

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF DECEMBER 15, 2008

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 15TH DAY OF DECEMBER, 2008, 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:

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

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

RE: APPROVAL OF MEETING AGENDA

On motion by O. O. Williams, seconded by T. G. Smiley and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator.

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

a. Jeanette Wagner voiced concerns about the Epworth Solid Waste Transfer Station located on Route 610 (Epworth Road). She stated her opinion that the facility entrance is too small to allow two vehicles to pass as they enter. On the upper end of the driveway entrance, there is a drop off that could probably break an axel on a vehicle. She feels that with this facility entrance being where it is, and a crest of a hill coming down to the entrance way in one direction, and a curve coming from the opposite direction, the County needs to look at making it a commercial entrance with a possible turning lane or at least a wider entrance, and extending the drainage pipe out four to five more feet on either side. She also stated her opinion that VDOT is probably not responsible for this upgrade but most likely it should be the responsibility of VPPSA as the County contracts service with them.

b. Larry Hardin of 632 Globe Road in Aylett discussed a recent news article headline which appeared in the local Tidewater Review concerning the County water meter reading system in subdivisions. He stated the headline reads: *"In Exchange for Supervisors' Approval, Developers Will Buy County A Meter Reading System"*. He indicated his disturbance upon reading this headline, because he feels that he might pick up the newspaper one day and read a headline that states "In exchange for whatever, County approves motocross". He fears that since the developers, KW Morrison, are still clearing/timbering their property to put in a motocross, that one day he will be reading such a headline. He feels the Board is not listening to what individual citizens are saying. He indicated that the Board requested their comments to be curtailed until an actual application is filed by KW Morrison, so while they have curtailed their comments, a road has been put in, the developer is timbering/clearing their land, and pretty soon he feels there will be mounds for the motocross. He feels that by curtailing their comments, the citizens of King William have gotten stepped on, and that the Board is not representing them very well.

The County Administrator explained the meaning of the news article headline referred to by Mr. Hardin. He indicated that a County which has proffered zoning can accept proffers to offset the impact of a project. The new water meter reading system was one item that was proffered. The applicant also proffered cash for each lot to offset the cost of capital facilities to provide services to these lots.

c. Herb White of 101 Bea's Lane addressed the Board to make those members who may not be aware, and the citizens in the audience at this meeting, that a new Chamber of Commerce has been formed in King William County, due to the help of Mr. Dan Wright and others. As a member of the Chamber Board of Directors, Mr. White invited and encouraged all the Supervisors to join. He indicated the main mission of the Chamber is to bring more business into the County. He stated that in checking with the Commissioner of the Revenue, 1,274 businesses are currently registered with that office and pay the BPOL tax to the County.

d. Dr. Donald Longest of 6773 King William Road addressed the Board stating his opposition to the proposed motocross. He feels that motocross speaks for itself – it is a very difficult thing to regulate.

e. Thomas Gresch of 160 Wood Lane also voiced opposition to the proposed motorcross.

RE: 2009 GENERAL ASSEMBLY UPDATE – SENATOR RYAN T. McDOUGLE AND DELEGATE CHRISTOPHER K. PEACE

Senator Ryan McDougle and Delegate Chris Peace addressed the Board concerning the recession and how it has hit the State Budget and Revenues, and what the forecast looks like going into the upcoming General Assembly session in January.

Delgate Peace discussed what has transpired over the last year in terms of State Government, what the General Assembly did in order the pass the State Budget, the process in which the Assembly was engaged in over the latter part of the summer, the early October revenue reforecast, and where the Assembly now stands waiting for the Governor's recommendations on an amended Budget to be announced on Wednesday, December 17th.

Following Delegate Peace's presentation, various Board members made the following comments:

Chairman C. T. Redd III indicated his understanding of the need for State Budget cuts, but most often this just means that the costs are funneled down to the local level. He asked that if funding is cut from the state, that the state mandates also be cut. The citizens still have to pay this money, and it is a greater percentage when it comes from the local coffers.

O. O. Williams discussed HB1146 which will create a hardship on Social Services Departments and asked Delegate Peace to work towards not passing this Bill.

