

**MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF DECEMBER 17, 2012**

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 17th day of December, 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 continued meeting to order at 7:30 p.m.

RE: APPROVAL OF MEETING AGENDA

a. On motion by T. S. Stone, seconded by O. O. Williams, with the following roll call vote, the Board adopted the agenda for this meeting as presented by the County Administrator with the following changes: item 10a Proposal to Abandon a Section of State Route 633 (Powhatan Trail) and item 10b Unpaved Roads were moved to the agenda for the next regular business meeting of the Board of Supervisors scheduled for January 28, 2013.

Those members voting:

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

**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.

a. Matthew R. Kite, Commonwealth Attorney for King William County, gave an update on the prosecution of the cases of the residential burglaries that occurred primarily in the 3rd and 5th districts of King William County during the months of November and December 2011. He mentioned that a mass meeting was held at the Mangohick Fire Department, in January 2012, regarding these burglaries and said well over 200 people were in attendance. Citizens attended this meeting to express grave concerns of the safety of their property and the potential risks to their families. He said the thing that stuck out in his mind during this meeting were the concerns about children returning home on the school bus and possibly walking into an active burglary going on in their home. He said in large part due to the ongoing investigation of the King William Sheriff's office the defendant has been charged in several other counties for break-ins; with one conviction in King and Queen County for one break-in. Defendant is awaiting sentencing in Caroline County and is awaiting trial in Hanover and Goochland counties for several break-ins. Mr. Kite described the defendant as a professional criminal.

Continuing Mr. Kite stated the King William Sheriff's office spent in excess of 700 man hours investigating this case; which included working close to 22 hours some days. He said the Sheriff department's efforts lead directly to the arrest and prosecution of the defendant in all the other mentioned jurisdictions. The defendant has been tied to nine break-ins in King William County; along with his associates. He stated that after the arrest the individuals in his office, his assistant and victim witness coordinator, worked between 100 and 180 hours preparing these cases for trial. He said at the end of the day the defendant has been held accountable for his actions in King William County and has been convicted of 28 charges including breaking and entering, grand larceny, larceny with the intent to steal, and contributing to the delinquency of a minor. Defendant was sentenced last week to serve 14 ½ years for these charges; this is a significant sentence for property crimes. The defendant will

appear in King William County Circuit Court on January 30th to stand trial for the ninth break-in he is charged with.

In closing, the Commonwealth Attorney said he feels in a time where there is a generic criticism of government it is important for the Board of Supervisors to hear that government is working as designed. He said he wanted to commend the Sheriff's Office, in particular, for their job in this case; without them he would not have had a case to try.

Chairman Redd said on behalf of the Board they would like to thank the Sheriff and his department for their hard work. He also thanked the Commonwealth Attorney for prosecuting this case and presenting the information to the Board.

There being no other 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 Regular Meeting of November 19, 2012.
- b. Claims against the County for the month of December, 2012, in the amount of \$799,502.84 as follows:

- (1) General Fund Warrants #77129-77217 in the amount of \$167,326.20; ACH Direct Payments #3021-3089 in the amount of \$202,659.97; Direct Deposits #17464-17565 in the amount of \$182,643.65; and Electronic Tax Payment in the amount of \$66,981.28 for December, 2012.

- (2) For informational purposes, Social Services expenditures for the month of November, 2012, Warrants #309485-309515 in the amount of \$25,563.79; ACH Direct Payments #757-777 in the amount of \$11,497.06; Direct Deposits #2908-2926 in the amount of \$30,705.21; and Electronic Tax Payment in the amount of \$11,421.93.

- (3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of November, 2012, Warrants #77110-77128 in the amount of \$19,771.60; and ACH Direct Payments #3006-3020 in the amount of \$80,902.15.

