

APPENDIX T
Local Resolutions



Essex County, Virginia

Resolution to Adopt the
Regional Water Supply Plan for the Middle Peninsula

Virginia: At a regular meeting of the Essex County Board of Supervisors held on Tuesday, December 6, 2011, at 7:00 p.m., in the Board Meeting Room, in the Essex County School Board and County Office Complex, at Tappahannock, the following resolution was unanimously adopted:

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

WHEREAS, Essex County is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008, deadline;

WHEREAS, on November 8, 2011, the Essex County Board of Supervisors held a Public Hearing to accept public comment on the Regional Water Supply Plan; and,

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

NOW, THEREFORE, BE IT RESOLVED that the Essex County Board of hereby adopts the Regional Water Supply Plan as it pertains to Essex County and specifically water utility systems owned and/or operated by a locality, authority or company distributing water for a fee or charge. Approval and adoption of this Regional Plan indicates support for and general agreement with the regional planning approach but does not indicate approval or disapproval of conclusions and recommendations presented in the Plan as they pertain to other localities. Essex County reserves the right to comment on specific water supply alternatives in the future even

though such alternatives may be recommended in this adopted Plan. Essex County will not be limited to specific water supply alternatives in this adopted Plan and reserves the right to recommend additional alternatives for consideration in the future.

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

ESSEX COUNTY BOARD OF SUPERVISORS

A Copy Teste:

Linda E. Lumpkin
Deputy County Administrator

Charles M. Culley, Jr.
County Administrator



Marcia Jones
Assistant Administrator

County of Middlesex
OFFICE OF THE COUNTY ADMINISTRATOR

A RESOLUTION APPROVING THE REGIONAL WATER SUPPLY PLAN
FOR THE MIDDLE PENINSULA OF VIRGINIA

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

WHEREAS, Middlesex County is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on October 18, 2011, Middlesex County held a public hearing to accept public comment on the Regional Water Supply Plan; and

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

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

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Middlesex intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at

least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Middlesex at a meeting held on November 1, 2011.

Members voting as follows:

John D. Miller, Jr.	aye
Wayne H. Jessie, Sr.	aye
Fred S. Crittenden	aye
Carlton S. Revere	aye
Peter W. Mansfield	nay

A Copy Teste

A handwritten signature in black ink, appearing to read 'C. M. Culley, Jr.', with a long horizontal flourish extending to the right.

Charles M. Culley, Jr.
Clerk of the Board

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD
ON TUESDAY, OCTOBER 18, 2011, IN THE BOARD ROOM OF THE HISTORIC
COURTHOUSE, SALUDA, VIRGINIA:

Present: Wayne Jessie, Sr., Jamaica District
Carlton S. Revere, Hartfield District
Fred S. Crittenden, Pinetop District
Pete W. Mansfield, Saluda District

Charles M. Culley, Jr., County Administrator
Marcia Jones, Assistant Administrator
Michael T. Soberick, County Attorney

Absent: John D. Miller, Jr., Harmony Village District

CALL TO ORDER

The Vice Chairman, Mr. Jessie, called the meeting to order at 7:30 p.m. Mr. Revere offered a prayer and Mr. Culley led the Pledge of Allegiance.

PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION 2011-07

Wally Horton, Planning Director, presented Special Exception Application 2011-07, submitted by InSite Real Estate, seeking to establish a 15,000 square foot nautical sales retail facility with outside display of merchandise on property zoned as Village Community, pursuant to Section 8-3.22 and 8-4 of the Zoning Ordinance. This property is located between 16681 and 16797 General Puller Highway, two lots, 40-108-1 and 2, that total +/- 2.754 acres. The property is currently vacant. The Planning Commission granted preliminary approval of the accompanying site plan contingent upon approval of the Special Exception by the Board. Plant screening is proposed between the building and general business use on the west and the residential use at the rear. An outside display area of 270 square feet is proposed, much smaller than the maximum 5,000 square feet allowed.

The Planning Commission recommended approval of the Special Exception with the following conditions:

1. The use shall meet the criteria of Article 8 Section 4 and any other building code requirements.
2. The Health Department shall review and grant approval of onsite septic, primary and reserve drain fields prior to building permit issuance.
3. Final VDOT approval of required transportation entrance improvements/permits for either one or two entrances shall be given prior to building permit issuance.

Rawley Simmons representing the applicant was present and explained that the applicant, who operates from two locations in the Deltaville area, wished to expand but was unable to at either location.

Mr. Jessie opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed.

Mr. Revere expressed his concern about the potential for two empty buildings when this business relocated to the new business.

The motion to approve the Special Exception application with conditions as recommended by the Planning Commission was made by Mr. Mansfield, seconded by Mr. Crittenden and carried unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION 2011-06

Wally Horton presented this application to allow for the placement of a second principle residential structure on an individual parcel of land for an immediate family member subject to the requirements of Article 15-20 of the Zoning Ordinance. The application has been submitted by William F. Nelson of 399 Rocks Drive, Tax Map 8-33. The applicant desires to place a manufactured home on the site of a previous manufactured home for use by his mother. A conceptual site sketch showing the proposed location of the home on the property has been provided by the applicant. The Planning Commission recommended approval of the application with the following conditions:

1. The use shall meet the criteria of Article 15 Section 20 and any other building code requirements.
2. The application shall meet Virginia Department of Health and any applicable VDOT requirements.

Mr. Jessie opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed.

The motion to approve the application as recommended was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously.

PUBLIC HEARINGS – REGIONAL WATER SUPPLY PLAN AND DROUGHT CONTINGENCY ORDINANCE

Clara Meier of the Planning District Commission was present to discuss the proposed Regional Water Supply Plan that has been prepared for all the localities within the Middle Peninsula Planning District Commission. The State's Department of Environmental Quality has mandated that a regional plan and accompanying drought contingency ordinance be adopted by localities by November 2, 2011. The Plan,

prepared by EEE Consultants, addresses a 30-year planning period and considers community water supplies. King William County and the Town of West Point were the only systems shown to not have sufficient supplies for the 30-year period. A draft ordinance has been prepared, based on an ordinance from another locality, to address drought response.

Mr. Jessie opened the hearings for comments on the proposed Water Supply Plan and Proposed Ordinance. Trudy Feigum commented that the proposed plan creates a problem for Middlesex County where there currently is none. According to the Plan, there is no problem with the projected use and projected availability of drinking water in Middlesex; however, the Plan includes the County with the rest of the Middle Peninsula, where there would be a problem with King William County due to projected growth along the Route 360 corridor and groundwater usage by Smurfit-Stone in West Point. This should be an issue for King William and the company to address. Mrs. Feigum noted that the Plan then becomes how to control usage and subjects citizens to more mandates such as individual water meters, bans on septic systems, water-saving bathroom fixtures, etc.

Regarding the proposed ordinance, Mrs. Feigum spoke in opposition to language included that make it a criminal offense not to take immediate (undefined) action to repair and stop water leaks and offered concern with who would be the enforcing "water leak police". She urged the Board to revise the ordinance, if it is truly required, to establish fines rather than charging a criminal offense for violations.

Tom Feigum noted that data found in both the draft Plan and the County's Comprehensive Plan was inconsistent, in particular data regarding the percentage of the County's population that is retired. Mr. Feigum noted that retired citizens are an economic benefit to the county by not requiring many services and many times being seasonal dwellers. Mr. Feigum noted that more restrictions could result in lower property values and even lower population.

Dan Downs urged the County to "push back" and not adopt the plan or ordinance as required by the State.

There being no additional comments, the public portion of the hearing was closed.

There was much discussion between the Board and Mrs. Meier regarding the State's requirements. Mr. Revere noted that the ordinance that had been prepared was contradictory, in that it was to only impact community systems, however, there were provisions for penalties to the individual well owner. The motion was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously, to table action on the proposed plan and ordinance until the November 1st meeting and to instruct staff to revise the proposed language so that it addresses only systems owned by a locality, authority or company distributing water for a fee or charge, and not private wells.

BAY AGING LEASE AGREEMENT

The motion to approve renewing the lease of a portion of the Puller Center to Bay Aging for the Senior Center was made by Mr. Crittenden, seconded by Mr. Revere and carried unanimously.

AIRPORT GRANT AND APPROPRIATION

The Department of Aviation has approved a tentative allocation of \$1,475.00 to fund 50% of the costs of a finishing mower to be used at the Airport. The motion to purchase the mower for \$2,950.00 and to accept the grant and appropriate the funds back into the available budget was made by Mr. Crittenden, seconded by Mr. Revere and carried unanimously. FROM: 3-1-12080-0007, Airport Grants TO: 4-1-43020-7001

PROPOSED FEE ORDINANCE CHANGE

Currently all Joint Permit Applications require a \$25.00 review fee, even if the project is not within the Wetland Board's jurisdiction. It has been proposed that applications for specific projects be exempt from the \$25.00 fee. The motion to advertise for a public hearing on an amendment to the fee ordinance to provide an exemption to the fee was made by Mr. Revere, seconded by Mr. Crittenden and carried unanimously.

REPLACING 911 EQUIPMENT

The Emergency Services Committee, at a previous meeting, had recommended that the Board of Supervisors enter an agreement to purchase both the 911 radio and telephone equipment from the same vendor. After meeting with the provider of the telephone equipment it is recommended that the equipment be kept separate, with their own servers, to avoid each provider having to work through the other for upgrades or problems.

At this time, the telephone side of the equipment is most need of replacement. Mathews County recently requested bids for their 911 phone equipment but only received one bid, from Verizon. The other vendor in the area that could provide both the telephone and radio equipment did not respond with a quote. Mr. Culley requested using the Mathews specifications to request quotes for equipment for three stations in Dispatch. Mr. Revere requested that the matter be tabled until the November 1 meeting, after discussion with the Emergency Services Committee on October 25th.

CONSENT AGENDA

The motion to approve payroll and disbursements as part of the consent agenda was made by Mr. Revere, seconded by Mr. Crittenden and carried unanimously. Checks numbered 71303 through 71350 totaling \$305,894.42 were approved as payroll and checks numbered 71351 through 71425, totaling 312,400.41 would be disbursed as approved.

OLD/NEW BUSINESS

Landfill Matters:

Mr. Mansfield continued to express continued questions and concerns about charges from Joyce Engineering, especially their explanation and work products for the \$3,579.18 originally denied payment by the Board, but later approved for payment. Mr. Mansfield showed the work product and added that an explanation from Joyce Engineering noted that the charge as listed in the work description had included 12 hours of time for Mr. Joyce, however, this was an error that was later corrected in the actual invoice, when Mr. Joyce's time was reduced to 3 hours.

Mr. Mansfield made a motion to demand a refund of the \$3,579.18 paid by the County and to require timesheets showing hours of work by different employees and specific materials and costs, noting that in no way did the work product presented equal what has been charged. Mr. Revere seconded this motion for discussion but noted that he had not been able to follow the most recent discussions from either Joyce Engineering or Mr. Mansfield related to the charges and would need time to further research the matter and could do that with Mr. Mansfield and the County Administrator to go through the submissions from Joyce. The vote that followed was denied as the vote was 1 (Mansfield) in favor to 3 opposed (Crittenden, Revere, Jessie). Mr. Revere suggested meeting with Mr. Mansfield and Mr. Culley to review the submissions.

PUBLIC COMMENT

Hal Muller commented that in his experience in dealing with federal and state contracts, his company had to itemize and be able to explain all expenses. He noted that it appears that Joyce Engineering has been given the ability to charge whatever they want without accountability.

Trudy Feigum noted that she has requested information from the County Administrator as to the purchasing procedure.

Bob Calves requested that the incoming superintendent and chairman of the school board attend the next evening meeting of the Board to explain his understanding that there were not enough textbooks for the 5th grade class and how they, in good conscience, ask for funds for an athletic complex.

Mark Lomax, representing the NAACP, thanked the Board for funding the historic marker project. As a private citizen, Mr. Lomax commented that he pays his taxes to the county in good faith with the expectation that the county in turn will provide clear information to make informed decisions as well as overview and responsibility with those tax dollars. There should be no confusion about documentation presented to or from the Board.

Tom Feigum commented that with his last reassessment his property taxes were increased 270%; he appealed the assessment.

Davalin Gresham commented that there have been several occasions when ordinances are presented that have not been reviewed ahead of time and also ordinances passed that are not being policed, such as the golf cart ordinance in Urbanna. Why does the Board pass ordinances when it knows there is not enough man power to enforce it. Ms. Gresham also opposed the recent changes to the Oyster Festival Ordinance which allowed a temporary extension of town limits during the Oyster Festival. Ms. Gresham noted that what she does on her property on Town Bridge Road should not be a concern to the Oyster Festival Foundation, but the Board has now made it a concern.

Purnell Wood commented that the Board needed to pay more attention to ordinances that they approve. Mr. Wood inferred that there was an ordinance adopted in 2007 that had grave errors in it, however he would wait until after the elections to address this with the Board.

CLOSED MEETING

The motion to conduct a closed meeting pursuant to Code of Virginia, §2.2-3711.A3, discussion of land acquisition, and Code of Virginia, §2.2-3711.A1, personnel, was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously.

Upon reconvening in open session the following motion was read by Mr. Soberick and carried unanimously by a roll call vote:

To the best of the members' knowledge, only public business matters lawfully exempted in the motion by which the closed session was called were considered or discussed in the closed session.

There was no action taken as a result of the closed meeting.

ADJOURN

The motion to adjourn the meeting was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously.

Wayne H. Jessie, Sr., Vice Chairman
Board of Supervisors



King and Queen County

Founded 1691 in Virginia

Office of the County Administrator
P.O. Box 177 • King and Queen Court House, Virginia 23085
Phone: (804) 785-5975 – Fax: (804) 785-5999

AT A REGULAR MEETING OF THE KING AND QUEEN COUNTY BOARD OF SUPERVISORS HELD ON TUESDAY, OCTOBER 11, 2011 AT 7:00 P.M., IN THE KING AND QUEEN COUNTY COURTS AND ADMINISTRATION BUILDING, GENERAL DISTRICT COURTROOM, KING AND QUEEN COURT HOUSE, VIRGINIA:

A motion was made by Ms. Alsop and seconded by Mr. Milby to adopt the following Resolution and Ordinance approving the Regional Water Supply Plan for the Middle Peninsula of Virginia:

A RESOLUTION APPROVING THE REGIONAL WATER SUPPLY PLAN FOR THE MIDDLE PENINSULA OF VIRGINIA.

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

WHEREAS, King and Queen County is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on October 11, 2011, King and Queen County held a public hearing to accept public comment on the Regional Water Supply Plan; and

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

NOW, THEREFORE BE IT RESOLVED that the King and Queen County Board of Supervisors hereby adopts the Regional Water Supply Plan as it pertains to King and Queen County. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to

other localities. King and Queen County reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. King and Queen County will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

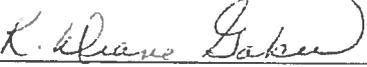
BE IT FURTHER RESOLVED that the Board of Supervisors of King and Queen County intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of King and Queen County at a meeting held on October 11, 2011.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF

NAYS: NONE

A COPY TESTEE:



K. Diane Gaber, CMC
Deputy Clerk of the Board
King and Queen County

King and Queen County
Board of Supervisors Meeting

King and Queen County Courts and Administration Building
General District Courtroom

Tuesday, October 11, 2011
7:00 P.M.

“Minutes of the Meeting”

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

Chairman Simpkins called the regular meeting to order and provided the invocation, followed by the Pledge of Allegiance to the Flag of the United States.

Mr. Simpkins noted that all members of the Board were present.

APPROVAL AND SIGNING OF THE AUGUST 22, 2011, SEPTEMBER 7TH AND 12TH, 2011 MINUTES OF THE BOARD.

A motion was made by Mrs. Morris and seconded by Mr. McDuff to approve the minutes, as presented.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF
NAYS: NONE

APPROVAL AND SIGNING OF THE OCTOBER 2011 WARRANTS AND APPROPRIATIONS

A motion was made by Mr. McDuff and seconded by Mr. Milby to approve the warrants and appropriations, subject to audit.

Ms. Alsop questioned how the new part-time employee in the Registrar’s Office is paid. Finance Director Kathleen Gunn advised that part-time is included under the Registrar’s budget and is 100% local funded.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MIBLY, JR., D. H. MORRIS, M. W. MCDUFF
NAYS: NONE

BUDGET AMENDMENTS/TRANSFERS

Chairman Simpkins advised that the following budget amendments/transfers have been submitted for the Boards approval, those being:

(1)

Sheriff's Department - \$677.65 for courtroom security for the month of August and September 2011. The amount is to be pulled from the general fund.

(2)

E-911 – Budget Amendment in the amount of \$3,800.00 to cover emergency purchase of PC battery backup for E-911 computers. The battery system failed and a new battery was needed to keep the system running until power or a generator was restored.

(3)

E-911 Budget Transfer – Greg Hunter EMS Coordinator is requesting that \$600.00 be moved from office supplies to pay for the APCO fall conference. No funds were budgeted for education, as he was not employed during budget discussions.

A motion was made by Ms. Alsop and seconded by Mr. Milby to approve the three (3) budget amendments/transfers above.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF

NAYS: NONE

PUBLIC COMMENT PERIOD

Chairman Simpkins asked those that wish to speak during this time, to please come forward, stating their name and the district that they reside in and to please limit their comments to three (3) minutes.

The floor was open for public comment. Those speaking:

Cynthia Johnston, St. Stephens Church, Virginia was present questioning why King and Queen County with a population of under 7,000 and King William County with almost 16,000 and approximately 10 times the number of businesses, budget is \$15,655 more than King William. Ms. Johnston further compared King William salaries and budget totals, with the King and Queen Salaries pertaining to the County Administrator, County Attorney and the budget of the Commissioner of Revenue, expressing there should be a larger difference in our budget.

Further concerns related to:

- the fairness and accuracy of how properties in King and Queen are assessed

- How many Board Members would be attending the annual meeting at “The Homestead” and what the cost is at the taxpayer’s expense?
- Why teachers received only a 1% increase and why we do not have a recreation budget.

After hearing all comments, the public comment period was closed.

Chairman Simpkins explained that the policy of the Board is not to answer questions during public comment period, as the Board does not want to misspeak or misquote figures or facts.

Mr. Simpkins further advised Ms. Johnston that the Board would make note of her concerns and get back with her.

DEPARTMENT HEADS AND SCHOOL SUPERINTENDENT’S REPORT

Treasurer Irene Longest was not present, however, it was noted that her report was included in the Board’s packet.

Commissioner of the Revenue Helen H. Longest was not present, however, a report was provided at the meeting.

Commonwealth’s Attorney Charles Adkins had a previous engagement and was not present.

Sheriff Charboneau was present advising that he was invited to a walkathon at Central High School on Sunday and did not realize how much effort the new principal along with King and Queen CD Organization had put into the event, and commending them for their efforts in raising over \$3,000.00.

Clerk of the Circuit Court Debbie Longest was present reporting that jury questionnaires that were sent out by the Supreme Court have been coming back to their office. The master list of jurors comes from the list of registered voters and would like for everyone that received them to please fill them out and return to them.

School Board Superintendent Charles Clare was not present, as he was attending a seminar.

Social Services Director Betty Dougherty was not present.

PUBLIC HEARING – REGIONAL WATER SUPPLY PLAN AND WATER CONSERVATION ORDINANCE

Chairman Simpkins opened the public hearing and verified proof of publication. Mr. John Marling, EEE consulting was present to provide a brief overview of the Regional Water Supply Plan and Water Conservation Ordinance, and to answer any questions.

Mr. Marling advised that the process began back in 2003 when the General Assembly passed a law requiring the preparation of a statewide water supply plan. In 2005 DEQ passed regulations that required each locality to prepare a water supply plan, allowing jurisdictions to group together to come up with a regional plan of which they have prepared. The regulations require the submittal of the plan and any documents be submitted to DEQ by November 4th. Following the submittal of the plan and acceptance by the State Water Control Board, regulation requires that within 5 years the plan get an adequacy review and then every 10 years thereafter the plan be reviewed and revised and sent to DEQ. Mr. Marling further commented that the plan is focused on publicly owned water supplies and privately owned community systems that serve more than 25 people. The proposal before the Board relating to the Drought Response Contingency Plan gives the County Administrator or the County Administration the ability and not the requirement to act in case a drought condition develops.

Ms. Alsop expressed that we do not have fees for service and that it is just an ordinance on the books of which she felt was ridiculous.

