. L. Wright, seconded by G. E. Jenkins and carried unanimously, the Board approved the following items on its consent agenda:

- a. Minutes of the regular meeting of November 24, 2003, as written

b. Claims against the County for December, 2003, in the amount of \$644,792.28

(1) General Fund Warrants #55126-55245 in the amount of \$473,898.18; Direct Deposits #5364-5448 in the amount of \$128,081.21; and Electronic Tax Payment in the amount of \$42,812.89

(2) For informational purposes, Social Services expenditures for the month of November, 2003, Warrants #302891-302951 in the amount of \$33,003.98; Direct Deposits #896-919 in the amount of \$23,592.43; and Electronic Tax Payment in the amount of \$7,296.18

(3) For informational purposes, Circuit Court expenditures for the month of November, 2003, Warrants #55109-55117 in the amount of \$6,065.34; and Direct Deposits #99-101 in the amount of \$6,854.84

(4) For informational purposes, Comprehensive Services Act Fund expenditures for November, 2003, Warrants #55119-55124 in the amount of \$17,366.32

(5) Tax Refunds for the month of November, 2003, in the amount of \$528.22

c. Adopted the following resolution of appreciation commending the management and staff of WRAR Radio for its commitment to public service and public safety in September, 2003, following Hurricane Isabel:

RESOLUTION OF APPRECIATION

WHEREAS, on September 18, 2003, Hurricane Isabel wreaked devastation on the Commonwealth of Virginia and, particularly, the Middle Peninsula; and,

WHEREAS, as a result of the winds and tidal surges of Hurricane Isabel, virtually 100 percent of King William County citizens were without electricity and other services required for normal quality of life; and,

WHEREAS, as a result of this loss of electricity, information was difficult to disseminate to the citizens of King William County concerning emergency assistance to provide for their health, safety and welfare; and,

WHEREAS, only one radio station, WRAR, Tappahannock, Virginia, was able to continue broadcasting to the citizens of the Middle Peninsula and Northern Neck during and immediately after Hurricane Isabel; and,

WHEREAS, the management and staff of WRAR devoted its resources to providing continuous information to the citizens of the Middle Peninsula and Northern Neck by foregoing commercial interruption and normal broadcasting requirements; and,

WHEREAS, the management and staff of WRAR continued 24-hour broadcasting services to the local communities by giving up their own time and ignoring their own storm damage to provide emergency information to its listeners.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors commends the management and staff of WRAR Radio for its commitment to public service and public safety; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors offers its heartfelt gratitude to the management and staff of WRAR Radio for their efforts in providing continuous emergency information to citizens of the Middle Peninsula and Northern Neck; 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 the management and staff of WRAR, and shall be spread upon the meeting minutes of said Board of Supervisors.

RE: VDOT MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER

Charlie Stunkle, VDOT Resident Engineer, was present to discuss transportation issues with the Board including the following:

a. Kirby Street in Town of West Point – Drainage Problem – Mr. Stunkle reported that this assignment has been forwarded to the VDOT inspectors for the taking of elevations.

b. Intersection of Upshaw and Millwood Roads - Mr. Stunkle indicated that the VDOT Traffic Engineers have been requested to look at this intersection. It probably will be difficult to do anything in the interim at this intersection due to problems with the horizontal and vertical alignment there. Mr. Byrum indicated that residents have to pull out about half way onto Upshaw Road to see if any traffic is coming, and would like to know if something can be done to improve the site distance problem. Mr. Byrum discussed the use of half moon mirrors at strategic points, as is done in the mountains, to improve site distance, and asked Mr. Stunkle if such usage would be possible for this intersection. Mr. Stunkle indicated that he is not aware of any such installations in this area, but he will forward this information to the Traffic Engineers.

c. Route 620 – Scotland Landing Road - Mr. Stunkle reported that VDOT is working on the drainage problem on Route 620, Scotland Landing Road, as weather permits and stone will be placed on the road before winter sets in. This road is scheduled for hard surface treatment in the spring, 2004.

d. Route 607 – Millwood Road - At the Board's November 24, 2003, meeting, a motion was made by D. L. Wright, seconded by G. E. Jenkins to authorize the County Administrator to prepare a resolution requesting VDOT to place a "Slow – Watch for Children" sign on Route 607. (This action was taken in response to a request from L. E. Byrum, Jr. on behalf of a resident along Route 607 who has a child care business in her home.) No action was taken on this motion at the November 24th meeting, as it was requested by C. T. Redd, III to table this matter until such time as the exact address on Route 607 was obtained and VDOT was notified.

