

MINUTES

**KING WILLIAM COUNTY
BOARD OF SUPERVISORS**

MEETING OF SEPTEMBER 26, 2011

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 26th day of September, 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
C. T. Redd III
T. G. Smiley
O. O. Williams (arrived at 6:50 p.m.)

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: under Consent Agenda item 8d Adoption of Resolution #11-33 to Declare October 2011 as Disability Awareness Month was removed and added as item 9c under Presentations to the Board; item 12c under New Business VACo Annual Meeting – Voting Credentials (Proxy) was removed and was added under Consent Agenda as item 8d.

There was some discussion of the handling of the invocation during the monthly meetings. Consensus of the Board was to revisit this matter during the annual review meeting in January 2012.

Mr. Redd inquired about the cluster ordinance revisions and Mr. Glubiak's client. The County Attorney stated he has started the process but it will take some time. The entire subdivision ordinance needs to be changed to make it internally consistent. At the same time he is attempting to address a number of other issues raised by staff. Mr. Stuck added if there is an immediate need by Mr. Glubiak's client that one option was a friendly lawsuit which would be preferable to rushing the process.

Mr. Wright asked for clarification of the two employees recently hired; Travis Lindsey, Emergency Management Coordinator and Joseph Topham, Executive

Assistant (Operations). Mr. Funkhouser stated Mr. Lindsey's salary is set at \$46,000 annually and Mr. Topham's salary is set at \$34,000 annually.

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 board member Daniel L. Wright, Vice-Chairman, of the Board of Supervisors.

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd III, seconded by T. G. Smiley and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the following changes: under Consent Agenda item 8d Adoption of Resolution #11-33 to Declare October 2011 as Disability Awareness Month was removed and added as item 9c under Presentations to the Board; item 12c under New Business VACo Annual Meeting – Voting Credentials (Proxy) was removed and was added under Consent Agenda as item 8d.

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

The Chairman opened the First Public Comment Period.

a. Herbert White of the 2nd District spoke of some unresolved issues he feels should be brought to the attention of VDOT; specifically a curve on Route 600, going towards Aylett, stating numerous accidents have occurred in this area. He added that several signs are down on the roadways throughout the County and are in need of replacement.

b. Eugene Rivara of the 3rd District thanked the Sheriff's Department, the power companies, VDOT, and citizens for all the help, during and after Hurricane Irene, in getting the County back up and running.

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

RE: CONSENT AGENDA

On motion by D. L. Wright, 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 August 22, 2011, as presented
- b. Minutes of September 12, 2011 – Radio System Work Session, as presented
- c. Claims against the County for the month of September, 2011, in the amount of \$845,794.56 as follows:

(1) General Fund Warrants #74897-75034 in the amount of \$217,872.30; ACH Direct Payments for September, 2011, #1468-1559 in the amount of \$253,300.20; Direct Deposits #15755-15872 in the amount of \$181,388.67; and Electronic Tax Payment in the amount of \$54,473.28.

(2) For informational purposes, Social Services expenditures for the month of August, 2011, Warrants #308820-308855 in the amount of \$28,672.77; ACH Direct Payments #397-423 in the amount of \$31,764.99; Direct Deposits #2599-2617 in the amount of \$31,042.57; and Electronic Tax Payment in the amount of \$8,899.31.

(3) For informational purposes, Circuit Court expenditures for the month of August, 2011, Warrants #74881-74889 in the amount of \$5,383.97; Direct Deposits #421-422 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 August, 2011, Warrants #74893-74896 in the amount of \$9,680.00; and ACH Direct Payments #1466-1467 in the amount of \$894.30.

(5) Tax Refunds for the month of September, 2011, in the amount of \$10,631.36.

d. VACo Annual Meeting – Voting Credentials (Proxy). The Board authorized Otto O. Williams as the voting delegate for the 2011 annual meeting of the VA Association of Counties and further authorized Mr. Williams to cast the County's one vote in an Uninstructed Manner and, similarly, to participate in any caucus to

determine the Region 2 Representative of the VACo Board of Directors for a two year term ending December 31, 2013.

RE: PRESENTATIONS TO THE BOARD

a. Middle Peninsula-Northern Neck Community Services Board – Chuck Walsh - Executive Director, Chuck Walsh, thanked the Board for its continued support during the past year. He also thanked the Board for the appointed King William Representative, Anne Mitchell, to the MP-NN Community Services Board and stated she serves the King William citizens very well. Mr. Walsh provided an annual update on services provided to King William County residents by the MP-NN Community Services Board.