D. L. Wright discussed three topics of interest to King William County with the legislators. (a) Budget cuts to the Department of Transportation – Mr. Wright indicated the County was told that when the two new bridges at West Point were completed, Route 30 through King William County would be improved. Route 30 is continually becoming more hazardous every day, with more heavy truck traffic than ever before, probably 15% more now than this time last year. With the construction underway for the new location of the Virginia State Fair on Route 30 in Doswell, Route 30 through King William County will become a thoroughfare. It really needs to be widened, at least five feet on each side. This can be done, but the County needs some help in getting this information over to the Department of Transportation in seeing that it is done. He feels the citizens of this County

deserve to have Route 30 improved as it is the longest corridor through the County. Mr. Wright asked Senator McDougle and Delegate Peace to assist with getting this over to the Department of Transportation.

b. The second topic discussed by Mr. Wright was the mandate issued by the State concerning the green house effect and energy efficient operation of public education facilities across the State. Recently, the King William School Board requested the Board of Supervisors to secure a loan in the amount of 2.3 to 2.5 million dollars for compliance of County schools with this mandate. Mr. Wright suggested that if the State mandates such issues, then State funding should be provided to the localities for them.

c. The third topic discussed by Mr. Wright relates to the per diem cost for the regional jail. He indicated that the State wants to lower the per diem cost rather than raise it, when it is still the same now as it was in 1977. You cannot feed an inmate the same type of food for the same amount of money now as was done in 1977. This issue needs to be looked at thoroughly by the Legislature, because it is not fair to the localities. The State needs to help the localities with this per diem cost.

Delegate Peace acknowledged these recommendations made by the Board.

Senator Ryan McDougle discussed how the State Budget goes through the General Assembly, as well as his opinion about the direction the State Legislature should be going in order not to make some of the mistakes that have been made in the past. He explained that the Budget process is run by the Constitution. The Governor is required to submit a Budget each year. This will be done on Wednesday, December 17th, 2008. Logistically, what happens then, the Chairman of the Senate Finance Committee will introduce that Budget as a Bill in the Senate, and the Chairman of the House Appropriations Committee will introduce that Budget as a Bill in the House. The House and the Senate have a number of differences, one being structurally how the budget committees are set up. On the House side, there are two committees – one that spends money (the Appropriations Committee) and one that raises money, deals with taxes and revenue (the Finance Committee). On the Senate side, all those powers and authorities are vested in one committee, so the same group of people make all those decisions. This makes the process different because the House can't raise or lower taxes without the Bill going through the Finance Committee before it can be spent by the Appropriations Committee. However, on the Senate side, the same committee can put

tax or revenue raisers in the legislation as it moves forward. Typically, the Governor's Budget is not altered by any more than 4% at any given time.

In discussing some of the possible cost saving measures, Senator McDougle reviewed some of the avenues that need to be looked at, such as overhead costs associated with education, and administrative costs in the State Department of Education, restructuring how we do government and making better decisions going forward. He indicated there will be no additional funding for the Department of Transportation this year, but there are some things that can be done with transportation to make the system structurally more sound, so as we come out of this recession, as we put money into transportation, it can get specifically back to the localities, and back to building infrastructure. One of those things is to totally disassemble VDOT, eliminate the Secretary of Transportation, eliminate the Departments of Aviation, Rail. We have all these different areas working on transportation, but all working in different directions. That means we have 3 or 4 different sets of overhead with administrative staff and nobody is functioning in the right direction. The Commonwealth Transportation Board now has the responsibility or the duty to spend the money. They are the individuals that should be selecting the Commissioner of VDOT to make sure that the money is going to the places where it needs to go. This type of re-structuring in the Department of Transportation going forward will make it so that when the economy turns around, the Legislature can get revenues back to localities. Further, he feels that the members of the General Assembly all have some sense that localities have a better understanding of what the individual needs are, and that as far as transportation, the General Assembly should make decisions on a more global picture. They ought to say on the State level that major thoroughfares such as Interstates 95, 64, 81, and 460, are things they need to devote significant resources to, but, when it comes to local secondary routes, the General Assembly should give more decision making power back to the localities. These decisions should not necessarily be made in the General Assembly or by the Transportation Board.

Senator McDougle cited other issues and challenges relating to the State's Budget which he feels need to be addressed in the upcoming Assembly session, and asked the Board, as they are preparing the County Budget, to provide direction and assistance from the local level. It would be most helpful if the localities would communicate the areas where they think they can most afford for budget cuts to be made, and the areas where they can

least afford cuts. He also indicated that when the Board expressed concern about mandates, it would be most helpful to know what specific items the Board finds to be most difficult to deal with. He has heard from some other localities, that if they could change the classroom size from 24 to 26/27 students, that this could have a significant impact on helping them with their budget. That type of detailed information would be very beneficial as the Assembly is looking at those mandates going forward and making decisions. Having specific data and information on how something will impact a locality is one of the most helpful tools in the Assembly's decision making.

Chairman Redd discussed information the Board was made aware of in early December that the Virginia Board of Pharmacy is considering changing the language of Regulation 18 VAC 110-20-580 to specify that animal shelters and humane societies cannot order and possess any drugs or medications other than those used for euthanasia. The Board asked Senator McDougle and Delegate Peace to work really hard to not let this happen.