The floor was open for public hearing. Chairman Simpkins asked that those wishing to speak to please come forward, stating their name, the district they reside in and to limit their comments to 3 minutes. After hearing no comments, the public hearing was closed.

A motion was made by Ms. Alsop and seconded by Mr. Milby to approve the Plan and Ordinance as presented:

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

WHEREAS, King and Queen County is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

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and Queen County reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. King and Queen County will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

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PASSED, APPROVED AND ADOPTED by the Board of Supervisors of King and Queen County at a meeting held on October 11, 2011.

ARTICLE VII WATER CONSERVATION ORDINANCE

Sec. 22-276. Purpose and Authority to Declare Water Emergencies

For purposes of this section, unless the context clearly requires a contrary meaning, the term "water" shall mean potable water withdrawn from any water utility system that is owned and/or operated "by a locality, authority, or company distributing water for a fee or charge".

In the event of an actual or anticipated shortage of potable water due to climatic, hydrological, mechanical and/or other extraordinary conditions, King and Queen County may determine that certain uses of water should be reduced, restricted, curtailed and/or prohibited. These reductions, restrictions, curtailments and/or prohibitions are intended to protect the health, safety and welfare of the residents of King and Queen County.

The County Administrator with the approval of the Board of Supervisors, or its subsequent ratification by the Board within 48 hours, is authorized to declare water emergencies in the County of King and Queen, as a whole or portions thereof, affecting the use of water.

A Drought Emergency declaration will be issued after consideration of the conditions of individual affected systems. The County Administrator may order mandatory restrictions on water use in response to specific conditions, such as when any system exceeds 90 percent of the permitted capacity for 3 consecutive months. The County Administrator may intervene to declare a drought emergency for privately-owned systems if the private system operation is unable to restrict water usage when needed.

Sec. 22-277. Drought Monitoring to Anticipate Water Emergency Conditions

King and Queen County in cooperation with other jurisdictions of the Middle-Peninsula Water Supply Planning Region will monitor the U.S. Drought Monitor operated by the U.S. Geological Service and made available through DEQ's website at: <http://www.deq.virginia.gov/waterresources/drought.php>. When the USGS Drought Monitor

registers a condition “D1-Moderate Drought” for King and Queen County, the County Administrator shall declare a Drought Watch alert for all water systems addressed by this ordinance.

Sec. 22-278. Water Conservation Measures

After the declaration of a water emergency under the authority provided by Virginia Code Sections 15.2-923 and 15.2-924, and upon a determination by the County Administrator of the existence of the following one or more conditions, the County Administrator shall take the following actions which shall apply to any person whose water supply is furnished from an affected water utility system:

(1) *Condition 1 (Drought Warning)*. When moderate but limited supplies of water are available or when a “D2-Severe Drought” condition is registered on the USGS Drought Monitor, the County Administrator may, through appropriate means, call upon the affected population and entities to employ prudent restraint in water usage and to conserve water voluntarily by whatever methods available.

(2) *Condition 2 (Drought Emergency)*. The County Administrator is hereby further authorized during the duration of a water emergency for which voluntary measures would be insufficient to order the restriction or prohibition of any or all of the following water uses by users of an identified, affected water system after consultation with the affected water system owner/operator:

- a. Watering of outside shrubbery, trees, lawns, grass, plants, home vegetable gardens, or any other vegetation except from a watering can or other container not exceeding five gallons in capacity. This limitation shall not apply to commercial greenhouses, nursery stocks and sod growing, which may be watered in the minimum amount required to preserve plant life between 6:00 p.m. and 8:00 a.m.
- b. Washing of automobiles, trucks, trailers, or any other type of mobile equipment, except in licensed commercial vehicle wash facilities.
- c. Washing of sidewalks, streets, driveways, parking lots, service station aprons, exteriors of homes or apartments, commercial or industrial buildings or any other outdoor surface, except where mandated by federal, state or local law.
- d. The operation of any ornamental fountain or other structure making a similar use of water.
- e. The filling of swimming or wading pools requiring more than five gallons of water, or the refilling of swimming or wading pools that were drained after the effective date of the declaration of emergency, except that pools may be filled to a level of two feet below normal, or water may be added to bring the level to two feet below normal, or as necessary to protect the structure from hydrostatic damage.
- f. The use of water during outdoor recreational activities. This limitation shall not apply to water utilized for drinking and sanitary purposes during such activities.

- g. The use of water from fire hydrants for any purposes other than fire suppression and related training exercises, unless otherwise approved by the county administrator.
- h. The serving of drinking water in restaurants, except upon request.
- i. The operation of any water-cooled comfort air conditioning that does not have water-conserving equipment in operation.

(3) Condition 3. In addition to the restrictions and prohibitions authorized under subsection (2) above, the County Administrator is hereby further authorized during the duration of a water emergency to implement any or all of the following for any of the affected water systems:

- a. For any publicly owned and operated public water utility:
 - i. Industrial, institutional, commercial, governmental, and wholesale and all other nonresidential customers shall be allotted a percentage reduction based on that customer's average monthly water consumption for the same billing period of the previous calendar year's consumption.
 - ii. Individual residential customers shall be limited to a specific volume or percentage reduction of water per month.
 - iii. If the allotted monthly water usage, as determined in subsection (3)a.i. and (3)a.ii. above, is exceeded, the customer shall be charged two times the existing service rate for consumption over the minimum monthly charge for every 1,000 gallons of water consumed above the allotted volume. Where prior consumption data is not available, the county administrator shall estimate allocations based upon the data available from similar activities of equal intensity.
 - iv. Declaration of a moratorium on new and expanded connections to the public water utility system, unless such connections are primarily intended and designed to provide fire protection and/or potable drinking water to lawfully permitted residential or nonresidential buildings that are existing or substantially constructed at the time that a water emergency is declared.

- b. For any privately owned and operated public water supply:

The system operator shall be required to demonstrate on a monthly schedule, compliance with the capacity requirements set forth by the Virginia Department of Health Waterworks Regulations (12 VAC5-590-520 and 12 VAC5-590-690).

(4) Condition 4. When crucially limited supplies of water are available, the County Administrator shall restrict the use of water from any affected water system to purposes which are absolutely essential to life, health and safety. Such permitted uses of water may include, but may not be limited to, the provision of limited quantities of water for drinking and sanitation purposes to residents, health care facility patients and/or emergency shelter evacuees, who are

unable to utilize their potable water supplies due to the loss of electrical power, storm events or other natural or manmade causes.

Sec. 22-279. Failure to Address Leaks

It shall be unlawful for the owner of any residential unit or units, or the owner of any commercial or industrial establishment which is found to be an excessive user of water due to leakage from waterlines or plumbing fixtures on the premises, to fail to take immediate action to repair and to stop such leakage after being so ordered by the County Administrator or his agent.

Sec. 22-280. Effective Date

The imposition of the restrictions above shall become effective upon their being printed in any newspaper of general circulation in King and Queen County, or broadcasted upon any radio or television station serving King and Queen County.

Sec. 22-281. Appeals for Exemptions

Upon implementation of subsections (2), (3) or (4) above, the County Administrator shall establish an appeals procedure to review customer applications for exemptions from the provisions of subsections (2), (3) or (4) on a case-by-case basis and, if warranted, to make equitable adjustments to such provisions. The County Administrator shall also be empowered to establish regulations governing the granting of temporary exemptions applicable to all or some of the uses of the water supply set forth in subsections (2), (3) or (4). The County Administrator shall, in rendering a decision on such applications, balance economic and other hardships to the applicant resulting from the imposition of water use restrictions or allocations against the individual and cumulative impacts to the water supply resulting from the granting of such exemptions and may impose reasonable conditions to ensure compliance with the terms of the exemption.

Any person subject to a decision rendered by the County Administrator under this section may appeal such decision to the Board of Supervisors. The appeal shall be in writing and shall be submitted to the County Administrator, as agent for and clerk to the Board of Supervisors.

The County Administrator may issue temporary waivers or exemptions within the provisions of this subsection for such periods of time as may be necessary for the Board of Supervisors to formally consider action on the appeal.

The Board of Supervisors shall render a decision on the appeal and may: affirm, with or without modification, the County Administrator's decision; or approve the requested exemption, with or without modification. The Board of Supervisors may impose reasonable conditions to ensure compliance with the terms of any exemption granted hereunder.

Any decision rendered by the Board of Supervisors shall be subject to remedies provided by statute.

Sec. 22-282. Penalty for Violations

Any person who shall violate any of the provisions of this section, or of any of the conservation regulations promulgated by King and Queen County pursuant thereto, shall, upon conviction thereof, be subject to penalties as provided by law. Each act or each day's continuation of a violation shall be deemed a separate offense.

In addition to the foregoing, the County Administrator may suspend public water utility service to any person continuing to violate the provisions of this ordinance or the regulations promulgated hereunder.

If such public water utility service is terminated, the person shall pay a reconnection fee of \$50.00 before service is restored.

Sec. 22-282. Declaration of end of Water Emergencies

The County Administrator shall notify the Board of Supervisors when, in his opinion, the water emergency situation no longer exists. Upon concurrence of the Board of Supervisors the water emergency shall be declared to have ended.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS,
NAYS: M. W. MCDUFF

PRESENTATION BY INGENCO REGARDING THEIR PROPOSED EXPANSION AND SUBLEASE

Mr. Thomas Hecmanczuk was present for the purpose of petitioning the Board to appoint the appropriate authority to sign a land development application to expand the power plant at the landfill, and advising that they own and operate the fuel to energy plant at the landfill taking methane gas to generate electricity. Mr. Hecmanczuk advised that the landfill has been more productive and there is more gas out there than they expected and would like to expand the plant and use all of the gas to energy. Mr. Hecmanczuk commented that the County is the landowner and is appropriate for the county to sign the land development application.

Mr. Simpkins questioned if the Board was approving the land development or the agreement to expand the lease.

County Administrator and Attorney Thomas Swartzwelder advised that there are two issues and it is a little confusing. The reason the lease is before the Board to approve, is it is going to have to come whenever they develop a lease with Republic and they propose a sublease for the Boards review. The catch 22 is that they cannot technically apply and start the process of the land development process without a landowner's signature and we have never discussed what our position is on executing it. Ingenco is handling the application side of it. There are really three things that Ingenco needs, those being they need someone to sign the land development application, they will ultimately need their sublease approved and third they will need to go through the process with the Planning Commission. Ingenco has spent a lot of time with staff

and state agencies and their application is complete now. The Board will still have to approve a lease of some sort.

County Attorney Thomas Swartzwelder commented that the County was never provided a copy of the agreement between Ingenco and BFI at the time, and does not know if the County really knows what that transaction is. Mr. Swartzwelder asked who he felt owns the gas, of which Mr. Hecmanczuk responded that contractively Republic owns all the gas, and they purchase from Republic.

After a lengthy discussion relating to concerns of how much gas is being burned now, the number of members on the grid and how it works, and whether the County is receiving all that they are suppose to, Mr. Milby felt that this issue should be tabled until the County receives more information.

Ms. Alsop expressed that she felt the County Attorney should check into the issues to better understand what we are getting and how much. A big problem for her is the gas that is being burned up in the flare and not getting what we are suppose to be compensated for.

Mr. Milby questioned why Charles City is different from ours and why we cannot have a contract like theirs. We are in hard economic times and we need to use all of our resources to the best of our ability and does not think Ingenco is doing that. One of the main issues is that we want to see the agreement between BFI and Ingenco.

A motion was made by Ms. Alsop and seconded by Mrs. Morris to table.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF
NAYS: NONE

APPOINTMENTS/REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Planning Commission – Stevensville District (to replace Mr. Litchfield)

Tabled

Social Services Board Member – Shanghai District (to replace Laura Willis)

Mr. McDuff advised that he would like for the new Shanghai Board Member to select who he feels should be appointed.

Tabled

Industrial Development Authority – Buena Vista District –

Chairman Simpkins advised that Mrs. Plunard Robinson's term expired September 10, 2011 and is willing to serve if asked.

A motion was made by Mr. Milby and seconded by Ms. Alsop to reappoint Mrs. Plunard Robinson to a four year term on the Industrial Development Authority expiring October 10, 2015.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF
NAYS: NONE

Board of Equalization

Chairman Simpkins explained that the following citizens served as members on the Board of Equalization during the last reassessment. Those being: Mr. George Elliott, Mr. Woodrow Kellum, Mr. James Mitchell, Mr. James D. Sears and Mr. Robert Gibson.

County Administrator Thomas Swartzwelder advised that most of the prior members have been contacted and that Mr. Woodrow Kellum and Mr. Robert Gibson have agreed to serve again if appointed. The Board was also advised that several attempts have been made to reach Mr. Sears. Mr. Swartzwelder further advised that Mr. James Mitchell at the time of the last reassessment was in the surveying business and since that time is now a truck driver.

County Administrator Thomas Swartzwelder asked if the Board still wants staff to try and contact those individuals.

Ms. Alsop advised that Mr. Elliott was not interested in serving again.

It was the consensus of the Board to try and continue to contact Mr. Sears, and that possibly a list of those in the business profession, licensed realtors and contractors could be provided for consideration.

FYI

The Board was also advised for information purposes only, that Mr. Robert Dabney's term on the Industrial Development Authority representing the Newtown District, expires November 15th, 2011. Also, Mr. William Herrin's term on the Planning Commission representing the Stevensville District expires January 1, 2012.

VACO – VOTING CREDENTIALS FOR THE ANNUAL BUSINESS MEETING

The Board was advised that per VACO bylaws, each county shall designate a representative of its Board of Supervisors to cast its vote at the annual meeting. Mr. Simpkins advised that he and Ms. Alsop will be attending.

A motion was made by Ms. Alsop and seconded by Mr. McDuff designating Mr. Simpkins as the voting delegate and Ms. Alsop as the alternate delegate at the annual meeting at the Homestead.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF

NAYS: NONE

COUNTY ADMINISTRATOR'S COMMENTS

County Administrator Thomas Swartzwelder had the following comments:

- Reminded the Board that they will need to bring the Planning Commission notebook to start review and discussion relating to legal issues of the proposed zoning issues at the October meeting.
- Provided an update of the FEMA status
- Advised that the School Division sent a nice thank you e-mail, thanking the County for some of the water that was left over from the Hurricane event. The water is not to be sold but used by the School.
- Advised that he has the deed to the real estate transaction of Compass Loop.

BOARD OF SUPERVISORS COMMENTS

Mr. McDuff had the following comments:

- Expressed his appreciation to Lower King and Queen Fire and Rescue, as he was the first one to try out their new ambulance of which is well equipped and the EMT's were very efficient. They did great work in responding to a call.
- Advised that he would not be in attendance at the October workshop
- Thanked everyone for attending.

Ms. Alsop had the following comments:

- Thanked everyone for attending the meeting
- Advised that as a reminder, the Fuel Assistance applications are out, and if they need help to please get the application in.
- Advised that she and the Chairman will be attending the VACO annual Meeting. Ms. Alsop further expressed that VACO provides a unique opportunity for people who sit on Boards and Boards of Supervisors, to discuss what is happening across the state and the

opportunity to attend seminars and classes. By going to these events, you learn what is out there and what things are available, where you normally would not know.

- Advised that a letter was received from the Governor about unfunded mandates and expressed that he is looking into the issues and is asking questions which is more than in the past.
- Expressed that every year around election time, she hears and is questioned of what she makes serving as a member on the Board. Ms. Alsop asked that people try to find out before spreading information that is not true. Ms. Alsop further advised that the Board's salary is \$4,000 a year not a month.

Mrs. Morris had the following comments:

- Thanked everyone for attending, and asked that each month exercise their right to vote and to have a safe trip home.

Mr. Milby had the following comments:

- Advised that he overlooked last month commending the King and Queen Dispatchers for the work they did during the Hurricane
- Thanks to everyone that attended and have a safe trip home

Mr. Simpkins had the following comments:

- Thanked everyone for attending the meeting
- Asked that everyone support Community Pride day that is coming up on Saturday
- Advised of the Farm Bureau event that has been rescheduled for October 23rd.
- Advised of a Bluegrass and Barbeque that will be held on the 22nd of October
- Asked that each one exercise their right to vote

CLOSED SESSION PURSUANT TO SECTION 2.2-3711 (a) 1, (a) 6 and (a) 7 OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSING A BRIEF PERSONNEL ISSUE, LEGAL CONSULTATION, AND THE POTENTIAL INVESTMENT OF PUBLIC FUNDS IN AN ONGOING NEGOTIATION WHERE PUBLIC DISCUSSION COULD HAMPER NEGOTIATIONS.

A motion was made by Ms. Alsop and seconded by Mr. Milby to enter into closed session.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF

NAYS: NONE

A motion was made by Mr. McDuff and seconded by Ms. Alsop to come out of closed session with each member certifying by individual vote that only those public business matters lawfully exempted from the open meeting requirement of the Virginia Freedom Information Act were heard discussed or considered in closed session.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MIBLY, JR., D. H. MORRIS, M. W. MCDUFF
NAYS: NONE

IT IS ORDERED THAT THE BOARD ADJOURN

A motion was made by Ms. Alsop and seconded by Mrs. Morris to adjourn the meeting.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF
NAYS: NONE

J. L. Simpkins, Chairman

K. Diane Gaber, CMC
Deputy Clerk

MINUTES

**KING WILLIAM COUNTY
BOARD OF SUPERVISORS**

MEETING OF SEPTEMBER 26, 2011

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 26th day of September, 2011, beginning at 6:30 p.m. in the Conference Room of the County Administration Building, order was called with the following present:

C. L. Schools, Chairman
D. L. Wright, Vice-Chairman
C. T. Redd III
T. G. Smiley
O. O. Williams (arrived at 6:50 p.m.)

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

RE: REVIEW OF MEETING AGENDA

Chairman, Cecil L. Schools, called the meeting to order at 6:30 p.m. and agenda changes were discussed. The following changes were made: under Consent Agenda item 8d Adoption of Resolution #11-33 to Declare October 2011 as Disability Awareness Month was removed and added as item 9c under Presentations to the Board; item 12c under New Business VACo Annual Meeting – Voting Credentials (Proxy) was removed and was added under Consent Agenda as item 8d.

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

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

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

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

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

The Chairman called the continued Board of Supervisors meeting to order at 7:00 p.m.

RE: INVOCATION

The opening invocation was delivered by board member Daniel L. Wright, Vice-Chairman, of the Board of Supervisors.

RE: APPROVAL OF MEETING AGENDA

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

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

The Chairman opened the First Public Comment Period.

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

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

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

RE: CONSENT AGENDA

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

- a. Minutes of the Regular Meeting of August 22, 2011, as presented
- b. Minutes of September 12, 2011 – Radio System Work Session, as presented
- c. Claims against the County for the month of September, 2011, in the amount of \$845,794.56 as follows:

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

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

(3) For informational purposes, Circuit Court expenditures for the month of August, 2011, Warrants #74881-74889 in the amount of \$5,383.97; Direct Deposits #421-422 in the amount of \$8,909.60; and Electronic Tax Payment in the amount of \$2,881.24.

(4) For informational purposes, Comprehensive Services Act Fund expenditures for the month of August, 2011, Warrants #74893-74896 in the amount of \$9,680.00; and ACH Direct Payments #1466-1467 in the amount of \$894.30.

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

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

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

RE: PRESENTATIONS TO THE BOARD

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

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

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

RESOLUTION #11-31

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

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

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

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

Adopted this 26th day of September, 2011

Those members voting:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FINALLY RESOLVED, that a copy of this resolution expressing the sense of this Board of Supervisors on this matter shall be spread upon the meeting minutes of said Board of Supervisors.

Adopted this 26th day of September, 2011

Those members voting:

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

RE: APPOINTMENTS

There were no appointments brought before the Board.

RE: OLD BUSINESS

No old business brought before the Board.

RE: NEW BUSINESS

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

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

The Chairman opened the Public Hearing.

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

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

b. Consideration of Action Regional Water Supply Plan –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted this 26th day of September, 2011

Those members voting:

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

**RE: ADMINISTRATIVE MATTERS -- TRENTON L. FUNKHOUSER,
COUNTY ADMINISTRATOR**

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

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

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

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

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

Those members voting:

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

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

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

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

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

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

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

WHEREAS, appropriations must be approved for all expenditures; and

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

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

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

Adopted this 26th day of September, 2011

Those members voting:

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

c. Introduction of Emergency Management Coordinator – Travis Lindsey -

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

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

The Chairman opened the Second Public Comment Period.

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

RE: BOARD OF SUPERVISORS COMMENTS

All Board members thanked citizens for their participation at the monthly Board meetings.

