

MINUTES

**KING WILLIAM COUNTY
BOARD OF SUPERVISORS**

MEETING OF AUGUST 22, 2011

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 22nd day of August, 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, Cecil L. Schools, called the meeting to order at 6:30 p.m. and agenda changes were discussed. The following changes were made: remove item 9a under Appointments and add this item as 8c under the Consent Agenda; remove item 12f under Administrative Matters.

Steve Smith of Tait Radio Systems presented to the Board a brief overview of Land/Mobile radio system options.

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 Reverend Stephen Smith of Colosse Baptist Church.

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: remove item 9a under Appointments

and add this item as 8c under the Consent Agenda; remove item 12f under Administrative Matters.

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.

Robert Kinning, of 1112 Marl Hill Road 2nd District, asked the Board to request VDOT to evaluate Marl Hill Road to make sure it meets the criteria for rural rustic paving; after confirmation from VDOT that it does meet the criteria he asked the Board to pass a resolution declaring Marl Hill Road a rural rustic road. Mr. Kinning presented a petition signed by property owners of Marl Hill Road to Board requesting the same.

Mr. Kinning added that in 2008 Mr. Stunkle with VDOT promised to take care of safety concerns on Marl Hill Road. Since Mr. Stunkle has retired from VDOT Mr. Kinning asked if VDOT would honor the commitments he made.

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

RE: CONSENT AGENDA

On motion by C. T. Redd, seconded by T. G. Smiley and carried a unanimous vote the Board approved the following items on its Consent Agenda:

- a. Minutes of the Regular Meeting of July 25, 2011, as presented
- b. Claims against the County for the month of August, 2011, in the amount of \$1,063,104.49 as follows:

(1) General Fund Warrants #74713-74880 in the amount of \$392,646.55; Manual Check #12101 in the amount of \$660.00; ACH Direct Payments for August, 2011, #1374-1463 in the amount of \$276,216.36; Direct Deposits #15651-15754 in the amount of \$180,804.25; and Electronic Tax Payment in the amount of \$55,183.70.

(2) For informational purposes, Social Services expenditures for the month of July, 2011, Warrants #308771-308819 in the amount of \$23,310.25; ACH Direct Payments #370-396 in the amount of \$31,246.20; Direct Deposits #2582-2598 in the amount of \$28,868.66; and Electronic Tax Payment in the amount of \$8,439.50.

(3) For informational purposes, Circuit Court expenditures for the month of July, 2011, Warrants #74687-74702 in the amount of \$5,383.97; Direct Deposits #418-420 in the amount of \$8,909.60; and Electronic Tax Payment in the amount of \$2,881.24.

(4) For informational purposes, Comprehensive Services Act Fund expenditures for the month of July, 2011, Warrants #74703-74712 in the amount of \$17,783.78; and ACH Direct Payments #1362-1373 in the amount of \$30,770.43.

(5) There were no tax Refunds for the month of July, 2011.

c. Adopted the following Resolution #11-28 – Confirmation of Appointment by Bay Aging to Bay Aging Board of Directors – James E. Mickens

**RESOLUTION #11-28
Confirmation of Appointment by Bay Aging to
Bay Aging Board of Directors**

WHEREAS, James E. Mickens in a regular meeting of the Board of Supervisors of King William County held on July 28, 2008, was reappointed to serve as a member of the Bay Aging Board of Directors representing King William County, for a three year term which will expire September 30, 2011, and

WHEREAS, by letter received from Bay Aging, dated August 4, 2011, referencing changes to the agency's by-laws, effective July 1, 2009, their board member terms are now five (5) year terms, and will end on a June 30th date; and

WHEREAS, due to the change in the Bay Aging by-laws, James E. Mickens is eligible to serve as a board member until June 30, 2014; and

WHEREAS, James E. Mickens is the King William County resident currently serving the Bay Aging Board who represents the Banking Business Community and his contributions to this Board are greatly appreciated by Bay Aging and King William County;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, James E. Mickens is hereby confirmed to serve as a Board of Director to Bay Aging for a term of five years, with said term expiring June 30, 2014.