RE: CONSENT AGENDA

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

a. Minutes of the Joint Meeting of November 17, 2008, with the Social Services Board; Minutes of the Joint Meeting of November 20, 2008, with the School Board, and Minutes of the Regular Meeting of November 24, 2008, as written.

b. Claims against the County for December, 2008, in the amount of \$794,877.17 as follows:

(1) General Fund Warrants #69107-69249 in the amount of \$372,163.49; Manual Checks #14186-14187 in the amount of \$8,318.92; Direct Deposits #12035-12140 in the amount of \$190,903.95; and Electronic Tax Payment in the amount of \$62,675.71

(2) For informational purposes, Social Services expenditures for the month of November, 2008, Warrants #307112-307162 in the amount of \$53,992.50; Direct Deposits #1998-2013 in the amount of \$28,546.57; and Electronic Tax Payment in the amount of \$10,231.00

(3) For informational purposes, Circuit Court expenditures for the month of November, 2008, Warrants #69085-69092 in the amount of \$5,672.66; Direct Deposits

#312-315 in the amount of \$10,283.14; and Electronic Tax Payment in the amount of \$3,607.67

(4) For informational purposes, Comprehensive Services Act Fund expenditures for November 2008, Warrants #69094-69105 in the amount of \$48,481.56

(5) There were no Tax Refunds for the month of November, 2008.

c. Adopted a Resolution Authorizing the Issuance of Revenue Anticipation Notes (RANs) for 2009 in Amounts Not to Exceed \$3.5 M and \$5.0 M

d. Adopted the proposed FY-10 Budget Calendar as presented by the County Administrator

e. Authorized that a public hearing to consider adoption of a Meals Tax Ordinance setting the tax levy amount be advertised to be held during the Board's regular January, 26, 2009, meeting beginning at 7:00 p.m. in the Board Room of the County Administration Building

f. Adopted the proposed regular monthly meeting calendar for the year, 2009, as presented by the County Administrator

g. Approved Addendum #4 to the Hampton Roads Sanitation District Agreement with King William County

h. Approved payment of a Fowl Claim in the amount of \$88.00 payable to Ms. Wanda Fields for seven chickens and four guineas killed by stray dogs.

RE: VDOT MATTERS – CHARLES E. STUNKLE, RESIDENCY ADMINISTRATOR

a. Current Year Funding Reductions - Residency Administrator, Charles E. Stunkle, made the Board aware of an upcoming Public Hearing being conducted on January 12, 2009, at 6:00 p.m. by the Commonwealth Transportation Board to consider the Primary/Interstate Six-Year (2009-2014) Improvement Program, in the VDOT Central Office Auditorium at 1221 East Broad Street in Richmond.

Mr. Stunkle indicated that there will not be any additional monies, but he encouraged the Board to communicate their transportation needs regarding Route 30, to the Commonwealth Transportation Board, either in person or by written comments. If the needs and wishes are made known, funding may not be forthcoming, but, if they are not made known, funding will never be received.

Continuing, Mr. Stunkle indicated that based on last month's report from their Chief Financial Officer to the Commonwealth Transportation Board, it is anticipated there will be a 10 to 15 percent reduction in the current year's Six-Year Secondary Construction Funds and up to a 45 percent reduction some of the out years Secondary Construction Funds. This will need to be considered when the next revision of the Six-Year is being done.

b. Route 608 (Globe Road) - Mr. Stunkle reported that the issues discussed by Mr. O. O. Williams at the November Board meeting concerning ditching and a sunken area on Route 608 (Globe Road) have been addressed.

c. Route 610 (Epworth Road) - O. O. Williams indicated to Mr. Stunkle that Route 610 (Epworth Road) has the same problem with rain water running down the road instead of into the ditch. When the temperature drops, this freezes over and could cause severe hazards on this narrow roadway.

d. Marl Hill Subdivision - D. L. Wright questioned if any work has been done yet in Marl Hill yet to extend the entrance pipes and also have the four "Do Not Litter" signs been placed? Mr. Stunkle responded that some work has been started on the pipes, but the "Littering" signs have not been placed.

e. Portion of Millwood Road Requested for Abandonment in the Herring Creek Dam Area - The County Administrator requested Mr. Stunkle to give a report on the above Abandonment Request, stating that several months ago, the Board had a public notice on this, and now it has been decided that less of the area than was advertised for abandonment is more desirable for the Herring Creek Millpond Association. Mr. Stunkle responded that after the meeting, the Dam owners started thinking that if that whole section of road is abandoned, they would not have any legal right to be able to get to the actual Dam to work on it.

It is now being considered to go back and discontinue maintenance on a piece that was originally proposed for abandonment. Discontinuance means that the road comes out of the State Secondary System, but still remains as a public road. Once this is accomplished, go in from the Dam itself from the outside of the main spillway to the outside of the secondary spillway over by the Mill House and abandon this. This would allow the Dam owners to still have access to it, to hopefully, at some point to reconstruct it.