(4) Tax Refunds for the month of December, 2012 in the amount of \$30.00.

c. The Board authorized Resolution #12-80 authorizing the advertisement of a public hearing to amend county code to permit hunting with slugs:

RESOLUTION #12-80
AUTHORIZATION OF A PUBLIC HEARING TO
PROPOSED ORDINANCE #12-08
AMENDING KING WILLIAM COUNTY CODE
TO PERMIT HUNTING WITH SLUGS

WHEREAS, the Board of Supervisors has received inquiries from citizens expressing a desire to allow hunting with a shotgun loaded with slugs; and

WHEREAS, Section 42-82(b) of the King William County Code currently prohibits hunting with a shotgun loaded with slugs; and

WHEREAS, the Board of Supervisors, at its meeting of November 19, 2012, received a presentation from officers of the Virginia Department of Game and Inland Fisheries regarding the use of slugs and associated safety issues relative to various forms of hunting and use of various weapons and ammunition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby authorizes the County Administrator to prepare an amendment to the County Code to allow hunting with a shotgun loaded with slugs and to advertise a public hearing on this matter for the January 28, 2013, meeting of the Board of Supervisors.

d. The Board approved Resolution #12-79 authorizing the analysis of new rail capacity in King William County:

RESOLUTION #12-79
EXPRESSING SUPPORT FOR ANALYSIS OF NEW RAIL CAPACITY FOR KING
WILLIAM COUNTY IN THE 2012 VIRGINIA DEPARTMENT OF RAIL AND
PUBLIC TRANSPORTATION STATEWIDE RAIL PLAN

WHEREAS, trade is essential to economic vitality and requires efficient and affordable transportation and the economic viability of the Middle Peninsula is dependent upon maintaining and improving capacity of the region's transportation infrastructure; and

WHEREAS, transportation infrastructure is an essential factor in determining where corporations add jobs and make new investments; and

WHEREAS, efforts to support job creation and increase capital investment in King William County are a high priority as such investments result in tax revenue to support vital public services; and

WHEREAS, many manufacturing operations rely on freight rail service to deliver needed raw materials as well as to export products; and

WHEREAS, current freight rail service is inadequate to meet the needs of the existing business community in the upper and central portions of King William County; and

WHEREAS, many interstate and primary roads are deficient and expensive to expand on the scale necessary to meet the needs of a growing population; and

WHEREAS, the development of new rail service in King William County would improve future economic opportunities for the citizens of the County.

NOW, THEREFORE BE IT RESOLVED, that the King William County Board of Supervisors expresses support for the further development of rail access in the County; and

BE IT FURTHER RESOLVED, that the County supports efforts to include an analysis of new rail capacity into the 2012 update to the Statewide Rail Plan currently being developed by the Virginia Department of Rail and Public Transportation; and

BE IT FURTHER RESOLVED, that the County supports seeking federal and state funding to undertake the necessary environmental and other studies needed to facilitate such rail development.

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: PRESENTATIONS TO THE BOARD

a. Comprehensive Annual Financial Report – FY 12 (CAFR/Audit) – PBGH, Mike Garber – Mike Garber, with PBGH, addressed the Board and announced that Ms. Betsy Hedrick, also with PBGH, was present tonight. He said Ms. Hedrick managed and assisted in performing the audit here at King William County; he wants to make sure she gets all the credit this evening. He stated the financial statement, the audit communication letter and management letter were distributed to the Board prior to the meeting tonight for review. He said if there are any questions, or if more detail is needed, he would be happy to assist.

Mr. Garber explained the opinions contained within the financial statement provided. He pointed out that the internal control and compliance opinion references some findings with a few significant deficiencies this year. There were some material weaknesses which are the most significant findings but none to report this year, he said the County continues to improve in dealing with the deficiencies. Although some are repeats from last year, he feels when the new Finance Services Manager is in position and up and running all of the deficiencies will hopefully go away by the next fiscal year. He commented there has been a huge improvement from last year, not only in the financial statements and findings but also in the journal entries. He feels the finance staff has done a much better job in this area compared to the first year

PBGH performed the audit for the County. He noted there were only two new comments in the management letter compared to last year's letter.

In closing, Mr. Garber stated the report from the auditors to the Board contains the journal entries PBGH made during the audit. This report also contains a list of significant estimates that are in the financial statements, he pointed out there are some things that have to be estimated when preparing these statements. He said other things that are listed in this report are any difficulties PBGH incurred during the audit such as collecting data, getting answers to questions and things of that sort; there were none. He called for any questions from the Board members.