Adopted this 22nd day of August, 2011

Those members voting:

O. O. Williams	<u>AYE</u>
C. T. Redd III	<u>AYE</u>
D. L. Wright	<u>AYE</u>
T. G. Smiley	<u>AYE</u>
C. L. Schools	<u>AYE</u>

RE: VDOT MATTERS – JOYCE MCGOWAN, RESIDENCY ADMINISTRATOR

Residency Administrator, Joyce M. McGowan updated the Board on VDOT matters:

Route 360 - Approximately eight miles has been paved, east and west, of Route 360 to bring deficient paving up to speed. Route 360 east at intersection Route 30 is not

complete, the turn lanes and crossovers still need to be paved, this will be completed once paving is complete on the straight stretch.

Route 611 – Paving should be complete this week, hopefully will be completed before the predicted storm this weekend. Regular maintenance, finishing up mowing and cleanup around guardrails are being done.

Rural Rustic Route 625 - Custis Mill Pond Road – Actively working on this project; pushing to get some or all of this road paved this week, before the predicted storm this weekend; hopefully at least a mile or so will be completed before this weekend. Project should be complete within the next week or two.

Ms. McGowan stated she will look into the citizen comment made earlier in regards to the safety issues on Marl Hill Road.

Route 654 - Mr. Smiley asked if Ms. McGowan would follow up on the hole that was patched on the side of road on Route 654 about two months ago; it was patched with gravel and a barrel was placed there, he hasn't seen any other activity. Ms. McGowan said she would look into this.

Bridge Work in West Point – Route 33 and 14th Street – Mr. Redd asked if this project was on schedule. Ms. McGowan stated it is actually a little bit ahead of schedule.

Marl Hill Road – Mr. Wright asked if it would be possible for a representative from VDOT to meet with him and Mr. Kinning to review the safety issues on Marl Hill Road. He stated Mr. Kinning has taken a lead over the years in bringing up issues with Marl Hill Road and trying to get them corrected. Ms. McGowan agreed to meet with them to review the issues.

Mt. Olive-Cohoke Road – Mr. Wright asked if a yellow line could be put on this road, a lot of elderly residents travel this road and a yellow line would help with keeping drivers on there side of the road to some degree. Ms. McGowan stated there are requirements a road has to meet for striping, she will have traffic engineering look into this; if striping is not permitted then possibly some warning signs could be posted.

Route 600 – Heading north of Route 360, Mr. Williams asked for explanation of what type of asphaltting and patchwork has been done in this area; he has had several complaints from the public. He added paving has been done on the sides; a stripe is in the middle, and a groove is in the road that will hold ice and snow this winter.

Ms. McGowan stated in an effort to strengthen the shoulders of the road through that section, because of the truck traffic VDOT strip paved and patched in this area in

anticipation of keeping what is already there together at least for another season; surface treatment will not hold with the condition of the road. The goal when this is done, this is done in the other four counties, is to try to get the road into a program and will eventually be paved, until VDOT gets the funding, funding is not as substantial and VDOT would like to address all of these, a patch is done until the road can be put into a schedule; this is a temporary patch and will not stay there forever. Ms. McGowan said this could be fixed as early as next year; VDOT will keep an eye on this during inclement weather this winter.

Calendar Road at Anderson Lane – Mr. Williams stated the water is running across the road, not going through the pipes in this area; maybe the ditch needs to be cleaned out.

Smokey, Dorrell, Herring Creek – Mr. Williams stated all of these roads are having trouble from the rain, they are all washing out on the side of the pavement. Continuing he said the pavement is too narrow on these roads to start with and if you meet a school bus or a big delivery vehicle, you fall off edge of road and small cars drag bottom; it appears to be a drainage problem. He is aware VDOT had a crew there to open up drainage on the pipes at the driveways, not sure if all were fixed.

