

MINUTES

KING WILLIAM COUNTY BOARD OF SUPERVISORS MEETING OF JANUARY 23, 2012

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 23rd day of January, 2012, beginning at 7:00 p.m. in the Conference Room of the County Administration Building, order was called with the following present:

C. T. Redd III, Chairman
T. J. Moskalski, Vice-Chairman
S. K. Greenwood
T. S. Stone
O. O. Williams

T. L. Funkhouser, County Administrator
D. M. Stuck, County Attorney

RE: REVIEW OF MEETING AGENDA

Chairman, C. T. Redd III, called the meeting to order at 7:00 p.m. and agenda changes were discussed.

There was general discussion of the budget process among Board members and the County Administrator. Suggestions that more work sessions be added to the budget calendar were discussed.

The Board recessed and moved to the Board Meeting Room of the County Administration Building to continue the meeting.

Chairman, C. T. Redd III, called the continued Board of Supervisors meeting to order at 7:30 p.m.

RE: APPROVAL OF MEETING AGENDA

On motion by T. J. Moskalski, seconded by T. S. Stone and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the following changes: item 9 - Appointments to the Comprehensive Economic Development Strategy (CEDS) committee now becomes item 17; item 17 - Recess now becomes item 18.

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. Cecil Schools, of the 3rd District, spoke about the Radio System and asked the Board to place the Radio System for the Sheriff's Office and emergency services as a number one priority.

Mr. Schools congratulated Mr. Williams on his 9th year serving the Board of Supervisors. He also congratulated Mr. Redd on his 25th year serving the Board of Supervisors. He wished the new Board members the best, saying that they have difficult challenges ahead of them.

b. Phillip Rose, of the 2nd District, spoke of his disappointment in the Board for removing the invocation from their monthly agenda.

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

RE: CONSENT AGENDA

On motion by T. S. Stone, seconded by O. O. Williams and carried by a unanimous vote the Board approved the following items on its Consent Agenda:

a. Minutes of the Regular Meeting of December 12, 2011, as presented

b. Minutes of the Organizational Meeting of January 3, 2012, as presented with one change, page 4, item d – Setting of Meeting Dates, Times and Place for 2012, in the first paragraph of the first sentence change the word “third” to “fourth”

b. Claims against the County for the month of January, 2012, in the amount of \$1,041,039.21 as follows:

(1) General Fund Warrants for the month of December 2011, #75379 - 75380 in the amount of \$92.17 and for the month of January 2012, #75388-75524 in the amount of \$394,029.15; ACH Direct Payments for the month of December 2011, #1816-1848 in the amount of \$38,807.37 and for the month of January 2012, #1854-1951 in the amount of \$217,557.75; Direct Deposits includes Circuit Court for the month of January #16224-16321 in the amount of \$186,259.99; and Electronic Tax Payment in the amount of \$67,138.33; and a Manual PR Check #12102 in the amount of \$1,419.65.

(2) For informational purposes, Social Services expenditures for the month of December, 2011, Warrants #309062-309094 in the amount of \$25,404.64;

ACH Direct Payments #503-527 in the amount of \$27,738.45; Direct Deposits #2679-2699 in the amount of \$32,299.94; and Electronic Tax Payment in the amount of \$11,155.66

(3) For informational purposes, Circuit Court expenditures for the month of December, 2011, Warrants #75370-75377 in the amount of \$4,807.57; Direct Deposits #733-735 in the amount of \$8,909.60; and Electronic Tax Payment in the amount of \$3,457.64.

(4) For informational purposes, Comprehensive Services Act Fund expenditures for the month of December, 2011, Warrants #75381-75387 in the amount of \$16,004.00; and ACH Direct Payments #1849-1853 in the amount of \$13,938.57.

(5) Tax Refunds for the month of January, 2012, in the amount of \$18.73.

RE: PRESENTATIONS TO THE BOARD

a. Parks and Recreation Department – Duties and Activities Review – JudiAnn Shaver, Director of Parks and Recreation – Ms. Shaver provided an overview of the duties and activities of the Parks and Recreation department.

Ms. Stone asked for a copy of the Parks and Recreation annual report for Board members; Ms. Shaver said she would provide.

b. Community Development Department – Duties and Activities Review – Scott Lucchesi, Director of Community Development - Mr. Lucchesi provided an overview of the duties and activities of the Community Development department.

Ms. Stone asked Mr. Lucchesi if he could provide a copy of a flow chart for the commercial and residential permitting process to Board members; Mr. Lucchesi said he would provide.

