

MINUTES

KING WILLIAM COUNTY

BOARD OF SUPERVISORS

MEETING OF NOVEMBER 23, 2009

AT A MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 23RD DAY OF NOVEMBER, 2009, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, ORDER WAS CALLED WITH THE FOLLOWING PERSONS PRESENT:

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

**L. M. CHENAULT, COUNTY ATTORNEY
FRANK A. PLEVA, COUNTY ADMINISTRATOR**

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd III, seconded by C. L. Schools and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the following changes: Under Item 6, "Consent Agenda" part of 6a - "Approval of Minutes of Joint Work Session of October 20, 2009", was deleted; Item 6f—the topic of "Discussion of Reduction of State Funds for 2010" to be placed on the Board's Agenda for the December 14, 2009, meeting, was added.

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

a. Steve Palmer, Commonwealth's Attorney, addressed the Board indicating that he had requested to be on the Board's agenda for this meeting to express concern about the Compensation Board reductions that will be flowing through the State into the County, but he will withhold his remarks until the Board's December meeting, as it was noted earlier in this meeting by the Board that it will be discussing this matter at its December 14th regular meeting. He thanked the Board for the opportunity afforded him and the other four Constitutional Officers, as well as the

Registrar to have some input into the decision of where reductions would be made in their individual office budgets.

b. Wade Bowler addressed the Board concerning a letter he sent to the Board of Supervisors and the County Administrator regarding the Sheriff's Office and asked for a response.

L. M. Chenault, County Attorney, advised Mr. Bowler that his letter was received by the Board and has been referred to him. He also indicated that he has met with the Sheriff on two occasions on this matter and a response will be forthcoming shortly.

c. Don Wagner of the Mangohick District, appeared before the Board to discuss several items including the following: (1) the subdivision platting of a parcel of land located on Route 600 (West River Road); -- He stated that the initial development of this land in 2006 was for four lots, all of which have been sold, and that subsequently, the owner has platted an additional eight lots, six of which are designated as a family division, and two remain in the owner's name. Further, Mr. Wagner indicated that the Subdivision Ordinance defines a minor subdivision as having two to four lots, and Section 66-100 of the Ordinance provides for a single division for sale or gift to a member of the immediate family of the property owner. Continuing, he cited that this Section goes on to imply that this section shall not be used to circumvent the Ordinance. He feels that to further subdivide the original parcel into an additional eight lots, with all of them designated either as a family division or remaining in the ownership of the owner, appears to be a clear circumvention of the Ordinance.

Mr. Wagner indicated that since he provided this information to the Planning Commission and to the Planning staff at its November 16th meeting, and has received no reply, he is requesting the County Administrator to provide him with a written response as to how this was allowed to happen and how this will be prevented in the future.

(2) On another matter, Mr. Wagner cited information contained in a recent news article stating that the Registrar and her staff were denied funding for mandatory training required by the State. However, the article further stated that partial funding

was provided for Board Member, T. G. Smiley, to attend a Virginia Association of Counties (VACO) session at the Homestead Resort, which was not a mandatory conference. He stated his opinion that Mr. Smiley should reimburse the County, and further, it was his opinion that Ms. Mickens, as the Registrar, should have the budgetary discretion to determine how funds for her department are spent for mandatory training.

(3) On still another matter, Mr. Wagner stated that the agenda for this meeting includes a "Closed Meeting for discussion or consideration of the acquisition of real property for a public purpose". He stated his hope that the Board is not considering the purchase of property for any purpose in these difficult financial times, and that any such discussion would be open to the public before any decisions are made in Closed Meeting.

d. Herb White, of the Second Election District, addressed the Board inquiring about the amount of Meals Tax collected since it began on April 1st and how it is being expended.

At the conclusion of the public comment period, the County Administrator responded to the questions raised concerning the Meal Tax being collected in the County. He indicated that collections began April 1, 2009, and to date, total approximately \$133,000.00 and these funds are being separated into a separate account and earmarked for the purposes stated on the Ballot which include the following: to offset the costs of law enforcement, fire and emergency services, public education, and capital improvement expenditures, including debt service.

