

**MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF JULY 23, 2012**

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 23rd day of July, 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 7:20 p.m.

RE: APPROVAL OF MEETING AGENDA

a. On motion by T. J. Moskalski, seconded by S. K. Greenwood, with the following roll call vote, the Board adopted the agenda for this meeting as presented by the County Administrator with the following change: under the Consent Agenda, Item 8a, Approval of Minutes Regular Meeting of June 25, 2012, correction of spelling for Mehixon Creek Lane on page 13, correct spelling is "Mahixon".

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.

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

RE: CONSENT AGENDA

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

a. Minutes of the Regular Meeting of June 25, 2012, with change on page 13 as noted.

b. Claims against the County for the month of July, 2012, in the amount of \$1,619,366.20 as follows:

(1) General Fund Warrants #76580-76683 in the amount of \$416,675.38; ACH Direct Payments for #2482-2583 in the amount of \$833,979.62; Direct Deposits #16897-17002 in the amount of \$187,249.58; and Electronic Tax Payment in the amount of \$69,257.55 for July, 2012.

(2) For informational purposes, Social Services expenditures for the month of June, 2012, Warrants #309287-309339 in the amount of \$27,255.92; ACH Direct Payments #653-669 in the amount of \$9,648.00; Direct Deposits #2803-2826 in the amount of \$32,507.35; and Electronic Tax Payment in the amount of \$11,247.14.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of June, 2012, Warrants #76570-76579 in the amount of \$22,652.06; and ACH Direct Payments #2477-2480 in the amount of \$8,893.60.

(4) There were no Tax Refunds for the month of July, 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

RE: PRESENTATIONS TO THE BOARD

a. VDOT Update – Joyce McGowan, Assistant Residency Administrator –

Ms. McGowan addressed the Board and gave updates on the maintenance and construction for roads in King William. She stated mowing operations and litter pick will begin on or before August 1st on primary roads. Secondary mowing is being done by State forces, once they are complete with this cycle they will start at the upper and lower ends of the County and meet in the middle for a second cut. She said mowing will be continuous this year, unlike other years where there has been a break. VDOT is working in the upper end of the County on ditching as part of cyclical maintenance. Customer concerns of ditching, brush and tree issues are also being addressed. Over the past couple of months all unpaved roads in the County have been graded and stone added; calcium chloride was also applied to them for dust control.

Ms. McGowan said a safety study was requested for Route 600 regarding sight distance and was investigated during the past month. She said it was determined that trees, brush and possibly some signs were impeding the view coming off a secondary road on Route 600. Also, a speed concern for Upshaw Road was reported through the VDOT customer service center and is currently being researched.

She gave an update on the maintenance project on Route 611, the road is closed and a detour is set up. This project was prompted from a bridge inspection and as a result scour repairs are being performed. The abutment piles under the bridge shows some signs of scour from storms and water that runs underneath over time. This project should be complete in the next couple of weeks and then they will move to Route 608.

Mr. Williams asked for clarification of the location of the work being done on Route 608. Ms. McGowan said this project is at Globe Road.

Ms. McGowan stated the Route 600 bridge project is on schedule for replacement; work should begin in early 2013. The bridge over Herring Creek should also begin in early 2013. She mentioned that surface treatment (tar and gravel) will begin in August 2012 on secondary roads in King William.

Ms. McGowan addressed a citizen question of the start date for paving Marl Hill. She said Marl Hill is an approved project on the Six Year Secondary Road Plan

and as of now the projected start date is August 2016; if future allocations hold as projected there is a possibility the project could be moved up to begin in 2014.

The County Administrator further clarified that the question Ms. McGowan addressed from the citizen implied that the Board of Supervisors would need to adopt a resolution to have Marl Hill added to the six year plan and that a resolution would speed the process up for this project. He stated Marl Hill is the number one priority of the Board on the six year plan and a resolution is not necessary and would not speed the process up.

Ms. McGowan asked for any questions from the Board.

Ms. Stone asked if the Venter Road (Route 611) project is on schedule and for clarification of the projected completion; she stated she has been contacted by several citizens regarding this project.

Ms. McGowan said the Route 611 project is scheduled to be completed within a two week time period. Further she said the decision was made to repair this section during the time school is not in session.

Mr. Williams said he appreciates the clearing of the ditches in the Mangohick area and when it rains it is nice to see the water run in the ditches and not in the road. However, he said that he has noticed there are still some ponding issues on properties in this area.