Hazelwood Road – Mr. Williams stated this is a dirt road that falls apart every time it rains.

Ms. McGowan stated she met with the superintendent recently and he has developed a plan to reinforce the ditches and to bring up some of the road bed up at the bottom. The superintendent is working with and will be meeting with their environmental specialist to review the plan. VDOT has addressed the issues and she feels they have a good plan to fix the ditches and to take care of some of the erosion in these areas. Mr. Williams requested the meeting time so he can be there; Ms. McGowan stated she is not involved in the meeting but would send an update when the plan has been approved.

Mr. Schools thanked Ms. McGowan for her prompt response to questions that have been asked. He also stated he appreciates all of the efforts that VDOT has done to help us through these tight economic times.

Custis Mill Pond Road – Mr. Wright asked if the trees that have been marked are going to be taken down before paving begins. Ms. McGowan stated she requested those trees to be taken down; a contractor has been notified for removal.

Mr. Williams asked for clarification on the coordination with the State right of ways and the Forestry Department; specifically if one or two trees are left on the boarder line on

the side of the road on Route 30, is VDOT working with the Forestry Department to make sure these trees are not left behind to cause hazards.

Ms. McGowan explained the permit section issues permits to loggers to come in and out of the property, if they want to cut any trees on the right of way they deem a hazard the permits staff will work with them; she said she will check on this.

Mr. Redd thanked Ms. McGowan for coming to the meeting prepared for all of the questions asked of her, and for being aware of what is going on in King William County.

Ms. McGowan thanked the Board for their time.

RE: PLANNING MATTERS – SCOTT LUCCHESI, DIRECTOR PLANNING AND COMMUNITY DEVELOPMENT

a. Public Hearing – Zoning Matter Z-02-11 – To rezone tax map #'s 56-11H and 56-16J from (A-C) Agricultural-Conservation to (B-2) General Business District to expand and renovate the existing body and paint business.

Community Development Director, Scott Luchessi, presented and reviewed the application for case Z-02-11 request to rezone approximately 6.24 acres from A-C, Agricultural-Conservation to B-2, General Business District; applicant Glenn Fowlkes. The specific tax map parcels are, 56-11H (1.48 acres), and 56-16J (4.76 acres) located in the West Point District, totaling 6.24 acres.

The physical address (911 address) of the property is 31505 King William Road. The property is currently zoned A-C.

On June 3, 2011, the applicant submitted an application to rezone the parcel from A-C to B-2 to improve his existing Auto Body and Paint Shop. The business originally opened prior to zoning in King William and is considered to be a legal non conforming use. In order for the use to be expanded the zoning ordinance requires the business to meet today's standards. The zoning ordinance requires a B-2 zoning for this type of facility.

The parcel is located within the Transportation Corridor Overlay (TCO) but not required to adhere to the development standards due to the location.

The future land use map indicates rural commercial for this parcel. The existing parcels to the north, south and east are also agricultural. The existing zoning is supported by the current land use plan.

The application is supported by the adopted goals and policies of the Comp Plan, which speak to the desire to attract new businesses or expand existing businesses.

The application will not trigger a traffic impact analysis. The parcel is located outside of the water and sewer service areas and no changes are proposed. No issues noted with schools, parks and recreation, public safety, utilities.

All development shall comply with the local zoning ordinance, the Virginia storm water management plan and the King William County erosion and sediment ordinance.

The Planning Commission conducted a public hearing on this matter in July with no opposition: The Commission voted to forward this case on to the Board of Supervisors with a recommendation of approval at the July Commission meeting. The Commission discussed the fact that the applicant had no timeframe on completion of the work. The proffers have been revised to address the Commission's concerns.

Staff is requesting the Board vote to approve this case with the conditions as presented. Since advertisement there has been no one against this case and several calls that were in favor of the case.

Chairman, C. L. Schools, opened the public hearing for Zoning Matter Z-02-11.

