

## MINUTES

### KING WILLIAM COUNTY BOARD OF SUPERVISORS MEETING OF APRIL 23, 2012

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 23<sup>rd</sup> day of April, 2012, beginning at 7:00 p.m. in the Conference Room of the County Administration Building, order was called with the following present:

C. T. Redd III, Chairman  
T. J. Moskalski, Vice-Chairman  
S. K. Greenwood  
T. S. Stone  
O. O. Williams

T. L. Funkhouser, County Administrator  
D. M. Stuck, County Attorney

#### **RE: REVIEW OF MEETING AGENDA**

Chairman, C. T. Redd III, called the meeting to order at 7:00 p.m. and agenda changes were discussed.

There was general discussion of the meeting agenda items.

The Board recessed and moved to the Board Meeting Room of the County Administration Building to continue the meeting.

Chairman, C. T. Redd III called the Board of Supervisors meeting to order at 7:30 p.m.

#### **RE: APPROVAL OF MEETING AGENDA**

On motion by T. S. Stone, 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 changes: Add the word "Sample" to item 8c under the Consent Agenda - Request for Authorization of Advertisement of Proposed "Sample" Lease to King William Historical Society; item 12b was added under New Business - Consideration of Adoption of Resolution #12-23 the Fiscal Year 2013 Budget; also item 12c was added under New Business - Resolution #12-25 Appropriating Funds for the Fiscal Year Budget beginning July 1, 2012 and Ending June 30, 2013. Under item 16 a closed meeting was added in accordance with § 2.2-3711(A)(29) of the Code of Virginia, to discuss the terms or scope of a public contract; and in accordance with § 2.2-3711(A)(1) of the Code of Virginia to consider a

personnel matter involving the performance of a specific employee and to discuss the appointment of individuals to boards and commissions.

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

The Chairman opened the First Public Comment Period.

There being no persons to appear before the Board the Chairman closed the First Public Comment Period.

**RE: CONSENT AGENDA**

On motion by T. J. Moskalski, seconded by T. S. Stone with the following roll call vote the Board approved the following items on its Consent Agenda:

a. Minutes of the Budget Work Session Meeting of March 23, 2012; minutes of the Regular Meeting of March 26, 2012; and minutes of the Proposed FY13 Budget Public Hearing and Proposed Tax Levies for Calendar Year 2012 Public Hearing meetings of April 16, 2012, as presented.

b. Claims against the County for the month of April, 2012, in the amount of \$1,159,057.06 as follows:

(1) General Fund Warrants #76230-76308 in the amount of \$296,847.11; ACH Direct Payments for #2180-2264 in the amount of \$483,309.18; Direct Deposits #16563-16667 in the amount of \$184,060.40; and Electronic Tax Payment in the amount of \$66,814.95.

(2) For informational purposes, Social Services expenditures for the month of March, 2012, Warrants #309166-309204 in the amount of \$26,797.43; ACH Direct Payments #578-605 in the amount of \$15,531.77; Direct Deposits #2742-2764 in the amount of \$32,204.26; and Electronic Tax Payment in the amount of \$11,073.68.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of March, 2011, Warrants #76211-76229 in the amount of \$29,258.99; and ACH Direct Payments #2164-2179 in the amount of \$12,232.86.

(4) Tax Refunds for the month of April, 2012, in the amount of \$926.43.

c. Request for authorization of advertisement of a sample lease to the King William County Historical Society.

Those members voting:

S. K. Greenwood	Nay
T. S. Stone	Aye
O. O. Williams	Aye
T. J. Moskalski	Aye
C. T. Redd III	Aye

**RE: PRESENTATIONS TO THE BOARD**

a. VDOT Public Hearing – Proposed Six-Year Secondary Road Plan for Fiscal Years 2013 through 2018 for King William County and the Secondary System Construction Budget for Fiscal Year 2012/2013 –

Presentation – Sean Trapani, Saluda Residency Administrator, reviewed the proposed FY-2013 through FY-2018 Six Year Secondary Road Plan and the FY-2013 Budget. Mr. Trapani stated the updated six year plan followed the priorities of last year; paved priorities being Rt. 604 Dabneys Mill Road and Rt. 600 bridge and approaches to Herring Creek; unpaved priority being Rt. 631 – Marl Hill Road from Rt. 30 to end of state maintenance. He recommended Rt. 613 Dunluce Road, from Rt. 618 to 1.6 miles east of Rt. 618, be added to the secondary road plan; estimated construction cost at \$100,000.

