

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF MAY 23, 2011

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 23rd day of May, 2011, beginning at 6:30 p.m. in the Conference Room of the County Administration Building, order was called with the following present:

C. L. Schools, Chairman
D. L. Wright, Vice-Chairman
T. G. Smiley
C. T. Redd, III
O. O. Williams

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

RE: REVIEW OF MEETING AGENDA

Chairman, C. L. Schools, called the meeting to order at 6:30 p.m. and agenda changes were discussed. Under Item 8 – Adoption and Presentation of Resolutions Item 8a – Resolution of Appreciation for Mattie Holmes was removed from the agenda and moved to the regularly scheduled Board of Supervisors meeting on June 27, 2011; add Item 15 - Closed Meeting - Section 2.2-3711A(7), for consultation with legal counsel on a specific legal matter.

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

The Chairman called the continued Board of Supervisors meeting to order at 7:00 p.m.

RE: INVOCATION

The opening invocation was delivered by Pastor William (Bill) Walker, of Epworth United Methodist Church in Aylett, VA.

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator, with the following changes:

Under Item 8 – Adoption and Presentation of Resolutions Item 8a – Resolution of Appreciation for Mattie Holmes was removed from the agenda and moved to the regularly scheduled Board of Supervisors meeting on June 27, 2011; add Item 15 - Closed Meeting - Section 2.2-3711A(7), for consultation with legal counsel on a specific legal matter.

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

a. Ronnie Helmick, owner of Charles H. Helmick Well & Pump Service, 1359 Walkerton Road, asked the Board to reconsider the decision to eliminate the office manager position in the Building Department. He indicated a recent meeting with the County Administrator and other local builders, developers and contractors did not result in any reconsideration by the Administrator. He suggested a review of the Planning & Zoning Director position and generally indicated some unresolved issues with the department and questioned whether the Director is qualified to head the Building Department.

b. Peter Glubiak, Attorney at 19840 King William Road, addressed the proposed By-Right Cluster Zoning Ordinance and noted a client that is depending on this process to move forward. He asked the Board to expedite the ordinance review, he believes it is a good ordinance and noted Mr. Lucchesi's good work to date; and requested a public hearing be scheduled as soon as possible.

c. Darrell Kellum, of 10284 West River Road in Aylett, distributed a recent article in the *Country Courier* to Board members. He clarified comments made in the article noting the article shows the assessed value of his property at \$63,000 for 6.64 acres, approximately \$10,000 per acre; which is assessed higher than most of the other like properties in the County. In his opinion the article would lead one to believe his properties in the County were assessed a bit inequitable with everyone else's. He stated he has appraisals, performed by a certified general appraiser, of all of the properties he owns in the County.

Further, he added the article said mistakes in the County assessment were made that could possibly cost the County \$200,000, which equates to \$24,000,000 worth of mistakes on approximately 250 commercial properties; that would be \$96,000 per property

in mistakes. Mr. Kellum stated he found out these numbers were arrived at by the local T.E.A. Party and the Party feels all the commercial properties are being under assessed by 25% and if you trend every commercial property in the County by 25%, and use those fictitious numbers, that is where you come up with a \$24,000,000 mistake.

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

RE: CONSENT AGENDA

On motion by C. T. Redd III, seconded by T. G. Smiley and carried unanimously. The Board approved the following items on its Consent Agenda:

a. Minutes of the Public Hearing Budget Meeting of April 18, 2011, and the minutes of the Regular Meeting of April 25, 2011, as presented

b. Claims against the County for the month of May, 2011, in the amount of \$882,992.38 as follows:

(1) General Fund Warrants #74265-74370 in the amount of \$271,680.48; ACH Direct Payments for May, 2011, #1072-1154 in the amount of \$167,329.08; Manual Check #12104 in the amount of \$17,354.00; Direct Deposits #15316-15426 in the amount of \$182,313.94; and Electronic Tax Payment in the amount of \$56,167.07.

(2) For informational purposes, Social Services expenditures for the month of April, 2011, Warrants #308651-308691 in the amount of \$27,781.74; ACH Direct Payments #286, #292-312 in the amount of \$36,315.53; Direct Deposits #2523-2540 in the amount of \$29,193.57; and Electronic Tax Payment in the amount of \$8,305.58.

(3) For informational purposes, Circuit Court expenditures for the month of April, 2011, Warrants #74244-74252 in the amount of \$5,370.41; Direct Deposits #408-411 in the amount of \$8,826.30; and Electronic Tax Payment in the amount of \$2,855.13.

(4) For informational purposes, Comprehensive Services Act Fund expenditures for the month of April, 2011, Warrants #74253-74264 in the amount of \$20,443.00; and ACH Direct Payments #1060-1071 in the amount of \$49,056.55.

(5) Tax Refunds for the month of April, 2011, in the amount of \$30.00.