Barbara Turner, of 31629 King William Road, addressed the Board and stated she is a neighbor of the applicant and has found him to be very polite and helpful. Her concern is she has ducks, geese and chickens and she does not know how this will affect her when businesses open in an agricultural area; other than that she is delighted Mr. Fowlkes is her neighbor.

Mr. Lucchesi, Community Development Director, stated the applicant is requesting his property be rezoned, the surrounding properties will not change and will remain agricultural-conservation; Ms. Turner's ducks, geese and chickens will be safe.

The Chairman asked the applicant to come forward for questions.

Mr. Williams stated he likes to see small businesses expand in King William County. He inquired how many employees the applicant expects to gain from this expansion. Mr. Fowlkes estimates three to five jobs will be created due to the expansion. Mr. Williams asked the applicant how many years he has been in business at this location; Mr. Fowlkes answered he has been there since 2004.

Mr. Smiley said the proffers are good on the property and feels this will revitalize the property. The applicant stated it is going to look better.

Mr. Wright said he is delighted to see the applicant make this move and would like to thank him for going through the proper channels.

b. Consideration of Action on the Public Hearing – On motion by C. T. Redd III, seconded by D. L. Wright, the Board voted unanimously to approve Zoning Matter Z-02-11 – To rezone tax map #'s 56-11H and 56-16J from (A-C) Agricultural-Conservation to (B-2) General Business District and accept the proffers associated with the application to expand and renovate the existing body and paint business.

Those members voting:

T. G. Smiley	<u>AYE</u>
O. O. Williams	<u>AYE</u>
C. L. Schools	<u>AYE</u>
C. T. Redd III	<u>AYE</u>
D. L. Wright	<u>AYE</u>

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

ADMINISTRATOR

a. Virginia Department of Forestry – State Forester, Dennis Gaston, appeared before the Board to present a check to King William County in the amount of \$7,450.84 for 25% of the amount received from the sale of timber from Sandy Point State Forest in King William County. He explained that 25% of proceeds from timber sales from Sandy Point are to be transmitted to the County.

b. Debt Service Update – The County Administrator, explained this item is continued discussion on reducing County debt. RFP's were sent out to over 20 regional banks for lower interest rates and the contender was BB&T, more information from Davenport to follow. The Board is asked to approve a resolution that will lead to action by the Economic Development Authority, the original issuers of the original lease revenue bonds with the County. The main goal is to reduce the principal and interest payments of the life of this existing debt by achieving a lower interest rate. There are two options relative to the interest rate proposal, the reason the timing is critical is because if we are able to proceed with this offer the County will essentially be able to skip a principal and interest payment which results in the initial first year savings. The County Administrator handed the conversation over to David Rose of Davenport & Company, LLC.

Mr. Rose addressed the Board and introduced his partner Sandy Warner. He stated he was going to review the brief presentation included in their packet, further he added they would go into more detail if necessary. Continuing Mr. Rose referred to the meeting with the Board a couple of months ago and given the fact that interest rates are lower and the County's fund balances have gotten very limited, the County's outstanding debt was reviewed and it was recommended at that time they look at one particular bond

issue; the series 2002 Lease Revenue Bond on the Courthouse. The primary goals were to see if the interest rate could be lowered on the existing bonds, help with the cash flows particularly in the early years to front load some of those savings and in turn Davenport could help take those savings and put them back into the County's fund balance, and third to put the County in a position so if rates should go even lower they could refinance at any given point in time with a minimal payment in penalty.

Mr. Smiley asked for clarification of what the cost is for this refinance. Mr. Rose confirmed all the numbers in the summary are net of the cost; it is estimated a 1% return for Davenport, this number is built in the net cost number. Mr. Smiley asked how long it will take to get this cost back. Mr. Rose said the County is going to be saving money, this is a combination of actually saving money because the interest rate is coming down and if the Board so chooses the first payment is moved back by one month, it makes a huge difference in cash flow. The current payout is 18 years and it stays at 18 years with either option, nothing is being pushed out.