Ms. Stone also asked for a revised timeline on the Comprehensive Plan. Mr. Lucchesi stated that staff is ready to start on this right away, waiting for new Board to give direction on whether a consultant or in-house would review; new census data also put the process on hold; census information is slowly coming in. Ms. Stone asked what the completion percentage the plan is at currently. Mr. Lucchesi said 50% or less, plan has been reviewed by a lot of dedicated volunteers, a thorough review of the plan has been performed; it was determined we have a good plan but it can be made

better. Ms. Stone asked what value a consultant versus using in-house would bring to the process. Mr. Lucchesi stated this is a timely process and with the recent staff changes it is more difficult to devote full attention to this project, which is needed; staff is willing to update but will take some time. Ms. Stone stated updating the Comprehensive Plan is a priority to her and offered her assistance.

Mr. Williams asked Mr. Lucchesi for assistance with a sign that needs to be put in place on Cummins Road. Mr. William said it is a dead-end road; a lot of traffic has to turn around because they are not aware it is a dead-end road. Mr. Lucchesi said he would address with VDOT.

RE: OLD BUSINESS

With regards to the UDA that was referred to the Planning Commission last month Ms. Stone asked if notification could be sent to all affected property owners alerting them of the potential. The County Administrator said this can be done once a particular comprehensive plan area has been established, or if the Board chooses to do an overlay; saying typically localities do not notify in this fashion. He further stated property owners can be identified and the County can undertake the expense. Ms. Stone said she feels it is of value to affected property owners to be involved in the process versus having them come in at the end; it may be beneficial.

RE: NEW BUSINESS

a. Public Hearing – Ordinance #11-03 – Proposed Amendment to King William County Code – Section 78-192 – Water Emergencies and Conservation – The County Administrator explained Ordinance #11-03 is a follow up on the Regional Water Supply Plan developed by all of the member localities in the MPPDC, in coordination of the Commission by State mandate. As part of the adoption of the regional plan the consultant used King William County's current code as a model to share with the other localities as one example of what DEQ was looking for. Staff's understanding is King William County adopted the current drought ordinance in response to being granted a withdrawal permit by DEQ. Ordinance #11-03 is a further amendment to the current ordinance in consideration of revised regulations that DEQ has adopted.

The Chairman asked for clarification if the public hearing for Ordinance #11-03 has been properly advertised; the County Administrator answered in the affirmative.

Chairman Redd opened the public hearing for Ordinance #11-03 Proposed Amendment to King William County Code Section 78-192 Water Emergencies and Conservation.

There being no persons appearing to speak the Chairman declared the public hearing closed

There was some discussion between the Board members, the County Administrator and the County Attorney on clarification of the changes to the ordinance.

On motion by T. S. Stone, seconded by T. J. Moskalski, with the following roll call vote, the Board adopted Ordinance #11-03 to Amend Section 78-192 Water Emergencies and Conservation of the King William County code.

Those members voting:

S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Aye
T. J. Moskalski	Aye
C. T. Redd III	Aye

b. Public Hearing - Right-of-Way Vacation Request – Bryan Johnson – Woodbury Road (Route 644) – Resolution #12-08 – Chairman Redd invited the applicant to come forward to make a statement with regards to the Right-of-Way Vacation Request.

Applicant Bryan Johnson, of the 2nd district, appeared before the Board and stated he is a partner in Woodbury Farm LLC which owns the property impacted by the right-of-way. He said he is available to address any questions Board members may have.

Mr. Moskalski stated it is his understanding this is a swap of one right-of-way for another; a right-of-way that was acquired by the County in the 1960's. He asked for clarification that the road was not built along this right-of-way and property sits vacant; the County Administrator confirmed that is the case.

Mr. Greenwood asked for clarification if the road was ever in the right-of-way based on the aerial photo. The applicant answered in the negative, explaining the road was built where the right-of-way was according to the 1968 deed.

Mr. Williams asked for clarification if this was advertised as a public hearing, stating this was not noted in the agenda.

Mr. Funkhouser clarified the public hearing notice was inadvertently left out of the packet, the public hearing was advertised in the *Tidewater Review* on January 18, 2012, as required by law. Further he stated VDOT has no reservations or concerns on the right-of-way swap, one adjacent property owner contacted Mr. Lucchesi to discuss the issue and was satisfied with what was occurring. He confirmed he has not been contacted by anyone other than VDOT offering their assistance.

Ms. Stone agreed with Mr. Williams that information provided in the agenda packet was limited; in the future it would be helpful to have more details.

Chairman Redd opened the public hearing.

There being no persons appearing to speak the Chairman declared the public hearing closed.

Mr. Williams stated he feels VDOT should supply something in writing on this request; he feels there is more to this matter and does not feel comfortable in voting until he reviews more information.

Chairman Redd stated a copy of the advertised public hearing notice and a copy of Resolution #12-08 authorizing the vacation of the property was provided to Board members tonight.