Continuing Mr. Trapani stated the budget items included in the plan are the Town of West Point - Town administered street improvements \$3,300 annually. This year's budget follows the first year of the Secondary Six-Year Road Plan which is FY 2013. The unpaved construction project budgeted this year is Rt. 631 Marl Hill Road. He stated the budget for the County allocated by VDOT for the remaining five years of the plan, for the other paved roads recommended, is \$57,596. This plan is only for improvements and new construction and does not include maintenance work such as patching pot holes, pulling ditches, snow removal or repaving roads.

Public Hearing - Chairman Redd opened the public hearing.

1. Robert Kinning, of the 2<sup>nd</sup> district, supports the Six-Year Plan with one exception, he feels Dunluce should not be put on the plan; he suggested either Hazelwood or Millwood be put on the plan.

Mr. Kinning also said in 2008 residents of Marl Hill Road were promised some safety improvements by VDOT. He said he received a letter from Mr. Stunkle (copy of letter was provided to Mr. Trapani) in connection with these improvements; he feels these safety improvements should be made prior to paving Marl Hill.

2. Steven Tupponce, of the 3<sup>rd</sup> district, opposes the paving of Dabneys Mill Road and suggests Upshaw Road be paved instead. He stated he feels Upshaw Road needs to be widened starting at Rt. 600 past Millwood. He said traffic is heavy on Upshaw and noted over the past few years numerous vehicles have ended up in the ditch due to not having enough passing room.

There being no other persons to speak for against this matter before the Board Chairman Redd declared the public hearing closed.

Discussion – Mr. Trapani said he has reviewed the letter, from Mr. Stunkle, that Mr. Kinning provided to him. He stated the items listed for Rt. 631 are maintenance items and can be taken care of; he said he will check on the status.

Continuing Mr. Trapani stated there is one paving priority project that has been on the plan for many years which is a federally eligible route. The project has already been designed; a public hearing has occurred and waiting on securing the right-of-way. He said funds have been spent on this project; there are no other available funds to add another project to the plan at this time.

Ms. Stone asked for clarification that Dabneys Mill is the route on the paving priority project list. She asked for further clarification that federal funds have been spent and secured for this project and King William County is locked into the project.

Mr. Trapani answered in the affirmative for questions asked by Ms. Stone.

Mr. Williams asked for clarification that the paving of Dabneys Mill would start from Rt. 30 and that this project is to straighten a curve to correct visibility problems.

Mr. Trapani confirmed.

Ms. Stone mentioned the Board received an email from a citizen with concerns of Millwood Road, she asked Mr. Trapani if he had a chance to look into this matter.

Mr. Trapani stated he reviewed the Millwood Road file and said this road and underlying dam washed out. He said VDOT does not maintain dams, only the roadway over top of the dam. In 2009 an estimate was provided to the Board of

Supervisors for a complete project to do away with the dam and build a box culvert; estimate was at \$1.2 million for the project. He said at this time VDOT can not add a project of this magnitude to the plan.

Mr. Williams asked about maintaining Millwood Road saying this has been an ongoing problem.

Mr. Trapani stated VDOT is responsible for maintaining the road up to the point of the closure.

Mr. Moskalski asked for clarification of past discussions that Dunluce should not be paved because of an agreement that might be in place.

The County Administrator said he is not disputing any conversations that may have taken place but he is not aware of any conditions that have been set for Dunluce. He pointed out this is a legal road, through trucks could be restricted but that may cause concerns to other users of the road. He believes VDOT has approached the Board about this stretch of road due to the high cost of maintenance. VDOT's direction to this Board is to treat this portion of Dunluce to reduce the maintenance costs.

Ms. Stone asked for clarification if the Board votes to add Dunluce to the plan that Marl Hill remains the first priority.

Mr. Trapani confirmed Marl Hill is the first priority.

Ms. Stone asked when the funding will be available for the Dunluce project; the worksheet provided indicates sufficient funding will not be available until 2015.

Mr. Trapani stated it is possible the funding will be available in 2014 based on funds that can be transferred from the Custis Mill Pond project. He explained the Dunluce project will not begin until the first priority project is complete.

Adoption of Resolution #12-22 – Approval of the Virginia Department of Transportation (VDOT) Secondary Six-Year Road Plan FY-2013 through FY-2018 -

On motion of S. K. Greenwood, seconded by T. S. Stone, with the following roll call vote the Board adopted the following Resolution #12-22 approving the Six-Year Secondary Road Plan for Fiscal Years 2013 through 2018 for King William County and the Secondary System Construction Budget for Fiscal Year 2012/2013 as presented by Mr. Trapani, Residency Administrator for VDOT.