Those Members Voting:

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

RE: ADOPTION OF RESOLUTIONS OF APPRECIATION

a. Resolution of Appreciation to Ed Jones

On motion by D. L. Wright, seconded by C. T. Redd III, and carried unanimously, the Board adopted the following Resolution of Appreciation for Ed Jones upon the occasion of his retirement from Eastern Virginia Bankshares (EVB):

RESOLUTION OF APPRECIATION

WHEREAS, Ed Jones retired from Eastern Virginia Bankshares (EVB), formerly Southside Bank, on April 29, 2011, after serving the financial needs of the citizens of King William and surrounding counties for forty-one years; and

WHEREAS, Mr. Jones began employment on November 1, 1969 with EVB, in Aylett, Virginia, and has spent his entire career at the same location; and

WHEREAS, Mr. Jones began his career with EVB as a Teller and was promoted to Assistant Branch Manager, Assistant Vice President & Branch Manager and Vice President. His position at retirement was Sr. Vice President & Market Manager; and

WHEREAS, Mr. Jones has been married to Betty Jones for thirty-one years, and they have one son Michael Jones; and

WHEREAS, Mr. Jones graduated from Marriott High School in King & Queen County, where he was born and raised, he now resides in Hanover County; and

WHEREAS, Mr. Jones is a current member of the King William Chamber of Commerce; and

BE IT RESOLVED, that the King William County Board of Supervisors expresses its deep appreciation to Mr. Jones for his career-long dedication to the community; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the King William County Board of Supervisors congratulates Mr. Jones on his retirement and commends him for his hard work on behalf of the citizens of the County; and

BE IT FINALLY RESOLVED, that a copy of this resolution expressing the sense of this Board of Supervisors on this matter shall be spread upon the meeting minutes of said Board of Supervisors.

Upon adoption, this Resolution was presented to Mr. Jones by Board members D. L. Wright and C. T. Redd III. Mr. Jones thanked the Board and stated he has enjoyed working with the public and will miss the interaction with the citizens.

b. Resolution of Appreciation to Jeremy Lee Butcher

On motion by D. L. Wright, seconded by C. T. Redd III, and carried unanimously, the Board adopted the following Resolution of Appreciation for Jeremy

Lee Butcher (not present, resolution was accepted by troop leader Billy Moore), for his achievement in earning the rank of Eagle Scout:

RESOLUTION OF APPRECIATION

WHEREAS, Jeremy Lee Butcher became a member of Boy Scout Troop 303 in 2004, and recently earned the rank of Eagle Scout, the highest rank in Boy Scouts; and

WHEREAS, Jeremy has worked very hard to become an Eagle Scout, earning the required 21 merit badges and completing a leadership project; and

WHEREAS, for his leadership project, Jeremy led a group where the scouts, and other volunteers, built seven picnic tables for Sharon Baptist Church; and

WHEREAS, within Scouts, Jeremy served as Patrol Leader, Scribe and Librarian; and

WHEREAS, Jeremy is the son of Jason and Natalie Butcher, and the brother of Jacob Butcher; and

WHEREAS, Jeremy will graduate from King William High School in 2011; and

WHEREAS, outside of Scouting, Jeremy was in King William High School ROTC for four years and achieved the highest rank they offer as Colonel. Also, he has been a member of the Varsity Soccer Team for two years; and

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors recognizes Jeremy and congratulates him on all of his accomplishments; and

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors acknowledges Jeremy's leadership, dedication to the Boy Scouts and commitment to his community; and

BE IT FINALLY RESOLVED, that a copy of this Resolution expressing the sense of this Board of Supervisors on this matter shall be conveyed to Jeremy, and shall be spread upon the meeting minutes of said Board of Supervisors.

c. Resolution of Appreciation to Brenton Jacob Moore

On motion by D. L. Wright, seconded by C. T. Redd III, and carried unanimously, the Board adopted the following Resolution of Appreciation for Brenton Jacob Moore, for his achievement in earning the rank of Eagle Scout:

RESOLUTION OF APPRECIATION

WHEREAS, Brenton Jacob Moore became a member of Boy Scout Troop 303 in 2004, and recently earned the rank of Eagle Scout, the highest rank in Boy Scouts; and

WHEREAS, Jacob has worked very hard to become an Eagle Scout, earning the required 21 merit badges and completing a leadership project; and

WHEREAS, for his leadership project, Jacob led a group where the scouts and other volunteers built twelve picnic tables for the King William Ruritan Club; and

WHEREAS, within Scouts, Jacob served as Assistant Senior Patrol Leader and Patrol Leader; and

WHEREAS, Jacob is the son of William Moore and Pamela Ayres; and

WHEREAS, Jacob will graduate from King William High School this year and is presently employed by Kings Dominion; and

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors recognizes Jacob and congratulates him on all of his accomplishments; and