Mr. Williams said before the one person could table an item was removed from the by-laws he normally would table an item if information was not provided until the night of the meeting, so people would have a month to review information.

Chairman Redd said he understands what Mr. Williams is saying, this matter was not a change to the agenda, the wording in the agenda did not have this item listed as a public hearing.

Ms. Stone asked for clarification that this is a trading of right-of-way versus vacating and asked for explanation of the process.

The County Attorney explained if the resolution is passed a deed of exchange will be prepared and then recorded with the Circuit Court. He explained the process of preparing a deed of exchange.

Ms. Stone stated she has spoken with some of the adjoining property owners and they are comfortable with this exchange of right-of-ways.

Mr. Moskalski agreed with Mr. Williams that Board members were not given much information on this matter ahead of time. He asked the applicant if this item were to be tabled if it would have any adverse effect on the plans for this property in the coming thirty days. Mr. Johnson replied no it would not.

The County Administrator asked for clarification from the Chairman if the item were to be tabled would the public hearing have to be re-advertised; the Chairman stated no, re-advertisement would not be required.

On motion by S. K. Greenwood, seconded by T. S. Stone, with the following roll call vote, the Board approved Resolution #12-08 – A Resolution Authorizing the County Administrator to Execute a Deed Exchanging Real Property Interests to Correct the Right of Way Location for a Portion of State Route 664 (Woodbury Road).

Those members voting:

T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Nay
C. T. Redd III	Aye

RE: ADMINISTRATIVE MATTERS – TRENTON L. FUNKHOUSER,

COUNTY ADMINISTRATOR

a. Request for Authorization to Advertise Notice of Intent to Adopt and Public Hearing – Ordinance #12-01 – Proposed Amendment – Section 46-35 – Dangerous Devices – The County Administrator explained the proposed amendment to King William County Code is in response to State Code, as well as several citizens alerting him that the County’s ordinance as it stands now with regards to Parks and Recreation areas in section 46-35 is inconsistent with State Code section 15.2915. Proposed Ordinance #12-01 deletes the County’s existing restrictions on the possession (carrying) of firearms and other guns in public owned recreational facilities and adds a prohibition on the discharge of firearms and other guns in public owned recreational facilities except in areas designated by the County and with the written permission of the Parks & Recreation Department Director. The County Administrator

asked for authorization to advertise notice of intent to adopt and public hearing to occur during the February 27, 2012, regular business meeting.

On motion by O. O. Williams, seconded by T. J. Moskalski, with the following roll call vote, the Board approved the advertisement of notice of intent to adopt and public hearing for proposed amendment to King William County Code section 46-35, Dangerous Devices.

Those members voting:

T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Aye
C. T. Redd III	Aye

b. FY12-13 Budget Calendar – The County Administrator explained that after several discussions with the Board it was decided additional work sessions be added to the budget calendar, previously adopted on November 21, 2011.

There was some discussion among the Board members and the County Administrator of the proposed changes to the calendar.

On motion by T. S. Stone, seconded by O. O. Williams, with the following roll call vote, the Board approved the revised budget calendar adding work sessions to occur on Monday, February 13th, at 6:30 p.m. and Thursday, February 23rd, at 6:30 p.m. The joint dinner meeting with the School Board scheduled for Thursday, March 29th was changed and will now occur on Thursday, March 15th, at 6:30 p.m.

Those members voting:

T. S. Stone	Aye
O. O. Williams	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
C. T. Redd III	Aye

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.

a. Don Wagner, of the 4th district, spoke of some issues with secondary roads in the County that have not been addressed by VDOT since Hurricane Irene. He stated he has contacted VDOT and has had no results. In particular he spoke of

an issue on Route 604 where sand and gravel has washed out of the road and is blocking the drainage and the road is freezing. Also on Route 600, where the road was paved on each side and a trough was left in the center, water is standing and freezing in the trough making it very dangerous.

Mr. Funkhouser asked for citizens to report any concerns of these types to him directly or to the Community Development Director. He stated VDOT will be attending meetings on a quarterly basis; they will no longer be attending monthly.

b. Darius Merritt, of the 4th district, addressed the Board as a concerned citizen and the newly elected vice-president of the King William Chamber of Commerce. He announced Spring Fest will be held at a different location this year; location on Route 360 will be announced soon; the agenda for Spring Fest this year will be based on shop in King William first.

Chairman Redd asked if the date for Spring Fest has been set.

Mr. Merritt said the date has not been set yet; details are still in the works with the property owner, date should be available soon.

c. Cecil Schools, of the 3rd district, spoke of the recent restructuring of the debt of King William County and gave a handout to Board members for their review.

d. Herbert White, of the 2nd district, spoke of road issues in the 2nd district; saying many ditches need to be cleaned out. He stated he had spoken with Delegate Chris Peace of these issues, Delegate Peace indicated to him that a VDOT representative would be present at the meeting tonight; apparently they did not show and Mr. White said he would be contacting Mr. Peace with this information, as requested.