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

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

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

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

RE: ADJOURNMENT OF MEETING

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

Those members voting:

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

COPY TESTE:

C. L. Schools, Chairman
Board of Supervisors

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

Town of Tappahannock

G. G. BELFIELD, JR.
Town Manager
 WILLIAM L. LEWIS
Town Attorney
 FAYE D. JOHNSON
Town Treasurer
 PATSY K. SCATES
Town Clerk
 JAMES H. BARRETT, JR.
Chief of Police

P. O. Box 266
 Tappahannock, VA 22560
 Phone (804) 443-3336
 Fax (804) 443-1051

Mayor
 ROY M. GLADDING
Councilmen
 ANDREW T. HAMMOND
 MARCIA W. JENKINS
 ANITA J. LATANE
 JAMES C. TERRY, JR.
 PETER L. TRIBLE, JR.
 OLIVER D. WASHINGTON

A RESOLUTION APPROVING THE REGIONAL WATER SUPPLY PLAN FOR THE MIDDLE PENINSULA OF VIRGINIA.

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

WHEREAS, the Town of Tappahannock is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on October 11, 2011, the Town of Tappahannock held a public hearing to accept public comment on the Regional Water Supply Plan; and

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

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

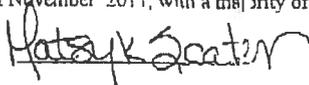
BE IT FURTHER RESOLVED that the Town Council of the Town of Tappahannock intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Tappahannock at a meeting held on October 11, 2011.

Resolution - Water Supply Plan 2011

CERTIFICATION

I hereby certify that the foregoing was duly adopted at a regular meeting of the Town Council of the Town of Tappahannock held on the 14th day of November 2011, with a majority of the Town Council present and voting.



Patsy K. Scates, Town Clerk

Votes were cast as follows:

Andrew T. Hammond	Aye	Craig Washington	Aye
Marcia W. Jenkins	Aye	Anita J. Latane	Aye
James C. Terry, Jr.	Aye		



RESOLUTION No. 2011-RES-006

A Resolution approving the Regional Water Supply Plan for the Middle Peninsula of Virginia.

TOWN COUNCIL MEETING: September 19, 2011 AT 7:00 P.M.

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

WHEREAS, the Town of Urbanna is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline;

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

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF URBANNA, VIRGINIA:

Hereby adopts the Regional Water Supply Plan as it pertains to the Town of Urbanna. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. The Town of Urbanna reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. The Town of Urbanna will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF URBANNA, VIRGINIA:

Intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

Adopted: September 19, 2011

Mr. Donoff	√ Aye	Nay	Abstain	Absent
Mr. Wiley	√ Aye	Nay	Abstain	Absent
Mr. Heyman	√ Aye	Nay	Abstain	Absent

Mr. Thrift	√Aye	Nay	Abstain	Absent
Mrs. Ward	√Aye	Nay	Abstain	Absent
Mr. Chewing	Aye	Nay	Abstain	√Absent

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

A TRUE COPY:

TESTE: Quin & Daniel
TOWN CLERK

RESOLUTION No. 2011-RES-006

A Resolution approving the Regional Water Supply Plan for the Middle Peninsula of Virginia.

TOWN COUNCIL MEETING: October 17, 2011 AT 7:00 P.M.

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

WHEREAS, the Town of Urbanna is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on October 17, 2011, the Town of Urbanna held a public hearing to accept public comment on the Regional Water Supply Plan; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF URBANNA, VIRGINIA:

Hereby adopts the Regional Water Supply Plan as it pertains to the Town of Urbanna. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. The Town of Urbanna reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. The Town of Urbanna will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF URBANNA, VIRGINIA:

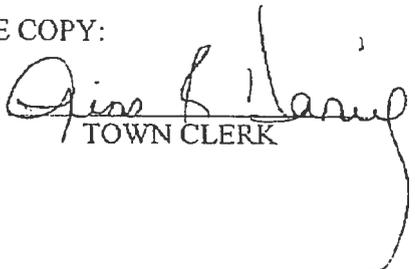
Intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

Adopted: October 17, 2011

Mr. Donoff	√ Aye	Nay	Abstain	Absent
Mr. Wiley	Aye	Nay	Abstain	√ Absent
Mr. Heyman	√ Aye	Nay	Abstain	Absent
Mr. Thrift	√ Aye	Nay	Abstain	Absent
Mrs. Ward	√ Aye	Nay	Abstain	Absent
Mr. Chewning	√ Aye	Nay	Abstain	Absent

AYES: 5 NAYS: _____ ABSTAIN: _____ ABSENT: 1

A TRUE COPY:

TESTE: 
TOWN CLERK

A RESOLUTION APPROVING THE REGIONAL
WATER SUPPLY PLAN FOR THE MIDDLE PENINSULA OF VIRGINIA.

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

WHEREAS, the Town of West Point is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

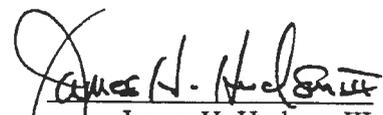
WHEREAS, on October 24, 2011, the Town of West Point held a public hearing to accept public comment on the Regional Water Supply Plan; and

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

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

BE IT FURTHER RESOLVED that the West Point Town Council intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

PASSED, APPROVED AND ADOPTED by the West Point Town Council at a meeting held on October 24, 2011.

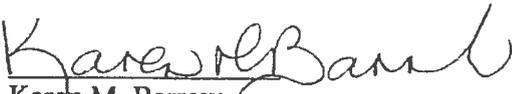

James H. Hudson, III
Mayor, Town of West Point

Those members voting:

James H. Hudson
Deborah Ball
Tina Gulley
Charles Gordon
Paul Kelley
Joshua Lawson
Otto Shreaves
Christopher Vincent

Adopted this 24th day of October, 2011

ATTEST:


Karen M. Barrow
Town Clerk

TOWN OF WEST POINT

**TOWN COUNCIL MINUTES
October 24th, 2011**

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, October 24th 2011. The Honorable James H. Hudson III called the meeting to order at 6:30 p.m. The Invocation was given followed by the Pledge of Allegiance.

Members Present: Mayor, Jim Hudson; Vice Mayor, Deborah Ball; Charlie Gordon; Tina Gulley; Paul Kelley; Jack Lawson; Bub Shreaves and Chris Vincent.

Also Present: John B. Edwards, Jr., Town Manager; Andrea Erard, Town Attorney; Karen Barrow, Town Clerk; Chief Bill Hodges, WPPD; Walt Feurer, Director of Public Works; TC Moore, Town Treasurer; Holly McGowan, Community Development Coordinator; Shawn Hershberger, Economic Development Coordinator and other interested persons.

II. CITIZENS ADDRESS TO COUNCIL

A. Public Hearing on the Water Supply Plan

Clara Meier of the Middle Peninsular Planning District Commission reviewed the General Assembly mandates that were issued in 2005 regarding the Regional Water Supply Plan.

John Marling of EEE Consulting advised that work on the plan began in 2007 and the final regional plan needs to be submitted to DEQ no later than November 2nd 2011.

Mayor Hudson read the Public Hearing advertisement and asked the Town Clerk if any of the following requests were received: 1) A request for a copy of the plan. 2) Comments submitted in writing. 3) A request for assistance to attend the meeting.

The Town Clerk advised that no requests were received.

Mr. Hudson opened the floor for citizens to comment on the public hearing. There being none, the Public Hearing was closed.

I. ACTION

Mr. Shreaves made a motion to adopt the attached Resolution, seconded by Mrs. Ball. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted "Aye".

B. Public Hearing on Ordinance 11-11 / Drought Ordinance

Mayor Hudson read the Public Hearing advertisement and asked the Town Clerk if any of the following requests were received: 1) A request for a copy of the plan. 2) Comments Submitted in writing. 3) A request for assistance to attend the meeting.

The Town Clerk advised that no requests were received.

Mr. Hudson opened the floor for citizens to comment on the public hearing. There being none, the Public Hearing was closed.

I. ACTION

Mr. Gordon made a motion for Town Council to adopt ordinance 11-11 as attached, seconded by Mr. Shreaves. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted "Aye".

C. Citizens Address to Council

Mr. Hudson opened the floor for citizens to address Town Council on any Town related business.

1. James Johnson, 428 3rd Street, West Point, Virginia stated that he received a letter from the Town prior to the Crab Carnival asking that free standing business signs be picked up. Mr. Johnson advised that he picked up his business sign, but other businesses still have signs out. Mr. Johnson asked if the other business signs will be picked up and whether all the other businesses received a letter.

Mr. Edwards advised that all the businesses with free standing signs received a letter requesting all signs be removed.

Mr. Johnson advised there is a sign located at 6th Street and Main Street that has not been removed.

Mr. Hudson stated that Town Staff will address the sign issue.

Mr. Hudson asked if there was anyone else that would like to address Town Council. There being none, Mr. Hudson closed the Citizens Address.

III. COUNCIL RESPONSE

None was noted.

IV. AGENDA CHANGES

Mr. Lawson made a motion to adopt the agenda as presented, seconded by Mr. Vincent. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted "Aye".

V. ADOPTION OF CONSENT AGENDA

Mrs. Ball made a motion to adopt the following consent agenda, seconded by Mr. Gordon. Upon roll call Mrs. Ball, Mr. Gordon, Mrs. Gulley, Mr. Kelley, Mr. Lawson, Mr. Shreaves and Mr. Vincent all voted "Aye".

- 1) Minutes of September 26th, 2011 Town Council Meeting and Work Session
- 2) Cash Reports
 - a) General Fund
Cash on hand as of September 30, 2011 - \$ 5,888,520.69
 - b) Water Fund
Cash on hand as of September 30, 2011 - \$ 783,345.05
 - c) CIP
Cash on hand as of September 30, 2011 - \$ 43,075.01
- 3) Monthly Budget Report
- 4) School Fund Cash Report
 - a) Cash on hand as of September 30, 2011 - \$ 115,941.69
- 5) West Point Monthly Police Activity Report
- 6) Building Official Monthly Report
- 7) Public Works Monthly Permit Report
- 8) Community Development Monthly Permit Report
- 9) Treasurer Monthly Report
- 10) Economic Development Monthly Report

V. COMMITTEE REPORTS

A. Economic and Community Development – Mr. Lawson reported for the Committee

- 1 Referral of Satellite Dish Ordinance to Planning Commission

Mr. Lawson made a motion to refer Section 70-337, Satellite Dishes to the Planning Commission for review and to amend the language to be compliant with federal law, seconded by Mr. Kelley. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted "Aye".

B. Education Committee – Mr. Shreaves reported for the Committee

Mr. Shreaves advised there was nothing to report.

C. Finance Committee – Mrs. Ball reported for the Committee

- 1 Appointment to the Building Code of Appeals

Mrs. Ball made a motion to appoint Chase Evans and David Layne to the Building Code of Appeals for a four year term commencing immediately and expiring September 30, 2015. Seconded by Mr. Gordon, Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson and Mr. Shreaves all voted "Aye" Mr. Vincent abstained from voting.

2. Budget Amendment 02-11/12 Resolution [*See Attached Resolution*]

Mrs. Ball made a motion to adopt the attached resolution for Budget Amendment 02-11/12, seconded by Mr. Shreaves. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted "Aye".

D. Public Safety – Mrs. Gulley reported for the Committee.

1. Authorization to Advertise a Public Hearing to Amend the Firearms Ordinance

Mrs. Gulley made a motion to Authorize the Town Manager to advertise for a public hearing to amend the Town Code Section 14-8, Dangerous Devices for the November 28th Town Council meeting, seconded by Mr. Vincent. Upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted "Aye".

D. Public Works – Mr. Gordon reported for the Committee

1. Award of Contract for the East Euclid Boulevard Waterline Extension

Mr. Gordon made a motion to award the contract for the East Euclid Boulevard Waterline Extension to Walter C. Via Enterprises, Inc. for a cost not to exceed \$164,000 and to authorize the Town Manager to execute and deliver the agreement upon receipt of a Certificate of Insurance, Posting Performance and Payment Bonds and upon final approval of the Town Attorney. Seconded by Mr. Vincent, upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted "Aye".

VII. TOWN MANAGER'S ITEMS

A. Award of Contract for Kirby Street Rehabilitation Specialist

Mrs. Gulley made a motion to approve the Kirby Street Neighborhood Renewal Project Housing Rehabilitation Specialist Services Contract between the Town of West Point and American Housing Specialist and that the Town Manager be authorized to execute the contract on behalf of the Town, subject to the negotiation, final review and approval of the Town Attorney. Seconded by Mrs. Ball, upon roll call, Mrs. Ball; Mr. Gordon; Mrs. Gulley; Mr. Kelley; Mr. Lawson; Mr. Shreaves and Mr. Vincent all voted "Aye".

VIII. OLD BUSINESS

There was nothing to report under Old Business

IX. NEW BUSINESS

A. Planning Commission Report - Mr. Hudson

Mr. Hudson advised that the Planning Commission met on October 5th 2011 to discuss the Off-Premise Directional Signs. Per the request of the Community Development Committee, Ms. McGowan is currently reviewing the ordinance with the Ministerial Association and will submit any suggestion or comments they might have back to the Planning Commission for review.

X. ADJOURNMENT

There being no further business the meeting was adjourned at 7:05 P.M.

James H. Hudson, III
Mayor

ATTEST:

Karen M. Barrow
Town Clerk

A RESOLUTION APPROVING THE REGIONAL
WATER SUPPLY PLAN FOR THE MIDDLE PENINSULA OF VIRGINIA.

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

WHEREAS, the Town of West Point is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on October 24, 2011, the Town of West Point held a public hearing to accept public comment on the Regional Water Supply Plan; and

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

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

BE IT FURTHER RESOLVED that the West Point Town Council intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

PASSED, APPROVED AND ADOPTED by the West Point Town Council at a meeting held on October 24, 2011.

Those members voting:

James H. Hudson	N/A
Deborah Ball	Aye
Tina Gulley	Aye
Charles Gordon	Aye
Paul Kelley	Aye
Joshua Lawson	Aye
Otto Shreaves	Aye
Christopher Vincent	Aye

James H. Hudson, III
Mayor, Town of West Point

Adopted this 24th day of October, 2011

ATTEST:

Karen M. Barrow
Town Clerk

Adopted: October 24th 2011

ORDINANCE NO. 11-11

ORDINANCE NO. 11-11 AMENDS THE WEST POINT TOWN CODE, CHAPTER 62, "WATER, SEWERS AND SEWAGE DISPOSAL," BY ADDING TO ARTICLE I, SECTION 62-9, "WATER EMERGENCIES AND CONSERVATION" TO IMPLEMENT A SYSTEM FOR WATER RESTRICTIONS IN THE EVENT OF A WATER SHORTAGE. ORDINANCE NO. 11-11 INCLUDES PENALTIES FOR VIOLATIONS: A FIRST OFFENSE RESULTS IN A WRITTEN WARNING, A SECOND OFFENSE RESULTS IN A \$ 50 FINE, A THIRD OFFENSE RESULTS IN A \$ 100 FINE, A FOURTH OFFENSE RESULTS IN A \$ 250 FINE AND WATER SERVICE SUSPENSION. THERE SHALL BE A \$ 50 FEE ASSOCIATED WITH ANY RESTORATION OF WATER SERVICE AFTER SUSPENSION. ORDINANCE NO. 11-11 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VA CODE SECTIONS 15.2-923, 15.2-924 AND 15.2-1429.

BE IT ORDAINED by the West Point Town Council that the West Point Town Code be amended by adding to Chapter 62, "Water, Sewers and Sewage Disposal" Section 62-9, "Water emergencies and conservation" to read in its entirety as follows:

"Section 62-9, "Water emergencies and conservation"

(a) Purpose and authority to declare water emergencies. For purposes of this section, unless the context clearly requires a contrary meaning, the term "water" shall mean potable water withdrawn from any water utility system that is owned and/or operated "by a locality, authority, or company distributing water for a fee or charge".

In the event of an actual or anticipated shortage of potable water due to climatic, hydrological, mechanical and/or other extraordinary conditions, the Town of West Point may determine that certain uses of water should be reduced, restricted, curtailed and/or prohibited. These reductions, restrictions, curtailments and/or prohibitions are intended to protect the health, safety and welfare of the residents of the Town of West Point.

The Town Manager, with the concurrence of the Town Council, and its subsequent ratification by the Council, is authorized to declare water emergencies in the Town, as a whole or portions thereof, affecting the use of water.

A Drought Emergency declaration will be issued after consideration of the conditions of individual affected systems. The Town Manager may order mandatory restrictions on water use in response to specific conditions, such as when any system exceeds 90 percent of the permitted capacity for 3 consecutive months. The Town Manager may intervene to declare a drought emergency for privately-owned systems if the private system operation is unable to restrict water usage when needed.

(b) Drought monitoring to anticipate water emergency conditions. The Town of West Point, in cooperation with other jurisdictions of the Middle-Peninsula Water Supply Planning Region, will monitor the U.S. Drought Monitor operated by the U.S. Geological Service and made available through DEQ's website at: <http://www.deq.virginia.gov/waterresources/drought.php>. When the USGS Drought Monitor registers a condition "D1-Moderate Drought" for the Town of West Point, the Town Manager shall declare a Drought Watch alert for all water systems addressed by this ordinance.

(c) Water conservation measures. After the declaration of a water emergency under the authority provided by Virginia Code Sections 15.2-923 and 15.2-924, and upon a determination by the Town Manager of the existence of the following one or more conditions, the Town Manager shall take the following actions which shall apply to any person whose water supply is furnished from an affected water utility system:

(1) Condition 1 (Drought Warning). When moderate but limited supplies of water are available or when a "D2-Severe Drought" condition is registered on the USGS Drought Monitor, the Town Manager may, through appropriate means, call upon the affected population and entities to employ prudent restraint in water usage and to conserve water voluntarily by whatever methods available.

(2) Condition 2 (Drought Emergency). The Town Manager is hereby further authorized during the duration of a water emergency for which voluntary measures would be insufficient to order the restriction or prohibition of any or all of the following water uses by users of an identified, affected water system after consultation with the affected water system owner/operator:

- a. Watering of outside shrubbery, trees, lawns, grass, plants, home vegetable gardens, or any other vegetation except from a watering can or other container not exceeding five gallons in capacity. This limitation shall not apply to commercial greenhouses, nursery stocks and sod growing, which may be watered in the minimum amount required to preserve plant life between 6:00 p.m. and 8:00 a.m.
- b. Washing of automobiles, trucks, trailers, or any other type of mobile equipment, except in licensed commercial vehicle wash facilities.
- c. Washing of sidewalks, streets, driveways, parking lots, service station aprons, exteriors of homes or apartments, commercial or industrial buildings or any other outdoor surface, except where mandated by federal, state or local law.
- d. The operation of any ornamental fountain or other structure making a similar use of water.
- e. The filling of swimming or wading pools requiring more than five gallons of water, or the refilling of swimming or wading pools that were drained after the effective date of the declaration of emergency, except that pools may be filled to a level of two feet below normal, or water may be added to bring the level to two feet below normal, or as necessary to protect the structure from hydrostatic damage.
- f. The use of water during outdoor recreational activities. This limitation shall not apply to water utilized for drinking and sanitary purposes during such activities.
- g. The use of water from fire hydrants for any purposes other than fire suppression and related training exercises, unless otherwise approved by the county administrator.
- h. The serving of drinking water in restaurants, except upon request.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF
MATHEWS COUNTY, VIRGINIA, HELD IN THE HISTORIC COURTROOM OF
THE MATHEWS COUNTY COURTHOUSE THEREOF ON TUESDAY, MARCH
27th, 2012 AT 1:00 P.M.

Board of Supervisors Members Present: Ms. Janine F. Burns, Chairman
Ms. Edwina J. Casey, Vice-Chair
Mr. Charles E. Ingram, Member
Ms. Geneva L. Putt, Member
Mr. O.J. Cole, Jr., Member

Also Present: Mr. Stephen K. Whiteway,
Consultant/Acting Clerk
Ms. Julie A. Kaylor, Clerk, Assistant to the
County Administrator
Ms. Deanna L. Harris, Deputy Clerk,
Accounting Technician
Mr. John Shaw, Director, Planning &
Zoning
Ms. Christen Ingram, Planner

THE MEETING WAS CALLED TO ORDER BY THE CHAIRMAN OF THE BOARD
OF SUPERVISORS FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

IN RE: INVOCATION

Rev. Chuck Winner of Bethel and St. Matthews United Methodist Churches provided
the invocation.