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors acknowledges Jacob's leadership, dedication to the Boy Scouts and commitment to his community; and

BE IT FINALLY RESOLVED, that a copy of this Resolution expressing the sense of this Board of Supervisors on this matter shall be conveyed to Jacob, and shall be spread upon the meeting minutes of said Board of Supervisors.

d. Resolution of Appreciation to Christopher Jarrell Tyler

On motion by D. L. Wright, seconded by C. T. Redd III, and carried unanimously, the Board adopted the following Resolution of Appreciation for Christopher Jarrell Tyler, for his achievement in earning the rank of Eagle Scout:

RESOLUTION OF APPRECIATION

WHEREAS, Christopher Jarrell Tyler became a member of Boy Scout Troop 303 in 2004 and recently earned the rank of Eagle Scout, the highest rank in Boy Scouts; and

WHEREAS, Chris has worked very hard to become an Eagle Scout, earning the required 21 merit badges and completing a leadership project; and

WHEREAS, for his leadership project, Chris led a group of scouts and volunteers and replaced over 100 ceiling tiles in the Cornerstone Food Bank in King William; and

WHEREAS, within Scouts, Chris served as Senior Patrol Leader, Patrol Leader and Scribe; and

WHEREAS, Chris is the son of Larry and Helen Tyler, and the brother of Brandon Tyler; and

WHEREAS, Chris will graduate from King William High School this year and is presently employed by Kings Dominion; and

WHEREAS, outside of Scouting, Chris is the president of the National Honor Society and also a member of the Band; and

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors recognizes Chris and congratulates him on all of his accomplishments; and

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors acknowledges Chris's leadership, dedication to the Boy Scouts and commitment to his community; and

BE IT FINALLY RESOLVED, that a copy of this Resolution expressing the sense of this Board of Supervisors on this matter shall be conveyed to Chris, and shall be spread upon the meeting minutes of said Board of Supervisors.

Chairman, C. L. Schools, asked Board member T. G. Smiley to come forward to present individual recognition certificates received from the Virginia House of Delegates, Christopher Peace, to each of the Eagle Scout recipients.

Troop Leader Billy Moore was present with the Eagle Scouts to accept their resolutions and certificates. The troop members in the audience were recognized by the Troop Leader. Upon completion of the presentations the audience applauded and pictures were taken of the resolution recipients and Board members.

RE: VDOT MATTERS – SEAN TRAPANI, SALUDA RESIDENCY ADMINISTRATOR – PUBLIC HEARING PROPOSED SECONDARY SIX-YEAR ROAD PLAN FOR FISCAL YEARS 2012 THROUGH 2017

a. Presentation – Proposed Secondary Six-Year Road Plan for Fiscal Years 2012 through 2017 for King William County and the Secondary System Construction Budget for Fiscal Year 2011/2012 – Sean Trapani, Saluda Residency Administrator, reviewed the proposed FY-2012 through FY-2017 Six Year Secondary Road Plan and the FY-2012 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 priorities being Rt. 625 – Custis Mill Pond Road. He recommended adding the following projects – the remainder of Rt. 625 Custis Mill Pond Road (1.4 miles to complete this project) and Rt. 613 Dunluce Road from Rt. 618 to 1.6 miles east of Rt. 618.

Continuing Mr. Trapani stated the budget items included in the plan are the Town of West Point - Town administered street improvements \$3,300 annually; County wide engineering services \$1,000 annually; County wide traffic services \$1,000 annually; and County wide right of way \$1,000 annually. This year's budget follows the first year of the Secondary Six-Year Road Plan which is FY 2012. The unpaved construction project budgeted this year is Rt. 625 Custis Mill Pond 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 \$287,980; there is \$6,300 in the budget items annually. 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.

b. Work Session - Chairman Schools opened the work session for the proposed FY-2012 through FY-2017 Six Year Secondary Road Plan.

T. G. Smiley stated he is concerned of the paving of Rt. 613 as this was part of the proffer with the kitty litter plant; that they would not use this road as a short cut off of Rt. 360. He suggested someone from the County or VDOT discuss with the plant. He suggested a weight limit be put on this road but added this may affect farmers, and others, and might not be a good option.

Mr. Trapani stated Rt. 613 traffic count is currently approximately 200 vehicles per day; VDOT's records show approximately 20% of this being truck traffic.

Mr. Smiley agreed this vehicle count is probably accurate, but there is not supposed to be any truck traffic from plant and if road is paved traffic will increase.

The County Administrator said proffer restrictions and any other restrictions will be reviewed; options can be discussed once review has taken place.

O. O. Williams commented that traffic would then be routed to Rt. 600 and this road is crooked and is dangerous for tractor trailers to travel.

