

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF OCTOBER 25, 2010

AT A MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 25TH DAY OF OCTOBER, 2010, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

T. G. SMILEY, CHAIRMAN
C. L. SCHOOLS, VICE-CHAIRMAN
C. T. REDD III
D. L. WRIGHT
O. O. WILLIAMS

WILLIAM C. PORTER, JR., INTERIM COUNTY ADMINISTRATOR
WILLIAM H. HEFTY, INTERIM COUNTY ATTORNEY

RE: INVOCATION – REV. ROBERT WORMLEY – PASTOR, MT. SINAI BAPTIST CHURCH, AYLETT, VIRGINIA

The opening invocation was delivered by Rev. Robert Wormley, Pastor of Mt. Sinai Baptist Church in Aylett.

RE: ANNOUNCEMENT OF RETIREMENT OF MARIAN A. WHITE AS EXECUTIVE ASSISTANT IN COUNTY ADMINISTRATOR’S OFFICE AND DEPUTY CLERK TO THE BOARD OF SUPERVISORS

Chairman T. G. Smiley presented a letter received by the Board from Marian A. White, Executive Assistant in the County Administrator’s Office and Deputy Clerk to the Board of Supervisors, stating her intent to retire on February 1, 2011, after having served the County for 36 years. Mrs. White received a standing ovation following this announcement.

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 Interim County Administrator, with the following additions: Under Consent Agenda Item 7, a new item was added to become Item 7e – “Designation of Route 625 (Custis Mill Pond Road) as a Rural Rustic Road”; and under Item 11, Administrative Matters,

Item 11e – “Discussion of School Board Request for Authorization to Apply for \$500,000 in Qualified School Construction Bonds” was added.

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

Herb White representing the King William County Historical Society, invited the Board and the public to attend the Acquinton Church Restoration Celebration being held on Saturday, October 30, 2010, beginning at 3:00 p.m. at the Church on Acquinton Church Road. Virginia Delegate Christopher Peace is to deliver a few remarks, along with others providing a brief history of the project, and a token of appreciation is to be presented to Mr. and Mrs. Carroll Lee Walker.

Bob Ehrhart of the Fifth Election District, addressed the Board with a comparison of adopted FY-10 budget figures versus actual expenditures ending May, 2010.

Phil Rose urged everyone to get involved and stay involved with what is going on around them in the political world and to exercise their right and vote on Tuesday, November 2, 2010.

RE: CONSENT AGENDA

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

a. Minutes of the 9:00 A.M. Reconvened Meeting of September, 27,2010, the Regular Meeting of September 27, 2010, and the Reconvened Meeting of October 11, 2010

b. Claims against the County for the month of October, 2010, in the amount of \$952,207.95 as follows:

(1) General Fund Warrants #73294-73408 in the amount of \$267,730.89; ACH Direct Payments #5140-592 in the amount of \$431,835.51; Direct Deposits #14518-14626 in the amount of \$192,387.33; and Electronic Tax Payment in the amount of \$60,254.22

(2) For informational purposes, Social Services expenditures for the month of September, 2010, Warrants #308452-308476 in the amount of \$21,931.19;

ACH Direct Payments #25-65 in the amount of \$39,878.04; Direct Deposits #2394-2412 in the amount of \$32,627.67; and Electronic Tax Payment in the amount of \$11,124.75

(3) For informational purposes, Circuit Court expenditures for the month of September, 2010, Warrants #73276-73284 in the amount of \$5,369.71; Direct Deposits #388-3907 in the amount of \$8,701.77; and Electronic Tax Payment in the amount of \$2,979.66

(4) For informational purposes, Comprehensive Services Act Fund expenditures for the month of September, 2010, Warrants #73285-73293 in the amount of \$16,959.50; ACH Direct Payments #509-513 in the amount of \$12,165.70

(5) Tax Refunds for the month of September, 2010, in the amount of \$5,953.15

c. Adopted the following Resolution designating Route 625 (Custis Mill Road) as a Rural Rustic Road:

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of King William County, Virginia (“Board”) requests that Route 625 Custis Millpond Road, From: 1.0 mile east of Route 626 East Rose Garden Road, To: 2.0 miles east of Route 626 East Rose Garden Road be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, that the Board requests this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

RE: APPOINTMENT OF COUNTY ADMINISTRATOR

On motion by C. L. Schools, seconded by C. T. Redd III and carried unanimously, the Board adopted the following Resolution appointing Mr. Trenton L. Funkhouser of West Point, Virginia, to serve as County Administrator of King William County, effective January 1, 2011, with an initial base salary of \$95,000.00 annually.