IN RE: ROLL CALL

A roll call was taken with all members of the Board present.

IN RE: APPROVAL OF AGENDA ORDER

Ms. Burns explained that the Board of Supervisors was unable to hold the meeting in
another location and because she suspected the majority of the audience was present for
the Public Hearing she felt it appropriate to request the Board of Supervisors move
agenda item #4 – Public Comment to follow agenda item #5 – Public Hearing.

On motion of Ms. Casey, seconded by Mr. Ingram, the Mathews County Board of
Supervisors voted 5-0-0 as follows, Ms. Burns – aye; Ms. Casey – aye; Mr. Ingram – aye;
Ms. Putt – aye; and Mr. Cole – aye; to approve the agenda for the March 27, 2012 Regular
Meeting of the Mathews County Board of Supervisors with the exception of moving the
Public Comment section to after the Public Hearing on the conveyance of property to
The Mathews County Land Conservancy.

IN RE: PUBLIC HEARING – AN ADVERTISED PUBLIC ORDER
HEARING WAS HELD ON THE CONVEYANCE OF REAL
PROPERTY OWNED BY THE COUNTY OF MATHEWS AND
KNOWN AS THE “WILLIAMS WHARF” TO THE MATHEWS
COUNTY LAND CONSERVANCY

Ms. Burns asked Mr. Richard Harfst, County Attorney, to explain the purpose of this Public Hearing.

Mr. Harfst stated that this public hearing was to address the transfer of three (3) parcels of land, 3.75 acres in aggregate. These parcels, presently held by the County of Mathews, are to be conveyed to the Mathews County Land Conservancy. Mr. Harfst gave a brief history of the acquisition of this property held by the County as security against the use of Federal Highway Administration or ISTEAFUNDS for the development of the 3.75 acres the 3.75 acres are to be conveyed to the Mathews County Land Conservancy upon the complete utilization of the funds acquired for the purpose of the development of the Williams Wharf property from the Federal Highway Administration. Mr. Harfst went on to explain that under Virginia law a public hearing of a land conveyance by the County is required. He also stated that the context of this conveyance was an exchange by the County of the land known as Williams Wharf and a right-of-way for the western rip of Williams Wharf Road (State Road 614) and landing over that land from the County to the Mathews County Land Conservancy in exchange for an Indemnity Agreement and Conservation Easement creating a public access to the whole property in perpetuity. Mr. Harfst mentioned that the documents which had been proffered, the Deed of Gift, the Indemnity Agreement and the Conservation Easement and were the subject of requested modifications; the first modification was to the public access provision of the Conservation Easement which was then read aloud:

2.3 PUBLIC ACCESS. Except as provided herein, Grantor shall make the property reasonably accessible to the public daily from sunrise to sunset under such rules, regulations, and fees as Grantor deems appropriate. Reasonable public access shall include but not be limited to the following uses without fee for citizens during normal operating hours: walking, fishing in designated areas and individual family picnicking in the facilities provided for such activities. Unless otherwise authorized by the Grantor, the property or portions thereof shall be closed to public access nightly from sunset to sunrise and for special events. During such times access to the property or portions thereof may be denied. Permission to access the property at night between sunset and sunrise for permitted purposes and to hold of events on the property is subject to Grantor's prior written approval and requires a use permit issued by the Grantor. Grantor may exclude from the property anyone engaged in unlawful activities or disorderly conduct.

The second issue for modification was whether the Conservation Easement was to be held by the County alone, by the Middle Peninsula Public Access Authority alone or by the County and the Public Access Authority together. At the end of his presentation Mr. Harfst indicated that the issue of the public hearing was the conveyance of 3.75 acres of public land from the County of Mathews to the Mathews County Land Conservancy.

Ms. Burns then asked that a roster be circulated to acquire the names of any parties who wished to speak on this matter.

Ms. Burns then read the rules regarding public hearings and opened the above advertised public hearing at 1:18 p.m. Ms. Burns then called for speakers.

The citizens who spoke in favor of the conveyance of the 3.75 acres of real estate from the County of Mathews to the Mathews County Land Conservancy spoke of the extent of and quality of the restoration of the Williams Wharf property, that the property constituted a wonderful place from which to initiate both an understanding of the County and a tour of the County, that the County of Mathews should honor its contract with the Mathews County Land Conservancy and convey the property to the Mathews County Land Conservancy and the Mathews County Land Conservancy development of the Williams Wharf property had created opportunities for the young people of Mathews County in the rowing program. This point was made with a number of illustrations of the successes of the rowing program, that the rowing program gave pleasure to residents on the Williams Wharf road and that the Land Conservancy should be allowed to complete the development of the Williams Wharf property as had been agreed to by contract.

The following citizens spoke in favor of the conveyance of the property from the County of Mathews to the Mathews County Land Conservancy:

- Patsy Hemp – Port Haywood, VA
- Tucker Witt – Gloucester, VA
- Butler Burton – Mathews, VA

The following citizens who spoke against the conveyance of the property from the County of Mathews to the Mathews County Land Conservancy indicated that the positive effect of the conveyance did not take into consideration the good of everyone in the County of Mathews and that the conveyance to the Mathews County Land Conservancy should take into consideration the good of such a conveyance for all of the citizens of Mathews County, that the terms of the various legal documents employed in the conveyance or in exchange for the conveyance needed to be better defined, that there was a serious problem of public access in the neighborhood, that the rowing activities would receive priority over other activities on the Williams Wharf property, that the property would be gated and thereby deny access to the general public, that one or more of the speakers had been turned away from the use of the property during daylight. The following citizens signed up for and spoke against the conveyance:

- Karyn Austin – Mathews, VA
- Charlotte Crist – Onemo, VA
- Anne Binford – Port Haywood, VA
- Robert Gayle – Mathews, VA
- Catherine Jones – Mathews, VA, signed up to speak but did not speak
- Ann Thomas – Port Haywood, VA, signed up to speak but did not speak

Citizens who signed to speak neither for nor against the project spoke of reviewing the Deed and Conservation Easement and conversations with representatives of the Mathews County Land Conservancy which allayed many of the concerns raised in the earlier public hearing on the abandonment of the right of way, and of the remedy of the County of Mathews enforcing public access through court action. Those speaking neither for nor against indicated that there was still a problem of motorized boat pick-up and delivery and the installation of a noise creating windmill on the property to be resolved but that this could be resolved in the future. A speaker praised the rowing program and indicated the need for reasonable hours for activity. One speaker, Steve Wilson, brought a copy of concerns about the document, a copy of which concerns are attached to the present minutes. Another speaker spoke of the concern for the protection of natural resources. Finally, a speaker neither for nor against expressed appreciation for the generosity of residents of Mathews County in funding the efforts of the Mathews County Land Conservancy over a period of eighteen (18) years and noted that the present development of the property was done in lieu of further commercial use of the property which would have produced for the neighborhood and Mathews County less benefits than the present public access use. Those speakers who signed up to speak neither for nor against the project were:

- Tom Eley – Mathews, VA
- Trimmie Richardson – Mathews, VA
- Steve Wilson – Mathews, VA
- Linda K. Wilson – Mathews, VA
- Tim Ulsaker – Gloucester, VA

There being no further speakers desiring to be heard the public hearing was closed at 1:47 p.m., Chairperson Burns solicited comments from the Board of Supervisors.

Mr. Ingram agreed with the changes proposed by the Board.

Ms. Putt reviewed the accomplishments of the Mathews County Land Conservancy and their vision in developing the Williams Wharf property and extended her gratitude for their efforts on behalf of all the citizens of Mathews County. Ms. Putt then stated that she believed that the documents before the Board of Supervisors would assure public access in perpetuity to the property described in the Deed of Conveyance and that the plan originally entered into had been a good plan and continued to be a good plan, therefore Ms. Putt moved which motion was seconded as set out below in the Order. Her original motion was amended with an appropriate second and vote by Mr. Cole to amend the language of public access and also to incorporate co-holders, the County of Mathews and the Middle Peninsula Chesapeake Bay Public Access Authority.

Mr. Ingram stated that The Mathews County Land Conservancy had done a great job and that this property is prime deep water property that could have otherwise been used as any commercial property.

Ms. Casey stated that the section which pertains to "Reasonable Public Access" should state this facility will not be gated. She went on to say that once you start gating the property, other things could happen from there. She spoke of the many times she had been to the property herself and again stated that she never wants to see a gate.

Finally, R. Lee Stephens, Jr., Esquire and Richard Harfst, Esquire, representing the Mathews County Land Conservancy and the County of Mathews, respectfully, were authorized to edit the documents to incorporate those amendments which had been passed by the Board of Supervisors.

**IN RE: NEW BUSINESS/CONVEYANCE OF THREE ORDER
PARCELS OF REAL ESTATE FROM THE COUNTY OF MATHEWS
TO THE MATHEWS COUNTY LAND CONSERVANCY AS
SET OUT IN THE ATTACHED DEED, INDEMNIFICATION
AGREEMENT AND CONSERVATION EASEMENT**

On motion made by Ms. Putt, seconded by Mr. Cole, the supervisors voted 4-1-0 as follows, Ms. Burns – aye; Ms. Casey – nay; Mr. Cole - aye; Mr. Ingram – aye; and Ms. Putt – aye; that the County of Mathews convey to the Mathews County Land Conservancy the three parcels of land described in the attached Deed subsequent to the public hearing on this matter held March 27, 2012. The Board makes this conveyance together with the abandonment of the easement for a road and landing running over and across the real estate described in the Deed in exchange for the Indemnity Agreement and Conservation Easement hereto attached. The modifications duly moved, seconded and passed are as follows: the Conservation Easement is to be modified to be a grant to Co-Holders, The Middle Peninsula Chesapeake Bay Public Access Authority and the County of Mathews. Section 2.3 of the Conservation Easement shall read as follows:

2.3 PUBLIC ACCESS. Except as provided herein, Grantor shall make the property reasonably accessible to the public from sunrise to sunset under such rules, regulations, and fees as Grantor deems appropriate. Reasonable public access shall include but not be limited to the following uses without fee for citizens during normal operating hours: walking, fishing in designated areas, and individual, and individual family, picnicking in the facilities for such activities. Unless otherwise authorized by the Grantor, the property, or portions thereof, shall be closed to public access nightly from sunset to sunrise and for special events. During such special events access to the property or portions thereof may be denied. Permission to access the property at night between sunset and sunrise for permitted purposes and the holding of special events on the property is subject to Grantor's prior written approval and requires a use permit issued by the Grantor. Grantor may exclude from the property anyone engaged in unlawful activities or disorderly conduct. Otherwise the specific provisions of the Conservation Easement shall be worked out between the co-holders and the Mathews County Land Conservancy.

**IN RE: OLD BUSINESS/REQUEST TO ABANDON THE ORDER
SECTION OF THE WILLIAMS WHARF ROAD AND LANDING
INDICATED IN YELLOW ON THE ATTACHED PLAT
OF SURVEY**

On motion of Ms. Casey, seconded by Ms. Putt, the Mathews County Board of Supervisors voted 5-0-0 as follows, Ms. Burns – aye; Ms. Casey – aye; Mr. Cole – aye; Mr. Ingram – aye and Ms. Putt – aye; that the Mathews County Board of Supervisors are satisfied, after the appropriate Notice of intention to abandon, and after a public hearing conducted on Tuesday, February 28, 2012, in the Multi-Purpose Room of the Thomas Hunter Middle School at 7:00 p.m. in accordance with the procedure set out in §33.1-151 of the Code of Virginia of 1950, as amended, that no public necessity exists for the continuation of the secondary road as a public road or of the public landing located at the end of said road (being an extension of Route 614 (Williams Wharf Road)) as said road and landing are shown on the attached plat of survey and/or that the safety and welfare of the public would best be served by abandoning said section of road and landing shown on the attached plat of survey in that an alternative to said road and landing are readily available and therefore pursuant to the process set out in §33.1-151 of the Code of Virginia of 1950, as amended, the County of Mathews does hereby abandon the aforesaid road and landing as they are shown on the attached plat of survey.

IN RE: CITIZEN COMMENTS

Ms. Burns called for comments.

Mr. Jason Leslie of Bavon brought up the matter of access being denied to certain material when trying to access that material through the internet at the Library.

Ms. Burns called time and then proceeded to explain to Mr. Leslie that the Mathews County Public Schools have their own Board and any matters concerning schools needed to be addressed to that Board.

Mr. Dave Davis of Onemo thanked the Virginia Department of Transportation for working on the outfall ditches in his area. He explained that the water in his ditch had already gone down 4”.

The Board of Supervisors recessed at 2:02 p.m. for approximately five (5) minutes so that citizens in attendance for the first Public Hearing could leave the courthouse.

**IN RE: PUBLIC HEARING – AN ADVERTISED PUBLIC ORDER
HEARING WAS HELD ON THE PROPOSED WATER SUPPLY
PLAN FOR THE MIDDLE PENINSULA**

At Chairman Burns’ request, Mr. Whiteway read the legal advertisement for the public hearing on the proposed water supply plan for the Middle Peninsula. Mr. Whiteway explained that Mathews County is a part of the plan and that only the plan is under

consideration for adoption. Any enforcement mechanism required by the Commonwealth would be considered at a later date.

Chairman Burns opened the public hearing at 2:17 p.m. and invited citizens to speak.

Ms. Carol Bova of Mathews stated that she has found numerous errors in the plan, including the statement that there are no registered national landmarks in the county. She asked that the Board consider changes in the plan when it is time to review it in the future.

Sue Long stated that she did not have much to add to Ms. Bova's comments. She stated that citizens pay taxes on their land, but have little control over the use of their land. She noted that the plan should be local in nature as opposed to regional.

Other speakers who voiced their concerns over the plan included Debbie Thompson, Constance Godsey, Sharon Fry, Robert Sherrill and Karyn Austin.

The Board discussed the fact that, while the plan is certainly not perfect, it is hoped that it will satisfy the mandate laid down by the Commonwealth of Virginia.

Ms. Burns closed the Public Hearing at 2:40 p.m.

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-1-0 as follows, Ms. Burns – aye; Ms. Casey – aye; Mr. Ingram – aye; Ms. Putt – nay; Mr. Cole – aye; to adopt the Water Supply Plan for the Middle Peninsula through the following resolution:

**A RESOLUTION APPROVING THE REGIONAL WATER SUPPLY PLAN
FOR THE MIDDLE PENINSULA OF VIRGINIA**

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

WHEREAS, Mathews County is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on March 27, 2012, Mathews County held a public hearing to accept public comment on the Regional Water Supply Plan; and

WHEREAS, Mathews County understands that the adopted Regional Water Supply Plan was required to be submitted to the DEQ on or before November 2, 2011; and

WHEREAS, the Mathews County Board of Supervisors deemed it to be in best interest of Mathews County to delay the public hearing and formal action on the proposed plan

C. School Bus Request:

Mrs. Katie T. Dutton, Chair, Mathews Relay for Life, requested the use of one (1) bus and driver on Saturday, May 19th, 2012 to transport Relay for Life guests from the football field to the Relay for Life Survivor Dinner in Mathews High School cafeteria and back to the football field as needed. The School Board unanimously approved this request at their regular meeting on Tuesday, March 20th, 2012. According to the Code of Virginia, Sec. 22.1-182, the Mathews County Board of Supervisors must also approve this request.

D. School Bus Request:

Mr. Tim Ulsaker requested the use of one (1) bus and driver on Saturday, April 7th, 2012, Saturday, April 21st, 2012, and Saturday, May 5th, 2012 at Williams Wharf Landing for the Mathews High School Crew Regattas. The School Board unanimously approved this request at their regular meeting on Tuesday, March 20th, 2012. According to the Code of Virginia, Sec. 22.1-182, the Mathews County Board of Supervisors must also approve this request.

IN RE: APPROVAL OF CLAIMS

ORDER

It appearing this day that all claims presented are valid, on motion of Ms. Casey, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 5-0-0 as follows, Ms. Burns -aye; Ms. Casey - aye; Mr. Ingram - aye; Ms. Putt - aye and Mr. Cole - aye; that checks be issued in payment thereof from several funds as follows:

Check No. 19354 through Check No. 19474
General Fund \$405,719.55

IN RE: MATHEWS COUNTY PUBLIC SCHOOLS

Due to other obligations, Division Superintendent Dr. David Holleran was unable to attend.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Alfred Harris was in attendance to update the Board on matters related to highways and transportation.

Mr. Harris informed the Board that VDOT had swept the courthouse area and was also replacing pipe on Rt. 657. He noted there was a bad spot on Rt. 620 as well and that they would be working on rebuilding the shoulder in that area.

Ms. Burns asked Mr. Harris to look at the ditch situation on Ridge Road. She told Mr. Harris that several homeowners were clearing out the ditches on their property but that, in turn, was creating problems in other areas.

Mr. Ingram stated that he had stopped by the local VDOT office and discussed his concerns with Mr. Harris.

Ms. Casey asked if VDOT were only concentrating on road-side ditches. Mr. Harris explained that they are also working on outfall ditches.

IN RE: MATHEWS COUNTY SHERIFF'S OFFICE

Sheriff L. Mark Barrick was present to update the Board on matters related to his office.

Sheriff Barrick stated that emergency call counts remained askew due to the installation and testing of the new CPE equipment and he had hoped by next month the call counts would return to normal. He also stated that new computers had arrived and were currently being installed in the Emergency Dispatch Center.

Sheriff Barrick reported that he and Mr. David Burns, Emergency Services Coordinator, had met earlier in the day and that they are working on putting an emergency plan in place. He hoped the plan would be in place and ready for practice by June 1st, 2012.

Mr. Ingram asked Sheriff Barrick about the Virginia State Troopers residing in the County. Sheriff Barrick stated that while a couple of them are now residing in the County, they are not assigned to the County.

**IN RE: MATHEWS COUNTY DEPARTMENT OF ORDER
PLANNING AND ZONING – CONDITIONAL USE PERMIT #1-
CUP-12 – PUBLIC HEARING**

Mr. John Shaw, Director of Planning & Zoning, deferred this matter to Ms. Christen Ingram, Planner. Ms. Ingram handed out additional information from the Virginia Department of Transportation as well as two different copies of survey plats of the subject property and then read the following Staff Conclusion and Proposed Conditions to the Board of Supervisors:

1. This conditional use permit and all conditions listed below are for the development of a Retail Store/Shop located on parcel 26A2 (A) 31. This conditional use permit may be revoked by the County of Mathews or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provision of Federal, State or local regulations.
2. This permit will become void if it remains unused for a continuous period exceeding twenty-four (24) months.
3. This permit does not run with the land, is not transferable and will expire if ownership of the property or business changes or if the property or business is leased.
4. Operating hours shall be limited to 10:00 a.m. – 5:00 p.m. Tuesday thru Saturday.
5. No signs will be permanently mounted on the exterior of the building. The existing sign structure in the front yard will be utilized and not expanded for the

business. Small parking signs and/or entry/exit signs may be installed. These shall not be lighted, and shall be no more than 2.5 feet in height.

6. Parking shall be clearly directed to the rear of the building ***and delineated to include a minimum number of parking spaces in conformance with Article 12 of the Mathews County Zoning Ordinance.***
7. No other businesses shall be permitted to operate at this location while this CUP is in effect including home occupations; ***however, it may remain as a residence.***
8. Privacy fencing ***with a minimum of six (6) feet in height*** shall be installed on the northern ***and southern*** property line separating the Jones's property 26A2 (A) 31 and properties identified as 26A2 (A) 30, 10328 Buckley Hall Road ***and 26A2 (A) 32, vacant parcel.*** Fencing shall extend from the rear garage connected with the parking area up the northern ***and southern*** side lot lines to the front of the home. ***Neighbors shall be consulted regarding the style and material of the fence, with the Zoning Administrator approving the selection.***

Ms. Burns questioned Ms. Ingram on the outstanding issues brought up at the Joint Meeting surrounding this case, specifically the property line and entrance.

Ms. Ingram stated that it is possible to have two entrances and that the survey she handed out to the Board showed the property line and entrances accurately. She also stated that the property owners had a choice in how they handled the entrance. One option being they move the driveway on the southern property boundary line over to their property and keep the north and south entrance/exit open to one-way traffic, or the other option would be to close down one driveway completely and have the entrance and exit next to each other on the northern property boundary.

Ms. Ingram explained that those were items that would be cleared up later in the process. Ms. Burns expressed her concern about approving this conditional use permit without the homeowners finalizing plans for the entrance.

Ms. Putt asked Ms. Ingram if the Board was expected to approve with one entrance or with two.