There being no other comments the Chairman declared the Work Session closed and opened the Public Hearing.

c. Public Hearing

1. Robert Kinning, of 1112 Marl Hill Road in the Second District, requested Rt. 631 Marl Hill Road be added to the Six Year Secondary Road Plan. He stated VDOT is unable to maintain the road in a reasonable condition due to high volume of traffic. Mr. Kinning asked why almost all of the projected funding is going to West Point and almost none going to rest of the County. He also questioned why it costs King William County \$173,000 to pave one mile of rural rustic road, when it costs Hanover County less than \$80,000 to pave a mile of the same type road.

2. Don Wagner, of the Mangohick District, noted the budget presented is pitiful. Continuing he stated the General Assembly and the Governor recently talked about the four billion dollars accumulated through bonds for roads in the state and commented on the measly \$60,000 that is being allocated to King William County a year. He suggested the Board draft a resolution to the Governor, Delegate Peace and Senator McDougall to let them know of the Board's and the

citizens of King William County's displeasure of the meager amount of money being put in the statewide secondary road system.

3. Eugene Rivara, of the Third District, stated he supports the comments Mr. Smiley made on the suggested paving of Rt. 613 and added he feels this road should be left unpaved and traffic should be restricted on this road. Mr. Rivara noted the plant should be contacted to remind them of the proffers regarding restricted truck traffic.

4. Heath Jenkins of 831 Marl Hill spoke of the safety standpoint for Rt. 631 Marl Hill Road. He stated Marl Hill Road is not of normal width and there are drop-offs and blind spots that could be detrimental to vehicle and pedestrian traffic. He said he contacts VDOT on a regular basis, at least once a month or more, to ask them to scrape the road and for other maintenance issues and is concerned following snow storms the road is not cleared in a timely manner. He believes paving the road would increase property values and help with safety of citizens.

Mr. Smiley asked Mr. Jenkins the length of Marl Hill Road. Mr. Jenkins stated road is approximately one mile to his residence; full length of road is 1.4 miles.

5. Tim Johnson, 1301 Marl Hill Road, has drainage and mosquito concerns and suggested additional culvert pipes. Mr. Johnson noted road bed is so low and the banks are so high you can't detect if a vehicle is coming from the opposite direction and children have to meet the school bus at Rt. 30 and there is not a safe area to do this. He noted he contacts VDOT every other week to scrape the road and to remove water from the road and at least twice a month he cuts fallen trees so traffic is able to get through the road.

Mr. Smiley suggested Rt. 631 Marl Hill Road be paved instead of Rt. 613 Dunluce Road. There was some discussion between Board Members about the distance of the unpaved portion of Rt. 613; Mr. Trapani verified the unpaved portion is 1.6 miles. Mr. Redd agreed with Mr. Smiley's suggestion.

6. Iris Chalkley, 1110 Marl Hill Road, stated the curve on Rt. 631 is a major safety issue, she has come close to hitting a jogger; children ride their bicycles on this road and you can't see them, and they can't see you. She noted missing days of work during the winter because she could not get out of the road.

7. Cheryl Osborne, of 1393 Marl Hill Road, agreed it is not safe to greet the school bus at Rt. 30. Ms. Osborne agreed with the comments mentioned by other residents of Marl Hill, has encountered some of the same issues, believes it would cost less to pave the road versus maintaining it as it is now; and believes the road is getting worse all the time.

There being no other persons to appear, the Public Hearing was declared closed by the Chairman.

d. Consideration of Action

Sean Trapani, with VDOT, stated the cost would be about the same for paving either Rt. 613 Dunluce Road or Rt. 631 Marl Hill Road. VDOT's recommendation for paving Dunluce Road is based on traffic count and the amount of funds VDOT expends maintaining road; traffic count for Marl Hill currently is approximately 70 vehicles per day. Mr. Trapani said projected cost for this rural-rustic project is \$200,000; VDOT does not straighten curves or slope banks, project is pave and place.

There was some discussion among Board members, the County Administrator and Mr. Trapani on the drainage on Marl Hill Road and VDOT will review these issues.

Mr. Wright commented on the number of residents that live on Marl Hill being fifteen versus one resident lives on Duluce Road where the proposed paving would take place. He feels Marl Hill residents deserve priority; they have been very patient and need some relief from the issues they have been dealing with. Mr. Wright continued to say he has also called VDOT numerous times over the past four years to have trees cleared from the ditch banks.

Mr. Redd addressed the Chairman and stated he does not have any issues with switching which road is paved. Mr. Williams said he does not have a problem with switching which road is paved but said this is a problem with by-right development, the developers that developed adjacent to the road created problem. The residents are saying they were promised this road would be paved, this was not promised by the County, probably promised by a real estate agent or a developer not doing any proffers to help bring the road up to standards as the houses were being built there. He understands the problem is severe and suggested the Board needs to look at by-right development. The road was never designed for the amount of traffic and

adjacent development. He added he is not against helping the residents but he wanted to note the by-right development issue to the Board because this is what created this problem.