Mr. Redd asked for clarification of whether the Board chooses option one or option two, before September 15th, the \$411,000 savings is net after the fees and everything has been paid so that is a true amount. Mr. Rose answered in the affirmative.

Mr. Wright asked for clarification for the audience that this refinancing is strictly for the County and has nothing to do with the schools debt what so ever. Mr. Rose stated that is correct; this is strictly the courthouse related issue exclusively.

Mr. Redd asked for clarification if in 6 years it looks like the interest rate is rising the County has the option to lock the last 8 years of the loan. Mr. Rose confirmed Mr. Redd is correct.

Mr. Smiley asked who approached who; Mr. Warner stated he knew of Mr. Funkhouser and he approached him. Mr. Funkhouser clarified it was both, he reached out to Davenport as well; when he came aboard at King William he brought it to the Board's attention the debt ratio had not been looked at and was in need of review.

Mr. Schools asked for clarification that the September 15th debt payment is \$411,000. The County Administrator confirmed this was correct, principal and interest. Mr. Schools stated so what we are actually doing is taking the \$411,000 that would normally be paid out in September. Mr. Rose stated what we are effectively doing is layering it into the balance. Mr. Schools said the \$411,000 not paid out in September is in the '12 budget that would be added to the fund balance, are we actually borrowing money

to increase the fund balance. Mr. Rose said no you are not borrowing extra money, the \$411,000 is at a 3% interest rate vs the almost 5% now. Mr. Redd added when we do pay back the \$411,000 we are paying at 3% instead of 4.95%, Mr. Rose confirmed. Mr. Schools added over the term of the loan.

Mr. Rose added if the County wants to pay down the loan there is no penalty, you would go back to BB&T to do this.

Mr. Smiley asked if this was VRA money, Mr. Rose answered no.

On motion by D. L. Wright, seconded by C. T. Redd III, with the following vote the Board adopted the following Resolution #11-29, option 2, – A resolution of the Board of Supervisors of the County of King William, Virginia requesting the Economic Development Authority of the County of King William, Virginia to issue its lease revenue refunding bond.

**RESOLUTION #11-29
A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF KING WILLIAM, VIRGINIA REQUESTING
THE ECONOMIC DEVELOPMENT AUTHORITY OF
THE COUNTY OF KING WILLIAM, VIRGINIA TO
ISSUE ITS LEASE REVENUE REFUNDING BOND**

WHEREAS, the Board of Supervisors (the "Board") of the County of King William, Virginia (the "County") has determined that it is advisable to (i) refund all or a portion of the Economic Development Authority of the County of King William, Virginia's (formerly known as the Industrial Development Authority of the County of King William, Virginia) (the "Authority") Lease Revenue Bonds (County of King William, Virginia Courthouse Project), Series 2002 (the "Series 2002 Bonds"), originally issued on October 17, 2002 for the purpose of financing the acquisition, construction and equipping of a new County courthouse, and (ii) pay costs related to the financing (collectively, the "Project"); and

WHEREAS, the County proposes to undertake the refunding of the Series 2002 Bonds through the issuance by the Authority of its lease revenue refunding bond (the "Bond") to be sold through a private placement with Branch Banking and Trust Company (the "Bank").

WHEREAS, the Bond will be issued pursuant to the following documents: (i) Prime Lease from the County to the Authority (the "Prime Lease"); (ii) Lease Agreement (the "Lease") between the Authority and the County; (iii) Leasehold Deed of Trust and Security Agreement (the "Deed of Trust") from the Authority to the deed of trust trustees named therein; (iv) Assignment of Rents and Leases (the "Assignment of Rents and Leases") between the Authority and the Bank, and (v) Escrow Agreement (the "Escrow Agreement") between the County, the Authority and U.S. Bank National Association. All of the documents listed above are referred to in this Resolution as the "Basic Documents").