Ms. Burns explained that the Board needs to know what the property owners were planning to do with the entrances in order to know what VDOT's requirements are going to be. She then suggested the Board hold off on taking any action until staff has time to gather more information.

On motion of Mr. Cole, seconded by Mr. Ingram, the Mathews County Board of Supervisors voted 5-0-0 as follows, Ms. Burns – aye; Ms. Casey – aye; Mr. Ingram – aye; Ms. Putt – aye; Mr. Cole – aye; to defer action on this matter for 30 days to give staff time to gather more information.

IN RE: MATHEWS COUNTY DEPARTMENT OF ORDER
 PLANNING AND ZONING – CONDITIONAL USE PERMIT #2-
 CUP-12 – MATHEWS FARMERS MARKET

Mr. John Shaw, Director of Planning & Zoning, presented Case #2-CUP-12, a request from Mathews Main Street Committee to amend Condition #13 of 1-CUP-09, Mathews Farmers Market.

Mr. Shaw explained that his office received a request from the Mathews Main Street Committee to change a condition in their already approved 1-CUP-09. The project as outlined in his memo to the Board of Supervisors stated “The applicant has applied to amend Condition #13 of a previously approved Conditional Use Permit (1-CUP-09) for Mathews Farmers Market. Condition #13 currently reads: “This market is limited to vendors who produce and/or grow the goods to be sold and not purchased by them for sale and who reside in Mathews and/or jurisdictions located on the Middle Peninsula.”

The applicant would like to delete “and who reside in Mathews and/or jurisdictions located on the Middle Peninsula.” The rationale being to allow vendors from other localities to participate.”

The Planning Commission, on a vote of 6-0, recommended approval of the change in this Conditional Use Permit with conditions as presented by staff.

On motion of Mr. Cole, seconded by Mr. Ingram, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to approve the change as follows:

Staff recommends approval of Case 2-CUP-12. Staff finds that the project is, and has been a reasonable use of the property and deems it to be compatible with adjacent commercial development.

Staff recommends that Condition #13, be amended, as follows:

1. This Conditional Use Permit and all conditions listed below are for the development of a Farmers' Market to be located on the Court Green of the Mathews County Courthouse. This Conditional Use permit may be revoked by the County of Mathews or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provision of Federal, State, or local regulations. This Conditional Use Permit will constitute a zoning permit (clearance) per Section 20.1 of the Zoning Ordinance for the operation of a Farmers' Market. Individual vendors will comply with local State, and Federal regulations.
2. The Farmers' Market may operate on Saturday morning (8:00 a.m. – 1:00 p.m.) from April 1st through November 30th, except during Mathews Market Days. Operation of the Farmers' Market outside of the time period (i.e. special events) must be preapproved by the Board of Supervisors.

3. This Conditional Use Permit shall become void if adequate permits from the Virginia Department of Health or any other permits required by State or Federal agencies are not obtained by the sponsor and, when necessary, by individual vendors.
4. No other or additional land uses are permitted as part of this permit except those uses normally undertaken by the County of Mathews.
5. Any goods to be sold are to be on the vehicle or offloaded to the Court Green. No goods are to be placed in the parking spaces or travel lanes.
6. All vehicles shall be parked within the marked spaces and not extend into the travel lanes or block the road. A vehicle is defined as any conveyance designed to operate on public roadways.
7. No parking spaces shall be reserved for vendors and/or customers.
8. Trash, signs, goods/produce offered for sale, debris shall be removed from the Court Green, the public right-of-way and parking areas by the vendors at the end of each sales day.
9. No storage of hazardous, toxic, or obnoxious materials shall be permitted.
10. Business identification signs shall be limited to temporary, non-illuminated signs that shall be removed promptly at the end of each sales day. Such signs shall not exceed sixteen (16) square feet and shall otherwise comply with Zoning Ordinance requirements.
11. No permanent structures shall be constructed on the Court Green to serve the Farmers' Market. Temporary structures (tents, canopies) shall not be attached to the existing buildings. Tent stakes not to exceed nine (9) inches will be used to affix the temporary structures to the Court Green.
12. If the Farmers' Market does not operate for two (2) consecutive seasons, this Conditional Use Permit shall expire.
13. This market is limited to vendors who produce and/or grow the goods to be sold and not purchased by them for sale ~~and who reside in Mathews and/or jurisdictions located on the Middle Peninsula.~~
14. Repair of any damage to the Court Green caused by the Farmers' Market shall be the responsibility of vendor(s).

IN RE: MATHEWS COUNTY DEPARTMENT OF ORDER
 PLANNING AND ZONING – 2-ZA-12 – AMENDMENT TO
 SECTION 19.11 OF THE ZONING ORDINANCE

Mr. John Shaw presented Case #2-ZA-12, Amendment to Section 19.11 of the Zoning Ordinance to add language regarding a request for an Administrative Variance.

Mr. Shaw explained that by adding this language, it would allow his office to grant relief, in certain circumstances, to applicants. He stated that conditions would be attached to any such variance and that this would not be used as a matter of convenience or to be done arbitrarily. Mr. Shaw also stated that before granting a variance, the Zoning Administrator would be required to notify all adjacent property owners and they would be given the opportunity to respond to the request for a variance. If any adjacent property owner objected to the variance, the matter would be referred to the Board of Zoning Appeals for a hearing.

Mr. Ingram and Mr. Cole expressed their agreement with this request.

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to approve the amendment to Section 19.11 of the Zoning Ordinance to read as follows:

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

Section 19.11 Variances

4. Administrative Variance

The Zoning Administrator shall have the authority to grant variances of fifty (50%) or less from any building setback requirement contained in this ordinance provided that the Zoning Administrator finds in writing that: (i) the strict application of the ordinance would produce an undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the variance.

Prior to granting of the variance, the Zoning Administrator shall give all adjoining property owners written notice of the request for variance, and an opportunity to respond to the request within twenty-one (21) days of the date of the notice. If any adjoining property owner objects to said request in writing within the time period specified above, the request shall be transferred to the Board of Zoning Appeals for decision.

IN RE: MATHEWS COUNTY DEPARTMENT OF ORDER
PLANNING AND ZONING – 3-ZA-12 – AMENDMENT TO
SECTIONS 5.4, 5.6, 6.4, 6.6, 8.5, 8.7 OF THE MATHEWS COUNTY
ZONING ORDINANCE AS THEY PERTAIN TO SETBACK
REGULATIONS, YARD REGULATIONS AND SPECIAL PROVISIONS
FOR CORNER LOTS FOR THE INCLUSION OF PIERS

Mr. John Shaw presented Case #3-ZA-12 – Amendment to Sections 5.4, 5.6, 6.4, 6.6, 8.5, 8.7 of the Mathews County Zoning Ordinance as they pertain to Setback Regulations, Yard Regulations and Special Provisions for Corner Lots for the inclusion of piers.

Mr. Shaw explained that this matter was before the Board only to request a date and time for a public hearing and that no other action was needed at this time. He then deferred this matter to Ms. Christen Ingram, Planner.

Ms. Ingram gave a brief synopsis on the matter.

Mr. Cole stated that he was aware of two instances in the past month where this had become a real issue.

Ms. Burns asked Ms. Ingram to explain the difference between what was currently in place and what changes were being proposed. Ms. Ingram said that there were properties currently experiencing an issue because of this Ordinance as it presently stands.

Mr. Shaw gave further clarification to the Board.

On motion of Mr. Cole, seconded by Mr. Ingram, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to set a public hearing at the Joint Planning Commission and Board of Supervisors meeting to be held on April 17, 2012 at 7:00 p.m.

IN RE: MATHEWS COUNTY DEPARTMENT OF ORDER
PLANNING AND ZONING – FEMA HAZARD MITIGATION
GRANT PROGRAM (HMGP) – PROJECT NUMBER 8174-008

Mr. Shaw gave a brief synopsis on the history of this grant project and proceeded to introduce Mr. Michael Dodson of Community Planning Partners. He stated that Community Planning Partners serve as project management on other FEMA grants and that they had the expertise to assist with the management of this grant project if the Board so desired to move forward with this project.

Mr. Shaw explained that this project was being pursued in response to flood damages experienced by property owners from the remnants of Tropical Storm Ida in November 2009 and that the County applied for funding under FEMA's Hazard Mitigation Grant Program. The property owners then applied to the County for FEMA funding assistance to elevate their houses out of the floodplain or have their property acquired.

The County submitted their applications and was notified by the Virginia Department of Emergency Management (VDEM) that an award in the amount of \$889,825 was made. This award will be available to the County for the elevation of eight (8) residential structures and the acquisition of one (1) residential structure. Of this amount, FEMA will provide \$667,369 (75%), VDEM will provide \$177,965 (20%) and the property owners will provide \$44,491 (5%).

Mr. Shaw stated that these funds would be utilized for activities such as project management, real estate appraisals, structure elevations, demolition, construction management, surveying and engineering designs. He also stated that Project Management will be provided by Community Planning Partners, Inc. who has been procured to provide funding application and management assistance to the County for FEMA's grant programs. This project is expected to be completed by March 30, 2015, unless extended by written authorization of VDEM.

Mr. Shaw stated that nine (9) properties would receive assistance, five (5) of which are located in the Mobjack Bay Estates subdivision, and four (4) of which are located throughout the eastern portion of the County.

Mr. Dodson explained that the purpose of this project was to elevate, acquire or move structures located within the floodplain and that funding for the project comes from federal, state and homeowners and that no direct local funds are required.

Mr. Dodson went on to explain that his office is prepared to administer this project and that staff in Gloucester are ready to assist County staff as needed.

Ms. Burns asked Mr. Dodson what the fiduciary relationship would be. Mr. Dodson stated that there would be an amendment to the original agreement between the County and Community Planning Partners, Inc.

Mr. Ingram asked if there were funds to help other property owners or if this would only help nine (9). Mr. Dodson responded by saying that other funding has opened up and that it would be up to the Board of Supervisors to decide if they wished to pursue this other funding. He said approximately six (6) million more in funds is now available. He informed the Board that a pre-application would be required by April 30th, 2012 and the final application for funding would be due by July 31st, 2012.

Ms. Burns asked Mr. Dodson how the citizens found out about this grant opportunity. Mr. Dodson explained that there were public meetings held and the Mathews Memorial Library and also advertisements were placed in the local paper.

Ms. Burns then asked Mr. Dodson how many projects his organization could handle. Mr. Dodson stated that they would proceed with this project in phases and would most likely handle five (5) properties at any one time. He also explained that they would be sure to get the property owner's five percent (5%) match up front, prior to any work commencing and that a checklist would be provided to each property owner that would outline the details of the project to eliminate any misunderstandings.

Mr. Shaw asked the Board to provide guidance on possible future funding. Mr. Ingram and Ms. Burns both agreed there would be no reason not to follow through with this and have staff seek additional funding. The Board, by consensus, agreed to staff applying for future FEMA grant assistance.

Mr. Ingram asked if permits would be required for storm damage. Ms. Burns stated that the Board has in the past, by resolution, agreed to waive fees for all storm related permits. She then asked Mr. Ingram to bring this item up under Administrator's Items.

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt -aye; Mr. Cole – aye; to authorize the Chair of the Mathews County Board of Supervisors to execute the grant agreement with VDEM to elevate eight (8) residential structures and acquire one (1) residential structure.

IN RE: MATHEWS BOYS AND GIRLS CLUB

Mr. Steve Kast, CEO, was unable to attend.

IN RE: APPOINTMENTS

This item was moved to Closed Session where issues regarding private individuals can be more appropriately discussed.

IN RE: OLD BUSINESS

There was no old business to discuss at this time.

IN RE: NEW BUSINESS – PRESENTATION OF THE PROPOSED FY 2012-2013 COUNTY BUDGET

Mr. Whiteway presented the FY2012-2013 County budget to the Board of Supervisors and reminded the Board that a budget work session was scheduled for Wednesday, March 28, 2012 at 1:00 p.m. in the historic courthouse.

Mr. Whiteway stated the proposed budget totaled \$22,478,195 or a 6.7% increase over the current fiscal year. Also included in this budget was \$1,180,000 for capital projects which represents a 7.7% increase overall.

Mr. Whiteway explained that the proposed budget included an increase in salary for County employees, an increase in law enforcement retention supplements and a one-time bonus for Constitutional Officers employees other than law enforcement.

Mr. Whiteway discussed the VRS mandate as proposed by the General Assembly and felt that this will eventually come to pass and recommended the Board move forward with the proposed mandate of requiring employees to pay their 5% share of VRS now.

Mr. Whiteway also explained that the Mathews County Public School system would receive an additional \$105,000 and personal property taxes would decrease by \$.05 in the proposed budget.

Mr. Cole said he hoped that the County was at the worst end of the new norm.

IN RE: SUPERVISORS' REPORT

There were no comments from Board members.

**IN RE: COUNTY ADMINISTRATOR'S REPORT ORDER
APPLICATION FOR REAL PROPERTY OWNED BY PROPERTIES,
INC. BE HELD EXEMPT FROM LOCAL REAL ESTATE TAXES**

Mr. Whiteway presented an application from the Middle Peninsula Northern Neck Community Services Board requesting tax exemption for properties owned by M.P. – N.N. Mental Health and Mental Retardation Properties, Inc. (their property holding company).

Mr. Whiteway explained that this matter would require a public hearing and that officials from Properties, Inc. would be in attendance to answer questions and discuss the benefits of their programs.

Mr. Cole stated that by not approving this, it could mean a request for a larger local contribution in the future to offset the amount of the taxes.

Ms. Burns asked what the total amount of revenue already lost on all other such exemptions amounted to. Mr. Whiteway said we would have to get that information from Mr. Les Hall, Commissioner of Revenue. He went on to say that the majority of tax exempt organizations in Mathews County were churches and they were exempt by state law. Other properties exempt from taxation were owned by the County directly and the remaining tax exempt parcels were very few.

On motion of Mr. Ingram, seconded by Ms. Putt, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt – aye; Mr. Cole – aye; to set a public hearing at the next regular Board of Supervisors meeting on Tuesday, April 24, 2012 at 7:00 p.m. for the purpose of soliciting comment on the application for tax exemption by the MP-NN Mental Health and Mental Retardation Properties, Inc.

**IN RE: COUNTY ADMINISTRATOR'S REPORT
COUNTY WEBSITE HONOR: SUNNY AWARD (TRANSPARENCY
GRADE OF "A" ON SUNSHINE REVIEW'S TRANSPARENCY
CHECKLIST**

Mr. Whiteway presented a letter from the Sunshine Review congratulating Mathews County on being a Sunny Award winner for transparency on the County website. The County received an "A" Top Transparency Website in 2012" award.

Mr. Whiteway thanked Ms. Kaylor, Ms. Harris, Ms. Whitley and all other employees involved in the maintenance of the County website for their efforts. He also noted the employee salaries were now online along with a lot of other information.

**IN RE: COUNTY ADMINISTRATOR'S REPORT
ABSTRACT OF VOTES**

Mr. Whiteway presented the "Abstract of Votes" from the March 6, 2012 Republican Primary Election for President to the Board of Supervisors.

**IN RE: COUNTY ADMINISTRATOR'S REPORT
VDOT ENHANCEMENT GRANT FOR NEW POINT COMFORT
LIGHTHOUSE – AUTHORIZATION TO ADVERTISE FOR BIDS**

Mr. Whiteway informed the Board that the federal authorization to advertise for bids for phase I revetment work at the New Point Comfort Lighthouse had been secured and that staff would move forward with this project.

Mr. Whiteway stated that bids would be due in the County Administrators office on April 4, 2012 at 11:00 a.m. and that Mr. Shaw would be in the historic courthouse to publicly open the bids at that time. He also stated that staff in the Administrators office would be sure to stamp the date and time received on each bid and would make sure that all bids were delivered to Mr. Shaw.

**IN RE: COUNTY ADMINISTRATOR'S REPORT ORDER
PROPOSED REFUNDING OF MATHEWS COUNTY SERIES 2003A
LOAN (VIRGINIA RESOURCES AUTHORITY) – RESCUE SQUAD
BUILDING**

Mr. Whiteway presented the Board with an email from Mr. Peter D'Alema, Director of Program Management, Virginia Resources Authority, stating that as part of their ongoing surveillance of the bonds outstanding in their programs, they have reviewed the Mathews County Series 2003A loan and that based on interest rates from February 14, 2012, noted that the 2013 through 2023 maturities could be refunded for debt service savings. They estimated the net present value savings of 9.47% of the refunded principal, which would represent approximately \$83,683 in debt service savings on a gross basis through 2023. This would be an annual average savings of \$7,608.

Mr. Whiteway stated if the Board wished to pursue this, they would need to adopt a resolution which shall be provided by the Virginia Resources Authority. This resolution must be adopted and returned to the Authority by June 30, 2012 in order to be included in this transaction.

Staff recommended the Board of Supervisors authorize the Chair to execute the required resolution to allow participation in the refunding noted above.

On motion of Ms. Putt, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt – aye; Mr. Cole – aye; to move forward with the proposed refunding and to authorize the Chair, Ms. Janine Burns, to execute the resolution when it is received from the Virginia Resources Authority.

**IN RE: COUNTY ADMINISTRATOR'S REPORT ORDER
MEMORANDUM OF UNDERSTANDING – FACILITY COST
AGREEMENT (DEPARTMENT OF SOCIAL SERVICES)**

Mr. Whiteway explained that the Board of Supervisors has provided office space to the Mathews County Department of Social Services in the Human Services Building since its completion in 1993, during such time; no formal use agreement had been provided for or approved by the Board of Supervisors or the Department of Social Services. He also stated that the Department of Social Services at the state level is now requesting this document.

Mr. Whiteway worked with Ms. Jo Ann Wilson-Harfst for over a year to draft this agreement which clearly outlines the expectations of all involved.

Mr. Whiteway noted that Mr. Richard Harfst, County Attorney, had suggested a few changes to the document and recommended the Board approve the document with the change suggested by Mr. Harfst. He also asked the Board to allow the Chairperson to execute the agreement on behalf of the Board of Supervisors.

Ms. Burns asked what happens in 2026, at the termination of the agreement.

Ms. Harfst stated that this document was a template used by other localities and that the Auditors have been requesting this document for years.

On motion of Mr. Ingram, seconded by Ms. Putt, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt – aye; Mr. Cole – aye; to approve the Memorandum of Understanding between the County of Mathews and the Mathews County Department of Social Services with Mr. Harfst' changes and to authorize Chairperson Burns to execute such agreement on behalf of the Board of Supervisors.

IN RE: COUNTY ADMINISTRATOR'S REPORT ORDER
FY11 YEAR END SETTLEMENT FOR MATHEWS COUNTY
HEALTH DEPARTMENT

Mr. Whiteway presented a letter to the Board from David S. Chang, MD, recently departed Director of the Three Rivers Health District, indicating that the County of Mathews was running a deficit of \$4,358 due to lower than budget revenues from local fees in recent years. This being the first time the County was informed of such deficit.

Mr. Chang offered possible solutions for dealing with the deficit. He noted that the local health department will end the current fiscal year with a \$1,685 surplus in local match funds. He recommended allowing VDH to apply the \$1,685 surplus to the deficit, thereby reducing it. The remaining deficit would then be carried forward to the next year.

Ms. Burns stated that she would like to see how they could reduce expenses rather than fees,

Ms. Putt questioned the fact that if the VDH comes up short in their budget, why Mathews County should be responsible for the balance.

By consensus, the Board decided to do nothing at this time. They agreed to wait for a new Director to be hired and will ask that person to come do a presentation to the Board and explain the situation further.

IN RE: COUNTY ADMINISTRATOR'S REPORT ORDER
REQUEST BY MATHEWS COUNTY VISITOR AND
INFORMATION CENTER (MCVIC) FOR THE LOAN OF THE
THOMAS MATHEWS PORTRAIT FOR DISPLAY IN THE
VISITORS CENTER

Mr. Whiteway presented a memo from the Mathews County Visitor and Information Center (MCVIC) requesting the loan of the portrait of General Thomas Mathews which hangs in the historic courthouse.

MCVIC is restoring the back room of Sibley's General Store and plans to turn it into an information center about Mathews relationship to the Chesapeake Bay and will include history of the County.

Ms. Burns asked about insurance coverage due to the increasing exposure. Mr. Whiteway explained that the room will be climate controlled and will constantly be monitored for security. The Visitors Center also carries insurance.

Ms. Burns also expressed her concern about the portrait being placed into storage at some point in the future.