RESOLUTION #12-22  
ADOPTION OF THE  
VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)  
SECONDARY SIX-YEAR ROAD PLAN  
FY 2013 THROUGH 2018

RESOLUTION

WHEREAS, Sections 33.1-23.4 and 33.1-70.01 of the 1950 Code of Virginia, as amended, provides the opportunity for each County to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2013 through 2018) as well as the Construction Priority List (2013) on April 23, 2012, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

WHEREAS, Sean Trapani, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan and budget for Secondary Roads (2013 through 2018) and the Construction Priority List (2013) for King William County, with the following priority of route added:

Priority 5, Route 613 Dunluce Road from Route 618 to 1.6 miles east of Route 618

NOW, THEREFORE, BE IT RESOLVED, that since said Plan and budget appears to be in the best interest of the Secondary Road System in King William County, and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2013 through 2018) and Construction Priority List (2013) are hereby approved as presented at the public hearing.

Adopted this 23<sup>rd</sup> day of April, 2012

Those members voting:

T. S. Stone	Aye
O. O. Williams	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
C. T. Redd III	Aye

Chairman Redd opened the floor for Board members to ask general questions of Mr. Trapani.

Mr. Williams expressed he would like to meet with Mr. Trapani, or a representative of VDOT, to ride in the upper end of the County so he can point out the issues on the particular roads he has brought up numerous times. Mr. Trapani asked Mr. Williams to contact him, he will make arrangements.

Mr. Moskalski asked for clarification if any research has been done on raising the road level on Rt. 30 just outside of West Point; this area floods and cuts off access in both directions.

Mr. Trapani stated VDOT does not have an active project for this area; he suggested contacting the CTB member for King William County.

Ms. Stone asked for an update on the stop sign at the high school. Mr. Trapani confirmed the sign will be moved for better visibility.

Mr. Redd commented on how fast the bridge project on Rt. 33 in West Point has gone. He also thanked Mr. Trapani for working with the businesses in this area, giving them access which originally they did not have. He asked for the progress of the ditching on Euclid near the railroad track.

Mr. Trapani stated the ditching contractor is working in the 5<sup>th</sup> district presently and should be in the West Point area within the next month.

b. Public Hearing – CPA-01-11 – Comprehensive Plan Amendment, (Applicant: King William County) King William County is amending the Comprehensive Plan to incorporate an Urban Development Area into the Future Land Use Map for the County as required by § 15.2-2223.1 of the Code of VA for high-growth localities - Scott Lucchesi, Director of Community Development, addressed the Board and gave a brief description of the requirements of the proposed UDA. He said the purpose of the public hearing is to incorporate an urban development area into the future land use map. The proposed urban development has been revised per the Planning Commission's direction at their February 2012 meeting. The Planning Commission conducted a public informational meeting on the proposal in February and authorized a public hearing to be advertised for the regularly scheduled Board of Supervisors meeting in March 2012, with a recommendation of approval with the condition that the Commission re-evaluate the chosen UDA location as part of any future amendment to the Comprehensive Plan.

Continuing Mr. Lucchesi said the primary purpose of Virginia's urban development areas legislation is to improve the future efficiency of state-funded road building and maintenance. UDA development can also help the County reach its comprehensive plan land use goals. By allowing more intense development in appropriate areas, the County also has the opportunity to preserve its rural and agricultural landscape by reducing development pressures on these sensitive areas.

Mr. Lucchesi said the Central Garage area is well positioned to serve as the County's designated UDA; with access to Routes 30 and 360, existing public facilities, King William High School, and a concentration of existing development, Central Garage meets all of the criteria for carefully planned, more intense development than that which is desired in other areas of the County. Some of the attributes that make Central Garage the top choice of UDA designation also represent challenges. While Rt. 360 serves as an important area of commercial services for King William residents, it is also a major regional road carrying ample regional traffic.

Continuing, Mr. Lucchesi said development that successfully connects residents and businesses across Rt. 360 will be difficult to achieve. The type of village scaled development that is associated with UDAs and with traditional neighborhood design is primarily built around small scale street systems that serve pedestrians and cars at low volumes and speeds, not major regional highways. For this reason, traditional neighborhood design land uses that directly address the street, such as residential uses with small front yards and front porches, shop front retail and service uses, cafes, and small parks, may be better suited to narrower and quieter parallel or perpendicular streets than to the immediate Rt. 360, or Rt. 30, corridor.

Discussion –

Mr. Williams stated there was some controversy that the State might relax this mandate; he asked for clarification on the legalities of King William County continuing with this UDA process.

Mr. Lucchesi stated King William County entered into a grant for \$50,000 with VDOT and regardless of any decision of the General Assembly VDOT would not lift the requirement of the grant; since King William took the grant we are required to incorporate the area. VDOT said if the County incorporates this area we have met the qualifications of the grant, the County in turn can remove the area with no punishment or repayment of the funds.

Chairman Redd asked for clarification that if the Board approves this UDA tonight it can be reversed next month and funds from grant will not have to be repaid.