RE: CONSENT AGENDA

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

a. Minutes of the Regular Meeting of October 26, 2009, were approved as written.

b. Claims against the County for November, 2009, in the amount of \$744,561.35 as follows:

(1) General Fund Warrants #71489-71653 in the amount of \$485,676.25; Direct Deposits #13270-13409 in the amount of \$198,907.81; and Electronic Tax Payment in the amount of \$59,977.29

(2) For informational purposes, Social Services expenditures for the month of October, 2009, Warrants #307781-307841 in the amount of \$62,099.77; Direct Deposits #2197-2214 in the amount of \$31,177.82; and Electronic Tax Payment in the amount of \$9,967.88

(3) For informational purposes, Circuit Court expenditures for the month of October, 2009, Warrants #71455-71462 in the amount of \$5,748.87; Direct Deposits #352-355 in the amount of \$10,031.08; and Electronic Tax Payment in the amount of \$3,253.25

(4) For informational purposes, Comprehensive Services Act Fund expenditures for the month of October, 2009, Warrants #71464-71487 in the amount of \$31,997.04

(5) Tax Refunds for the month of October, 2009, in the amount of \$256.71

c. Awarded a contract for completion of the Mt. Olive Community Improvement Project utility lines and laterals to Enviroscope, Inc. in the amount of \$67,236.00. Funding in this entire amount will be provided by Rural Development grant funds.

d. Adopted the following Resolution for the Declaration of a Local Emergency in King William County:

RESOLUTION FOR THE DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Board of Supervisors of King William County, Virginia, does hereby find as follows:

1. That due to the occurrence of local flooding during the storm of November 12-14,2009, King William County faced a condition of peril to the lives, safety and property to the residents of King William County; and,

2. That as a result of this peril, the proclamation of the existence of an emergency is necessary to permit the full powers of the government to deal effectively with this condition of peril.

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the Board of Supervisors of King William County, Virginia, that a local emergency existed throughout King William County; and,

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of this emergency, the powers, functions, and duties of the Director of Emergency Services and the Emergency Services organization and the functions of King William County shall be those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of King William County in order to mitigate the effects of said emergency.

e. Authorized a Public Hearing be set for December 14, 2009, during the Board's regular monthly meeting beginning at 7:00 p.m. in the Board Room of the County Administration Building to consider Zoning Case #Z-07-06, Request to Revise Proffers; Tax Map#28-1; Owner/Applicant: Highview Journey, LLC

f. Authorized an item be placed on the Agenda for the Board meeting of December 14, 2009, for "Discussion of Reduction of State Funds for 2010"

RE: ADOPTION AND PRESENTATION OF RESOLUTION OF APPRECIATION TO MICHAEL L. LIPSCOMB, SR. ON THE OCCASION OF HIS RETIREMENT FROM VDOT'S RUMFORD OFFICE

On motion by D. L. Wright, seconded by C. T. Redd III and carried unanimously, the Board adopted the following Resolution of Appreciation for Michael L. Lipscomb, Sr. on the occasion of his retirement from VDOT's Rumford office.

RESOLUTION OF APPRECIATION

WHEREAS, Michael L. Lipscomb, Sr. retired from the Virginia Department of Transportation (VDOT) on October 23, 2009, after 25 years of service; and,

WHEREAS, Mr. Lipscomb was hired by VDOT on June 17, 1985, as a Highway Equipment Operator A assigned to the Tappahannock Area Headquarters; and,

WHEREAS, Mr. Lipscomb was transferred to the Rumford Area Headquarters in May, 1988; and,

WHEREAS, Mr. Lipscomb was promoted to a Highway Equipment Operator B in July, 1994; and,

WHEREAS, Mr. Lipscomb was promoted to a Transportation Maintenance Supervisor in August, 1995; and,

WHEREAS, Mr. Lipscomb was born and raised in King William County on September 2, 1952, the son of Mrs. Elizabeth (Betty) L. Lipscomb and the late Harry V. Lipscomb; and,

WHEREAS, Mr. Lipscomb celebrates his retirement with his wife, Belinda (Sherry) R. Lipscomb, and children, Michael Jr., Christopher, Sheila, Christian, and Hannah.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors expresses its deep appreciation to Mr. Lipscomb for his career-long dedication to public service to the condition of the roads in the community; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors congratulates Mr. Lipscomb 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.