Mr. Whiteway explained that the room restoration is being done by Mr. Bob Frances who works a great deal with the Virginia Museum of Fine Arts and he expects it to be a very nice facility when it's complete.

On motion of Ms. Putt, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt – aye; Mr. Cole – aye; to grant the request to loan the portrait of General Thomas Mathews to the Mathews County Visitor and Information Center until they no longer wish to display the portrait, at which time the portrait is to be returned to its current location in the historic courthouse.

IN RE: COUNTY ADMINISTRATOR'S REPORT ORDER
REQUEST TO SET WAGE RATE FOR PART-TIME CLERICAL ASSISTANCE

Mr. Whiteway explained to the Board that as a direct result of reductions in staffing, County departments must utilize temporary part-time clerical employees from time to time and that it would be helpful if the Board would establish a standard hourly rate that would apply to all departments utilizing such assistance.

Ms. Burns asked what the lowest full time clerical salary was presently. Mr. Whiteway said it was approximately \$19,800. Mr. Whiteway also explained that the Board had set a rate several years earlier, but it was time to adjust that rate.

Ms. Putt stated she wanted to make sure if the Board set the rate at \$10.00 per hour that it would not be more than the lowest paid clerical salary. Mr. Whiteway asked Ms. Kaylor what the full time annual hours were. Ms. Kaylor responded with 1,820.

Ms. Putt then asked what the current minimum wage was. Ms. Kaylor responded that she believed it to be either \$7.25 or \$7.50 but would get back to Ms. Putt with the exact figure. Ms. Kaylor looked up the rate online and found it to be \$7.25 and relayed that information to the Board.

Mr. Cole stated that this figure seemed reasonable.

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt – aye; Mr. Cole – aye; to set the part time temporary clerical rate at \$10.00 per hour.

IN RE: COUNTY ADMINISTRATOR'S REPORT ORDER
PERMIT FEE WAIVER FOR STORM DAMAGE REPAIRS

Mr. Whiteway brought up Mr. Ingram's earlier question regarding the waiver of fees for zoning permits and building permits related to tornado storm damage repair.

Mr. Whiteway explained that there had been a few requests from citizens to waive these fees and that he had instructed staff to continue to charge the normal fees but to inform those citizens that should the Board decide to waive those fees in the future, their money would be refunded.

Mr. Whiteway suggested the Board adopt an emergency Ordinance today, specific to tornado damage and give citizens until June 30, 2012 to get their permits. He also stated that this Ordinance would include the Building Officials office and the Planning & Zoning office.

On motion of Mr. Ingram, seconded by Ms. Putt, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt - aye; Mr. Cole – aye; to adopt the following emergency Ordinance allowing citizens to obtain building or zoning permits free of charge for damages related to the tornado activity on February 24, 2012. Such fees waived until June 30, 2012.

AN ORDINANCE PROVIDING FOR EXEMPTIONS FROM BUILDING AND OTHER LAND DEVELOPMENT FEES FOR CONSTRUCTION AND RECONSTRUCTION NECESSITATED BY CERTAIN STORM-RELATED DAMAGE

WHEREAS, the Mathews County Board of Supervisors finds that (1) the February 24, 2012 tornado which occurred in the Bavon area of Mathews County created emergency conditions in Mathews County resulting in damage to structures, and (2) that repair or reconstruction of those structures will enhance public safety and otherwise further public health, safety and welfare and (3) that an exemption from certain permit fees imposed pursuant to the Mathews County Code and/or ordinances will facilitate the repair or reconstruction of these damaged structures, which will be beneficial to the citizens of Mathews County,

NOW, THEREFORE, BE IT ORDAINED by the Mathews County Board of Supervisors that:

1. Permits required for demolition and/or construction activities necessitated by damage caused by the February 24, 2012 tornado shall be exempt from the fees listed in the Mathews County building, land development and wetlands ordinances and regulations for the issuance of building permits, electrical permits, mechanical and plumbing permits, permits for moving of a building or structure, permits for demolition of a building or a structure, zoning clearances not requiring the advertisement and conduct of public hearings, wetlands permits not requiring the advertisement and conduct of public hearings, and erosion and sediment control permits. This exemption shall only apply to construction that does not result in an increased square footage of a structure. This exemption shall not apply to permits required for demolition and/or construction activities not necessitated by damage caused by the February 24, 2012 tornado. This exemption shall not apply to any fee imposed by the Commonwealth of Virginia or the United States government.

2. The applicant(s) for any such permit shall provide all information and complete all forms required by Mathews County to substantiate the timing and nature of the damage, providing the basis for the requested fee exemption.
3. The application, demolition and/or construction of all structures shall comply with all requirements of federal, state and local laws and regulations, including the Mathews County Code, with the exception of the payment of the County fees listed above.
4. The modification, alteration, and/or reconstruction of all shoreline stabilization structures, piers and dunes shall comply with all federal, state and local laws and regulations, including the Mathews County Code, with the exception of the payment of the County fees listed above.
5. This Ordinance shall be effective retroactively to February 24, 2012 and shall be applicable to all qualifying applications filed on or after that date and prior to July 1, 2012.
6. This Ordinance shall be void after June 30, 2012 unless readopted by the Mathews County Board of Supervisors following required notice and a public hearing.

Adopted as Emergency Ordinance by unanimous vote of the Mathews County Board of Supervisors present on March 27, 2012.

Attest:

Stephen K. Whiteway
Consultant/Acting Clerk to the Board of Supervisors

IN RE: MONTHLY DEPARTMENT STAFF REPORTS

Monthly departmental staff reports were included in the Board packets for their review.

IN RE: OTHER MATTERS BY STAFF

There were no other matters addressed by staff at this time.

IN RE: CITIZENS COMMENTS

There were no comments by citizens.

IN RE: OTHER MATTERS

There were no other matters at this time.

Mr. O.J. Cole, Jr., Member

Aye

Certified:

Stephen K. Whiteway, Consultant/Acting
Clerk to the Board of Supervisors

IN RE: COMMISSIONER OF THE REVENUE PERSONNEL ORDER

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to provide local funding for the Deputy Commissioner of the Revenue position being vacated by Ashley Abrams adequate to provide a \$20,000 per year full-time salary for the replacement employee, with the understanding that the FY 2012-2013 County budget will reflect a reduction in one of the deputy positions from full-time to part-time at half the full-time compensation effective January 1, 2013.

**IN RE: APPOINTMENT ORDER
ASAP BOARD APPOINTMENT**

On motion of Mr. Cole, seconded by Ms. Putt, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to appoint Sheriff Mark Barrick to the ASAP Board to fill the unexpired term of Danny Howlett. Such term to expire December 31, 2012.

**IN RE: APPOINTMENT ORDER
MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS
AUTHORITY**

On motion of Ms. Putt, seconded by Mr. Ingram, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Cole – aye; Mr. Ingram – aye; Ms. Putt-aye; to appoint Melinda Moran as the county's member on the MPCBPAA, with John Shaw to serve as alternate member. Such term to expire December 31, 2012.

**IN RE: AMENDMENT TO NEW POINT COMFORT ORDER
LIGHTHOUSE CONSULTING CONTRACT**

On motion of Mr. Cole, seconded by Ms. Putt, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to approve Amendment 2 to the contract with Vanasse Hangen Brustlin, Inc. for the bidding and construction management of the New Point Comfort Lighthouse enhancement project (Phase I), such amendment to increase the contract by \$10,000.

IN RE: RECESS

ORDER

The Board recessed the meeting at 6:00 p.m. to reconvene on March 28, 2012 at 1:00 p.m. in the historic courthouse for the purpose of a work session on the proposed FY 2012-2013 County budget.

Janine F. Burns, Chair
Mathews County Board of Supervisors

Stephen K. Whiteway
Consultant/Acting Clerk to the Board of Supervisors

**AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF
MATHEWS COUNTY, VIRGINIA, HELD IN THE HISTORIC COURTHOUSE
THEREOF ON WEDNESDAY, MARCH 28, 2012 AT 1:00 P.M. (Reconvened from
the March 27, 2012 Regular Meeting of the Mathews County Board of Supervisors)**

Board of Supervisors Members Present: Ms. Janine F. Burns, Chairman
Mr. Charles E. Ingram, Member
Ms. Geneva L. Putt, Member
Mr. O.J. Cole, Jr., Member

Also Present: Mr. Stephen K. Whiteway,
Consultant/Acting Clerk
Ms. Melinda Moran, Prospective County
Administrator

THE MEETING RECONVENED AND WAS CALLED TO ORDER BY THE
CHAIRMAN OF THE BOARD OF SUPERVISORS AT 1:07 P.M.

Ms. Burns asked the Board members to set aside April 11, 2012 for the purpose of interviewing candidates and firms for County Attorney services. Interviews will begin at 9:00 a.m. and continue into the afternoon.

IN RE: OTHER BUSINESS/AUTHORIZATION OF COUNTY ORDER
ADMINISTRATOR TO COUNTERSIGN CHECKS

On motion of Ms. Putt, seconded by Mr. Ingram, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram –

aye; Ms. Putt-aye; Mr. Cole – aye; to authorize Melinda Moran, County Administrator, to countersign all checks with regard to county payments effective April 16, 2012.

**IN RE: OTHER BUSINESS/AUTHORIZATION FOR ORDER
 TREASURER TO ESTABLISH SPECIAL FUND FOR DONATIONS
 TO MATHEWS MEMORIAL LIBRARY ADDITION PROJECT**

On motion of Ms. Putt, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to authorize Wendy Stewart, Mathews County Treasurer, to establish and maintain a special fund for donations made to the County or library for the purpose of supporting the Mathews Memorial Library addition.

IN RE: PROPOSED FISCAL YEAR 2012-2013 BUDGET ORDER

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to advertise for public hearing on April 19, 2012 a proposed FY 2012-13 County budget totaling \$23,658,195 as well as a reduction in the personal property tax rate for automobiles and light trucks from the current \$3.70 per \$100 of assessed valuation to \$3.65 per \$100 of assessed valuation.

IN RE: RECESS ORDER

There being no further business, by consensus, the meeting was recessed at approximately 2:45 p.m., such meeting to be reconvened on April 11, 2012 at 9:00 a.m. in the historic Mathews Courthouse for the purpose of interviewing firms and individuals for County Attorney services.

Janine F. Burns, Chair
Mathews County Board of Supervisors

Stephen K. Whiteway
Consultant/Acting Clerk to the Board of Supervisors

AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF
MATHEWS COUNTY, VIRGINIA, HELD IN THE HISTORIC COURTHOUSE
THEREOF ON WEDNESDAY, APRIL 11, 2012 (Reconvened from the March 28, 2012
Special Meeting of the Mathews County Board of Supervisors)

Board of Supervisors Members Present: Ms. Janine F. Burns, Chair
Ms. Edwina Casey, Vice Chair
Mr. Charles E. Ingram, Member
Mr. O.J. Cole, Jr., Member

Board of Supervisors Members Absent: Ms. Geneva Putt, Member

Also Present: Ms. Melinda Moran, Prospective County
Administrator

THE MEETING RECONVENED AND WAS CALLED TO ORDER BY THE
CHAIRMAN OF THE BOARD OF SUPERVISORS AT 9:00 A.M.

Chairman Burns explained that the purpose of this reconvened meeting was to interview
prospective applicants for legal services due to the upcoming retirement of County
Attorney, Richard H. Harfst.

There being no other business, the Board of Supervisors entered Closed Meeting.

IN RE: CLOSED MEETING ORDER
ENTER CLOSED MEETING

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of
Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – aye; Mr. Ingram – aye;
Ms. Putt- absent; Mr. Cole- aye; to enter into a closed meeting to discuss and consider
the following subject matters: Per § 2.2-3711(A) 1 of the Code of Virginia, 1950 as
amended, for the discussion of personnel matters pertaining to specific employees.

Mr. Cole excused himself from the Closed Meeting to attend to other obligations.

IN RE: CLOSED MEETING ORDER
RETURN TO OPEN MEETING

On motion of Mr. Ingram, seconded by Ms. Casey, the Mathews County Board of
Supervisors voted 3-0-0 as follows, Ms. Burns – aye; Ms. Casey – aye; Mr. Ingram – aye;
Ms. Putt- absent; Mr. Cole – absent; to re-enter open meeting.

IN RE: CLOSED MEETING ORDER
CERTIFICATION OF SAME

The Mathews County Board of Supervisors, on motion of Mr. Ingram, seconded by Ms.

Casey, voted 3-0-0 to adopt the following resolution certifying that this closed meeting proceedings comply with the requirements of the Virginia Freedom of Information Act.

WHEREAS, the Mathews 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 2.2-3712 of the Code of Virginia, 1950, as amended, requires a certification by the Mathews County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE BE IT RESOLVED that the Mathews County Board of Supervisors hereby certifies that, to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification resolution applies by the Mathews County Board of Supervisors; and (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 Mathews County Board of Supervisors.

Present:

Ms. Janine F. Burns, Chair
Ms. Edwina J. Casey, Vice-Chair
Mr. Charles E. Ingram, Member
Ms. Geneva L. Putt, Member
Mr. O.J. Cole, Jr., Member

Vote:

Aye
Aye
Aye
Absent
Absent

Certified:

Janine F. Burns, Chairman
Mathews County Board of Supervisors

IN RE: ADJOURNMENT

ORDER

On motion by Mr. Ingram, seconded by Ms. Casey, the Mathews County Board of Supervisors voted 3-0-0 as follows: Ms. Burns – aye; Mr. Ingram – aye; Ms. Casey – aye; Ms. Putt – absent; Mr. Cole, – absent.

Janine F. Burns, Chair
Mathews County Board of Supervisors

Melinda Moran
Prospective County Administrator

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF
MATHEWS COUNTY, VIRGINIA, HELD IN THE HISTORIC COURTROOM OF
THE MATHEWS COUNTY COURTHOUSE THEREOF ON TUESDAY, MARCH
27th, 2012 AT 1:00 P.M.

Board of Supervisors Members Present: Ms. Janine F. Burns, Chairman
Ms. Edwina J. Casey, Vice-Chair
Mr. Charles E. Ingram, Member
Ms. Geneva L. Putt, Member
Mr. O.J. Cole, Jr., Member

Also Present: Mr. Stephen K. Whiteway,
Consultant/Acting Clerk
Ms. Julie A. Kaylor, Clerk, Assistant to the
County Administrator
Ms. Deanna L. Harris, Deputy Clerk,
Accounting Technician
Mr. John Shaw, Director, Planning &
Zoning
Ms. Christen Ingram, Planner

THE MEETING WAS CALLED TO ORDER BY THE CHAIRMAN OF THE BOARD
OF SUPERVISORS FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

IN RE: INVOCATION

Rev. Chuck Winner of Bethel and St. Matthews United Methodist Churches provided
the invocation.

IN RE: ROLL CALL

A roll call was taken with all members of the Board present.

IN RE: APPROVAL OF AGENDA ORDER

Ms. Burns explained that the Board of Supervisors was unable to hold the meeting in
another location and because she suspected the majority of the audience was present for
the Public Hearing she felt it appropriate to request the Board of Supervisors move
agenda item #4 – Public Comment to follow agenda item #5 – Public Hearing.

On motion of Ms. Casey, seconded by Mr. Ingram, the Mathews County Board of
Supervisors voted 5-0-0 as follows, Ms. Burns – aye; Ms. Casey – aye; Mr. Ingram – aye;
Ms. Putt – aye; and Mr. Cole – aye; to approve the agenda for the March 27, 2012 Regular
Meeting of the Mathews County Board of Supervisors with the exception of moving the
Public Comment section to after the Public Hearing on the conveyance of property to
The Mathews County Land Conservancy.

IN RE: PUBLIC HEARING – AN ADVERTISED PUBLIC ORDER
HEARING WAS HELD ON THE CONVEYANCE OF REAL
PROPERTY OWNED BY THE COUNTY OF MATHEWS AND
KNOWN AS THE “WILLIAMS WHARF” TO THE MATHEWS
COUNTY LAND CONSERVANCY

Ms. Burns asked Mr. Richard Harfst, County Attorney, to explain the purpose of this Public Hearing.

Mr. Harfst stated that this public hearing was to address the transfer of three (3) parcels of land, 3.75 acres in aggregate. These parcels, presently held by the County of Mathews, are to be conveyed to the Mathews County Land Conservancy. Mr. Harfst gave a brief history of the acquisition of this property held by the County as security against the use of Federal Highway Administration or ISTEAFUNDS for the development of the 3.75 acres the 3.75 acres are to be conveyed to the Mathews County Land Conservancy upon the complete utilization of the funds acquired for the purpose of the development of the Williams Wharf property from the Federal Highway Administration. Mr. Harfst went on to explain that under Virginia law a public hearing of a land conveyance by the County is required. He also stated that the context of this conveyance was an exchange by the County of the land known as Williams Wharf and a right-of-way for the western rip of Williams Wharf Road (State Road 614) and landing over that land from the County to the Mathews County Land Conservancy in exchange for an Indemnity Agreement and Conservation Easement creating a public access to the whole property in perpetuity. Mr. Harfst mentioned that the documents which had been proffered, the Deed of Gift, the Indemnity Agreement and the Conservation Easement and were the subject of requested modifications; the first modification was to the public access provision of the Conservation Easement which was then read aloud:

2.3 PUBLIC ACCESS. Except as provided herein, Grantor shall make the property reasonably accessible to the public daily from sunrise to sunset under such rules, regulations, and fees as Grantor deems appropriate. Reasonable public access shall include but not be limited to the following uses without fee for citizens during normal operating hours: walking, fishing in designated areas and individual family picnicking in the facilities provided for such activities. Unless otherwise authorized by the Grantor, the property or portions thereof shall be closed to public access nightly from sunset to sunrise and for special events. During such times access to the property or portions thereof may be denied. Permission to access the property at night between sunset and sunrise for permitted purposes and to hold of events on the property is subject to Grantor's prior written approval and requires a use permit issued by the Grantor. Grantor may exclude from the property anyone engaged in unlawful activities or disorderly conduct.

The second issue for modification was whether the Conservation Easement was to be held by the County alone, by the Middle Peninsula Public Access Authority alone or by the County and the Public Access Authority together. At the end of his presentation Mr. Harfst indicated that the issue of the public hearing was the conveyance of 3.75 acres of public land from the County of Mathews to the Mathews County Land Conservancy.

Ms. Burns then asked that a roster be circulated to acquire the names of any parties who wished to speak on this matter.

Ms. Burns then read the rules regarding public hearings and opened the above advertised public hearing at 1:18 p.m. Ms. Burns then called for speakers.

The citizens who spoke in favor of the conveyance of the 3.75 acres of real estate from the County of Mathews to the Mathews County Land Conservancy spoke of the extent of and quality of the restoration of the Williams Wharf property, that the property constituted a wonderful place from which to initiate both an understanding of the County and a tour of the County, that the County of Mathews should honor its contract with the Mathews County Land Conservancy and convey the property to the Mathews County Land Conservancy and the Mathews County Land Conservancy development of the Williams Wharf property had created opportunities for the young people of Mathews County in the rowing program. This point was made with a number of illustrations of the successes of the rowing program, that the rowing program gave pleasure to residents on the Williams Wharf road and that the Land Conservancy should be allowed to complete the development of the Williams Wharf property as had been agreed to by contract.