Mr. Lucchesi confirmed.

Public Hearing – Chairman Redd opened the public hearing.

1. Kyle Oliver, of the 3<sup>rd</sup> district, suggested the Planning Commission meeting minutes of February 2012 reflect the funds for the grant are from the state and not from federal.

2. Jana Parlow, Burger King Operator, appeared before the Board and stated Burger King owns the approved site plan at the corner of Rt. 360 and Rt. 30 and asked for clarification if this property will be affected by the UDA. The County Administrator answered in the negative.

3. Don Wagner, of the 5<sup>th</sup> District, spoke in favor of the approval of the UDA plan; he feels it should be included in the comprehensive plan. Further he said the UDA does not affect the current land use plan for the existing property. He said he does oppose the designated area being on both sides of Rt. 360; he suggested using a different area and named several.

There being no other persons to speak for against this matter before the Board Chairman Redd declared the public hearing closed.

At the conclusion of discussions of the Board, the Community Development Director, County Administrator and the County Attorney, on motion of T. S. Stone, seconded by T. J. Moskalski, with the following roll call vote the Board adopted the following Resolution #12-26 approving Case #CPA-01-11 - Comprehensive Plan Amendment – Urban Development Areas.

RESOLUTION #12-26  
Case # CPA-01-11 – Comprehensive Plan Amendment  
Urban Development Areas

WHEREAS, the County of King William has a Comprehensive Plan adopted on June 23, 2003 and § 15.2-2229 of the Code of Virginia provides for the amendment of Comprehensive Plans; and

WHEREAS, § 15.2-2223.1 of the Code of Virginia requires certain high-growth localities to amend their Comprehensive Plans to incorporate one or more Urban Development Areas (UDAs); and

WHEREAS, in accordance with § 15.2-2229 of the Code of Virginia the Board of Supervisors of the County of King William approved Resolution #12-07 on January 3, 2012 and referred the subject of UDAs to the Planning Commission; and

WHEREAS, in accordance with § 15.2-2229 of the Code of Virginia the Planning Commission of the County of King William conducted a public hearing on Case # CPA-01-11 on February 21, 2012; and

WHEREAS, the Planning Commission has forwarded Case # CPA-01-11 to the Board of Supervisors with a recommendation of approval with the condition that the Commission re-evaluate the chosen UDA location as part of any future amendment to the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, in accordance with § 15.2-2229 of the Code of Virginia, the Board of Supervisors hereby amends the Comprehensive Plan of King William County to include an Urban Development Area consisting of approximately 281 acres located north of Richmond-Tappahannock Highway (State Route 360) and on the east and west sides of King William Road (State Route 30) and including the following parcels: 21-61, 28-55A, 28-56E, 28-56F, 28-57, 28-59, 28-59A, 28-59B, 28-59C, 28-59D, 28-60 and 28-61.

Adopted this 23<sup>rd</sup> day of April, 2012

Those members voting:

O. O. Williams	Nay
T. J. Moskalski	Aye
S. K. Greenwood	Nay
T. S. Stone	Aye
C. T. Redd III	Aye

**RE: APPOINTMENTS**

No appointments this month.

**RE: OLD BUSINESS**

a. Line of Duty Act – Opt Out – Resolution #12-15(R) Irrevocable Election not to Participate in the VRS Line of Duty Act Fund and Resolution #12-16 Authorization for County Administrator to Approve and Sign Documents Associated with VACORP Line of Duty Act Program – The County Administrator stated this item was tabled at the regularly scheduled Board meeting of March 2012. He introduced Ms. Stephanie Heintzelman of VACorp. He said local governments throughout VA added Line of Duty Act (LODA) benefits to their FY11-12 budgets are a result of a General Assembly mandate to shift costs to cities, counties and towns.

Continuing he said the General Assembly created the program, mandates all associated benefits and will continue to control the benefit program. The cost of providing the required benefits can be addressed through several insurance providers and similar entities, or the County could elect to self-insure. The County currently uses the Virginia Retirement System (VRS) as the default LODA provider established by the Commonwealth; many localities have determined VRS is not the most cost-efficient provider and have chosen other options. The County has reviewed VRS actual and anticipated rates and pursued a quote from VACorp; staff concludes VACorp represents a lower cost alternative over the next five to ten years and believes VACorp will consistently be a lower cost provider than VRS.

The County Administrator clarified that the County is not opting out of line of duty benefits; this is a State mandate and the County is required to provide this benefit.