Mr. Lipscomb was present at this meeting and received the Resolution from Board Chairman, O. O. Williams.

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY

ADMINISTRATOR

a. Proposed Abandonment of a Section of 13th Street in the Town of West Point - The County Administrator reviewed the procedure for considering an abandonment indicating that tonight the Board will hear this request and take public comment and a person(s) may request a public hearing be advertised.

He further stated that this is a request from property owner, West Point Properties, LLC, to abandon a section of 13th Street, also known as Route 298, in the Town of West Point as “the safety and welfare of the public would be served best by abandoning the section of the road”. Said section of road is further described as the last 0.02 mile of 13th Street (Route 1102) from its intersection with Lee Street (Route 298) east to the dead end.

Mr. Pleva explained further that if the aforementioned 0.02 mile portion of 13th Street (Route 1102) is abandoned, then the petitioner will dedicate to the Town of West Point recorded public purposes easements for ingress, egress, drainage, and utilities. These easements will ensure that public access and egress is maintained for properties that are currently served by the section of 13th Street (Route 1102) that is

proposed to be abandoned as well as the Town of West Point's future "Riverwalk" project and parking facilities.

VDOT Residency Administrator, Charles E. Stunkle, indicated that VDOT's Land Development Department in Fredericksburg has been reviewing the site plan for the redevelopment of this parcel, and most all of the issues have been addressed. VDOT's final approval of this plan and the issuance of any permits to access the road for work within the right-of-way of Lee Street is contingent upon the abandonment of 13th Street and the dedication of the easements that will replace this access. The easements will have to be dedicated for VDOT to consider and approve any abandonment.

The County Administrator indicated his understanding that the purpose of this requested abandonment is for the proposed development of a parcel and also for adequate parking.

Following these comments, the petitioner was invited to speak.

Thereupon, Mr. John Crowder, pharmacist and owner of the West Point Pharmacy addressed the Board. He indicated that West Point Properties is the company that manages the property utilized by the Pharmacy. The store opened nine years ago and currently employs 12 people. He feels very blessed by the community to have a successful business which now is in need of expansion. He explained that he needs help from the Board in this process, which involves a petition to abandon a portion of 13th Street. Conditional to the abandonment will be the improvement to the street and the granting of a permanent easement for ingress and egress over that exact location for anyone desiring to travel in the area. Additionally, a second connecting entrance to the property will provide improved ingress and egress and will connect 13th Street for better traffic movement. This will improve the development at the corner of 13th and Lee Streets and will increase the tax base for the Town and the County by the sales and real estate, and possibly, meals, taxes, in addition to providing increased employment, replacing a building that has passed its life span and is in need of demolition, and creating the first new construction on 14th Street in many years. This project will bring the County and the Town its first pharmacy with a drive-thru. It will bring in additional retail space on the busy Route 33 corridor.

Mr. Crowder further indicated his understanding that changes in the corner will sometimes create some inconveniences to people, especially the neighbors of the project. The original project plans have been altered to create a landscape buffer of approximately 10 feet between the new parking area and the Norman residence, which adjoins this property. A second entrance was added to the site to accommodate a neighbor on 12th Street, Bobby Wilson, who likes to use the alley behind the store for his driveway, and he will be able to do that, as he has been able to do for many years. During construction, there may be some inconveniences, but that will be temporary, and he has been assured that the project will be completed in a timely fashion.

Mr. Crowder indicated that Mr. Blair Wilson, site plan engineer for the project, was present if the Board had questions.