RESOLUTION

Appointment of County Administrator

WHEREAS, the Board of Supervisors of King William County, Virginia, has received applications for the vacant position of County Administrator, and has interviewed candidates for that position; and,

WHEREAS, following the review of applications and the interviewing of candidates, the Board has agreed to offer the position of County Administrator to Trenton L. Funkhouser, who has agreed to accept the position.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Trenton L. Funkhouser is hereby appointed as County Administrator of King William County, Virginia, effective January 1, 2011, at an initial base salary of \$95,000.00; and,

BE IT FURTHER RESOLVED, that the Board of Supervisors approves an Employment Agreement between Trenton L. Funkhouser and the Board dated October 25, 2010, and authorizes the Chairman of the Board to sign such Employment Agreement on behalf of the Board of Supervisors.

RE: REASSESSMENT UPDATE – WILLIAM C. COALSON, PRESIDENT, TRI-COUNTY APPRAISALS, INC.

William Coalson of Tri-County Appraisals, Inc. addressed the Board reporting that the original sales study he performed, which was based on sales from the end of 2008 through June, 2009, (excluding foreclosures) indicated that the assessment levels were at 96%. During this time period, there were still foreclosures at a rate of 28% of all sales. He stated that he had anticipated that the market would level out and the overall real estate market in the County would improve, however, this has not been the case. Sales from June, 2009, through February, 2010, indicated the assessment levels were at 100% (excluding foreclosures), and that the foreclosure rate had increased to 30%. His final sales study, done for the period from February, 2010, through September, 2010, indicate that the assessment levels are still at 100% (excluding foreclosures) and that the foreclosure rate has increased to 36% overall.

Currently, there are about 240 to 250 properties listed for sale in the County and the market time is approximately three months.

Mr. Coalson advised that the Assessment Notices will be mailed out the first week of December with the Reassessment Hearings being conducted in January.

RE: PLANNING MATTERS – SCOTT LUCCHESI, COMMUNITY DEVELOPMENT DIRECTOR

a. Public Hearing – Zoning Case #CUP-03-00, Request for Extension to Complete the Reclamation of a Former Mining Site, Tax Map #78-33A; Owner/Applicant: S. Kent Cooke, Vice-President, Essex Concrete Corp. - On motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, this matter was not heard by the Board due to the absence of the owner/applicant, Mr. S. Kent Cooke.

RE: ADMINISTRATIVE MATTERS – WILLIAM C. PORTER, JR., INTERIM COUNTY ADMINISTRATOR

a. Public Hearing – Proposed Amendments to Chapter 78, “Utilities” of the Code of King William County, Virginia - Interim County Administrator, William C. Porter, Jr., presented the proposed amendments to the King William County Code, Chapter 78, entitled “Utilities”, Article III. Public Utility Services Regulations, Division 3. Utility Service Terms and Procedures, and reviewed the major amendments as follows:

- Other local taxes and fees must now be paid prior to service (in addition to property taxes).
- A deposit of \$200.00 will be charged under certain circumstances.
- A late payment fee of 10% will be applied on the first day a payment is past due, as currently applied on delinquent property taxes.
- Additional information on Notice of Termination procedure is provided.
- A \$25.00 reconnection fee has been added for water; A \$50.00 fee has been added for sewer.
- A payment plan is offered in extreme circumstances, to be determined by the County Administrator.

Thereupon, the public hearing was declared open by the Chairman to receive comments.

No persons appeared to speak for or against these proposed amendments.