Ms. Heintzelman addressed the Board to briefly describe line of duty coverage provided by VACorp. She said the line of duty act states coverage is offered to the Sheriff and his deputies, and volunteer fire and EMS. The benefits provided through this program are two fold, death benefit and the continuation of health insurance; in the case of a death family members could receive continued health insurance benefits. Virginia found across the Commonwealth there was a ten million dollar annual expenditure for existing claims; King William County does not have any existing claims, an opt out was offered and 50% covered opted out. She explained the County can stay with VRS, or opt out and choose another provider or self-insure.

Ms. Stone asked for clarification that, if chosen, the County has the opportunity to exit the program with VACorp in the future without any ongoing liabilities.

Ms. Heintzelman said that is correct, effectively you are buying insurance for one year, per person rate. She explained VRS raised rates last year, almost doubling, and VACorp did not raise rates.

Mr. Greenwood asked how long the rates provided are guaranteed.

Mr. Heintzelman said VACorp rates are actuarially sound and they foresee the rates staying stable for a very long time.

Mr. Williams asked for clarification, since he is a volunteer fire fighter and qualifies as a recipient, if he can vote on this matter.

The County Attorney stated there is no conflict of interest on voting and advised Mr. Williams he can abstain if he so chooses.

On motion of S. K. Greenwood, seconded by T. J. Moskalski, with the following roll call vote, the Board adopted Resolution #12-15(R) the Irrevocable Election not to Participate in the VRS Line of Duty Act Fund.

RESOLUTION #12-15(R)  
KING WILLIAM COUNTY  
IRREVOCABLE ELECTION NOT TO PARTICIPATE IN THE VRS  
LINE OF DUTY ACT FUND RESOLUTION

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the

payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of the Board of Supervisors of King William County, Virginia to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Board of Supervisors of King William County, Virginia hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that to the best of the knowledge of the Board of Supervisors of King William County, Virginia the following entities:

1. Mattaponi Rescue Squad
2. King William Volunteer Fire Department and Rescue Squad
3. West Point Volunteer Fire Department and Rescue Squad
4. Mangohick Volunteer Fire Department and Rescue Squad
5. King William Sheriff's Office

Constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, *to the extent required by law*, the Board of Supervisors of King William County, Virginia agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of King William County on or after July 1, 2010; and it is further

RESOLVED that, as a non-participating employer, *to the extent required by law*, the Board of Supervisors of King William County, Virginia agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that the Board of Supervisors of King William County, Virginia shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

Adopted this 23<sup>rd</sup> day of April, 2012

Those members voting:

T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Abstain
C. T. Redd III	Aye

On motion of T. S. Stone, seconded by T. J. Moskalski, with the following roll call vote, the Board adopted Resolution #12-16 Authorization for County Administrator to Approve and Sign Documents Associated with VACorp Line of Duty Act Program.

RESOLUTION #12-16  
KING WILLIAM COUNTY  
AUTHORIZATION FOR COUNTY ADMINISTRATOR  
TO APPROVE AND SIGN DOCUMENTS  
ASSOCIATED WITH VACORP LINE OF DUTY ACT PROGRAM

WHEREAS, the Commonwealth of Virginia has shifted the cost of paying past and present liabilities under the Line of Duty Act, from State to local government entities through Item 258 of the 2011 Budget Bill; and

WHEREAS, King William County is automatically included in the Line of Duty Act Fund unless it opts out by June 30, 2012 and selects an alternative method to comply with the Line of Duty Act; and

WHEREAS, the County of King William has, by approval of Resolution # 12-15 on April 23, 2012, elected to opt-out of the Line of Duty Act fund offered through the VA Retirement System (VRS); and

WHEREAS, VACorp, a group self-insurance risk pool affiliated with the Virginia Association of Counties provides a cost-effective method of complying with the Line of Duty Act;

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of King William County, Virginia hereby authorizes the County Administrator to approve and sign all documents associated with opting out of the VRS Line of Duty Act Program and to participate in the Line of Duty Act Program offered by VACorp.

Adopted this 23<sup>rd</sup> day of April, 2012

Those members voting:

S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Abstain
T. J. Moskalski	Aye
C. T. Redd III	Aye

**RE: NEW BUSINESS**

a. Tax Levies for Calendar Year 2012 – Ordinance #12-02 – Chairman Redd announced a public hearing was conducted on April 16, 2012. He asked the County Administrator to briefly review Ordinance #12-02.

The County Administrator stated Ordinance #12-02 is before the Board for consideration. There are no changes to the proposed tax rates; the Code of Virginia requires localities to adopt tax levies even if there are no changes to the rates.

On motion of T. J. Moskalski, seconded by T. S. Stone, with the following roll call vote the Board adopted Ordinance #12-02 An Ordinance to Impose Tax Levies

Upon Real Estate, Tangible Personal Property, Public Service Corporation Property and Aircraft for the Calendar Year 2012.