T. G. Smiley questioned if the 12th Street alley will remain open. Mr. Crowder confirmed that it will remain open and in its exact same location.

Thereupon, the Chairman asked for comments from the public.

Mr. Dennis Norman, an adjacent property owner, appeared before the Board commenting that the revised site plan will benefit the Town and its citizens, as long as the easement is permanent. He questioned whether or not the easement will still be permanent if this property is sold. Mr. Crowder responded that the easement would be in perpetuity with the property.

There being no other persons appearing to speak, the comment period was closed.

Mr. Stunkle stated that since there were no requests received to advertise for a public hearing, the Board can proceed to take action.

Thereupon, on motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board approved the request for abandonment of 13th Street as proposed, and directed the County Administrator to prepare a Resolution of adoption for signature and forwarding to VDOT.

Mr. Redd advised that he had met several times on the property with Mr. Crowder and that Mr. Crowder worked very hard to make changes to the project plan to take care of several situations that worked better for his neighbors, and he would like to commend Mr. Crowder for all his efforts in doing this.

b. Route 30/Route 627 Passing Zone (Near Henderson's Farm Near West Point) - At the Board's October meeting, Mr. Stunkle reported that this matter had been referred to the VDOT Traffic Engineering Department for review. This review has been completed and indicated that the location has adequate site distance in both directions and are not recommending any changes at this time.

c. Mitchell's Mill Road (Route 610) - Mr. Stunkle stated that he was pleasantly surprised recently when he received a phone call from the contractor that had been rebuilding Mitchell's Mill, that the Dam construction was now complete. There are still a number of hoops that have to be jumped through before this road can come back into the State System. The bridge has not been inspected since the Tropical Storm Gaston went through so the Bridge Inspection crew will need to do this. Certification is needed from the Virginia Department of Conservation and Recreation Office of Dam Safety that the dam meets all of their criteria. He advised that he has spoken with the Office of Dam Safety and it was indicated that this would not be completed before January. Further, one thing that complicates this, is the fact that the engineer who designed the Dam so they could secure the permit to reconstruct the Dam, has since passed away, and his firm is essentially out of business. After all of these issues are taken care of, then VDOT will need to install additional guard rail and signage, before it can officially reopen.

d. Federal Funding Authorized for Railroad Gates and Flashing Lights at Cohoke - Mr. Stunkle informed the Board that federal funding has been authorized to construct railroad gates and flashing lights on the two crossings on Mt. Olive/Cohoke Road. Agreements have been approved with CSX Railroad for them to do the construction, so this should be done early in 2010.

e. Six Year Plan Revised - Notice was received that the Commonwealth Transportation Board will hold a public hearing on December 1, 2009, on the Six Year Plan. Basically there is a revised Six Year Plan that is cutting out \$851 M over the Plan that was previously approved in June of this year. \$164 M of that is coming from federal funds on secondary construction projects in 87 counties and that includes \$921,044.00 from the Route 604 (Dabney's Mill Road) project in King William. He indicated that the secondary road construction program going forward was essentially

dead, because the program had only been getting about \$30,000.00 annually. This will essentially wipe out the balances that had been accumulating for construction.

f. Route 30 at Route 631 (Marl Hill Road) - D. L. Wright reported that due to the recent heavy rains, some trees and debris have fallen and are on the edge of the roadway and could be dangerous. He asked VDOT to take care of this removal.

g. Route 360 - D. L. Wright inquired about the date for the contractor to be coming in to do the work on Route 360. Mr. Stunkle responded that this is contingent on whenever the contractor with the milling machine can come back in and the weather.

h. Dabney's Mill Road and Nelson's Bridge Road - O. O. Williams discussed his disappointment over losing funding in the Six Year Plan for the Dabney's Mill Road project, but, he is still concerned about the Stop Sign problem at Dabney's Mill and Nelson's Bridge, and inquired how this will now be taken care of. Mr. Stunkle indicated it is unknown what the County might be able to identify as another source of funds to address this intersection. One of the other things being cut out of the Six Year Plan is all Revenue Sharing Funds, so even this option to do the work on a 50/50 basis no longer exists.