WHEREAS, the Bond will be payable solely from the revenues derived from the Lease pursuant to which the County will agree to make rental payments, subject to annual appropriation, sufficient to pay the principal of and interest on the Bond.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF KING WILLIAM, VIRGINIA:

1. Issuance of the Bond. The Board requests the Authority issue the Bond for purposes of assisting the County in refunding all or a portion of the Series 2002 Bonds and financing the costs related to the financing. The Board accepts the proposal of the Bank to purchase the Bond on the terms set forth in the Bank's proposal presented to the Board (the "Proposal") as such terms may be amended as set forth herein. The County Administrator is authorized to arrange for the purchase of the Bond by the Bank on the terms set forth in the Proposal as such terms may be amended with the consent of the Bank by the County Administrator whose approval of any amendments shall be evidenced conclusively by the execution and delivery

of the Basic Documents to which the County is a party; provided that any amendments are consistent with the parameters set forth in this paragraph. The Bond may be issued in a maximum principal amount not to exceed \$5,250,000 and shall be paid from revenues derived from payments made by the County pursuant to the Lease. The final maturity of the Bond shall not exceed nineteen (19) years from the date of issue. The County Administrator is authorized to determine which of the interest rate options set forth in the Proposal is in the best interest of the County, such determination to be evidenced conclusively by the execution and delivery of the Basic Documents, to which the County is a party.

2. Authorization of Basic Documents. The execution and delivery of and performance by the County of its obligations under the Basic Documents, to which the County is a party, are authorized. The Basic Documents and the Bond shall be in such form and contain such provisions as the County Administrator, or his designee, shall approve, such approval to be evidenced conclusively by the execution and delivery of the Basic Documents, to which the County is a party.

3. Execution of Documents. The County Administrator, or his designee, is authorized to execute on behalf of the County the Basic Documents, to which the County is a party, and, if required, to affix or to cause to be affixed the seal of the County to the Basic Documents and to attest such seal. The County Administrator, or his designee, is authorized to execute and deliver and record, if appropriate, on behalf of the County such leases, agreements, instruments, documents or certificates, and to do and perform such things and acts, as the County Administrator, or his designee, shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Basic Documents; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

4. Nature of Obligations. Nothing in this Resolution, the Bond or the Basic Documents shall constitute a debt of the County and the Authority shall not be obligated to make any payments under the Bond or the Basic Documents except from payments made by or on behalf of the County under the Lease. The County Administrator is directed to submit for each fiscal year a request to the Board for an appropriation to the Authority for an amount equal to the rental payments coming due under the Lease. The County's obligations to make payments pursuant to this Resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board for such purpose. Nothing in this Resolution, the Bond or the Lease shall constitute a pledge of the full faith and credit of the County beyond the constitutionally permitted annual appropriations.

5. Bank Qualification. The Board requests the Authority to designate the Bond as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The County will not designate more than \$10,000,000 of qualified tax-exempt obligations in calendar year 2011 and represents that the County and its subordinate entities will not issue more than \$10,000,000 in tax-exempt bonds (not including certain private activity bonds) in calendar year 2011.

6. Effective Date. This Resolution shall take effect immediately.

Adopted this 22nd day of August, 2011

Those members voting:

D. L. Wright	<u>AYE</u>
T. G. Smiley	<u>NAY</u>
O. O. Williams	<u>AYE</u>
C. L. Schools	<u>AYE</u>
C. T. Redd III	<u>AYE</u>

c. Regional Water Supply Plan -- The County Administrator provided the Board with a press release draft on a 30 day comment period, the Board was provided with an executive summary and an Appendix R which is a proposed ordinance to implement a drought response and contingency plan. The ordinance will be distributed to the Board when available for review; the public hearing will be set most likely for the September

meeting. The County has several months to adopt a plan; this is an introduction to the plan, no action necessary tonight. A couple of actions will need to take place in the next couple of months; one will be to adopt a plan and the other is to adopt the required drought ordinance.