Thereupon, the public hearing was declared closed.

b. Consideration of Action - On motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board adopted the amendments to the King William County Code, Chapter 78, entitled "Utilities", Article III, "Public Utility Services Regulations", Division 3. "Utility Service Terms and Procedures" as was presented in public hearing.

c. Approval of Resolution Requesting that the Virginia Department of Environmental Quality (DEQ) Permit Direct Water Withdrawal from the Pamunkey River - Interim County Administrator, William C. Porter, Jr., stated that the Board of Supervisors adopted the King William County Master Utility Plan Revised: May 14, 2010, which is to be part of the Middle Peninsula Regional Water Supply Plan. The Master Utility Plan identifies the necessity of direct water withdrawal from the Pamunkey River, with a safe yield capacity to meet the needs of the County as the primary potable water resource for the future. Currently, the County is dependent on groundwater as its only source of potable water, and based on the demand for groundwater in King William County, the Department of Environmental Quality (DEQ) has designated King William County as a "Groundwater Protection Area". In addition, the Board has recognized that the County cannot depend on groundwater to meet the future economic development and residential needs of the County.

Mr. Porter suggested that the Board begin its planning for future potable water supply needs, and based on the length of time, and the numbers of studies that must be undertaken to permit direct water withdrawal, the Board should identify its water source and begin the process for obtaining all necessary permits for direct water withdrawal from the Pamunkey River.

Thereupon, on motion by C. L. Schools, seconded by D. L. Wright and carried unanimously, the Board adopted the following Resolution requesting the Virginia Department of Environmental Quality (DEQ) to take any action necessary to assist in designating and permitting direct water withdrawal by King William County from the Pamunkey River to ensure the delivery of an adequate safe water supply sufficient to meet the present and future needs of King William County:

RESOLUTION

Department of Environmental Quality Regarding the Master Utility Plan & Water Withdrawals From the Pamunkey River

WHEREAS, existing major industrial, commercial and residential growth in King William County has been, and is currently, dependent upon groundwater withdrawals; and

WHEREAS, King William County has been designated by the Department of Environmental Quality (DEQ) as being in a Ground Resource Water Protection area, and recognizes that groundwater withdrawals cannot meet the future needs of its industry, businesses, citizens and growth; and

WHEREAS, previous extensive efforts to develop alternative water sources jointly with the City of Newport News are no longer a consideration; and

WHEREAS, King William has adopted its Revised Master Utility Plan, part of the Middle Peninsula Regional Water Supply Plan, which identifies the direct water withdrawals from the Pamunkey River with its safe yield capacity, to meet the needs of the County as the primary potable water resource for the future; and

WHEREAS, the future expansion of the Nestle Purina Pet Care (NPPC) plant may also be contingent, in large part, upon an immediate decision on future water resources; and

WHEREAS, current industry, with the assistance of the County and the Hampton Roads Sanitation District (HRSD), are making efforts to fully utilize the reuse of the County's wastewater; and

WHEREAS, direct water withdrawals are essential for the continued economic development and financial well-being of King William County, its citizens, businesses and industries.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors respectfully requests that the DEQ take any action necessary to assist in designating and permitting direct water withdrawal by King William County from the Pamunkey River, to ensure the delivery of an adequate safe water supply sufficient to meet the present and future needs of King William County; and

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors formally requests that with the commitment to surface water withdrawals from the Pamunkey River, and the adoption of policy for the future conversion of groundwater supplies to surface water, that DEQ forego the requirement of groundwater monitoring wells in the County and allow those funds to be utilized for the permitting and development of surface water; and

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors will provide any assistance possible to meet the environmentally friendly water needs of its residents, businesses and industries, and provide for the continued security of the 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 the Department of Environmental Quality and the County's legislative delegation, and shall be spread upon the meeting minutes of said Board of Supervisors.

d. Discussion of Participation in the 2011 River Country Brochures - The Interim County Administrator, William C. Porter, Jr., presented information concerning

the County participating in the 2011 River Country Brochure being proposed by Gloucester County. It was stated that several years ago, King William County participated in the publication of a regional tourism brochure at an annual cost of \$1,500.00, and this has not been included in the Budget since FY-09 for several reasons. First, that was during the initial round of state revenue reductions and that funding was used to help fund core functions, and, in addition, several Board members and staff questioned the direct benefits of the brochure and wondered if the money might be better spent specifically in the County.