Ms. Stone commented that as the representative for the audit/finance committee she was part of a conference call recently that included School Board representatives, the County Administrator and PBGH representatives. She said similar information presented this evening was supplied during the call. She stated she feels the County is moving in the right direction. She feels comfortable with the new staff and they are prepared to eliminate the management letter comments.

Mr. Williams asked for clarification that there were no problems in gathering the information for the audit with the current staff. Mr. Garber answered in the affirmative.

Mr. Williams asked if he feels the inefficiencies are due to a staff problem or a priority problem. Mr. Garber stated he feels a shortage in staff is the problem. He said he feels the staff in place does everything they can based on the number of hours they are here, what they are doing and what they are asked to do. He feels there is not enough manpower to address these things throughout the year. He added that with the addition of another person he feels we are going to get to the point where the County is going to address those items.

The County Administrator asked if Mr. Williams would like him to elaborate. Mr. Williams said no.

Chairman Redd asked the County Administrator to introduce the new Finance Services Manager.

Mr. Funkhouser introduced Mr. Troy Bingham, Finance Services Manager, and said today is his first day of working with the County and that he comes from Prince William County. He mentioned that Mr. Bingham recently moved to King William with

his wife and four children; all of his children are enrolled in the King William County school system. The County Administrator said he is pleased to have Mr. Bingham on board for a number of reasons.

Chairman Redd welcomed Mr. Bingham.

RE: OLD BUSINESS

No old business was brought before the Board.

RE: NEW BUSINESS

a. Public Hearing – Proposed Budget Amendment FY 12-13 and Appropriation of Funds to King William County Public Schools – Chairman Redd opened the public hearing and called for any person to come forward wishing to speak for or against the proposed budget amendment.

Ms. Kathy Morrison, of the 2nd district and Chairman of the King William County School Board, spoke in favor of the proposed budget amendment. She stated the School Board appreciates the past and continued support of the Board of Supervisors. She said the School Board knows that the Board of Supervisors are aware of the mandates that come from the Federal and State governments and said they appreciate the difference that local funding makes in the services they provide. Continuing she said transportation is one of the most visible services provided and that they are very lucky to have skilled mechanics to keep the buses running. She stated some of the buses providing transportation have very high mileage; some are older and they can quickly deteriorate. The bus replacement schedule has been delayed for the last five years due to budget cuts. She asked that the Board of Supervisors please vote in favor of the proposed budget amendment.

Mr. Williams asked how many buses were delayed in the last five years.

Ms. Morrison stated she did not have a specific number but pointed out that the information is in the handout provided before the meeting tonight. She said they would like to replace three buses per year but have not been able to for a number of years because of budget cuts.

There being no other persons to speak for or against the proposed budget amendment the Chairman closed the public hearing.

b. Consideration of Proposed Budget Amendment FY 12-13 – Resolution #12-74 – On motion by T. J. Moskalski, seconded by T. S. Stone, with the following roll call vote the Board approved Resolution #12-74, Budget Amendment – FY 2012-2013 and Appropriation of Funds to the King William County Public Schools. Mr. Moskalski read the Resolution aloud at the request of Chairman Redd.

RESOLUTION #12-74
BUDGET AMENDMENT – FY 2012-2013 AND
APPROPRIATION OF FUNDS TO
KING WILLIAM COUNTY PUBLIC SCHOOLS

WHEREAS, the Board of Supervisors wishes to amend the Capital Improvements portion of the FY 12-13 County Budget to provide funds to the King William County Public Schools for the purpose of purchasing up to five (5) buses at a cost of \$398,736, by appropriating funds previously collected from cash proffers associated with rezoning applications.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors hereby amends the Capital Improvements portion of the FY 12-13 County Budget and \$398,736 is hereby appropriated to the School Capital Projects line item and is directed to be transferred to the School Fund for the above stated purpose.

Adopted this 17th day of December, 2012

Discussion - Mr. Williams stated he feels the proffer money was intended for capital expenditures and he feels it is debatable, in his opinion, as to whether buses are capital expenditures. He said he knows there have been discussions that the schools are growing and are going to have to deal with expansion. All along the proffer money was being set aside and he thought that was where the money was going to be allocated, for expansion. He said he understands the safety aspect for the children and the importance of the buses but he is worried where the money is going to come from for expansion in the future.