The following citizens spoke in favor of the conveyance of the property from the County of Mathews to the Mathews County Land Conservancy:

- Patsy Hemp – Port Haywood, VA
- Tucker Witt – Gloucester, VA
- Butler Burton – Mathews, VA

The following citizens who spoke against the conveyance of the property from the County of Mathews to the Mathews County Land Conservancy indicated that the positive effect of the conveyance did not take into consideration the good of everyone in the County of Mathews and that the conveyance to the Mathews County Land Conservancy should take into consideration the good of such a conveyance for all of the citizens of Mathews County, that the terms of the various legal documents employed in the conveyance or in exchange for the conveyance needed to be better defined, that there was a serious problem of public access in the neighborhood, that the rowing activities would receive priority over other activities on the Williams Wharf property, that the property would be gated and thereby deny access to the general public, that one or more of the speakers had been turned away from the use of the property during daylight. The following citizens signed up for and spoke against the conveyance:

- Karyn Austin – Mathews, VA
- Charlotte Crist – Onemo, VA
- Anne Binford – Port Haywood, VA
- Robert Gayle – Mathews, VA
- Catherine Jones – Mathews, VA, signed up to speak but did not speak
- Ann Thomas – Port Haywood, VA, signed up to speak but did not speak

Citizens who signed to speak neither for nor against the project spoke of reviewing the Deed and Conservation Easement and conversations with representatives of the Mathews County Land Conservancy which allayed many of the concerns raised in the earlier public hearing on the abandonment of the right of way, and of the remedy of the County of Mathews enforcing public access through court action. Those speaking neither for nor against indicated that there was still a problem of motorized boat pick-up and delivery and the installation of a noise creating windmill on the property to be resolved but that this could be resolved in the future. A speaker praised the rowing program and indicated the need for reasonable hours for activity. One speaker, Steve Wilson, brought a copy of concerns about the document, a copy of which concerns are attached to the present minutes. Another speaker spoke of the concern for the protection of natural resources. Finally, a speaker neither for nor against expressed appreciation for the generosity of residents of Mathews County in funding the efforts of the Mathews County Land Conservancy over a period of eighteen (18) years and noted that the present development of the property was done in lieu of further commercial use of the property which would have produced for the neighborhood and Mathews County less benefits than the present public access use. Those speakers who signed up to speak neither for nor against the project were:

- Tom Eley – Mathews, VA
- Trimmie Richardson – Mathews, VA
- Steve Wilson – Mathews, VA
- Linda K. Wilson – Mathews, VA
- Tim Ulsaker – Gloucester, VA

There being no further speakers desiring to be heard the public hearing was closed at 1:47 p.m., Chairperson Burns solicited comments from the Board of Supervisors.

Mr. Ingram agreed with the changes proposed by the Board.

Ms. Putt reviewed the accomplishments of the Mathews County Land Conservancy and their vision in developing the Williams Wharf property and extended her gratitude for their efforts on behalf of all the citizens of Mathews County. Ms. Putt then stated that she believed that the documents before the Board of Supervisors would assure public access in perpetuity to the property described in the Deed of Conveyance and that the plan originally entered into had been a good plan and continued to be a good plan, therefore Ms. Putt moved which motion was seconded as set out below in the Order. Her original motion was amended with an appropriate second and vote by Mr. Cole to amend the language of public access and also to incorporate co-holders, the County of Mathews and the Middle Peninsula Chesapeake Bay Public Access Authority.

Mr. Ingram stated that The Mathews County Land Conservancy had done a great job and that this property is prime deep water property that could have otherwise been used as any commercial property.

Ms. Casey stated that the section which pertains to "Reasonable Public Access" should state this facility will not be gated. She went on to say that once you start gating the property, other things could happen from there. She spoke of the many times she had been to the property herself and again stated that she never wants to see a gate.

Finally, R. Lee Stephens, Jr., Esquire and Richard Harfst, Esquire, representing the Mathews County Land Conservancy and the County of Mathews, respectfully, were authorized to edit the documents to incorporate those amendments which had been passed by the Board of Supervisors.

**IN RE: NEW BUSINESS/CONVEYANCE OF THREE ORDER
PARCELS OF REAL ESTATE FROM THE COUNTY OF MATHEWS
TO THE MATHEWS COUNTY LAND CONSERVANCY AS
SET OUT IN THE ATTACHED DEED, INDEMNIFICATION
AGREEMENT AND CONSERVATION EASEMENT**

On motion made by Ms. Putt, seconded by Mr. Cole, the supervisors voted 4-1-0 as follows, Ms. Burns – aye; Ms. Casey – nay; Mr. Cole - aye; Mr. Ingram – aye; and Ms. Putt – aye; that the County of Mathews convey to the Mathews County Land Conservancy the three parcels of land described in the attached Deed subsequent to the public hearing on this matter held March 27, 2012. The Board makes this conveyance together with the abandonment of the easement for a road and landing running over and across the real estate described in the Deed in exchange for the Indemnity Agreement and Conservation Easement hereto attached. The modifications duly moved, seconded and passed are as follows: the Conservation Easement is to be modified to be a grant to Co-Holders, The Middle Peninsula Chesapeake Bay Public Access Authority and the County of Mathews. Section 2.3 of the Conservation Easement shall read as follows:

2.3 PUBLIC ACCESS. Except as provided herein, Grantor shall make the property reasonably accessible to the public from sunrise to sunset under such rules, regulations, and fees as Grantor deems appropriate. Reasonable public access shall include but not be limited to the following uses without fee for citizens during normal operating hours: walking, fishing in designated areas, and individual, and individual family, picnicking in the facilities for such activities. Unless otherwise authorized by the Grantor, the property, or portions thereof, shall be closed to public access nightly from sunset to sunrise and for special events. During such special events access to the property or portions thereof may be denied. Permission to access the property at night between sunset and sunrise for permitted purposes and the holding of special events on the property is subject to Grantor's prior written approval and requires a use permit issued by the Grantor. Grantor may exclude from the property anyone engaged in unlawful activities or disorderly conduct. Otherwise the specific provisions of the Conservation Easement shall be worked out between the co-holders and the Mathews County Land Conservancy.

**IN RE: OLD BUSINESS/REQUEST TO ABANDON THE ORDER
SECTION OF THE WILLIAMS WHARF ROAD AND LANDING
INDICATED IN YELLOW ON THE ATTACHED PLAT
OF SURVEY**

On motion of Ms. Casey, seconded by Ms. Putt, the Mathews County Board of Supervisors voted 5-0-0 as follows, Ms. Burns – aye; Ms. Casey – aye; Mr. Cole – aye; Mr. Ingram – aye and Ms. Putt – aye; that the Mathews County Board of Supervisors are satisfied, after the appropriate Notice of intention to abandon, and after a public hearing conducted on Tuesday, February 28, 2012, in the Multi-Purpose Room of the Thomas Hunter Middle School at 7:00 p.m. in accordance with the procedure set out in §33.1-151 of the Code of Virginia of 1950, as amended, that no public necessity exists for the continuation of the secondary road as a public road or of the public landing located at the end of said road (being an extension of Route 614 (Williams Wharf Road)) as said road and landing are shown on the attached plat of survey and/or that the safety and welfare of the public would best be served by abandoning said section of road and landing shown on the attached plat of survey in that an alternative to said road and landing are readily available and therefore pursuant to the process set out in §33.1-151 of the Code of Virginia of 1950, as amended, the County of Mathews does hereby abandon the aforesaid road and landing as they are shown on the attached plat of survey.

IN RE: CITIZEN COMMENTS

Ms. Burns called for comments.

Mr. Jason Leslie of Bavon brought up the matter of access being denied to certain material when trying to access that material through the internet at the Library.

Ms. Burns called time and then proceeded to explain to Mr. Leslie that the Mathews County Public Schools have their own Board and any matters concerning schools needed to be addressed to that Board.

Mr. Dave Davis of Onemo thanked the Virginia Department of Transportation for working on the outfall ditches in his area. He explained that the water in his ditch had already gone down 4”.

The Board of Supervisors recessed at 2:02 p.m. for approximately five (5) minutes so that citizens in attendance for the first Public Hearing could leave the courthouse.

**IN RE: PUBLIC HEARING – AN ADVERTISED PUBLIC ORDER
HEARING WAS HELD ON THE PROPOSED WATER SUPPLY
PLAN FOR THE MIDDLE PENINSULA**

At Chairman Burns’ request, Mr. Whiteway read the legal advertisement for the public hearing on the proposed water supply plan for the Middle Peninsula. Mr. Whiteway explained that Mathews County is a part of the plan and that only the plan is under

consideration for adoption. Any enforcement mechanism required by the Commonwealth would be considered at a later date.

Chairman Burns opened the public hearing at 2:17 p.m. and invited citizens to speak.

Ms. Carol Bova of Mathews stated that she has found numerous errors in the plan, including the statement that there are no registered national landmarks in the county. She asked that the Board consider changes in the plan when it is time to review it in the future.

Sue Long stated that she did not have much to add to Ms. Bova's comments. She stated that citizens pay taxes on their land, but have little control over the use of their land. She noted that the plan should be local in nature as opposed to regional.

Other speakers who voiced their concerns over the plan included Debbie Thompson, Constance Godsey, Sharon Fry, Robert Sherrill and Karyn Austin.

The Board discussed the fact that, while the plan is certainly not perfect, it is hoped that it will satisfy the mandate laid down by the Commonwealth of Virginia.

Ms. Burns closed the Public Hearing at 2:40 p.m.

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-1-0 as follows, Ms. Burns – aye; Ms. Casey – aye; Mr. Ingram – aye; Ms. Putt – nay; Mr. Cole – aye; to adopt the Water Supply Plan for the Middle Peninsula through the following resolution:

**A RESOLUTION APPROVING THE REGIONAL WATER SUPPLY PLAN
FOR THE MIDDLE PENINSULA OF VIRGINIA**

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

WHEREAS, Mathews County is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on March 27, 2012, Mathews County held a public hearing to accept public comment on the Regional Water Supply Plan; and

WHEREAS, Mathews County understands that the adopted Regional Water Supply Plan was required to be submitted to the DEQ on or before November 2, 2011; and

WHEREAS, the Mathews County Board of Supervisors deemed it to be in best interest of Mathews County to delay the public hearing and formal action on the proposed plan

until the plan was clearly understood;

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

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Mathews at a meeting held on March 27, 2012.

IN RE: RECOGNITION OF EMPLOYEES AND COMMUNITY SERVICE

There were no employees recognized at this meeting.

IN RE: CONSENT AGENDA ORDER

On motion of Mr. Cole, seconded by Ms. Casey, the Mathews County Board of Supervisors voted 5-0-0 as follows, Ms. Burns -aye; Ms. Casey - aye; Mr. Ingram – aye; Ms. Putt- aye and Mr. Cole – aye; to approve the following consent agenda items.

A. Meeting Minutes:

The following minutes are included for the Board's review and approval at this time:

1. Regular Meeting, February 28th, 2012 and Joint Board of Supervisors/Planning Commission Meeting of February 21st, 2012.

B. VDOT Activity Permit Request:

An application for VDOT Activity Permit was presented to the Board of Supervisors by the Mathews County Committee for the Civil War Sesquicentennial. Request was to close Rt. 1002 (Court Street) from Rt. 611 (Church Street) to Rt. 1001 (Brickbat Road) on Wednesday, September 12th, 2012 from 7:00 a.m. until 5:00 p.m. to allow for rededication of the confederate monument on the Mathews Court Green.

Ms. Casey asked if VDOT were only concentrating on road-side ditches. Mr. Harris explained that they are also working on outfall ditches.

IN RE: MATHEWS COUNTY SHERIFF'S OFFICE

Sheriff L. Mark Barrick was present to update the Board on matters related to his office.

Sheriff Barrick stated that emergency call counts remained askew due to the installation and testing of the new CPE equipment and he had hoped by next month the call counts would return to normal. He also stated that new computers had arrived and were currently being installed in the Emergency Dispatch Center.

Sheriff Barrick reported that he and Mr. David Burns, Emergency Services Coordinator, had met earlier in the day and that they are working on putting an emergency plan in place. He hoped the plan would be in place and ready for practice by June 1st, 2012.

Mr. Ingram asked Sheriff Barrick about the Virginia State Troopers residing in the County. Sheriff Barrick stated that while a couple of them are now residing in the County, they are not assigned to the County.

IN RE: MATHEWS COUNTY DEPARTMENT OF PLANNING AND ZONING – CONDITIONAL USE PERMIT #1-CUP-12 – PUBLIC HEARING ORDER

Mr. John Shaw, Director of Planning & Zoning, deferred this matter to Ms. Christen Ingram, Planner. Ms. Ingram handed out additional information from the Virginia Department of Transportation as well as two different copies of survey plats of the subject property and then read the following Staff Conclusion and Proposed Conditions to the Board of Supervisors:

1. This conditional use permit and all conditions listed below are for the development of a Retail Store/Shop located on parcel 26A2 (A) 31. This conditional use permit may be revoked by the County of Mathews or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provision of Federal, State or local regulations.
2. This permit will become void if it remains unused for a continuous period exceeding twenty-four (24) months.
3. This permit does not run with the land, is not transferable and will expire if ownership of the property or business changes or if the property or business is leased.
4. Operating hours shall be limited to 10:00 a.m. – 5:00 p.m. Tuesday thru Saturday.
5. No signs will be permanently mounted on the exterior of the building. The existing sign structure in the front yard will be utilized and not expanded for the

business. Small parking signs and/or entry/exit signs may be installed. These shall not be lighted, and shall be no more than 2.5 feet in height.

6. Parking shall be clearly directed to the rear of the building *and delineated to include a minimum number of parking spaces in conformance with Article 12 of the Mathews County Zoning Ordinance.*
7. No other businesses shall be permitted to operate at this location while this CUP is in effect including home occupations; *however, it may remain as a residence.*
8. Privacy fencing *with a minimum of six (6) feet in height* shall be installed on the northern *and southern* property line separating the Jones's property 26A2 (A) 31 and properties identified as 26A2 (A) 30, 10328 Buckley Hall Road *and 26A2 (A) 32, vacant parcel.* Fencing shall extend from the rear garage connected with the parking area up the northern *and southern* side lot lines to the front of the home. *Neighbors shall be consulted regarding the style and material of the fence, with the Zoning Administrator approving the selection.*

Ms. Burns questioned Ms. Ingram on the outstanding issues brought up at the Joint Meeting surrounding this case, specifically the property line and entrance.

Ms. Ingram stated that it is possible to have two entrances and that the survey she handed out to the Board showed the property line and entrances accurately. She also stated that the property owners had a choice in how they handled the entrance. One option being they move the driveway on the southern property boundary line over to their property and keep the north and south entrance/exit open to one-way traffic, or the other option would be to close down one driveway completely and have the entrance and exit next to each other on the northern property boundary.

Ms. Ingram explained that those were items that would be cleared up later in the process. Ms. Burns expressed her concern about approving this conditional use permit without the homeowners finalizing plans for the entrance.

Ms. Putt asked Ms. Ingram if the Board was expected to approve with one entrance or with two.

Ms. Burns explained that the Board needs to know what the property owners were planning to do with the entrances in order to know what VDOT's requirements are going to be. She then suggested the Board hold off on taking any action until staff has time to gather more information.

On motion of Mr. Cole, seconded by Mr. Ingram, the Mathews County Board of Supervisors voted 5-0-0 as follows, Ms. Burns – aye; Ms. Casey – aye; Mr. Ingram – aye; Ms. Putt – aye; Mr. Cole – aye; to defer action on this matter for 30 days to give staff time to gather more information.

IN RE: MATHEWS COUNTY DEPARTMENT OF ORDER
 PLANNING AND ZONING – CONDITIONAL USE PERMIT #2-
 CUP-12 – MATHEWS FARMERS MARKET

Mr. John Shaw, Director of Planning & Zoning, presented Case #2-CUP-12, a request from Mathews Main Street Committee to amend Condition #13 of 1-CUP-09, Mathews Farmers Market.

Mr. Shaw explained that his office received a request from the Mathews Main Street Committee to change a condition in their already approved 1-CUP-09. The project as outlined in his memo to the Board of Supervisors stated “The applicant has applied to amend Condition #13 of a previously approved Conditional Use Permit (1-CUP-09) for Mathews Farmers Market. Condition #13 currently reads: “This market is limited to vendors who produce and/or grow the goods to be sold and not purchased by them for sale and who reside in Mathews and/or jurisdictions located on the Middle Peninsula.”

The applicant would like to delete “and who reside in Mathews and/or jurisdictions located on the Middle Peninsula.” The rationale being to allow vendors from other localities to participate.”

The Planning Commission, on a vote of 6-0, recommended approval of the change in this Conditional Use Permit with conditions as presented by staff.

On motion of Mr. Cole, seconded by Mr. Ingram, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to approve the change as follows:

Staff recommends approval of Case 2-CUP-12. Staff finds that the project is, and has been a reasonable use of the property and deems it to be compatible with adjacent commercial development.

Staff recommends that Condition #13, be amended, as follows:

1. This Conditional Use Permit and all conditions listed below are for the development of a Farmers’ Market to be located on the Court Green of the Mathews County Courthouse. This Conditional Use permit may be revoked by the County of Mathews or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provision of Federal, State, or local regulations. This Conditional Use Permit will constitute a zoning permit (clearance) per Section 20.1 of the Zoning Ordinance for the operation of a Farmers’ Market. Individual vendors will comply with local State, and Federal regulations.
2. The Farmers’ Market may operate on Saturday morning (8:00 a.m. – 1:00 p.m.) from April 1st through November 30th, except during Mathews Market Days. Operation of the Farmers’ Market outside of the time period (i.e. special events) must be preapproved by the Board of Supervisors.

3. This Conditional Use Permit shall become void if adequate permits from the Virginia Department of Health or any other permits required by State or Federal agencies are not obtained by the sponsor and, when necessary, by individual vendors.
4. No other or additional land uses are permitted as part of this permit except those uses normally undertaken by the County of Mathews.
5. Any goods to be sold are to be on the vehicle or offloaded to the Court Green. No goods are to be placed in the parking spaces or travel lanes.
6. All vehicles shall be parked within the marked spaces and not extend into the travel lanes or block the road. A vehicle is defined as any conveyance designed to operate on public roadways.
7. No parking spaces shall be reserved for vendors and/or customers.
8. Trash, signs, goods/produce offered for sale, debris shall be removed from the Court Green, the public right-of-way and parking areas by the vendors at the end of each sales day.
9. No storage of hazardous, toxic, or obnoxious materials shall be permitted.
10. Business identification signs shall be limited to temporary, non-illuminated signs that shall be removed promptly at the end of each sales day. Such signs shall not exceed sixteen (16) square feet and shall otherwise comply with Zoning Ordinance requirements.
11. No permanent structures shall be constructed on the Court Green to serve the Farmers' Market. Temporary structures (tents, canopies) shall not be attached to the existing buildings. Tent stakes not to exceed nine (9) inches will be used to affix the temporary structures to the Court Green.
12. If the Farmers' Market does not operate for two (2) consecutive seasons, this Conditional Use Permit shall expire.
13. This market is limited to vendors who produce and/or grow the goods to be sold and not purchased by them for sale ~~and who reside in Mathews and/or jurisdictions located on the Middle Peninsula.~~
14. Repair of any damage to the Court Green caused by the Farmers' Market shall be the responsibility of vendor(s).

IN RE: MATHEWS COUNTY DEPARTMENT OF ORDER
PLANNING AND ZONING – 2-ZA-12 – AMENDMENT TO
SECTION 19.11 OF THE ZONING ORDINANCE

Mr. John Shaw presented Case #2-ZA-12, Amendment to Section 19.11 of the Zoning Ordinance to add language regarding a request for an Administrative Variance.

Mr. Shaw explained that by adding this language, it would allow his office to grant relief, in certain circumstances, to applicants. He stated that conditions would be attached to any such variance and that this would not be used as a matter of convenience or to be done arbitrarily. Mr. Shaw also stated that before granting a variance, the Zoning Administrator would be required to notify all adjacent property owners and they would be given the opportunity to respond to the request for a variance. If any adjacent property owner objected to the variance, the matter would be referred to the Board of Zoning Appeals for a hearing.

Mr. Ingram and Mr. Cole expressed their agreement with this request.

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt – aye; Mr. Cole – aye; to approve the amendment to Section 19.11 of the Zoning Ordinance to read as follows:

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

Section 19.11 Variances

4. Administrative Variance

The Zoning Administrator shall have the authority to grant variances of fifty (50%) or less from any building setback requirement contained in this ordinance provided that the Zoning Administrator finds in writing that: (i) the strict application of the ordinance would produce an undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the variance.

Prior to granting of the variance, the Zoning Administrator shall give all adjoining property owners written notice of the request for variance, and an opportunity to respond to the request within twenty-one (21) days of the date of the notice. If any adjoining property owner objects to said request in writing within the time period specified above, the request shall be transferred to the Board of Zoning Appeals for decision.

IN RE: MATHEWS COUNTY DEPARTMENT OF ORDER
PLANNING AND ZONING – 3-ZA-12 – AMENDMENT TO
SECTIONS 5.4, 5.6, 6.4, 6.6, 8.5, 8.7 OF THE MATHEWS COUNTY
ZONING ORDINANCE AS THEY PERTAIN TO SETBACK
REGULATIONS, YARD REGULATIONS AND SPECIAL PROVISIONS
FOR CORNER LOTS FOR THE INCLUSION OF PIERS

Mr. John Shaw presented Case #3-ZA-12 – Amendment to Sections 5.4, 5.6, 6.4, 6.6, 8.5, 8.7 of the Mathews County Zoning Ordinance as they pertain to Setback Regulations, Yard Regulations and Special Provisions for Corner Lots for the inclusion of piers.