At this time, L. E. Byrum, Jr. reported the exact address of the requesters, Mr. and Mrs. James Reed to be 256 Millwood Road in Aylett.

C. T. Redd, III requested that this motion be removed from the table and to now consider it for action.

Thereupon, the Board voted unanimously to approve the above stated motion.

Mr. Stunkle indicated that the Traffic Engineer will review and make a formal report back to the Board through the County Administrator's office.

e. Expression of Appreciation to VDOT Staff from Outgoing Supervisor, D. L. Wright
- Mr. D. L. Wright expressed his appreciation to Mr. Stunkle and Mr. Leon Custalow, King William Superintendent, and all of the VDOT staff members for their complete cooperation and assistance concerning transportation matters during his past four year tenure as a member of the Board of Supervisors. He requested Mr. Stunkle to convey this message to Mr. Custalow.

RE: PLANNING MATTERS – MATT WALKER, COMMUNITY DEVELOPMENT

DIRECTOR

a. Public Hearing – Zoning Case #CUP-03-03, Request for Conditional Use Permit – Applicant: Jack Bailey - Prior to this Zoning Case #CUP-03-03 being presented for public hearing, E. P. Sterowski requested that the public hearing be tabled until the Board's January meeting.

Thereupon, the Chairman indicated that this is not possible according to the Board's By-Laws which state under Section III, Agenda – Paragraph 6 “Any matter on the agenda shall be tabled until the next regular meeting at the request of any member present. However, no matter on the agenda shall be tabled until a meeting of a Board of Supervisors, which will take office on the first day of January following an election of said Board, except by a majority vote of those members present.”

Thereupon, the Chairman asked if Mr. Sterowski desired to make a motion to table this public hearing. Mr. Sterowski declined to make such a motion.

Whereupon, Matt Walker, Community Development Director, presented Zoning Case #CUP-03-03, application of Jack Bailey for a Conditional Use Permit to construct up to 129 multi-family dwelling units consisting of townhouses for sale, on approximately 21.5 acres located on U. S. Route 360 and State Route 30 behind the Food Lion at Central Garage. Currently, the property is a vacant, wooded parcel of approximately 97.7 acres of which the remainder will be used for a single family residential subdivision. This property is further described as Tax Map Parcel 28-42 on the King William County Tax Maps. Mr. Walker indicated that this property is

currently zoned R-1 (Suburban Residential), which allows multi-family and single family attached housing such as townhouses for sale, with an approved Conditional Use Permit. In addition, the applicant, Mr. Bailey, has submitted a list of non-cash proffers, and has incorporated the staff's recommended conditions on the case into his proffered conditions.

The Chairman declared the public hearing open and the following persons appeared to speak.

Thomas G. Smiley of 599 Pampatike Road, questioned Item #3 in the applicant's list of proffered conditions stating that instead of the developer completing in full the recreational and open space common elements, including a common club house, a play ground, a multi-purpose court; and a large community pool area, before the one hundred twenty-ninth unit is sold, that these elements should be completed in full when the eighty-fourth unit is sold, as that is when the proffers indicate a Homeowners' Association shall take over enforcing the Rules and Regulations. Mr. Smiley stated these elements should all be in place, and completed in full, prior to the Homeowners' Association taking over.

Mr. Smiley also discussed the Traffic Impact Study on U. S. Route 360 and State Route 30 Intersection at Central Garage, prepared for VDOT, which apparently was done prior to the Route 360/30 Corridor Study. In referencing this Study, Mr. Smiley indicated that the Corridor Study was not favorable to the existing high density truck traffic on Route 30, and that most likely, the increased load of traffic that will be using Route 30 in the future when the Rural Exposition moves the State Fair to the north of the County was not taken into consideration. Mr. Smiley felt these two Studies should be integrated in order to get a more complete picture.

Jack Bailey, applicant, appeared before the Board stating that this application is consistent with the Comprehensive Plan, and that every concern which the Planning Commission brought forth has been addressed and incorporated into his proffered conditions. Every suggestion that the Planning staff has made has also been incorporated into the proffered conditions. As far as completing the recreational and open space elements with the 84th property, if this could be made as a condition of the case approval, it would be satisfactory. The adjoining property has been granted a Conditional Use Permit for the same purpose, and there has been a lot of interest in these townhouses by local residents, a lot of which are getting senior and want to stay in the County, but want to give up the requirements of maintaining a property.