ORDINANCE # 12-02  
 AN ORDINANCE TO IMPOSE TAX LEVIES UPON REAL ESTATE,  
 TANGIBLE PERSONAL PROPERTY,  
 PUBLIC SERVICE CORPORATION PROPERTY AND AIRCRAFT  
 FOR THE CALENDAR YEAR 2012

WHEREAS, it is necessary for the Board of Supervisors to establish real estate and personal property tax levies for King William County for calendar year 2012, beginning January 1, 2012, and ending December 31, 2012; and

WHEREAS, the Board has duly advertised and held a public hearing on April 16, 2012 on the subject tax levies;

NOW, THEREFORE, BE IT ORDAINED, by the King William County Board of Supervisors that the following County tax levies be, and they hereby are, imposed for the calendar year 2012:

		Rate Per \$100 of Assessed Valuation				
Class of Property	General Fund	School Fund	Combined	West Point Town (General Fund Only)	Change	
1. Real Estate	0.27	0.54	0.81	0.27	None	
2. Mobile Home Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3 of the Code of Virginia	0.27	0.54	0.81	0.27	None	
3. Public Service Corporation Real Property	0.27	0.54	0.81	0.27	None	
4. Tangible Personal Property Not Otherwise Exempt Or set out	0.50	3.15	3.65	0.50	None	
5. Public Service Corporation Tangible Personal Property	0.50	3.15	3.65	0.50	None	
6. Machinery & Tools	0.95	1.50	2.45	0.95	None	
7. Aircraft	0.18	1.12	1.30	0.18	None	

Adopted this 23<sup>rd</sup> day of April, 2012

Those members voting:

T. S. Stone	Aye
O. O. Williams	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Nay
C. T. Redd III	Aye

b. Adoption of FY13 Budget – Resolution #12-23 – The County Administrator said due to a lack of a State Budget, staff’s original recommendation was to not adopt a budget tonight. However, an adoption resolution and an appropriation resolution have been prepared for Board consideration. He said as reviewed in the public hearing there are essentially no tax rates changes, as noted earlier. Capital funds have been identified for future use as part of the radio system. The County will be undertaking the reassessment in the near future, procedures for

the reassessment are being discussed, and funds are available in the budget this year in terms of the assessor; whether it is in-house, hybrid model, or hire a contracting firm or a consulting firm. Unfortunately Jail Authority dues did go up, \$100,000, currently working on options to reduce this cost. No staff raises are proposed; although there is a 5% VRS mandated change that is included in the budget.

On motion of T. J. Moskalski, seconded by T. S. Stone, with the following roll call vote the Board adopted Resolution #12-23 a resolution adopting the FY13 Budget.

Discussion -

Ms. Stone stated it may seem the budget has been level funded and appear the Board did not put a good amount of effort in the budget process, she pointed out that there are uncontrollable expenditures that are increasing. The benefits for County employees increased significantly for health insurance and VRS, as mentioned before the Jail Authority increase, fuel and utilities went up to name a few. She said just to maintain level funding required some effort and work, and some cuts. Beyond this the Board has three new members; she feels it would be irresponsible to come in and in three or four months start to slash and burn the budget. While each line item was reviewed it takes time to understand the workings of each individual department, it takes time to learn the processes of each them. She said next year there will be more work and maybe some opportunity which will be good timing since the County has to accommodate the cost of re-banding the emergency communications system; she is not willing to say definitively there is going to be tax increases next year. She said she would like to advocate, and has shared with her fellow Board members, as part of this budget approval process priorities be set for the Board for fiscal year 2013. One priority mentioned is to set a priority to measure the success of the Board and the success of Administration. She said she would like to see the comprehensive plan completed in FY13. Reassessment is another priority she feels is important, whether the County will go with an outside firm or perform in-house. She feels it would be good for the Board to establish priorities and measure the success of the Board in terms of how they are met.

Mr. Williams said the Board worked hard on the budget and he feels state mandates are the biggest upset in the budget process. He mentioned the position

cuts made last year and gave raises, this year raises are required to cover state mandated benefits. He doesn't feel it is fair to County employees.

Mr. Greenwood said he was for making more cuts in the budget saying this Board has only had a few months to understand the mandated programs that localities are required to fund; hopefully next year more informed decisions can be made.

Mr. Moskalski said this is a reasonably good budget for what the Board had to work with. He said he feels Mr. Funkhouser deserves some recognition in the preparation, with the understanding that the Board did not want a tax increase, and that is what was presented and the Board used as a baseline. Further he said efficient use of tax dollars is not always making cuts, sometimes it is about using money wisely. He mentioned one of his priorities is to use the money from the economic development fund to improve the image of the County, something that has been brought up quite a few times this year. He feels this is a good opportunity to deal with this year for future economic development potential; while the County might not be in a state of growth yet it will come and we need to be in a good position to house and grow good business.