Ms. McGowan said once the ditches have been opened and there is still an issue VDOT has to work with property owners and the County to coordinate access; a lot of times easements are needed. She said they will keep an eye on these areas, adding that they usually complete all of the areas first and then go back and address any issues. She asked for specific locations that need to be addressed. Mr. Williams said he would get that information to her.

b. Re: Public Hearing – Proposed Ordinance #12-06 – TEXT-02-12 – Text Amendment Proposes to Delete “Motocross track” as a use from table of permitted uses, Section 86-171 (Zoning Ordinance) of the King William County Code –

Chairman Redd opened the public hearing for Proposed Ordinance #12-06 – TXT-02-12 – text amendment proposes to delete motocross track as a use from table

of permitted uses, Section 86-171 zoning ordinance of the King William County Code. He asked the County Administrator for any additional information.

Mr. Funkhouser said the Planning Commission discussed this matter and unanimously recommended approval of deleting the use from the table of permitted uses.

Public Hearing: The Chairman asked for anyone wishing to speak in favor of deleting Motocross track as a use from the table of permitted uses to come forward one at a time with comments.

a. Judith Gwathmey, of the 5th district, spoke in favor of deleting the use of motocross track and gave a briefing of the events leading up to this public hearing. Quoting as Lincoln said at Gettysburg “we have met here at a battlefield of this war, the world will not long remember what I say, it will long remember what you do hear”.

b. Jeff Frazier, of the 5th district, agreed with Ms. Gwathmey and spoke in favor of deleting the use. He said he is glad this Board is listening to what the citizens of King William County want and do not want. He urged the Board to take a stance and do what is right and to do what the citizens of this County want.

c. Bob Hubbard, of the 5th district, also spoke in favor of removing motocross from the table of permitted uses. He said he is not opposed to motocross but he is opposed to motocross being in an agricultural area in King William County. His primary reason is for the preservation of the County’s historic sites; saying King William County has more historic sites than any other county on the Middle Peninsula.

The Chairman asked for anyone wishing to speak opposing the deletion of Motocross track as a use from the table of permitted uses to come forward with comments.

a. Bob Ehrhart of the 5th district spoke against removing motocross track as a use from the table of permitted uses. He stated he opposed the K. W. Morrison proposal that was before the Board but he does not oppose motocross as a whole. He said his main concern is how this will affect individual property rights.

There being no others to speak for or against this matter the Chairman declared the public hearing closed.

c. Re: Consideration of Action – Ordinance #12-06 – On motion by T. S. Stone, seconded by S. K. Greenwood, with the following roll call vote, the Board adopted the following Ordinance #12-06, an Ordinance to amend Section 86-171 of the King William County Code, “Permitted Use Table”:

O12-06
AN ORDINANCE TO
AMEND SECTION 86-171 OF THE KING WILLIAM COUNTY CODE,
“PERMITTED USE TABLE”

WHEREAS, the Board of Supervisors of King William County, Virginia has received a recommendation from the Planning Commission, adopted after a duly held public hearing, to amend Section 86-171 (Zoning Ordinance) of the King William County Code to remove “Motocross track” as a permitted conditional use in the A-C Agricultural Conservation District; and

WHEREAS, after a duly advertised and held public hearing, the Board believes it appropriate to amend the King William County Code Section 86-171 as recommended by the Planning Commission;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 23rd day of July, 2012, amend and reenact Section 86-171, Permitted use table established, of the King William County Code to strike “Motocross track” as a permitted conditional use in the A-C Agricultural Conservation District and be it further ordained that all other provisions of Section 86-171 to include the permitted use table, shall remain unchanged.

Discussion – The Chairman opened the floor for discussion of Board members.

Mr. Williams said the biggest pollution to the A-C districts is houses. He said everyone should think about what they are asking for; he feels the request for fewer houses in the A-C districts will be next. He also said he feels it is not right to single out one type of business in one district and not all of them.

Mr. Moskalski asked the County Attorney to speak about the email question that was presented to the Board by citizen Bob Ehrhart.

The County Attorney said a question was asked if an individual home owner could set up a motocross track on their property where they reside. He said frequently in areas where you have large, and sometimes not so large, property holdings small tracks are set up for an individual or a few to ride on and this is considered a normal type of accessory use by a resident and is not prohibited by this ordinance. The zoning ordinance in King William County allows normal accessory uses as acceptable in every district, not just in A-C. This ordinance does not prohibit normal accessory uses on individual properties.