The proposal from Gloucester County to design the brochure in-house would reduce the estimated cost of the 2011 brochure by approximately half, to \$793.00

The Board discussed this proposal, and no action was taken.

e. Discussion of Request from King William School Board to Apply for \$500,000 in Qualified School Construction Bonds (QSCB) - School Superintendent, Dr. Mark Jones, and School Board Vice-Chairman, Steve Tupponce, addressed the Board requesting authorization to apply for up to \$500,000 in the Qualified School Construction Bonds (QSCB) for the acquisition of property for school purposes. Vice-Chairman, Steve Tupponce, advised that on October 12, 2010, Governor McDonnell announced an application process for the remaining \$229.5 million in QSCBs authorized under the American Recovery and Reinvestment Act of 2009 (ARRA). QSCBs are tax credit bonds for school construction and renovation projects. Mr. Tupponce indicated that under this program, issuers are eligible to receive a direct federal subsidy in an amount that is expected to offset the interest payments made on the bonds, resulting in zero or near zero interest cost, however, issuers are still responsible for repayment of the principal. Continuing, it was noted that this latest QSCB allocation is available for projects involving new construction, including land acquisition.

It was noted by Dr. Mark Jones that the school division is a few years away from building a school, however, enrollment projects predict growth that will necessitate beginning the process.

The Board discussed this request from the School Board, but took no action on the matter.

RE: APPOINTMENTS

a. Middle Peninsula Planning district Commission – One Citizen Member, One Year Term, Term of Robert F. “Dick” Brake Expired 6/30/10 (NOTE:: Mr. Brake does not wish to be considered for reappointment.) - At the request of C. T. Redd III, action on this appointment was tabled until applications are received.

b. Planning Commission – Two Members, Four Year Terms, Terms of Carlyle Clements and Alvin Carter Expire 10/31/10 - On motion by D. L. Wright, seconded by C. T. Redd III and carried unanimously, the Board reappointed Carlyle Clements and Alvin Carter to serve as members of the King William County Planning Commission, each to serve a term of four years, with said terms ending October 31, 2014.

c. Middle Peninsula Juvenile Detention Commission – One Alternate Member, Four Year Term, Term of Terri E. Hale Expires 10/31/10 - On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board reappointed Terri E. Hale to serve as alternate member representing King William County on the Middle Peninsula Juvenile Detention Commission for a term of four years. Said term will expire October 31, 2014.

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

No persons appeared to speak.

RE: BOARD OF SUPERVISORS’ COMMENTS

Various Board members expressed their appreciation to the citizens for their interest in attending Board meetings and participating in the local government process.

They also urged everyone to vote in the upcoming Election on November 2, 2010.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(a)(1), CODE OF VIRGINIA, 1950, AS AMENDED FOR INTERVIEWS WITH CANDIDATES FOR THE POSITION OF COUNTY ATTORNEY AND THE DISCUSSION OF THE PERFORMANCE OF OTHER SPECIFIC COUNTY EMPLOYEES, AND PURSUANT TO SECTION 2.2-3711 (A)(3), CODE OF VIRGINIA, REGARDING THE

PROPERTY ACQUIRED FOR NEWPORT NEWS PURSUANT TO THE AGREEMENT CONCERNING THE RESERVOIR, WHERE DISCUSSION IN OPEN SESSION WOULD ADVERSELY AFFECT THE BARGAINING OR NEGOTIATING STRATEGY OF THE COUNTY

On motion by C. T. Redd III, seconded by D. L. Wright and carried with a unanimous roll call vote, the Board entered Closed Meeting pursuant to Section 2.2-3711(a) (1) and Section 2.2-3711(a)(3) of the Code of Virginia, 1950, as amended, for the purposes as stated above.

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

In accordance with Section 2.2-3412D of the Code of Virginia, 1950, as amended, D. L. Wright 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 C. T. Redd III and carried with a unanimous roll call vote.

RESOLUTION

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

WHEREAS, Section 2.2-3417D of the Code of Virginia, 1950, as amended, requires a certification by the King William County Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors hereby certifies that, to each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were heard, discussed, or considered in the Closed Meeting to which this certification resolution applies, by the King William County Board of Supervisors.
2. Only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed, or considered in the Closed Meeting by the King William County Board of Supervisors.

The Chairman stated that no action is to be taken by the Board as a result of discussion in the Closed Meeting.

RE: ADJOURNMENT OF MEETING

There being no further business to come before this Board, the meeting was adjourned.

COPY TESTE:

T. G. Smiley
Chairman

William C. Porter, Jr.
Clerk to the Board of Supervisors