Herb White of 1186 Mill Road in Aylett, pointed out two things in the application which he felt makes it incomplete – On page 6, under Item 14 of the submitted proffered conditions, states “It is the intention of the owners, their assigns or successors that these units are being built for sale and not for rent.” - Mr. White indicated his opinion that this terminology is very loose and these units could easily be used for rental property. He felt this Item 14 should be readdressed and worded in a different manner so that it definitely prohibits renting in that area.

Mr. White also discussed the Traffic Survey prepared for VDOT, indicating that he has measured the distance from Route 360 to the proposed entrance on Route 30, and it is .3 mile. With this project complete, and the others, in the afternoons with traffic coming out from Richmond, Route 360 will be blocked westbound, because traffic will be turning onto Route 30 and then going the .3 mile and turning into this project. He doesn't feel there is enough space there to allow for this congestion, which will create a traffic hazard. With the existing traffic flow, the Route 360/30 intersection is already a danger, and as Mr. Smiley just alluded to, additional traffic will be on Route 30 because of the Rural Exposition relocation of the State Fair to the north of the County at the Meadow Farm, and the 2007 Jamestown 400th Anniversary celebration,

Mr. White indicated the last thing he thinks that has not been addressed, and seems to not be addressed, but is an urgent problem in King William County. There is no mention of emergency fire and rescue service. Fire and Rescue, right now, can't cover what they've got to cover, in the daytime because they do not have the personnel. The personnel is not there to run the equipment. If you listen to the scanner in the daytime, you will hear that just a couple of people are answering the calls, and there could be a major fire call or major rescue call at any time.

Mr. White asked the Board to consider these issues when making its decision on this application for a Conditional Use Permit.

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

b. Consideration of Zoning Case #CUP-03-03 - Matt Walker, Community Development Director, reported that the Planning Commission considered this application in public hearing on September 15, 2003, and recommends its approval to the Board of Supervisors with the applicant's proffered list of conditions. Staff also recommends approval of the request with the applicant's most recent list of proffered conditions and project description.

In discussing this application, Chairman, L. E. Byrum, Jr. stated that the Traffic Impact Study on the U. S. Route 360 and State Route 30 Intersection at Central Garage prepared for VDOT by Mike Clisso, professional engineer with Engineering Services of Wise, Virginia, indicates that Mr. Eric Vogel of VDOT reviewed the Study and found it lacking in sufficient information and supporting documentation, as well as containing some questionable conclusions and assumptions.

Thereupon a motion was made by D. L. Wright to deny the application of Jack Bailey, Zoning Case #CUP-03-03, Request for a Conditional Use Permit, based on two concerns – the VDOT Traffic Impact Study and the County’s emergency fire and rescue services, public safety. This motion was seconded by C. T. Redd, III and received the following vote:

L. E. Byrum, Jr.	Aye
C. T. Redd, III	Aye
G. E. Jenkins	Aye
E. P. Sterowski	Nay
D. L. Wright	Aye

RE: CONSIDERATION OF RESOLUTION GRANTING TAX RELIEF AS A RESULT OF HURRICANE ISABEL

On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board adopted the following resolution authorizing the Commissioner of the Revenue and the Treasurer to prorate, abate, and if necessary, refund, 2003 taxes and levies from and after September 18, 2003, for those qualifying property owners who suffered damage to their land, improvements and/or personal property due to Hurricane Isabel and the subsequent storm of September 23, 2003, subject to the conditions of Section 58.1-3014 of the Code of Virginia, 1950, as amended.

A RESOLUTION AUTHORIZING PRORATED TAX RELIEF IN 2003 AS A RESULT OF HURRICANE ISABEL PURSUANT TO SECTION 18.1-3014 OF THE CODE OF VIRGINIA

WHEREAS, Hurricane Isabel struck King William County on September 18, 2003, displacing many persons and causing serious property damage to portions of the County; and,

WHEREAS, a local emergency was declared on September 18, 2003, upon Hurricane Isabel’s landfall, and the subsequent storm of September 23, 2003, and a State of Emergency for the Commonwealth was declared by Governor Warner as well; and,

WHEREAS, numerous homes and other buildings have been damaged or destroyed by the storms; and,

WHEREAS, substantial economic loss has been suffered by many citizens; and,

WHEREAS, pursuant to Section 58.1-3014 of the Code of Virginia, 1950, as amended, the Board wishes to authorize prorated tax relief during 2003 for property owners who suffered

damage to their land, improvements, and/or personal property due to Hurricane Isabel and the subsequent storm of September 23, 2003, and were not compensated by insurance or otherwise; and,

WHEREAS, State law will provide such relief for subsequent tax years.