Those members voting:

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

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

The County Administrator had no additional information.

**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 Mangohick district, spoke of his concerns of the upcoming public hearing to allow slugs in King William County. He said his understanding is slugs have about the same impact as rifles and rifles are not allowed in the flat areas of the state. He urged the Board to get some expert information on this subject. He said in his opinion the information that was provided by the Department of Game and Inland Fisheries, in a previous meeting, was not accurate in the stated distance slug's travel. He said he is concerned.

Mr. Wagner said he knows this Board had some difficult decisions to make last year and said he appreciates what the Board has done. He feels this Board has moved forward instead of backward.

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

RE: APPOINTMENTS

a. On motion by S. K. Greenwood, seconded by T. S. Stone, with the following roll call vote, the Board approved Resolution #12-75 reappointing Otto O. Williams, the Board of Supervisor representative, to serve the King William County Planning Commission for a term of one year; said term to expire December 31, 2013:

RESOLUTION #12-75
Appointment to the King William County
Planning Commission

WHEREAS, the term of Otto O. Williams, the Board of Supervisor representative, serving on the King William County Planning Commission, expires on December 31, 2012,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Otto O. Williams, Board of Supervisor representative, is hereby appointed to serve the King William County Planning Commission, for a term of one year, with said term expiring December 31, 2013.

Adopted this 17th day of December, 2012

Those members voting:

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

b. On motion by O. O. Williams, seconded by T. J. Moskalski, with the following roll call vote, the Board approved Resolution #12-76 reappointing Matthew R. Kite, Commonwealth Attorney for King William County, to serve the Tri-Rivers Virginia Alcohol Safety Action Program (VASAP) Commission for a three year term; said term to expire December 31, 2015:

RESOLUTION #12-76
RESOLUTION OF APPOINTMENT
TRI-RIVERS VIRGINIA ALCOHOL SAFETY ACTION PROGRAM (VASAP)
COMMISSION

WHEREAS, it is necessary for King William County Board of Supervisors to appoint one member to the Tri-Rivers Virginia Alcohol Safety Action Program (VASAP) Commission; and

WHEREAS, the Tri-Rivers VASAP Commission oversees and sets program policy and gives direction to the regional ASAP program to enhance law enforcement and probation and educational efforts to reduce alcohol and other drug-related accidents; and

WHEREAS, said Commission serves the counties of Gloucester, Essex, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Richmond, and Westmoreland; and

WHEREAS, the Local Policy Board Director of the Commission on VASAP calls for county representatives to be someone from the local bar, law enforcement, education or other interested groups such as a local transportation safety commission; and

WHEREAS, King William residency is required for the member appointed to this Commission; and

WHEREAS, the number of terms the appointed member is allowed to serve on said Commission is unlimited; and

WHEREAS, the term of Matthew R. Kite, Commonwealth Attorney for King William County, serving on said Commission expires December 31, 2012; and

WHEREAS, Mr. Kite has expressed interest in reappointment to the said Commission,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Matthew R. Kite, Commonwealth Attorney for King William County, is hereby appointed to serve as a member of the Tri-Rivers Virginia Alcohol Safety Action Program (VASAP) Commission, for a term of three years; said term expiring December 31, 2015.

Adopted this 17th day of December, 2012

Those members voting:

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

c. On motion by O. O. Williams, seconded by T. J. Moskalski, with the following roll call vote, the Board approved Resolution #12-77 appointing Matthew R. Kite, Commonwealth Attorney for King William County, to serve the Middle Peninsula Community Criminal Justice Board; no term expiration, appointee will serve until replaced:

RESOLUTION #12-77
RESOLUTION OF APPOINTMENT
MIDDLE PENINSULA COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, Matthew R. Kite, Commonwealth Attorney for King William County, has expressed interest in serving on the Middle Peninsula Community Criminal Justice Board (MPCCJB); and

WHEREAS, the MPCCJB functions as a major policy and advisory board for the local criminal justice programs; and

WHEREAS, other responsibilities of said board include advising on the development and operation of local pretrial services and local probation programs; and developing, overseeing, and amending the community-based corrections plan and the criminal justice plan; and

WHEREAS, the MPCCJB also reviews the submission of all criminal justice grants, regardless of the source of funding; and

WHEREAS, the said board facilitates local involvement and flexibility in responding to local crime; and

WHEREAS, there is no fixed term on this appointment and the appointee will serve until replaced,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Matthew R. Kite, Commonwealth Attorney for King William County, is hereby appointed to serve as a member of the Middle Peninsula Community Criminal Justice Board.