Chairman Redd said this was a tough budget, he can not promise there will not be a tax increase next year; he is not saying there will be. He feels the Board has a lot of work ahead of them to accomplish what needs to be accomplished. He also said he feels this Board worked well together, given all the controversies due to the lack of funding and with the understanding of no tax increase.

RESOLUTION #12-23  
KING WILLIAM COUNTY, VIRGINIA  
BOARD OF SUPERVISORS  
MEETING OF APRIL 23, 2012

WHEREAS, the King William County Board of Supervisors has reviewed the General Funds, School Fund and Special Revenue Funds for the Fiscal Year 2013 Budget; and,

WHEREAS, the Board held a duly advertised public hearing on the Budget on April 16, 2012,

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors approves the FY13 General Funds Budget in the amount of \$24,656,635, which includes a transfer of \$10,624,600 to the School Fund, approves the School Fund budget in the amount of \$23,129,660, and the Special Revenue Funds in the amount of \$2,612,210.

Adopted this 23<sup>rd</sup> day of April, 2012

Those members voting:

O. O. Williams	Nay
T. J. Moskalski	Aye
S. K. Greenwood	Nay
T. S. Stone	Aye
C. T. Redd III	Aye

c. Adoption of Resolution #12-25 – Appropriations of Budget –

On motion of T. S. Stone, seconded by T. J. Moskalski, with the following roll call vote the Board voted to approve Resolution #12-25 a resolution appropriating funds for the fiscal year budget beginning July 1, 2012 and ending June 30, 2013 for King William County, Virginia.

RESOLUTION #12-25  
A RESOLUTION APPROPRIATING FUNDS FOR THE FISCAL YEAR BUDGET  
BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013  
FOR KING WILLIAM COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of King William County, Virginia, has heretofore prepared and, on April 23, 2012, adopted a budget for informative and fiscal planning purposes only, with the exception of the School Expenditure Budget, for the fiscal year beginning July 1, 2012; and,

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures as are contained in the Budget,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of King William County, Virginia, this 23<sup>rd</sup> day of April, 2012:

SECTION 1. GENERAL FUNDS. That the amounts herein named aggregating \$24,656,635 or so much thereof as may be necessary, are hereby appropriated for the General Fund subject to the conditions hereinafter set forth in this resolution for the fiscal year beginning July 1, 2012 and ending June 30, 2013, as follows:

EXPENDITURES			
General & Financial Administration		\$	1,574,909
Judicial Administration			551,530
Public Safety			4,252,750
Public Works			1,627,260
Health & Welfare			193,290
Community Colleges			6,660
Parks, Recreation & Cultural			798,570
Community Development			428,425
Non-Departmental			3,516,961
Transfers to:			
School Fund	\$	10,624,600	
Other Funds	\$	<u>490,770</u>	
			11,115,370
Debt Service	\$	<u>590,910</u>	
TOTAL GENERAL FUND EXPENDITURES			<u>\$ 24,656,635</u>

SECTION 2. SCHOOL FUNDS. That the amounts herein named aggregating \$23,129,660 are hereby appropriated annually by category for the School Fund subject to the conditions hereinafter set forth in this resolution for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

EXPENDITURES		
Operation	\$ 20,694,100	
Debt Service	\$ 2,435,560	
TOTAL SCHOOL FUND EXPENDITURES		\$ <u>23,129,660</u>

SECTION 3. SPECIAL REVENUE FUNDS. That the amounts herein named aggregating \$2,612,210 or so much thereof as may be necessary, are hereby appropriated for the Special Revenue Funds subject to the conditions hereinafter set forth in this resolution for the purposes hereinafter mentioned for the fiscal year beginning July 1, 2012 and ending June 30, 2013, as follows:

EXPENDITURES		
Virginia Public Assistance Fund:		
Welfare Administration	\$ 801,255	
Public Assistance	\$ 238,385	
TOTAL VPA FUND EXPENDITURES		\$ 1,039,640

EXPENDITURES		
Salaries & Fringe Benefits	\$ 502,950	
Materials & Supplies	466,700	
Capital Outlay	\$ 10,150	
TOTAL CAFETERIA FUND EXPENDITURES		979,800

EXPENDITURES		
Foster Care	\$ 68,000	
Special Education	\$ 524,770	
TOTAL CSA FUND EXPENDITURES		\$ 592,770
TOTAL SPECIAL REVENUE FUNDS EXPENDITURES		\$ <u>2,612,210</u>

SECTION 4. All of the monies appropriated as shown by the items contained in Section 1 through Section 3 are appropriated upon the terms, conditions and provisions hereinafter set forth in this section.