NOW, THEREFORE, BE IT RESOLVED, by the King William County Board of Supervisors this 15th day of December, 2003, that:

The Commissioner of the Revenue and Treasurer of King William County are hereby authorized to prorate, abate, and if necessary, refund, 2003 taxes and levies from and after September 18, 2003, for those qualifying property owners as provided for, and subject to the conditions of Section 58.1-3014 of the Code of Virginia, 1950, as amended.

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

ADMINISTRATOR

a. Mt. Olive Community Improvement Project - The County Administrator reported that possibly a new well for this project will have to be set, as the existing well is owned by a private corporation. Further, Mr. Pleva indicated that the Management Team for this Project has authorized him to make an offer to this private corporation for acquiring the well giving them 30 days. Finding a new site for the well and the cost of sinking a new well will be quite expensive, so hopefully something can be worked out with the owner of the existing well.

b. Courts and Public Safety Facility - The County Administrator reviewed the updated report prepared by Kevin Vaughan, Clerk of the Works on this project. Mr. Vaughan's report indicates that the project is 39 days behind schedule due to the weather conditions.

c. Regional Animal Shelter - It was reported that Terri Hale, Assistant County Administrator, has been in contact with the owner of an industrial/business zoned property along Route 360 regarding the purchase of land for the animal shelter, but this property will not be available until sometime in the spring. The owner still has to subdivide the property so the cost is an unknown at this time. The County Administrator in King and Queen County has been looking for property also but with no success either at this point.

RE: RESOLUTIONS OF APPRECIATION – BOARD OF SUPERVISORS SERVICE

a. Edward P. Sterowski

b. G. Eugene Jenkins

c. Daniel L. Wright - On motion by C. T. Redd, III, seconded by G. E. Jenkins and carried unanimously, action on adoption of these resolutions of appreciation was tabled until the Board's January meeting.

d. Presentations to Outgoing Board Members – E. P. Sterowski, G. Eugene Jenkins, and D. L. Wright - Each of the three outgoing Board members was recognized for their outstanding contributions made to the County during their tenure on the Board. A presentation of a framed print of the King William County Colonial Courthouse was made to Mr. Wright, and a framed print of the King William County Coat-of-Arms was presented to Mr. Jenkins and Mr. Sterowski in appreciation of their services.

RE: RESOLUTION OF APPRECIATION – CHARLIE COMPANY, VIRGINIA NATIONAL GUARD IN WEST POINT, VIRGINIA

On motion by G. E. Jenkins, seconded by C. T. Redd, III and carried unanimously, the Board adopted the following resolution, on behalf of the citizens of King William County, conveying its appreciation and support to the members of Charlie Company of the 276th Engineering Battalion in West Point, Virginia:

**RESOLUTION PERTAINING TO CHARLIE COMPANY OF THE
276TH ENGINEERING BATTALION OF THE VIRGINIA NATIONAL GUARD IN
WEST POINT, VIRGINIA**

WHEREAS, Charlie Company of the 276th Engineering Battalion of the Virginia Army National Guard in West Point, Virginia, has been called to active duty in support of Operation Iraqi Freedom; and,

WHEREAS, the unit is a Combat Corps Wheeled Engineering Company whose duties include route clearance, mine field clearance, obstacle demolition, medium road construction, light vertical construction and the construction of survivability positions; and,

WHEREAS, Charlie Company was formed in 1950 as a detachment of Infantry Company K and was later reclassified as Engineers in 1962 and then reclassified as a full company in 1975 when it was given the unit designation of C Company; and,

WHEREAS, the unit consists of more than 120 soldiers of whom all but two are part-time members of the National Guard and work other jobs on a full-time basis; and,

WHEREAS, this is the first time that a unit from West Point, Virginia, has been federalized; and,