Adopted this 17th day of December, 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

d. On motion by O. O. Williams, seconded by S. K. Greenwood, with the following roll call vote, the Board approved Resolution #12-78 reappointing Ryan

Fletcher to serve the Tidewater Resource Conservation & Development Council for a four year term; term expires December 31, 2016:

RESOLUTION #12-78
APPOINTMENT TO THE
TIDEWATER RESOURCE CONSERVATION
AND DEVELOPMENT COUNCIL

WHEREAS, the Tidewater Resource Conservation and Development Council is a non-profit corporation recognized by the IRS as a 501c 3; and

WHEREAS, the mission of the Council is to help build an economically diverse and ecologically sound region; and

WHEREAS, by partnering with local, state and federal agencies, as well as private groups, businesses and non-profit groups the Council has had success with many different projects that address local issues; and

WHEREAS, most of the issues covered by the Council for the ten counties they serve involve agriculture, forests and the water that surrounds us; and

WHEREAS, the counties served by the Council are Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond and Westmoreland; and

WHEREAS, the Council is also sponsored by the Middle Peninsula Planning District Commission, the Northern Neck Planning District Commission, the Northern Necks Soil and Water Conservation District, the Three Rivers Soil and Water Conservation District, and the Tidewater Soil and Water Conservation District; and

WHEREAS, the term of C. Ryan Fletcher serving on the Tidewater Resource Conservation & Development Council, expires on December 31, 2012,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that C. Ryan Fletcher, is hereby reappointed to serve the Tidewater Resource Conservation and Development Council for a term of four years, with said term expiring December 31, 2016.

Adopted this 17th day of December, 2012

Those members voting:

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

RE: BOARD OF SUPERVISORS COMMENTS

All Board members thanked citizens for their participation at the monthly Board meetings and wished everyone Happy Holidays.

Chairman Redd thanked the Board members for their support for him as Chairman this past year. He said this Board has made some tough decisions, some big decisions have been made and some that should have been made a couple of years ago. Mr. Redd said he would like to thank the public for their participation. He

said the Board has heard and continues to hear the public views on every issue whether they are big or small. Lastly, he thanked Ms. Wagner for the cookies she provided for the meeting tonight.

Ms. Stone thanked everyone for helping her complete her first year of serving on this Board. She feels this is a wonderful Board and feels they are coming together and working well together. She also thanked the Wagner's for keeping the Board on the job and said the communication is appreciated and always welcome. She said she hopes everyone keeps the families affected by the Connecticut school tragedy in their prayers.

Mr. Moskalski said it has been an honor to serve the Board this past year and is looking forward to the coming year. He said he feels the Board has accomplished some really good things this year and has a lot to be proud of; there is still a lot of work to do. He said he looks forward to the coming twelve months and what the Board can accomplish now that some of the big lingering things are behind us. He thanked the Commonwealth Attorney for giving his update.

Mr. Greenwood thanked everyone for attending the meetings this past year and commented on the large turnouts. He said his interest in running for office stemmed from his attendance to meetings and wanting to get involved and make a change. He said he feels this Board has made a lot of changes; he personally feels more changes could have been made, but in conversations with constituents they feel this Board has made changes and that is what matters. He reminded everyone that budget season is here and urged citizens to get involved.

Mr. Williams thanked everyone for coming out to the meeting. He mentioned he has had a trying year with his health and he appreciates all the prayers and good wishes he has received. He is looking forward to seeing everyone next year.

Chairman Redd commended Mr. Williams for never missing a scheduled Board meeting during his many treatments and recovery.

RE: ADJOURNMENT OF MEETING

There being no further business to come before this Board, the meeting was adjourned at 8:00 p.m. on motion by O. O. Williams, seconded by S. K. Greenwood, and carried unanimously.

Those members voting:

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

COPY TESTE:

C. T. Redd III, Chairman
Board of Supervisors

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