Ms. Stone said, in response to Mr. Williams, to the extent that we have concerns with development of homes within our County, or within the A-C district, the governing Board has control over that to a certain extent. She doesn't think that this should be put in the hands of the citizens. They can share their beliefs and comments with the Board, but we are the very Board that has the opportunity to impact that.

Mr. Greenwood clarified that this use is being taken off the permitted use list. He said if a company comes to the County and proves to the County and this Board that a motocross track, in another location, is going to be beneficial to the County, they can apply but will have to start from scratch and it could possibly be passed.

There being no further discussion the Chairman called for a vote on Ordinance #12-06, an Ordinance to amend Section 86-171 of the King William County Code, "Permitted Use Table".

Those members voting:

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

RE: OLD BUSINESS

No old business brought before the Board.

RE: NEW BUSINESS

No new business brought before the Board.

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

a. Budget Amendments FY12-13 – The County Administrator gave a brief explanation of the budget amendment resolutions #12-52, #12-53 and #12-54 before the Board for consideration.

i. Resolution #12-52 – Rappahannock Legal Services - On motion by T. J. Moskalski, seconded by T. S. Stone, with the following roll call vote, the Board adopted the following Resolution #12-52, Budget Amendment – FY12-13 Rappahannock Legal Services:

**RESOLUTION #12-52
BUDGET AMENDMENT – FY 12-13
RAPPAHANNOCK LEGAL SERVICES**

WHEREAS, the Board of Supervisors wishes to amend the FY12-13 Budget by transferring funds among certain line items and such amendments will not change the total amount of the Budget;

NOW, THEREFORE BE IT RESOLVED, The County Administrator is authorized to transfer funds in the amount of \$3,440 from Contingency (# 091900-5840) to Rappahannock Legal Services (# 051500-5645) resulting in a FY13 total of \$5,440 for Rappahannock Legal Services.

Adopted this 23rd day of July, 2012

Those members voting:

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

ii. Resolution #12-53 – Middle Peninsula Planning District Commission – On motion by T. J. Moskalski, seconded by O. O. Williams with the following roll call vote, the Board adopted the following Resolution #12-53, Budget Amendment – FY12-13 Middle Peninsula Planning District Commission:

**RESOLUTION #12-53
BUDGET AMENDMENT – FY 12-13
MIDDLE PENINSULA PLANNING DISTRICT COMMISSION**

WHEREAS, the Board of Supervisors wishes to amend the FY12-13 Budget by transferring funds among certain line items and such amendments will not change the total amount of the Budget;

NOW, THEREFORE BE IT RESOLVED, The County Administrator is authorized to transfer funds in the amount of \$6,300 from Contingency (# 091900-5840) to Middle Peninsula Planning District Commission (# 081100-5640) resulting in a FY13 total of \$16,300 for the Middle Peninsula Planning District Commission.

Adopted this 23rd day of July, 2012

Discussion – Ms. Stone said she would like to go on record that she does not support the dues proposal that was made by the regional Planning District Commission in regards to how the fees would be allocated between towns and counties. She said she believes that was arbitrary and for a number of years, perhaps since inception of this group, those fees have been equal or there has been a set formula that was changed to give the towns more of a financial break; she does not support that.

Mr. Moskalski said he disagrees with Ms. Stone on the way the formula was set. He said he is on this commission and they hope to address this in the future. He

also said he hopes Ms. Stone agrees that this commission is an intensely valuable service and the idea that we might lose those services over \$6,300 is unacceptable.

Ms. Stone said she agrees.

Mr. Williams said some of this happened because the citizens in the towns also pay taxes to the county; some consider this being double taxed and this is what brought up the discussion.

Mr. Redd said he appreciated the comment from Mr. Williams because he was going to point this same thing out.

There being no further discussion the Chairman called for a vote for Resolution #12-53, Budget Amendment FY12-13 Middle Peninsula Planning District Commission.

Those members voting:

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

iii. Resolution #12-54 – Middle Peninsula Regional Security Center –

On motion by O. O. Williams, seconded by T. J. Moskalski with the following roll call vote, the Board adopted the following Resolution #12-54, Budget Amendment – FY12-13, Middle Peninsula Regional Security Center:

**RESOLUTION #12-54
BUDGET AMENDMENT – FY 12-13
MIDDLE PENINSULA REGIONAL SECURITY CENTER**

WHEREAS, the Board of Supervisors wishes to amend the FY 12-13 Budget by transferring funds among certain line items and such amendments will not change the total amount of the Budget;

NOW, THEREFORE BE IT RESOLVED, The County Administrator is authorized to transfer funds in the amount of \$88,365 from Middle Peninsula Regional Security Center (#033201-7001) to Contingency (#091900-5840) resulting in a FY 13 total of \$989,210 for the Middle Peninsula Regional Security Center.