(1) All appropriations are declared to be maximum, conditional and proportionate appropriations, the purpose being to make the appropriations payable in full in the amounts named herein if necessary, and then only in the event the aggregate revenues collected and other resources available during the fiscal year ending June 30, 2013, for which the appropriations are made, are sufficient to pay all the appropriations in full; otherwise, said appropriation shall be deemed to be payable in such proportion as the total sum of all realized revenue is to the total amount of the revenues estimated by the Board of Supervisors to be available for appropriation in the fiscal year ending June 30, 2013.

(2) No department, agency or individual receiving appropriations under the provisions of this resolution shall exceed the amount of its or his appropriation except with the prior consent and approval of the Board of Supervisors or as set forth in paragraph (5) of this Section 4.

(3) Nothing in this resolution shall be construed as authorizing any reduction to be made in the amount appropriated in this resolution for the payment of interest on or the retirement of the School Debt of King William County.

(4) It is expressly provided that this resolution, with the exception of the expenditures of the funds appropriated, shall apply only to the lump sum amounts which have been included in this resolution.

(5) The Board of Supervisors reserves the right to change at any time during said fiscal year the compensation so provided to any officer or employee and to abolish any office or position excepting such office or position as it may be prohibited by law from abolishing.

The County Administrator is authorized to make such rearrangements of positions and appropriations within the several funds under the control of the Board of

Supervisors that may best meet the needs and interests of King William County, Virginia.

SECTION 5. All resolutions and parts of resolutions inconsistent with the provisions of this resolution are hereby repealed.

SECTION 6. This resolution shall be effective on and after July 1, 2012.

Adopted this 23<sup>rd</sup> day of April, 2012

Those members voting:

T. J. Moskalski	Aye
S. K. Greenwood	Nay
T. S. Stone	Aye
O. O. Williams	Aye
C. T. Redd III	Aye

**RE: ADMINISTRATIVE MATTERS – TRENTON L. FUNKHOUSER,  
COUNTY ADMINISTRATOR**

The County Administrator had nothing further to report.

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

The Chairman opened the Second Public Comment Period.

a. Don Wagner, of the 5<sup>th</sup> District, commended the Board for approving a budget given the tough decisions that had to be made. He feels the Board should look at cuts, but the needs of the County need to be looked at also.

There being no other persons to appear before the Board the Chairman closed the Second Public Comment Period.

**RE: BOARD OF SUPERVISORS COMMENTS**

All Board members thanked citizens for their participation at the monthly Board meetings.

**RE: CLOSED MEETING – PUBLIC CONTRACTS, IN ACCORDANCE WITH  
§2.2-3711(A)(29) OF THE CODE OF VIRGINIA, TO DISCUSS THE TERMS OR  
SCOPE OF A PUBLIC CONTRACT; AND PERSONNEL, IN ACCORDANCE WITH  
§2.2-3711(A)(1) OF THE CODE OF VIRGINIA, TO CONSIDER A PERSONNEL  
MATTER INVOLVING THE PERFORMANCE OF A SPECIFIC EMPLOYEE AND TO  
DISCUSS THE APPOINTMENT OF INDIVIDUALS TO BOARDS AND  
COMMISSIONS** - On motion by T. J. Moskalski, seconded by O. O. Williams, and

carried unanimously, the Board entered Closed Meeting pursuant to §2.2-3711(A)(29), Code of Virginia, because discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board and pursuant to §2.2-3711(A)(1), Code of Virginia, to consider a personnel matter involving the performance of a specific employee and to consider appointment of individuals to boards and commissions.

Having completed the Closed Meeting, the Board reconvened in open meeting, on motion by O. O. Williams, seconded by S. K. Greenwood and carried unanimously.

In accordance with Section 2.2-3717(D) of the Code of Virginia, 1950, as amended, O. O. Williams 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 S. K. Greenwood 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 2.2-3711 of the Code of Virginia 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 on this 23<sup>rd</sup> day of April, 2012, hereby certifies that, to the best of 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 convening the closed meeting were heard, discussed, or considered by the King William County Board of Supervisors.

Those members voting:

T. S. Stone	Aye
O. O. Williams	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
C. T. Redd III	Aye

**RE: RECESS OF MEETING**

On motion by T. S. Stone, seconded by T. J. Moskalski with the following roll call vote the meeting was recessed until May 10, 2012, at 7:00 p.m. for a joint meeting with the West Point Town Council, to be held at the Business Center located at 621 Main Street, West Point, VA.

Those members voting:

O. O. Williams	Nay
T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
C. T. Redd III	Aye

COPY TESTE:

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C. T. Redd III, Chairman  
Board of Supervisors

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T. L. Funkhouser,  
County Administrator  
Clerk to the Board