In addition, Mr. Walsh presented and reviewed the FY-12 Operating Budget and Performance Contract with the Board and asked that the Board adopt a Resolution indicating its approval. He reported the MP-NN CSB approved these documents at its June 21, 2011, meeting. Mr. Walsh stated the Performance Contract with the Department of Behavioral Health and Developmental Services stipulates each locality represented by the CSB must have an opportunity to review and approve the operating budget and contract annually.

b. Community Services Board Contract – Consideration of Action Resolution #11-31 - On motion by D. L. Wright, seconded by O. O. Williams, and carried unanimously, the Board adopted the following Resolution #11-31 approving the Performance Contract prepared by the MP-NN CSB for FY2012:

RESOLUTION #11-31

**Middle Peninsula-Northern Neck
Community Services Board
Approval of Performance Contract**

WHEREAS; §37.2-508 of the *Code of Virginia* [1950] as amended, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, an annual Performance Contract for community mental health, intellectual disabilities, and substance use services for its approval prior to submission of the contract to the Virginia Department of Behavioral Health and Developmental Services; and

WHEREAS, the Middle Peninsula Northern Neck Community Services Board has put forward its proposed Performance Contract for Fiscal Year 2012, for approval by the Boards of Supervisors of its governing counties of Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that the Performance Contract prepared by the Middle Peninsula Northern Neck Community Services Board for Fiscal Year 2012 and presented to the Board is hereby approved and may be forwarded to the Department of Behavioral Health and Development Services as further required.

Adopted this 26th day of September, 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>

c. Adoption of Resolution #11-33 Proclamation to Declare October 2011 as Disability History and Awareness Month - Maria Harris – Ms. Harris addressed the Board and thanked them for their consideration of Resolution #11-33 Proclamation to Declare “October as Disability History and Awareness Month”. She also thanked the County Administrator for his assistance in having this important resolution brought before the Board.

On motion by C. T. Redd III, seconded by T. G. Smiley, and carried unanimously the Board adopted the following Resolution #11-33 - Proclamation to Declare “October as Disability History and Awareness Month”.

**RESOLUTION #11-33
PROCLAMATION TO DECLARE
“OCTOBER AS DISABILITY HISTORY
AND AWARENESS MONTH”**

All of our citizens should have the opportunity to live and work with dignity and freedom. To recognize the talents, skills, and dedication of Americans who have a disability, that they are a vital part of our workforce and community. During the month of October, we actively engage King William government, the residents, business, and faith based organizations to bring awareness of disability issues, people and programs through various educational forums. That King William County will commit to ensure that public and private places are accessible to persons with physical, mental, and sensory disabilities.

WHEREAS, disabilities affect one in five Americans, and more than 75% of Americans with disabilities receive no public assistance; and

WHEREAS, the 2000 Census reported over 4 million disabled individuals between the ages of 21 and 64 are in the Commonwealth of Virginia; and

WHEREAS, United States President George H. W. Bush signed the Americans with Disabilities Act (ADA) into law on July 26, 1990; and

WHEREAS, the Virginia General Assembly adopted Senate Joint Resolution 321 designating October as Disability History and Awareness Month in Virginia during the 2009 session; and

WHEREAS, the ADA law was crafted to ensure the equal treatment of people with disabilities and to establish a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and

WHEREAS, the ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions, and increasing full participation in community life; and

WHEREAS, the full promise of the ADA will only be reached if public entities remain committed in their efforts to fully implement the ADA; and

WHEREAS, President Obama reaffirmed the need for inclusion in the United States in a Proclamation dated October 1, 2010, and

WHEREAS, King William County celebrates and recognizes the progress of ADA, reaffirms the principals of equality and inclusion, and recommits our efforts to reach full ADA compliance.

NOW, THEREFORE, BE IT RESOLVED, the King William County Board of Supervisors does hereby proclaim and pronounce the month of October, 2011, as "Disability History and Awareness Month" and encourage all residents to join in honoring our commitment toward full accessibility and inclusion of people with disabilities; 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.

Adopted this 26th day of September, 2011

Those members voting:

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

RE: APPOINTMENTS

There were no appointments brought before the Board.

RE: OLD BUSINESS

No old business brought before the Board.

RE: NEW BUSINESS

a. Public Hearing - Regional Water Supply Plan – The County Administrator explained this is a public hearing for consideration of action for the adoption of a Regional Water Supply Plan. He further explained the County has been participating with the Middle Peninsula Planning District Commission (MPPDC) on the development of a Regional Water Supply Plan. Such plans are mandated for localities by state regulations and the Middle Peninsula localities determined a regional plan was the most comprehensive and cost-effective manner to address the state mandate. EEE

Consulting was retained by the MPPDC to develop a plan. Representatives of EEE Consulting provided a presentation to the Board at its August 22nd meeting and are present tonight for any questions.