Chairman C. L. Schools asked Mr. Trapani to clarify that his reason for recommending Dunluce Road is because of the high cost of maintenance, Mr. Trapani answered in the affirmative. He asked Mr. Trapani to estimate the cost for maintaining Dunluce Road. Mr. Trapani stated currently a motor grader is going out weekly, when weather allows, and the cost is \$1,000 each trip for just labor and does not include the cost of the stone. The Chairman asked if both projects could be on the six-year plan; Mr. Trapani answered in the negative. Mr. Trapani reminded the Board the first year of the plan is the only real money in the plan, which begins in July; the projected five years of the plan are estimated allocations based on revenues. He added that next year's allocations could be higher and possibly adding projects next year can be discussed. The Chairman asked Mr. Trapani if the Board adds Rt. 631 and drops Rt. 613 from the plan when would Rt. 631 be done. Mr. Trapani replied it would be the same time frame; looking at 2015 – 2016 for funding. Mr. Smiley suggested taking the money from West Point and putting it to the County. Mr. Trapani confirmed they already did, \$15,000 was reduced to \$3,300.

Mr. Redd addressed the Chairman and said he believes the money should be allocated to Rt. 631 instead of Rt. 613, keeping in mind that VDOT could come back next year and tell the County there are no funds available for the next ten years. Continuing he said he doesn't believe this project is going to be done in a hurry but he feels the County should do everything that can be done to get it there.

Mr. Wright commented on Mr. Wagner's suggestion of the County Administrator writing a letter to VDOT, Delegate Peace and Governor McDougall, if there is funding there then maybe we need to see if more funding is available from the State; it couldn't hurt to ask.

Mr. Trapani suggested the Board and County Administrator develop a priority list of unpaved roads, with estimates.

On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board voted to have the County Administrator address a letter to

VDOT, Governor McDougall and Delegate Peace requesting information on any additional funds from the State that could be available to the County.

Mr. Smiley asked for clarification on the found funds, stated earlier by Mr. Wagner, if this is correct and if this is published information by the State. The County Administrator stated he did not know the source of the articles regarding the found funds, but verified audits were performed and the funds were discovered. Mr. Smiley asked Mr. Trapani if he could verify the funds; he answered no comment.

O. O. Williams asked Mr. Trapani to verify that Dabneys Mill Road is on the Six-year Plan to fix the intersection that has been on the plan for several years. Mr. Trapani confirmed Dabneys Mill Road is on the plan as presented but is not funded. VDOT had the Public Hearing; it has been fully designed and is waiting federal allocation of funds.

D. L. Wright commented he has noticed improvements in guardrails throughout the County and how nice they look. Mr. Trapani stated this is part of the surfacing schedule; VDOT is looking at all safety improvements before they pave, guardrails are being upgraded to current standards.

C. T. Redd III asked if the project on Rt. 33 in West Point, repairing of the two bridges, is on schedule. Mr. Trapani stated the project is actually ahead of schedule, VDOT has not seen a lot of traffic disruption so far, a camera is set at one of the intersections for monitoring; VDOT's Traffic Control Operations Center can adjust timing on the signals through this camera. Mr. Redd thanked VDOT for solving the issue on Chelsea Road in such a quick manner.

Mr. Schools asked if the guardrails on Sharon Road between Rt. 30 and 360 are included in the replacement project. Mr. Trapani stated this section is under a different contract but will be taken care of.

O. O. Williams asked Mr. Trapani about the signs, which used to be posted on Acquinton Church Road, to watch out for farmers. Mr. Trapani stated he would check into this and see about getting them put back up.

e. Adoption of Resolution #11-17 Adoption of the Virginia Department of Transportation (VDOT) Secondary Six-Year Road Plan FY-2012 through FY-2017

On motion by D. L. Wright, seconded by T. G. Smiley and carried unanimously, the Board adopted the following Resolution #11-17 Adoption of the Virginia Department of Transportation (VDOT) Secondary Six-Year Road Plan for FY-2012 through FY-2017 in King William County as presented by the residency administrator with the following changes: remove Rt. 613 Dunluce Road from the plan and add Rt. 631 Marl Hill Road to the plan.

**RESOLUTION #11-17
ADOPTION OF THE
VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)
SECONDARY SIX-YEAR ROAD PLAN
FY 2012 THROUGH 2017**

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 (2012/13 through 2016/17) as well as the Construction Priority List (2011/12) on March 23, 2011, 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 for Secondary Roads (2012/13 through 2016/17) and the Construction Priority List (2011/12) for King William County.

NOW, THEREFORE, BE IT RESOLVED, that since said Plan 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 (2012/13 through 2016/17) and Construction Priority List (2011/12) are hereby approved as presented at the public hearing.