John Marley, with EEE Consulting from Mechanicsville VA, addressed the Board and stated he has been working with the Middle Peninsula Planning District Commission for the last 3 years to prepare this plan. Mr. Marley gave an overview of the requirements of adopting a plan.

Continuing Mr. Marley said in 2005 DEQ promulgated regulations that required each locality to adopt a local or to participate in the adoption of a regional water supply plan. The regulation DEQ promulgated requires five things, the development of a local or regional water supply plan, the submittal of the plan to DEQ no later than November 2, 2011, a determination by the Water Control Board as to whether the plan that is submitted complies with the regulation following the determination of compliance the DEQ requires within 5 years that an adequacy review be conducted on whether the plan still meets the requirements of the State regulation and finally the regulation requires a review revision and to be resubmitted to DEQ every 10 years. The DEQ is specific about the format and the content of the plan, they directed looking at the water sources both surface water and ground water sources; they directed to look at existing water usage, public usage systems, private usage systems and small systems. They also directed EEE to consider competing usage that is other human uses of water as well as other possible uses of water for instance natural systems. DEQ gave EEE a minimum 30 year planning period, allowed a maximum 50 year planning period. For the regional plan EEE prepared they opted to go with a 30 year planning period. DEQ requires the plan consider demand management information, they require a drought development response and contingency plan, and finally they directed that the plan contain a clear statement of need and alternatives to meet the need.

With the exceptions of the Town of West Point and King William County ground water sources appear capable throughout the region of supporting the projected increases in demand for the planning period. In King William County because of the rapid growth in the Central Garage area there is a noticeable misfit between the current supply and the projected demand over the coming 30 years. The plan recommends a menu of strategies for King William to address those, these strategies were reflected previously in the

County's master utility plan. Over the long term it appears to EEE and Resource International the surface water withdrawal, possibly the Pamunkey River is going to be the best option for serving the long term water needs of King William County in the Central Garage area. Over the short term development of additional wells appears to be the option the County is going to have to use to address the needs in the very short term while the approvals for that surface water development can be gained.

This plan is not committing King William County to any of these actions, the plan is suggesting a menu of actions the Board should consider over the coming 5, 10 and 30 year periods.

As Mr. Funkhouser stated earlier the State requires that each plan and each locality have adopted a drought response in contingency plan, in fact the drought response and contingency plan EEE is presenting is actually an adaption of the County's existing drought response and contingency ordinance. The ordinance would address four drought stages abnormally dry, drought warning, drought watch, drought emergency and provide a menu of options for the County Administrator under the guidance of the Board to apply increasingly effective water management strategies as droughts develop, to begin to provide an incentive for persons using community water systems to conserve and use water wisely.

Mr. Smiley asked for clarification on the two jurisdictions that do not meet the criteria of DEQ. Mr. Marley answered the two jurisdictions where existing systems do not meet future demand are King William County and the Town of West Point.

Mr. Smiley asked if Federal funds are available for assistance. Mr. Marley answered there are no Federal funds attached to this program at this time. Participating in the Regional Plan has two benefits for King William one it holds down the cost to the County in preparing, managing and maintaining the plan, it is more cost effective to do a document like this and include 8 jurisdictions in it instead of each jurisdiction doing a separate document. Second, in Mr. Marley's opinion, going forward every locality, every region in the Commonwealth will be seeking to influence the statewide water supply plan and by speaking with a regional voice he believes you multiply the volume of your locality.