The Chairman opened the Public Hearing.

Eugene Rivara of the 3rd District appeared before the Board representing the Mattaponi Pamunkey Rivers Association (MPRA) to review some concerns. He stated he understands this plan is a State mandated unfunded plan. In his opinion he feels King William has an advantage and is ahead of the game because King William County already has an underground water management plan. In reviewing the plan he questions whether the population growth will triple in 20 years as projected. He agrees the plan is good, conservation projections are included, and is a great tool in using building ordinances for water saving sinks and devises of this kind. He also feels the plan will meet the State Water Control Board requirements; there are no red flags that he sees in the plan. Adding this is a living document and should be reviewed every 5 years; the plan is lengthy and his hopes are that the Board has reviewed the plan and are not relying on a summary and the resolution before them. He suggested the Planning Commission have a chance to review the plan for input. Mr. Rivara thanked the Board for their time and asked they take this information brought before them into consideration.

There being no other persons to appear before the Board the Chairman closed the Public Hearing.

b. Consideration of Action Regional Water Supply Plan –

Mr. Schools asked for clarification in making projections for future water use, is it better to use a large growth potential and be safe, instead of a conservative growth potential.

Mr. Marling, with EEE Consulting, stated in a rapid growth jurisdiction making population and demand projections is like shooting at a running deer; EEE tried to take into consideration all factors that could come into play. In this particular case using the master utility plan projections seemed like the right thing to do, there seemed to be a demand for growth manifested in the County over the past decade. In the past few years things have gotten rough, the economy is in bad shape, this is a 30 year plan

and is a long range plan, and the demand has been there. A conservative approach would say the demand quite possibly might come back; therefore the County needs to anticipate and plan for it.

Mr. Williams asked for clarification on how soon the plan needs to be approved and the State requirements timeline.

Mr. Marling stated DEQ regulation requires Counties to adopt a plan and submit to DEQ by November 3, 2011.

Mr. Smiley stated in reviewing the plan his understanding is there are alternative plans the County can go with. Further clarifying this is a plan and has not cost the County any money to prepare. Mr. Marling answered in the affirmative.

Mr. Wright asked for the reading of Resolution #11-32. Resolution #11-32 A Resolution Approving the Regional Water Supply Plan for the Middle Peninsula of Virginia was read by the County Administrator.

Mr. Williams inquired if the plan has been properly advertised. Mr. Funkhouser answered in the affirmative.

Mr. Wright asked if the plan has been presented to the Planning Commission. Mr. Funkhouser stated the plan has not been referred to the Planning Commission formally.

Mr. Redd asked for clarification on the advertisement requirements. Mr. Funkhouser stated the public hearing was properly advertised; prior to that, press releases were provided to local newspapers and in some instances were published.

Mr. Schools further clarified the Plan has been thoroughly reviewed by the Board, verified by Mr. Marling, and some changes were made at the Board's request. The County Administrator confirmed the Board was presented a briefing and changes were made to the Plan with the previous Interim County Administrator.

The County Administrator explained two actions are required of the Board; adoption of the Regional Water Supply Plan tonight and approval of a Drought Response and Contingency Plan ordinance to be presented to the Board at a later date. The Drought Ordinance is required by State mandate and minimal, if any, discretion is afforded the localities by such mandate.

On motion by C. L. Schools, seconded by T. G. Smiley, and carried unanimously the Board adopted the following Resolution #11-32 A Resolution Approving the Regional Water Supply Plan for the Middle Peninsula of Virginia:

**RESOLUTION #11-32
A RESOLUTION APPROVING
THE REGIONAL WATER SUPPLY PLAN
FOR THE MIDDLE PENINSULA OF VIRGINIA**

WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ); and

WHEREAS, King William County is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2011, deadline; and

WHEREAS, on September 26, 2011, King William County held a public hearing to accept public comment on the Regional Water Supply Plan; and

WHEREAS, the adopted Regional Water Supply Plan will be submitted to the DEQ on or before November 2, 2011.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of King William County hereby adopts the Regional Water Supply Plan as it pertains to King William County. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. King William County reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. King William County will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

BE IT FURTHER RESOLVED, that the Board of Supervisors of King William County intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

Adopted this 26th day of September, 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: ADMINISTRATIVE MATTERS – TRENTON L. FUNKHOUSER,

COUNTY ADMINISTRATOR

a. Award of Contract/Janitorial Services – The County Administrator gave a brief overview of discussions that occurred before the current fiscal year and the Board's expressed interest to transition away from using hired employees to conduct

cleaning in the various County buildings the County is responsible for; this follows up on the decision reflected in the FY-12 Budget.