Adopted this 23rd day of May, 2011

Those members voting:

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

RE: PUBLIC HEARINGS

a. TAX LEVIES FOR CALENDAR YEAR 2011 – ADOPTION OF ORDINANCE #11-02:

The Chairman opened the public hearing.

There being no persons to appear the Chairman closed the public hearing.

On motion by C. T. Redd III, seconded by T. G. Smiley and carried the following vote, the Board adopted Ordinance #11-02 – An Ordinance to Impose Tax Levies Upon Real Estate, Tangible Personal Property, Public Service Corporation Property and Aircraft for the Calendar Year 2011 as advertised with no tax increase in any portion of the taxes.

**ORDINANCE # 11-02
AN ORDINANCE TO IMPOSE TAX LEVIES UPON REAL ESTATE,
TANGIBLE PERSONAL PROPERTY,
PUBLIC SERVICE CORPORATION PROPERTY AND AIRCRAFT
FOR THE CALENDAR YEAR 2011**

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 2011, beginning January 1, 2011, and ending December 31, 2011; and

WHEREAS, the Board has duly advertised and held a public hearing 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 2011:

<u>Class of Property</u>	Rate Per \$100 of Assessed Valuation					<u>Change</u>
	<u>General Fund</u>	<u>School Fund</u>	<u>Combined</u>	<u>West Point Town (General Fund Only)</u>		
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 23rd day of May, 2011

Those members voting:

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

b. PUBLIC HEARING – REGIONAL ALL HAZARDS MITIGATION PLAN –

ADOPTION OF RESOLUTION #11-08

The Chairman opened the public hearing.

There being no persons to appear the Chairman closed the public hearing.

Mr. Smiley commented that the plan is all about flooding, King William County is paying for this and the County doesn't have flooding as some of the other counties listed in this plan. Also, the County can not make changes to this plan, it is put out by FEMA, and until some revisions are made, and the County has a say in it, he stated he can not support the plan.

County Attorney, Daniel Stuck, explained that in order for each community to be eligible for grant funds they need a plan, and a regional plan avoids the cost of each individual locality developing their own. King William will not necessarily receive any more or any less money, the projects that fall under this plan have to be eligible for this type of federal funding in order to participate in the plan; it simply makes the County eligible for federal grant funding. Continuing, Mr. Stuck said if King William County does not choose to participate in this plan they could commission a plan on their own in order to receive federal grant funding; however in order to be eligible for any federal grant funding you must qualify.

On motion by C. T. Redd III, seconded by O. O. Williams, the Board adopted the following Resolution #11-08 – Adoption of the Middle Peninsula Natural Hazards Mitigation Plan.

**RESOLUTION # 11-08
ADOPTION OF THE MIDDLE PENINSULA
NATURAL HAZARDS MITIGATION PLAN**

WHEREAS, the County of King William has experienced severe damage from hurricanes and flooding on many occasions in the past century, resulting in property loss, economic hardship, and threats to public health and safety; and

WHEREAS, a Natural Hazard Mitigation Plan (the Plan) has been developed after research and work by county staff, the staff of the Middle Peninsula Planning District Commission and the citizens of the region; and

WHEREAS, the Plan recommends many hazard mitigation actions that will protect the people and property affected by the natural hazards that face King William County; and

WHEREAS, a public informational meeting was held May 23, 2010, to review the Plan as required by law; and

NOW, THEREFORE, BE IT RESOLVED by the King William County Board of Supervisors that:

1. The Middle Peninsula Natural Hazards Mitigation Plan is hereby adopted as an official plan of King William County.

2. The respective county officials identified in the strategy of the Plan are hereby directed to implement the recommended actions assigned to them.
3. County staff will provide a formal report to the Board of Supervisors on an annual basis with regard to progress made toward implementation of these important strategies.

Adopted this 23rd day of May, 2011

Those members voting:

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

RE: ADMINISTRATIVE MATTERS – T. L. FUNKHOUSER, COUNTY

ADMINISTRATOR

- a. ADOPTION OF RESOLUTION – BUDGET FY12 APPROPRIATING

FUNDS:

The County Administrator presented Resolution #11-10 - A Resolution Appropriating Funds for the Fiscal Year Budget beginning July 1, 2011 and ending June 30, 2012 for King William County to the Board for adoption.