d. Economic Development Update – Greg Kelly Economic Development Consultant – Various, topics and issues were presented and discussed with the Board. Continue to build positive awareness for King William County as a pro-business, vibrant, growing community to state economic development officials and regional businesses. Work with County Administrator to review the County’s position and revised economic development objectives. Develop a “first response” protocol for economic development inquiries. More proactive contact with existing businesses. Review King William Co. infrastructure: water, sewer, internet connectivity. Meet with BOS and EDA members to review economic development goals and discuss long-term strategic growth plans. Manage and update the Virginia Economic Development Partnership’s site database and identify quality sites in the county. Update county website and develop a practical electronic marketing material. Reinforce relationships with: Virginia Economic Development Partnership, Virginia Department of Business Assistance, King William EDA, existing industries, King William business leaders, and civic associations, natural gas, electric utilities and allies, adjacent localities

e. Radio System RFP – The County Administrator gave a brief update of the radio system selection process. A RFP was issued back in November 2010, a review team has met and discussed this proposal, the committee had a meeting with Motorola recently where the cost was reduced by about 50%. Despite that cost reduction based on best estimates as well as ongoing operations the maintenance costs and the installation implementation, the review committee felt it was not going to be possible to fund the system as envisioned and along with other considerations the committee decided to recommend not to proceed with the current proposal received and to reject the proposal.

On motion by T. G. Smiley, seconded by D. L. Wright, with the following vote the Board voted to not continue with the current proposal from Motorola.

Those members voting:

T. G. Smiley	<u>AYE</u>
O. O. Williams	<u>AYE</u>
C. T. Redd III	<u>AYE</u>
D. L. Wright	<u>AYE</u>
C. L. Schools	<u>AYE</u>

f. BOS Bylaws – On motion by C. T. Redd III, seconded by T. G. Smiley, with the following vote the Board adopted the Board of Supervisors Rules and Procedures as presented to the Board with the following addition:

Any matter on the agenda shall be tabled until the next regular meeting at the request of any member present. However, no matter on the agenda shall be tabled until a meeting of a Board of Supervisors, which will take office on the first day of January following an election of said Board, except by a majority vote of those members present. (Amendment Adopted 11/24/03)

Those members voting:

T. G. Smiley	<u>AYE</u>
O. O. Williams	<u>AYE</u>
C. T. Redd III	<u>AYE</u>
D. L. Wright	<u>AYE</u>
C. L. Schools	<u>AYE</u>

g. HRSD Settlement Release – On motion by T. G. Smiley, seconded by D.

L. Wright, with the following vote the Board adopted Resolution #11-30 Release-Water

Accounts:

**RESOLUTION #11-30
RELEASE-WATER ACCOUNTS**

WHEREAS, The County Attorney has reviewed disputed claims regarding water accounts associated with Kennington Property Owners Association, R-CI Builders, R-CI Kennington Townhouse Association, Inc. R-CI Builders LLC and any affiliated entities; and

WHEREAS, The disputed accounts are numbered as follows: 3633187070, 0640061904, 6879299590, 3382408921, 9742100009, 7185882247, 5415295591, 5789363230, and 6558980429; and

WHEREAS, the County Attorney has prepared a Release regarding such claims for value to be received by the County of King William in the amount of \$11,721.47.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of King William County, Virginia, authorizes the County Administrator to sign the referenced release.

Adopted this 22nd day of August, 2011

Those members voting:

C. T. Redd III	<u>AYE</u>
D. L. Wright	<u>AYE</u>
T. G. Smiley	<u>AYE</u>
O. O. Williams	<u>AYE</u>
C. L. Schools	<u>AYE</u>

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 Comments Period.

Eugene Campbell, 2nd District 446 White Oak Landing, as a member of the Economic Development Authority he feels there should be some brain storming between the EDA and the Board of Supervisors to put together an industrial development plan.

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

RE: BOARD OF SUPERVISORS COMMENTS

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

RE: RECESS OF MEETING

On motion by C. T. Redd III, seconded by D. L. Wright, with the following vote, the Board voted to recess the meeting until September 12, 2011, at 7:00 p.m. to discuss other radio system options.

Those members voting:

C. T. Redd III	<u>AYE</u>
D. L. Wright	<u>AYE</u>
T. G. Smiley	<u>AYE</u>
O. O. Williams	<u>NAY</u>
C. L. Schools	<u>AYE</u>

COPY TESTE:

C. L. Schools Chairman
Board of Supervisors

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