WHEREAS, the unit will be joining thousands of military personnel from across the United States and other coalition and allied nations to protect our country and the free world from terrorism and other threats.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors, on behalf of the citizens of King William County, hereby conveys its unconditional and unyielding appreciation and support to the courageous members of Charlie Company of the 276th Engineering Battalion as they fulfill their duties with bravery and professionalism; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors, on behalf of the citizens of King William County, hereby expresses its great pride by proclaiming wholehearted praise for all of America's Armed Forces and prays that all of America's soldiers, sailors and airmen shall return unharmed to their homes and families; and,

BE IT FINALLY RESOLVED, that the King William County Board of Supervisors hereby orders that a copy of this Resolution expressing the sense of the Board of Supervisors on this

matter shall be conveyed to Charlie Company of the 276th Engineering Battalion of the Virginia National Guard, President George W. Bush and Secretary of Defense, Donald H. Rumsfeld and shall be spread upon the meeting minutes of said Board of Supervisors.

RE: SETTING OF DATE FOR JANUARY ORGANIZATIONAL MEETING

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board determined that it will hold its January organizational meeting as part of the regular monthly January, 2004, meeting on January 26, 2004, beginning at 7:00 p.m. in the Board Room of the King William County Administration Building.

RE: APPOINTMENTS

a. Planning Commission – Two Members – Terms of Willie T. Carter and R. Troy Linville Expire 12/31/03 – Four Year Terms - On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board reappointed Willie T. Carter and R. Troy Linville as members of the King William County Planning Commission, each to serve a term of four years, ending December 31, 2007.

b. MP Disability Services Board – Two Year Terms – Terms of Frank A. Pleva, County Administrator, as the County's Representative and Terri E. Hale, Assistant County Administrator, as the Alternate – Both Terms Expire 12/31/03 - On motion by C. T. Redd, III, seconded by G. E. Jenkins and carried unanimously, the Board reappointed the County Administrator, Frank A. Pleva, and the Assistant County Administrator, Terri E. Hale, to serve as the County's representative and the alternate, respectively, each for a term of two years on the Middle Peninsula Disability Services Board.

c. Virginia Peninsulas Public Service Authority – Four Year Terms – Terms of Frank A. Pleva, County Administrator as the County's Representative and Brian Purvis, Public Works Director, as the Alternate - Both Terms Expire 12/31/03 - On motion by D. L. Wright, seconded by C. T. Redd, III and carried unanimously, the Board reappointed the County Administrator, Frank A. Pleva, and the Public Works Director, Brian Purvis, to serve as the County's representative and the alternate, respectively, each for a term of four years on the Virginia Peninsulas Public Service Authority.

d. Social Services Board – Term of E. P. Sterowski – Four Year Term – Term Coincides with Term of Office - The Board noted that the first meeting in January, 2004, of the Social Services Board is scheduled to be held prior to the Board of Supervisors January, 2004, meeting,

and therefore, considered the possibility of appointing a Board member to serve on the King William County Social Services Board.

However, on motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board tabled action on this appointment until its January, 2004, meeting.

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

Eugene Rivara thanked the Board for doing a good job for the County during their terms and wished the three outgoing members – E. P. Sterowski, G. E. Jenkins, and D. L. Wright, the best for the future.

RE: BOARD OF SUPERVISORS' COMMENTS

a. Daniel L. Wright expressed his appreciation to the County staff for all their support and assistance during his tenure, and indicated it was a pleasure to have served King William County for twelve years as a Board member. He indicated that he has built good working relationships with his fellow Board members and County staff persons and thanked everyone for this opportunity.

b. Edward P. Sterowski also thanked his fellow Board members for their assistance and especially Mr. Wright who helped him greatly during the first year of his tenure.

c. Garland E. Jenkins indicated that he enjoyed his six months tenure on the Board filling in for Robert S. Diggs who resigned at the end of May, 2003, and thanked the Board, staff members, and the County Attorney for all their assistance.

d. C. Thomas Redd, III expressed his appreciation to his fellow Board members and to Mr. Jenkins for completing the term of Mr. Diggs and for making it such a smooth transition for the Board during the past six months.

e. L. Eugene Byrum, Jr. indicated it has been a privilege and an honor to have served the County for the past four years and to have worked with each of his fellow Board members, as he feels he has learned something from each of them. He further indicated that he is looking forward to working with the new Board coming on in January.

Frank A. Pleva, County Administrator, expressed his appreciation to the staff members and Board members and recognized the three outgoing members for their accomplishments.

RE: ADJOURNMENT

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

COPY TESTE:

L. E. Byrum, Jr.
Chairman

Frank A. Pleva
County Administrator