On motion by C. T. Redd III, seconded by D. L. Wright, to adopt the resolution to appropriate the money to the general fund and the school fund as advertised. The Board adopted the following Resolution #11-10 – A Resolution Appropriating Funds for the Fiscal Year Budget Beginning July 1, 2011 and Ending June 30, 2012 for King William County, Virginia

RESOLUTION # 11-10

**A RESOLUTION APPROPRIATING FUNDS FOR THE FISCAL YEAR BUDGET
BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012
FOR KING WILLIAM COUNTY, VIRGINIA**

WHEREAS, the Board of Supervisors of King William County, Virginia, has heretofore prepared and, on April 25, 2011, 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, 2011; 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 23rd day of May, 2011:

SECTION 1. GENERAL FUNDS. That the amounts herein named aggregating \$21,318,760 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, 2011 and ending June 30, 2012, as follows:

EXPENDITURES		
General & Financial Administration	\$	1,390,250
Judicial Administration		529,140
Public Safety		4,157,600
Public Works		1,661,570
Health & Welfare		207,900
Community Colleges		6,660
Parks, Recreation & Cultural		764,560
Community Development		510,230
Non-Departmental		172,440
Transfers to:		
School Fund	\$	10,340,780
Other Funds	\$	<u>531,620</u>
		10,872,400
Debt Service		846,010
Fund Balance	\$	<u>200,000</u>
TOTAL GENERAL FUND EXPENDITURES		\$ <u>21,318,760</u>

SECTION 2. SCHOOL FUNDS. That the amounts herein named aggregating \$23,521,310 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, 2011 and ending June 30, 2012.

EXPENDITURES		
Operation	\$	21,026,870
Debt Service	\$	<u>2,494,440</u>
TOTAL SCHOOL FUND EXPENDITURES		\$ <u>23,521,310</u>

SECTION 3. SPECIAL REVENUE FUNDS. That the amounts herein named aggregating \$2,729,790 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, 2011 and ending June 30, 2012, as follows:

EXPENDITURES		
Virginia Public Assistance Fund:		
Welfare Administration	\$	750,830
Public Assistance	\$	<u>383,040</u>
TOTAL VPA FUND EXPENDITURES		\$ 1,133,870

EXPENDITURES		
Salaries & Fringe Benefits	\$	505,470
Materials & Supplies		455,300
Capital Outlay	\$	<u>32,380</u>
TOTAL CAFETERIA FUND EXPENDITURES		993,150

EXPENDITURES

Foster Care	\$	81,000	
Special Education	\$	<u>521,770</u>	
TOTAL CSA FUND EXPENDITURES			\$ 602,770
TOTAL SPECIAL REVENUE FUNDS EXPENDITURES			\$ <u>2,729,790</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, 2012, 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, 2012.

(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, 2011.

Adopted this 23rd day of May, 2011.

Those members voting:

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

b. ADOPTION OF RESOLUTION – TERMINATE AND DISSOLVE THE MIDDLE PENINSULA DISABILITY SERVICES BOARD:

The County Administrator presented Option A and Option B for Resolution #11-15 – Resolution in Support of the Termination and Dissolution of the Middle Peninsula Disability Services Board to the Board members. He explained while they are two separate issues the Middle Peninsula Disability Services Board, depending on what the Board decides, this may or may not have a relationship with the Middle Peninsula Business Development partnership.

Continuing he stated the General Assembly took action this past session to effectively repeal all of the statutory authority and the related support for the Disability Services Boards. King William has long been a part of a regional board, the balance of funds that remain after dissolution will be returned, in proportion, to the localities based on the dues they paid. King William County will not be making an FY-12 contribution to the Disability Services Board. Further, these funds could be returned to the County or retained by the Middle Peninsula Planning District Commission (MPPDC), these are the two options. Option A is to concur with the other localities and the MPPDC to dissolve the board resulting in approximately \$4,000 per locality.

Option B allows the MPPDC to retain the funds for economic development purposes or other projects to be identified.

On motion by T. G. Smiley, seconded by C. T. Redd, III, and carried a unanimous vote to adopt Resolution #11-15 – Resolution in Support of the Termination and Dissolution of the Middle Peninsula Disability Services Board - Option A. The Chairman clarified Option A is to dissolve the Middle Peninsula Disability Services Board and return funds to King William County.

**RESOLUTION #11-15
RESOLUTION IN SUPPORT OF THE
TERMINATION AND DISSOLUTION OF THE
MIDDLE PENINSULA DISABILITY SERVICES BOARD**

WHEREAS, on February 23, 1993 the Board of Supervisors of King William County, Virginia, agreed to participate in a regional Disability Services Board under authority granted to it by Virginia Code § 51.5-47; and

WHEREAS, the six Counties of Essex, Gloucester, King and Queen, King William, Mathews, and Middlesex, Virginia, and the Middle Peninsula Planning District Commission joined in forming such a regional board; and

WHEREAS, the Chairman of the King William County Board of Supervisors was authorized to sign on behalf of the Board of Supervisors an agreement, titled "Joint Exercise of Powers Agreement Creating the Middle Peninsula Disability Services Board" (the "Agreement"); and

WHEREAS, the Agreement was duly signed; and

WHEREAS, the Middle Peninsula Disability Services Board has been continuously operating from its inception in 1993 to the present with the administrative support of the Middle Peninsula Planning District Commission; and

WHEREAS, Virginia Code § 51.5-47 has been repealed by 2011 Acts of Assembly, Ch. 41, and after June 30, 2011, the Middle Peninsula Disability Services Board will have no statutory purpose; and

WHEREAS, pursuant to the terms of the Agreement, Sections I and VII, the Middle Peninsula Disability Services Board can be dissolved by an affirmative vote of each member local government; and

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of King William County, Virginia, approves the termination and dissolution of the Middle Peninsula Disability Services Board on June 30, 2011; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that all debts shall be paid and the remaining assets and property of the Middle Peninsula Disability Services Board be disbursed as provided in Section VII of the Agreement no later than August 31, 2011.