Chairman Williams discussed further drainage issues on Dabney's Mill Road, Nelson's Bridge Road, Old Foot Path Road, Herring Creek Road and Smokey Road, with Mr. Stunkle.

RE: KING WILLIAM COUNTY CODE MATTERS – TERRI E. HALE, ASSISTANT COUNTY ADMINISTRATOR

a. Public Hearing – Proposed Ordinance for EMS Third Party Billing Services - Terri E. Hale, Assistant County Administrator, indicated that the Board has been discussing a Third Party Billing Service for several months for emergency medical services, and the first draft of a proposed ordinance was provided to the Board in June. The Ordinance, if adopted, would allow the County to contract with a private vendor to bill health care providers for ambulance transports performed by County-chartered departments. A "compassionate billing" system is proposed, whereby payments are made by an insurance provider, not an individual. If a citizen

does not have insurance coverage, no payment would be required. No emergency transport service would ever be denied any citizen.

She further indicated that the proposed Ordinance has been reviewed by the County Attorney, the County Emergency Services Director, the County Administrator, Ms. Johnston of the County Attorney's office, and Ms. Hale, and has been advertised as well as being posted on the County web site.

Receipts from the EMS billings would be posted to a specific account for programs that would be determined and appropriated by the Board of Supervisors. If the Ordinance is adopted, the Board would need to discuss several issues in the future that include: (1) The split between the County and the transporting department; and (2) An effective date for the Ordinance; (3) Fees

Frank Pleva, County Administrator, clarified that the portion of the receipts that would be retained by the County would still be earmarked for EMS purposes, whether it would be for capital or operational.

Thereupon, the Chairman declared the public hearing open for comments and the following addressed the Board:

Don Wagner of the Mangohick District, stated that he is not opposed to this issue, but questioned the next agenda item for this meeting concerning the award of a contract for EMS Third Party Billing Services. He inquired whether or not the proposed contract is a competitive contract since the ordinance is being adopted and the contract being awarded at the same time. The County Administrator responded that the proposed contract is a competitive contract in that nine proposals were submitted, interviewed four, went through the ranking process and negotiated, and a recommendation made to the Board.

There being no other persons appearing to comment for or against this proposed Ordinance, the public hearing was declared closed.

b. Consideration of Action - On motion by C. L. Schools, seconded by D. L. Wright and carried by a unanimous roll call vote, the Board adopted the proposed addition of Chapter 33 entitled "Emergency Medical Services" to the King William County Code. This addition includes Article I, entitled "Service Fees for Emergency

Medical Transport” and sets forth the definitions, billing and collections policies and rules and regulations for the Ordinance.

The effective date of this Ordinance will be set by the Board at a future meeting.

c. Consideration of Proposed Shooting Ordinance and Setting of Public Hearing – County Attorney, L. M. Chenault - Mr. Chenault reported that in response to a request from D. L. Wright at the Board’s October meeting to draft a proposed shooting ordinance pertaining to the discharge of firearms and bows in the County, due to a numerous concerns the Board has had over a number of months and years about the discharge in subdivisions and close to homes, he has drafted a proposal. He indicated that he researched the State Code to determine what the law allows the County to do, and has provided this information to the Board. In presenting the draft ordinance, he indicated that this is strictly a draft for the Board’s review and discussion. This proposed draft prohibits the shooting of guns or arrows on lots of five acres or less, and the shooting of guns and arrows within 100 yards of a public road, residence or any other building where people may gather. The Board may make it more restrictive or less restrictive, but the restriction needs to be defined in such a way that the Sheriff would be able to enforce it.

Further, Mr. Chenault advised that the Board can continue its review of the draft ordinance to a future meeting, reject the draft ordinance from further consideration, or schedule an advertised public hearing on the draft ordinance, with or without changes to the initial or first draft.