This issue will be coming up before the Board at some point in the future, possibly at the January, 2009, meeting.

RE: MERRIMAC JUVENILE DETENTION CENTER - JANET WEAVER, DIRECTOR – UPDATE ON ACTIVITIES

Janet Weaver, Director of the Merrimac Juvenile Detention Center, addressed the Board to provide an update on activities of the Center. King William County is one of the 18 jurisdictions that is served by the Merrimac Center, which is now 11 years old. She reported on the census of the Center as well as the staffing, and thanked King William County for its participation.

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

a. Regional Animal Shelter - The County Administrator reported that the anticipated completion date of this facility has now moved forward to the end of January, 2009, because of the drainfield situation.

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

a. Herb White addressed the Board as Chairman of the King William County Board of Zoning Appeals seeking information regarding this meeting's Agenda Item #13 – Closed Meeting Pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, as Amended, for Discussion of Legal Matters Pertaining to Actual Litigation Entitled *KW Morrison, LLC, vs. King William County Board of Zoning Appeals*. He indicated that the Board of Zoning Appeals has not received any notification about this closed meeting, and no information has been transferred to them since the appeal was filed on this case. As Chairman, he asked why the BZA is not being included in this closed meeting tonight.

Discussion was heard from several members of the Board of Supervisors about inviting Mr. White, as BZA Chairman, to attend the Board's Closed Meeting, and County Attorney, L. M. Chenault, indicated this could create a problem, because the Board of Zoning Appeals operates separately from the Board of Supervisors. He advised the Supervisors they could enter Closed Meeting, discuss the matter with him of inviting Mr. White to attend, and if the request is determined to be legal, the Supervisors could then invite Mr. White in.

Otherwise, he objected to the Board just arbitrarily inviting Mr. White to attend, as it could create a conflict of interest.

The County Administrator indicated that this Closed Meeting is being conducted to update the Board on the legal ramifications involved and the status of the case, which the Board of Zoning Appeals can do at one of their meetings with their legal counsel.

Mr. White stated once again that the Board of Zoning Appeals has had no communication whatsoever regarding this case from the County. He did speak with their legal counsel, Mr. Roger Wiley, one time and Mr. Wiley was to contact County Attorney, L. M. Chenault, and get back to him, but this has not occurred. Therefore, he has questions about what is to be discussed in the Board's Closed Meeting tonight and how it relates to the Board of Zoning Appeals. Because of this, he still feels the Board of Zoning Appeals should have representation in the Board's Closed Meeting tonight.

Board Chairman, C. T. Redd III advised Mr. White that based on advice from the County Attorney, the Board would get back to him once they go into Closed Meeting.

RE: BOARD OF SUPERVISORS' COMMENTS

2008 Chairman, C. T. Redd III thanked the other Board members for all their support, and thanked all the citizens who have participated in their local government during the past twelve months. He also asked that during this holiday season, that we all take a special moment and remember our troops, no matter where they are, either in the United States or overseas, because they are the ones that are protecting our freedom to have this meeting tonight and the freedom to be able to get up and speak.

D. L. Wright recognized and congratulated Mrs. Marian White, Executive Assistant in the County Administrator's Office, on her 34th anniversary as an employee of King William County. Mrs. White began her duties with the County in December, 1974.

Mr. Wright expressed the desire for the County to be able to continue with the Spring Festival in April, 2009, as the citizens look forward to this event each year. However, due to budget constraints, this may not be possible. He suggested that some help may be needed from the community to carry on with this event.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711(A)(29), CODE OF VIRGINIA, 1950, AS AMENDED, FOR DISCUSSION OF CONTRACTUAL OBLIGATIONS PERTAINING TO THE REGIONAL ANIMAL SHELTER PROJECT, AND PURSUANT TO

**SECTION 2.2-3711(A)(7), CODE OF VIRGINIA, 1950, AS AMENDED, FOR DISCUSSION
OF LEGAL MATTERS PERTAINING TO ACTUAL LITIGATION ENTITLED *KW
MORRISON, LLC. VS. KING WILLIAM COUNTY BOARD OF ZONING APPEALS***

On motion by T. G. Smiley, 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)(29), Code of Virginia, 1950, as amended, for Discussion of Contractual Obligations Pertaining to the Regional Animal Shelter Project, and pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, as amended, for Discussion of Legal Matters Pertaining to Actual Litigation entitled *KW Morrison, LLC, vs. King William County Board of Zoning Appeals*.

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, 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 T. G. Smiley 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.

Chairman, C. T. Redd III, 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 Borad, the meeting was adjourned.

COPY TESTE:

Frank A. Pleva, County Administrator

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