Chairman Redd asked Mr. White for specific roads in question.

Mr. White stated, East Spring Forest Road, Route 617 in particular, but there are many other roads throughout the County that need attention.

Mr. White also spoke of the radio system and said he feels it needs to be replaced as soon as possible and that it has been put off too long.

e. Charles Piersa, of the 2nd district, spoke to the Board as president of the King William Farm Bureau about land use. During their annual meeting he proposed the acceptance of land use to the Bureau members, and in July a resolution was

passed unanimously. The organization feels farm and forestry land does not cost the County money, and suggested the Board look at what is costing the County money. It is the opinion of the Bureau that the Board should keep land use in place.

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

RE: BOARD OF SUPERVISORS COMMENTS

Ms. Stone said she is happy to be here, her contact information is on the website and she hopes to hear from citizens, saying she can be reached either by phone or email. She said she agrees and understands that the radio system mandate is a fast approaching deadline and it is at the top of her priority list.

Mr. Moskalski thanked everyone for coming to the meeting and for their patients. He said he is looking forward to the coming term and to serving not only the citizens in the 2nd district but citizens throughout the County. He also stated his contact information is on the website, he is available at anytime and will respond to calls or emails.

Mr. Greenwood thanked everyone for voting for him and for giving him the opportunity to serve on the Board and said he is looking forward to representing the County. He said he is aware citizens want changes; he feels the Board needs help in making these changes and said the wealth of knowledge of the many different backgrounds of concerned citizens is needed; saying the Board can not accomplish these tasks alone. Continuing he said he is aware this is more than a part time job and he is dedicated to the undertaking and working with the County.

Mr. Williams also thanked everyone for coming out to the meeting and commented on the large crowd. He said a tight budget season is coming up and said he is looking forward to citizens input through the process. He said he appreciates the comment made earlier about prayer and said he misses it personally. Continuing he said by legal advice the Board voted to remove this item from the by-laws and said he disagrees with the decision to remove.

Chairman Redd also thanked everyone for attending the meeting. He said with the busy budget season, and it being a very active time of the year, the Board

appreciates citizen comments. There are things the Board would like to do but can not do, comments are always welcome.

RE: CLOSED MEETING PURSUANT TO § 2.2-3711(A)(7) OF THE CODE OF VIRGINIA, AS AMENDED, TO CONSULT WITH LEGAL COUNSEL ON A MATTER OF PROBABLE LITIGATION IN WHICH THE COUNTY MAY BECOME INVOLVED; AND PURSUANT TO § 2.2-3711(A)(1), CODE OF VIRGINIA, AS AMENDED, TO CONSIDER THE APPOINTMENT OF INDIVIDUALS TO BOARDS AND COMMISSIONS -

On motion by S. K. Greenwood, seconded by T. J. Moskalski, and carried unanimously, the Board entered Closed Meeting pursuant to § 2.2-3711(A)(7), Code of Virginia, 1950, as amended, to consult with legal counsel on a matter of probable litigation in which the County may become involved; and pursuant to § 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, to consider appointments of individuals to Boards and Commissions.

Having completed the Closed Meeting, the Board reconvened in open meeting, on motion by T. J. Moskalski, seconded by O. O. Williams and carried unanimously.

In accordance with Section 2.2-3717(D) of the Code of Virginia, 1950, as amended, T. J. Moskalski 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 O. O. Williams 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 2.2-3711 of the Code of Virginia 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 on this 23rd day of January, 2012, hereby certifies that, to the best of 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 convening the closed meeting were heard, discussed, or considered by the King William County Board of Supervisors.

Those members voting:

T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Aye
C. T. Redd III	Aye

RE: APPOINTMENTS

- a. Comprehensive Economic Development Strategy (CEDS) Committee –

On motion by T. S. Stone, seconded by T. J. Moskalski, with the following roll call vote the Board appointed Donald Longest, Gary L. Hogenson, Randy P. Jennings and Darius T. Merritt to serve the Comprehensive Economic Development Strategy (CEDS) committee; said term for each to last one year.

Those members voting:

O. O. Williams	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
C. T. Redd III	Aye

RE: RECESS OF MEETING

On motion by T. J. Moskalski, seconded by S. K. Greenwood, and carried unanimously, the meeting was recessed until February 13, 2012 at 6:30 p.m.

Those members voting:

S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Aye
T. J. Moskalski	Aye
C. T. Redd III	Aye

COPY TESTE:

C. T. Redd III, Chairman
Board of Supervisors

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