Adopted this 23rd day of May, 2011.

Those members voting:

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

RE: APPOINTMENTS

a. Middle Peninsula Public Access Authority – Appointment of Scott Lucchesi, Community Development Director, as Alternate Member (Note: T. L. Funkhouser is currently serving as Primary Member) – On motion by C. T. Redd, III, seconded by O. O. Williams and carried a unanimous vote, Community Development Director, Scott Lucchesi was appointed to serve as Alternate Member representing King William County on the Middle Peninsula Public Access Authority.

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

a. Robert Kinning, of 1112 Marl Hill Road in the Second District, thanked the Board for listening to the residents of Marl Hill Road.

b. Jeanette Wagner, of the Mangohick District, distributed a portion of the State of Virginia Human Resources Management policy, for its employees, to Board members; and stated she has some concerns. She read the definition of workplace harassment from the handout. She also expressed her opinion on employees being able to work in an environment that is not hostile. Continuing she commented that over the years several Board members have shown disrespect to various County staff and threatened them with loss of jobs. As far as she knows this started about the time of the former county administrator and county attorney, she believes it still persists today; she questioned what happened to the emergency services person. Ms. Wagner stated she went to a citizen meeting in April conducted by one of the Board members; this Board member reviewed various issues, in this forum with citizens in the audience he voiced negative comments about the Parks & Recreation Department and its Director. Ms. Wagner ended saying she feels this conduct against County staff is disgraceful.

c. Darrell Kellum, of 10284 West River Road in Aylett, echoed Mr. Helmick's comments made earlier about the Building Department office manager position. Mr. Kellum said he did not agree with Mr. Helmick's comments about the Planning Director and the County Administrator.

There being no other persons to appear the Chairman closed the Second Public Comments Period.

RE: BOARD OF SUPERVISORS COMMENTS

Mr. Williams thanked all of the citizens for coming out; a special thank you to all the Scouts attending and to Pastor Bill Walker.

Mr. Wright also thanked everyone for coming. He announced the meeting, to be held at the County Administration building on May 26th at 7:00 p.m., with Delegate Chris Peace and Sherwood Bowditch.

Mr. Redd thanked everyone for coming out and commented about the tough budget and the personnel changes saying this was the only way to not raise taxes; none of the changes were made because of performance.

Mr. Smiley thanked citizens and the Scouts for attending.

Mr. Schools also thanked the Scouts and all of the citizens for coming out and their comments.

RE: CLOSED MEETING

On motion by C. T. Redd III, the Board voted to go into closed session pursuant to Section 2.2-3711(A)(7), to consult with legal counsel on a specific legal matter requiring the provision of legal advise by counsel, seconded by O. O. Williams, and the board voted as follows: C. T. Redd III - Aye, D. L. Wright – Aye, T. G. Smiley – Aye, O. O. Williams – Aye, C. L. Schools – Aye the Board entered Closed Meeting pursuant to Section 2.2-3711A(7), Code of Virginia, 1950, as amended, for the Consultation with the County Attorney on a Specific Legal Matter Requiring the Provision of Legal Advice by Counsel.

RE: RECONVENED MEETING

Having completed the Closed Meeting, the Chairman reconvened in open meeting, on motion by C. T. Redd, III, seconded by D. L. Wright and carried with a unanimous roll call vote.

The Chairman announced that the Board consulted with the County Attorney and gave him direction on two legal matters.

In accordance with Section 2.2-3712D of the Code of Virginia, 1950, as amended, C. T. Redd III 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 – CLOSED MEETING

WHEREAS, the Board conducted a closed meeting for the following purposes:
Section 2.2-3711A(1).

NOW, THEREFORE BE IT FURTHER RESOLVED, the King William County Board of Supervisors certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the King William County Board of Supervisors.

Those members voting:

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

RE: COMMENTS IN RECONVENED MEETING

No motions were made or actions taken during the reconvened meeting.

The County Attorney generally noted planned work on the cluster zoning ordinance and Mt. Columbia waterline and proffer policies.

RE: ADJOURNMENT OF MEETING

There being no further business to come before this Board, the meeting was adjourned on motion by C. T. Redd III, seconded by T. G. Smiley, and carried unanimously.

COPY TESTE:

C. L. Schools, Chairman
Board of Supervisors

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