Adopted this 23rd day of July, 2012

Discussion – Mr. Williams stated this refund came from the contingency fund that roll over at the end of the year, when they got all the final figures in for the budget there was funds leftover to split among the counties; this is a result of them being good stewards.

The Chairman called for a vote for Resolution #12-54, Budget Amendment – FY12-13, Middle Peninsula Regional Security Center.

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: 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 5th district, addressed the Board and stated that the subject of mud bogs has been brought up in the past and it was requested of the previous Board to adopt an ordinance on this subject. He suggested that mud bogs be left as “not allowed” and should be strictly enforced in the future; saying it has not been enforced in the past. His hopes are that the County Administrator and this Board sees to it that permits are not provided for mud bogs.

b. Jeff Frazier, of the 5th district, stated he has been involved in local government for 30 years and he knows what public service is. He said in all of his 30 years he learned that when you vote you do not abstain unless you have a conflict of interest. He said he hopes Mr. Williams considers retiring at the end of this term.

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.

Ms. Stone thanked everyone for coming out and said this was a wonderful opportunity to serve on the Board. She said as most know and it is well documented, that she was one of the initial group of the citizens for King William that was in opposition to the motocross project. She said serving as a school board member got her very active in the community and while she is not a one issue politician her passion to fight this particular project probably did result in part to her sitting up here tonight. Regardless of how she got here, or if that was in part of it, her service to the community will continue, as she did on the school board, she will always do her best to

make the decisions that are best for the community and that are inline with what the citizens want. She said ultimately that is why we are here, not to make decisions that are for our personal interests or what we think is best but for what represents the citizens that we serve. Again she said this is a wonderful night for her and this is something she has worked on with many in the audience for well over four years; she is happy that she could be a part of the final decision.

Mr. Moskalski also thanked everyone for coming out tonight and said the Board will have to figure out a way to keep everyone coming out to meetings now that the motocross is not on the agenda. He commended all on the long hard fight, and said he is glad there is a resolution he believes pleases those around the proposed site.

Mr. Greenwood thanked everyone for attending the meeting and said it is nice to see such a large crowd. He said he sees a lot of faces that helped him get in this position and that he also votes the way the citizens want him to vote; that is why he votes in opposition sometimes. He feels he took this position because some constituents have oppositions and they want to see opposition and not just across the board votes.

Mr. Williams said he gathers everyone is booing him, and it appears to be those that spent a lot of money campaigning against him during the election last year. He said if you look at the money some citizens of King William spent on negative advertisement on him; there is no way he could vote with them tonight. He voted with the issue trying to control this when it started originally and then smacked in the face by the citizens you are trying to protect at a campaign with the issues that were wrote in the paper. The negative things that were said to him, he could not see how he could vote either way on this issue that is why he abstained. He thanked everyone for coming out.

Mr. Redd thanked the citizens for coming out and said like Mr. Williams he too was on the Board when this whole thing first started and has had a lot of conversations with a lot of people. He said he is glad it is over and feels it is time to move on.

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 DISCIPLINE OF A SPECIFIC EMPLOYEE –**

On motion by S. K. Greenwood, seconded by T. J. Moskalski, and carried unanimously, the Board entered Closed Meeting pursuant to §2.2-3711(A)(29) of the Code of Virginia, to discuss the terms or scope of a public contract because discussion in 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 discipline of a specific employee.

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

In accordance with Section 2.2-3717(D) of the Code of Virginia, 1950, as amended, S. K. Greenwood moved that the King William County Board of Supervisors adopt the following resolution certifying that this closed meeting's procedures comply with the requirements of the Virginia Freedom of Information Act. This motion was seconded by O. O. Williams and carried with a unanimous roll call vote.

RESOLUTION

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

WHEREAS, Section 2.2-3711 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 23rd day of July, 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. J. Moskalski Aye
S. K. Greenwood Aye
T. S. Stone Aye
O. O. Williams Aye
C. T. Redd III Aye

RE: APPOINTMENTS

No appointments

RE: ADJOURNMENT OF MEETING

There being no further business to come before this Board, the meeting was adjourned at 9:20 p.m. on motion by T. S. Stone, seconded by T. J. Moskalski, and carried unanimously.

Those members voting:

S. K. Greenwood Aye
T. S. Stone Aye
O. O. Williams Aye
T. J. Moskalski 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