Mr. Williams asked for clarification on the savings to the budget with this change. The County Administrator stated the estimated savings is \$35,000.

Mr. Wright brought to the attention of the audience that a background check is performed by the Sheriff's office on all personnel used for office cleaning in County buildings. Mr. Funkhouser confirmed the Sheriff's office will be conducting these background checks.

On motion by T. G. Smiley, seconded by D. L. Wright, and carried the following vote the Board authorized the County Administrator to negotiate and execute a contract for janitorial services.

Those members voting:

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

b. Approval of FY-11 Year End Supplemental Appropriations – The Board was informed that, in preparation of the audit, the accrual process for goods and services purchased and received during the fiscal year that ended June 30, 2011 has been completed. The following itemized list of the needed supplemental appropriations in the total amount of \$267,044.20 was presented for the Board's review.

Additional local funds	\$ 140,364.23
State/Federal funds	69,069.43
Offsetting revenue	57,610.54

It was explained that of the total additional local funding required, \$21,281.07 was for payments made to a consultant and for advertisement of County Administrator and County Attorney openings; \$14,446.37 was for a budgeting error in E911 (error has been corrected in FY2012); \$1,544.27 was for an FY2010 lease payment paid in FY2011; \$16,184.91 for remaining self-help work on the Mt. Olive project; \$1,411.00 for increase in rates at Transfer Stations; \$10,925.73 emergency repairs to the generator in the new courthouse, clean-out of the septic system at the new courthouse and lease of an aerial lift to replace parking lot lights at the new courthouse; \$2,149.57

was for an unbudgeted increase in Zoning Board members' salaries (Planning Commission members' increase were covered in the Community Development Budget); \$2,319.97 was for an unbudgeted payment for broadband consultation and legal services; \$70,101.34 was for the purchase of requested items in FY2012 budget as approved by the Board during the budget work session. Local revenues collected in excess of the budgeted amount and unspent (local) departmental funds more than made up the additional local dollars needed in FY-11.

Thereupon on motion by T. G. Smiley, seconded by C. T. Redd III, and carried unanimously the Board adopted the following Resolution #11-34 Authorizing FY-11 Year-End Supplemental Appropriations:

**RESOLUTION #11-34
Authorizing FY11 Year-End Supplemental Appropriations**

WHEREAS, appropriations must be approved for all expenditures; and

WHEREAS, the Board of Supervisors routinely approves fiscal year-end appropriations where necessary; and

WHEREAS, FY11 year-end appropriations total \$267,044.20, of which \$140,364.23 is additional local funds; \$69,069.43 is additional state and federal funds; and \$57,610.54 has offsetting revenues.

NOW, THEREFORE, BE IT RESOLVED; that the Board of Supervisors of King William County, Virginia, does hereby approve the FY11 year-end supplemental appropriations as itemized above.

Adopted this 26th day of September, 2011

Those members voting:

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

c. Introduction of Emergency Management Coordinator – Travis Lindsey -

The County Administrator introduced Travis Lindsey, Emergency Management Coordinator, who was recently hired and started his position with the County on September 26, 2011.

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.

There being no 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.

Mr. Redd commented on a recent anonymous letter he received regarding a perceived personnel matter with an employee in the Sheriff's Department. He suggested in the future a name and a return address should be included for responses; he was unable to respond to this inquiry because of this missing information.

Mr. Wright stated he received a letter of the same kind and agrees with Mr. Redd's suggestion. Continuing he thanked the Sheriff's Department, Department of Social Services staff, Court Services staff, Planning Director, Maintenance staff, Litter Control Coordinator, Building Officials, and County Administrator for a job well done during Hurricane Irene.

Mr. Williams thanked the residents of the Mangohick District who helped with the cleanup during Hurricane Irene; citizens worked with VDOT and the power companies to clear the roads. Continuing he said it was nice to see neighbors helping neighbors in a time of need.

Mr. Schools also thanked all those who assisted with the cleanup during and after the hurricane.

RE: ADJOURNMENT OF MEETING

There being no further business to come before this Board, the meeting was adjourned at 7:45 p.m. on motion by C. T. Redd III, seconded by T. G. Smiley, and carried unanimously.

Those members voting:

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

COPY TESTE:

C. L. Schools, Chairman
Board of Supervisors

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