After an initial review of the proposed draft ordinance, the Board determined the need to continue its review and discussion to its regular monthly meeting on December 14, 2009.

RE: PROCUREMENT MATTERS – TERRI E. HALE, ASSISTANT COUNTY ADMINISTRATOR

a. Consideration of Award of Contract for EMS Third Party Billing Services
Assistant County Administrator, Terri Hale, reported that a Request for Proposals (RFP) was issued in June soliciting proposals from private vendors to provide third party billing services for EMS in the County. The purpose of this cost recovery program is to recoup a portion of the expenses associated with the operation of

emergency medical services. County residents will only be charged to the extent of their health insurance, vehicle insurance and/or homeowner's insurance coverage will allow. Seven proposals were received in response to the RFP, and an evaluation committee consisting of Cecil Schools, Steve Puckett, Jack Barbour, Frank Pleva and Terri Hale reviewed the submissions. Informal interviews were conducted with four of the firms and ranked by the committee as follows:

1. EMS Management and Consultants, Inc.
Clemmons, North Carolina
2. Intermedix
Fort Lauderdale, Florida
3. Cornerstone Adminisystems, Inc.
New Cumberland, Pennsylvania
4. Certified Ambulance Group
Rocky Hill, Connecticut

Ms. Hale continued advising that EMS Management and Consultants, Inc. was unanimously ranked first by all members of the evaluation committee. Based on the presentation and discussion, the committee felt that EMS Management and Consultants, Inc. was the most knowledgeable of new state requirements. The EMS Management and Consultants, Inc. all inclusive fee for these services is 7% of net collections.

The Board discussed this matter, and upon motion by C. L. Schools, seconded by T. G. Smiley and carried unanimously, the Board awarded the contract for third party billing services to EMS Management and Consultants, Inc. of Clemmons, North Carolina, with the condition that the contract be reviewed by County Attorney, L. M. Chenault.

RE: CONSIDERATION OF RESOLUTION IN SUPPORT OF APPLYING FOR AND IMPLEMENTING THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) PROGRAM BEING ADMINISTERED BY THE VIRGINIA DEPARTMENT OF MINES, MINERALS AND ENERGY AS PART OF THE AMERICAN RECOVERY AND REINVESTMENT ACT – FRANK A. PLEVA, COUNTY ADMINISTRATOR

On motion by D. L. Wright, seconded by T. G. Smiley and carried unanimously, the Board adopted a Resolution in Support of Applying for and Implementing the

Energy Efficiency and Conservation Block Grant (EEDBG) Program being Administered by the Virginia Department of Mines, Minerals and Energy as Part of the American Recovery and Reinvestment Act, as presented by the County Administrator.

RE: UPDATE ON COUNTY PROJECTS – FRANK A. PLEVA, COUNTY ADMINISTRATOR

a. Mt. Olive Community Improvement Project - Mr. Pleva reported that the guard rail has now been installed in the Gray Manor Subdivision entrance. Funding for the guard rail was provided by Rural Development, formerly the Farmers Home Administration (FHA).

b. Regional Broadband System - The County Administrator reminded the Board that a public hearing has been advertised to be held on the proposed Middle Peninsula Broadband Authority during the Board's December 14, 2009, meeting.

RE: APPOINTMENTS

a. Wetlands Board – One Member to Fill Vacated, Unexpired Term Ending 10/31/2011 - On motion by D. L. Wright, seconded by C. T. Redd III and carried unanimously, the Board appointed Jessie T. Crawford to fill the vacated, unexpired term on the King William County Wetlands Board expiring October 31, 2011.

b. MP-NN Community Services Board – One Member, Three Year Term, Term of Terri E. Hale Expires 12/31/09 (NOTE: Ms. Hale is not eligible to serve an additional term) - On motion by C. L. Schools, seconded by C. T. Redd III and carried unanimously, the Board appointed Anne M. Mitchell to represent King William County on the Middle Peninsula-Northern Neck Community Services Board for a term of three years. Said term will expire December 31, 2012.

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

Robbie Sparks, President of the King William County Volunteer Fire Department and Rescue Squad, Inc., addressed the Board to express appreciation for supporting the Third Party Billing for EMS services in the County. Some of the needs of the Department that he would like to see funded with some of this resource would be capital improvements within their department, as they have aging equipment. Their

Engine 1, a 1991 pumper, needs to be replaced. They were able to secure a new tanker truck in May of this year. Their two ambulances are also in need of replacement and within the next two or three years, would like to purchase a new one.

Mr. Sparks cited some of the upcoming events for King William Fire and Rescue including the following: Santa Runs will be December 18, 19, and 20, 2009, in the neighboring subdivisions of the upper part of the County; Santa Pancake Breakfast will be December 12, 2009 – 8:00 – 10:00 A.M.; and the Salt Fish Breakfast will be December 19, 2009 – 5:30 – 9:30 A.M.

RE: BOARD OF SUPERVISORS' COMMENTS

a. Various Board members thanked citizens for their attendance at this meeting and wished everyone a Happy Thanksgiving.

b. Electoral Board Matter - Before addressing the public, D. L. Wright indicated that he would like to make a motion that the Board issue a check in the amount of \$315.00 to the General Registrar, Susan L. Mickens, for reimbursement for lodging expenses while attending a State mandated Electoral Board training held June 29 – July 2, 2009.

No second was received on this motion, therefore it died.

Mr. Wright then expressed his concern that the Board may not fully understand the potential outcome of what this could do to King William County. It has already caused bad publicity, but he feels there is a greater possibility that the State will take some action against the County, and if they do, the outcome will be far greater than the \$315.00 reimbursement payment.

Mr. Wright also stated that he wanted to go on record as being in favor of paying this \$315.00 to Mrs. Mickens, General Registrar.

O. O. Williams, Chairman, stated that he is in agreement with Mr. Wright's motion and expressed sorrow that the motion failed.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711A(7), CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION AND DISCUSSION WITH LEGAL COUNSEL EMPLOYED BY THE PUBLIC BODY AND BRIEFINGS BY STAFF MEMBERS REGARDING THE KING WILLIAM AND KING AND QUEEN REGIONAL ANIMAL SHELTER AND PURSUANT TO SECTION 2.2-3711A(3) FOR

FOR A PUBLIC PURPOSE, OR OF THE DISPOSITION OF PUBLICLY HELD REAL PROPERTY, WHERE DISCUSSION IN AN OPEN MEETING WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE PUBLIC BODY

On motion by C. T. Redd III, seconded by C. L. Schools and carried unanimously, the Board entered Closed Meeting pursuant to Section 2.2-3711A(7), Code of Virginia, 1590, as amended, for consultation and discussion with legal counsel employed by the public body and briefings by staff members regarding the King William and King and Queen Regional Animal Shelter and pursuant to Section 2.2-3711A(3) for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Having completed the Closed Meeting, the Board reconvened in open meeting, on motion by T. G. Smiley, 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, T. G. Smiley 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 D. L. Wright 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 2.2-3416D 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 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.

RE: ELECTORAL BOARD MATTER

Upon returning to open meeting, T. G. Smiley made to motion to reconsider the vote not to reimburse the General Registrar, Susan L. Mickens, in the amount of \$315.00 for lodging expenses while attending a State mandated Electoral Board training on June 29 – July 2, 2009. This motion was seconded by C. T. Redd III and carried with the following roll call vote:

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

RE: ACTION ON ELECTORAL BOARD MATTER

On motion by C. T. Redd III, seconded by D. L. Wright and carried with the following roll call vote, the Board, per the County Attorney's recommendation, voted to reimburse the General Registrar, Susan L. Mickens, the amount of \$315.00 for lodging expenses while attending a State mandated Electoral Board training on June 29 – July 2, 2009.

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

RE: ADJOURNMENT

There being no further business to come before this Board, the meeting was adjourned at 9:40 p.m.

COPY TESTE:

Frank A. Pleva
County Administrator