Mr. Shaw explained that this matter was before the Board only to request a date and time for a public hearing and that no other action was needed at this time. He then deferred this matter to Ms. Christen Ingram, Planner.

Ms. Ingram gave a brief synopsis on the matter.

Mr. Cole stated that he was aware of two instances in the past month where this had become a real issue.

Ms. Burns asked Ms. Ingram to explain the difference between what was currently in place and what changes were being proposed. Ms. Ingram said that there were properties currently experiencing an issue because of this Ordinance as it presently stands.

Mr. Shaw gave further clarification to the Board.

On motion of Mr. Cole, seconded by Mr. Ingram, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt – aye; Mr. Cole – aye; to set a public hearing at the Joint Planning Commission and Board of Supervisors meeting to be held on April 17, 2012 at 7:00 p.m.

IN RE: MATHEWS COUNTY DEPARTMENT OF ORDER
PLANNING AND ZONING – FEMA HAZARD MITIGATION
GRANT PROGRAM (HMGP) – PROJECT NUMBER 8174-008

Mr. Shaw gave a brief synopsis on the history of this grant project and proceeded to introduce Mr. Michael Dodson of Community Planning Partners. He stated that Community Planning Partners serve as project management on other FEMA grants and that they had the expertise to assist with the management of this grant project if the Board so desired to move forward with this project.

Mr. Shaw explained that this project was being pursued in response to flood damages experienced by property owners from the remnants of Tropical Storm Ida in November 2009 and that the County applied for funding under FEMA's Hazard Mitigation Grant Program. The property owners then applied to the County for FEMA funding assistance to elevate their houses out of the floodplain or have their property acquired.

The County submitted their applications and was notified by the Virginia Department of Emergency Management (VDEM) that an award in the amount of \$889,825 was made. This award will be available to the County for the elevation of eight (8) residential structures and the acquisition of one (1) residential structure. Of this amount, FEMA will provide \$667,369 (75%), VDEM will provide \$177,965 (20%) and the property owners will provide \$44,491 (5%).

Mr. Shaw stated that these funds would be utilized for activities such as project management, real estate appraisals, structure elevations, demolition, construction management, surveying and engineering designs. He also stated that Project Management will be provided by Community Planning Partners, Inc. who has been procured to provide funding application and management assistance to the County for FEMA's grant programs. This project is expected to be completed by March 30, 2015, unless extended by written authorization of VDEM.

Mr. Shaw stated that nine (9) properties would receive assistance, five (5) of which are located in the Mobjack Bay Estates subdivision, and four (4) of which are located throughout the eastern portion of the County.

Mr. Dodson explained that the purpose of this project was to elevate, acquire or move structures located within the floodplain and that funding for the project comes from federal, state and homeowners and that no direct local funds are required.

Mr. Dodson went on to explain that his office is prepared to administer this project and that staff in Gloucester are ready to assist County staff as needed.

Ms. Burns asked Mr. Dodson what the fiduciary relationship would be. Mr. Dodson stated that there would be an amendment to the original agreement between the County and Community Planning Partners, Inc.

Mr. Ingram asked if there were funds to help other property owners or if this would only help nine (9). Mr. Dodson responded by saying that other funding has opened up and that it would be up to the Board of Supervisors to decide if they wished to pursue this other funding. He said approximately six (6) million more in funds is now available. He informed the Board that a pre-application would be required by April 30th, 2012 and the final application for funding would be due by July 31st, 2012.

Ms. Burns asked Mr. Dodson how the citizens found out about this grant opportunity. Mr. Dodson explained that there were public meetings held and the Mathews Memorial Library and also advertisements were placed in the local paper.

Ms. Burns then asked Mr. Dodson how many projects his organization could handle. Mr. Dodson stated that they would proceed with this project in phases and would most likely handle five (5) properties at any one time. He also explained that they would be sure to get the property owner's five percent (5%) match up front, prior to any work commencing and that a checklist would be provided to each property owner that would outline the details of the project to eliminate any misunderstandings.

Mr. Shaw asked the Board to provide guidance on possible future funding. Mr. Ingram and Ms. Burns both agreed there would be no reason not to follow through with this and have staff seek additional funding. The Board, by consensus, agreed to staff applying for future FEMA grant assistance.

Mr. Ingram asked if permits would be required for storm damage. Ms. Burns stated that the Board has in the past, by resolution, agreed to waive fees for all storm related permits. She then asked Mr. Ingram to bring this item up under Administrator's Items.

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to authorize the Chair of the Mathews County Board of Supervisors to execute the grant agreement with VDEM to elevate eight (8) residential structures and acquire one (1) residential structure.

IN RE: MATHEWS BOYS AND GIRLS CLUB

Mr. Steve Kast, CEO, was unable to attend.

IN RE: APPOINTMENTS

This item was moved to Closed Session where issues regarding private individuals can be more appropriately discussed.

IN RE: OLD BUSINESS

There was no old business to discuss at this time.

IN RE: NEW BUSINESS – PRESENTATION OF THE PROPOSED FY 2012-2013 COUNTY BUDGET

Mr. Whiteway presented the FY2012-2013 County budget to the Board of Supervisors and reminded the Board that a budget work session was scheduled for Wednesday, March 28, 2012 at 1:00 p.m. in the historic courthouse.

Mr. Whiteway stated the proposed budget totaled \$22,478,195 or a 6.7% increase over the current fiscal year. Also included in this budget was \$1,180,000 for capital projects which represents a 7.7% increase overall.

Mr. Whiteway explained that the proposed budget included an increase in salary for County employees, an increase in law enforcement retention supplements and a one-time bonus for Constitutional Officers employees other than law enforcement.

Mr. Whiteway discussed the VRS mandate as proposed by the General Assembly and felt that this will eventually come to pass and recommended the Board move forward with the proposed mandate of requiring employees to pay their 5% share of VRS now.

Mr. Whiteway also explained that the Mathews County Public School system would receive an additional \$105,000 and personal property taxes would decrease by \$.05 in the proposed budget.

Mr. Cole said he hoped that the County was at the worst end of the new norm.

IN RE: SUPERVISORS' REPORT

There were no comments from Board members.

**IN RE: COUNTY ADMINISTRATOR'S REPORT ORDER
APPLICATION FOR REAL PROPERTY OWNED BY PROPERTIES,
INC. BE HELD EXEMPT FROM LOCAL REAL ESTATE TAXES**

Mr. Whiteway presented an application from the Middle Peninsula Northern Neck Community Services Board requesting tax exemption for properties owned by M.P. – N.N. Mental Health and Mental Retardation Properties, Inc. (their property holding company).

Mr. Whiteway explained that this matter would require a public hearing and that officials from Properties, Inc. would be in attendance to answer questions and discuss the benefits of their programs.

Mr. Cole stated that by not approving this, it could mean a request for a larger local contribution in the future to offset the amount of the taxes.

Ms. Burns asked what the total amount of revenue already lost on all other such exemptions amounted to. Mr. Whiteway said we would have to get that information from Mr. Les Hall, Commissioner of Revenue. He went on to say that the majority of tax exempt organizations in Mathews County were churches and they were exempt by state law. Other properties exempt from taxation were owned by the County directly and the remaining tax exempt parcels were very few.

On motion of Mr. Ingram, seconded by Ms. Putt, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to set a public hearing at the next regular Board of Supervisors meeting on Tuesday, April 24, 2012 at 7:00 p.m. for the purpose of soliciting comment on the application for tax exemption by the MP-NN Mental Health and Mental Retardation Properties, Inc.

**IN RE: COUNTY ADMINISTRATOR'S REPORT
COUNTY WEBSITE HONOR: SUNNY AWARD (TRANSPARENCY
GRADE OF "A" ON SUNSHINE REVIEW'S TRANSPARENCY
CHECKLIST**

Mr. Whiteway presented a letter from the Sunshine Review congratulating Mathews County on being a Sunny Award winner for transparency on the County website. The County received an "A" Top Transparency Website in 2012" award.

Mr. Whiteway thanked Ms. Kaylor, Ms. Harris, Ms. Whitley and all other employees involved in the maintenance of the County website for their efforts. He also noted the employee salaries were now online along with a lot of other information.

**IN RE: COUNTY ADMINISTRATOR'S REPORT
ABSTRACT OF VOTES**

Mr. Whiteway presented the "Abstract of Votes" from the March 6, 2012 Republican Primary Election for President to the Board of Supervisors.

**IN RE: COUNTY ADMINISTRATOR'S REPORT
VDOT ENHANCEMENT GRANT FOR NEW POINT COMFORT
LIGHTHOUSE – AUTHORIZATION TO ADVERTISE FOR BIDS**

Mr. Whiteway informed the Board that the federal authorization to advertise for bids for phase I revetment work at the New Point Comfort Lighthouse had been secured and that staff would move forward with this project.

Mr. Whiteway stated that bids would be due in the County Administrators office on April 4, 2012 at 11:00 a.m. and that Mr. Shaw would be in the historic courthouse to publicly open the bids at that time. He also stated that staff in the Administrators office would be sure to stamp the date and time received on each bid and would make sure that all bids were delivered to Mr. Shaw.

**IN RE: COUNTY ADMINISTRATOR'S REPORT ORDER
PROPOSED REFUNDING OF MATHEWS COUNTY SERIES 2003A
LOAN (VIRGINIA RESOURCES AUTHORITY) – RESCUE SQUAD
BUILDING**

Mr. Whiteway presented the Board with an email from Mr. Peter D'Alema, Director of Program Management, Virginia Resources Authority, stating that as part of their ongoing surveillance of the bonds outstanding in their programs, they have reviewed the Mathews County Series 2003A loan and that based on interest rates from February 14, 2012, noted that the 2013 through 2023 maturities could be refunded for debt service savings. They estimated the net present value savings of 9.47% of the refunded principal, which would represent approximately \$83,683 in debt service savings on a gross basis through 2023. This would be an annual average savings of \$7,608.

Mr. Whiteway stated if the Board wished to pursue this, they would need to adopt a resolution which shall be provided by the Virginia Resources Authority. This resolution must be adopted and returned to the Authority by June 30, 2012 in order to be included in this transaction.

Staff recommended the Board of Supervisors authorize the Chair to execute the required resolution to allow participation in the refunding noted above.

On motion of Ms. Putt, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt – aye; Mr. Cole – aye; to move forward with the proposed refunding and to authorize the Chair, Ms. Janine Burns, to execute the resolution when it is received from the Virginia Resources Authority.

**IN RE: COUNTY ADMINISTRATOR’S REPORT ORDER
MEMORANDUM OF UNDERSTANDING – FACILITY COST
AGREEMENT (DEPARTMENT OF SOCIAL SERVICES)**

Mr. Whiteway explained that the Board of Supervisors has provided office space to the Mathews County Department of Social Services in the Human Services Building since its completion in 1993, during such time; no formal use agreement had been provided for or approved by the Board of Supervisors or the Department of Social Services. He also stated that the Department of Social Services at the state level is now requesting this document.

Mr. Whiteway worked with Ms. Jo Ann Wilson-Harfst for over a year to draft this agreement which clearly outlines the expectations of all involved.

Mr. Whiteway noted that Mr. Richard Harfst, County Attorney, had suggested a few changes to the document and recommended the Board approve the document with the change suggested by Mr. Harfst. He also asked the Board to allow the Chairperson to execute the agreement on behalf of the Board of Supervisors.

Ms. Burns asked what happens in 2026, at the termination of the agreement.

Ms. Harfst stated that this document was a template used by other localities and that the Auditors have been requesting this document for years.

On motion of Mr. Ingram, seconded by Ms. Putt, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt – aye; Mr. Cole – aye; to approve the Memorandum of Understanding between the County of Mathews and the Mathews County Department of Social Services with Mr. Harfst’ changes and to authorize Chairperson Burns to execute such agreement on behalf of the Board of Supervisors.

IN RE: COUNTY ADMINISTRATOR'S REPORT ORDER
FY11 YEAR END SETTLEMENT FOR MATHEWS COUNTY
HEALTH DEPARTMENT

Mr. Whiteway presented a letter to the Board from David S. Chang, MD, recently departed Director of the Three Rivers Health District, indicating that the County of Mathews was running a deficit of \$4,358 due to lower than budget revenues from local fees in recent years. This being the first time the County was informed of such deficit.

Mr. Chang offered possible solutions for dealing with the deficit. He noted that the local health department will end the current fiscal year with a \$1,685 surplus in local match funds. He recommended allowing VDH to apply the \$1,685 surplus to the deficit, thereby reducing it. The remaining deficit would then be carried forward to the next year.

Ms. Burns stated that she would like to see how they could reduce expenses rather than fees,

Ms. Putt questioned the fact that if the VDH comes up short in their budget, why Mathews County should be responsible for the balance.

By consensus, the Board decided to do nothing at this time. They agreed to wait for a new Director to be hired and will ask that person to come do a presentation to the Board and explain the situation further.

IN RE: COUNTY ADMINISTRATOR'S REPORT ORDER
REQUEST BY MATHEWS COUNTY VISITOR AND
INFORMATION CENTER (MCVIC) FOR THE LOAN OF THE
THOMAS MATHEWS PORTRAIT FOR DISPLAY IN THE
VISITORS CENTER

Mr. Whiteway presented a memo from the Mathews County Visitor and Information Center (MCVIC) requesting the loan of the portrait of General Thomas Mathews which hangs in the historic courthouse.

MCVIC is restoring the back room of Sibley's General Store and plans to turn it into an information center about Mathews relationship to the Chesapeake Bay and will include history of the County.

Ms. Burns asked about insurance coverage due to the increasing exposure. Mr. Whiteway explained that the room will be climate controlled and will constantly be monitored for security. The Visitors Center also carries insurance.

Ms. Burns also expressed her concern about the portrait being placed into storage at some point in the future.

Mr. Whiteway explained that the room restoration is being done by Mr. Bob Frances who works a great deal with the Virginia Museum of Fine Arts and he expects it to be a very nice facility when it's complete.

On motion of Ms. Putt, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt – aye; Mr. Cole – aye; to grant the request to loan the portrait of General Thomas Mathews to the Mathews County Visitor and Information Center until they no longer wish to display the portrait, at which time the portrait is to be returned to its current location in the historic courthouse.

**IN RE: COUNTY ADMINISTRATOR'S REPORT ORDER
REQUEST TO SET WAGE RATE FOR PART-TIME CLERICAL ASSISTANCE**

Mr. Whiteway explained to the Board that as a direct result of reductions in staffing, County departments must utilize temporary part-time clerical employees from time to time and that it would be helpful if the Board would establish a standard hourly rate that would apply to all departments utilizing such assistance.

Ms. Burns asked what the lowest full time clerical salary was presently. Mr. Whiteway said it was approximately \$19,800. Mr. Whiteway also explained that the Board had set a rate several years earlier, but it was time to adjust that rate.

Ms. Putt stated she wanted to make sure if the Board set the rate at \$10.00 per hour that it would not be more than the lowest paid clerical salary. Mr. Whiteway asked Ms. Kaylor what the full time annual hours were. Ms. Kaylor responded with 1,820.

Ms. Putt then asked what the current minimum wage was. Ms. Kaylor responded that she believed it to be either \$7.25 or \$7.50 but would get back to Ms. Putt with the exact figure. Ms. Kaylor looked up the rate online and found it to be \$7.25 and relayed that information to the Board.

Mr. Cole stated that this figure seemed reasonable.

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt – aye; Mr. Cole – aye; to set the part time temporary clerical rate at \$10.00 per hour.

**IN RE: COUNTY ADMINISTRATOR'S REPORT ORDER
PERMIT FEE WAIVER FOR STORM DAMAGE REPAIRS**

Mr. Whiteway brought up Mr. Ingram's earlier question regarding the waiver of fees for zoning permits and building permits related to tornado storm damage repair.

Mr. Whiteway explained that there had been a few requests from citizens to waive these fees and that he had instructed staff to continue to charge the normal fees but to inform those citizens that should the Board decide to waive those fees in the future, their money would be refunded.

Mr. Whiteway suggested the Board adopt an emergency Ordinance today, specific to tornado damage and give citizens until June 30, 2012 to get their permits. He also stated that this Ordinance would include the Building Officials office and the Planning & Zoning office.

On motion of Mr. Ingram, seconded by Ms. Putt, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt- aye; Mr. Cole – aye; to adopt the following emergency Ordinance allowing citizens to obtain building or zoning permits free of charge for damages related to the tornado activity on February 24, 2012. Such fees waived until June 30, 2012.

AN ORDINANCE PROVIDING FOR EXEMPTIONS FROM BUILDING AND OTHER LAND DEVELOPMENT FEES FOR CONSTRUCTION AND RECONSTRUCTION NECESSITATED BY CERTAIN STORM-RELATED DAMAGE

WHEREAS, the Mathews County Board of Supervisors finds that (1) the February 24, 2012 tornado which occurred in the Bavon area of Mathews County created emergency conditions in Mathews County resulting in damage to structures, and (2) that repair or reconstruction of those structures will enhance public safety and otherwise further public health, safety and welfare and (3) that an exemption from certain permit fees imposed pursuant to the Mathews County Code and/or ordinances will facilitate the repair or reconstruction of these damaged structures, which will be beneficial to the citizens of Mathews County,

NOW, THEREFORE, BE IT ORDAINED by the Mathews County Board of Supervisors that:

1. Permits required for demolition and/or construction activities necessitated by damage caused by the February 24, 2012 tornado shall be exempt from the fees listed in the Mathews County building, land development and wetlands ordinances and regulations for the issuance of building permits, electrical permits, mechanical and plumbing permits, permits for moving of a building or structure, permits for demolition of a building or a structure, zoning clearances not requiring the advertisement and conduct of public hearings, wetlands permits not requiring the advertisement and conduct of public hearings, and erosion and sediment control permits. This exemption shall only apply to construction that does not result in an increased square footage of a structure. This exemption shall not apply to permits required for demolition and/or construction activities not necessitated by damage caused by the February 24, 2012 tornado. This exemption shall not apply to any fee imposed by the Commonwealth of Virginia or the United States government.

2. The applicant(s) for any such permit shall provide all information and complete all forms required by Mathews County to substantiate the timing and nature of the damage, providing the basis for the requested fee exemption.
3. The application, demolition and/or construction of all structures shall comply with all requirements of federal, state and local laws and regulations, including the Mathews County Code, with the exception of the payment of the County fees listed above.
4. The modification, alteration, and/or reconstruction of all shoreline stabilization structures, piers and dunes shall comply with all federal, state and local laws and regulations, including the Mathews County Code, with the exception of the payment of the County fees listed above.
5. This Ordinance shall be effective retroactively to February 24, 2012 and shall be applicable to all qualifying applications filed on or after that date and prior to July 1, 2012.
6. This Ordinance shall be void after June 30, 2012 unless readopted by the Mathews County Board of Supervisors following required notice and a public hearing.

Adopted as Emergency Ordinance by unanimous vote of the Mathews County Board of Supervisors present on March 27, 2012.

Attest:

Stephen K. Whiteway
Consultant/Acting Clerk to the Board of Supervisors

IN RE: MONTHLY DEPARTMENT STAFF REPORTS

Monthly departmental staff reports were included in the Board packets for their review.

IN RE: OTHER MATTERS BY STAFF

There were no other matters addressed by staff at this time.

IN RE: CITIZENS COMMENTS

There were no comments by citizens.

IN RE: OTHER MATTERS

There were no other matters at this time.

Mr. O.J. Cole, Jr., Member

Aye

Certified:

Stephen K. Whiteway, Consultant/Acting
Clerk to the Board of Supervisors

IN RE: COMMISSIONER OF THE REVENUE PERSONNEL ORDER

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to provide local funding for the Deputy Commissioner of the Revenue position being vacated by Ashley Abrams adequate to provide a \$20,000 per year full-time salary for the replacement employee, with the understanding that the FY 2012-2013 County budget will reflect a reduction in one of the deputy positions from full-time to part-time at half the full-time compensation effective January 1, 2013.

**IN RE: APPOINTMENT ORDER
ASAP BOARD APPOINTMENT**

On motion of Mr. Cole, seconded by Ms. Putt, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to appoint Sheriff Mark Barrick to the ASAP Board to fill the unexpired term of Danny Howlett. Such term to expire December 31, 2012.

**IN RE: APPOINTMENT ORDER
MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS
AUTHORITY**

On motion of Ms. Putt, seconded by Mr. Ingram, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Cole – aye; Mr. Ingram – aye; Ms. Putt-aye; to appoint Melinda Moran as the county's member on the MPCBPAA, with John Shaw to serve as alternate member. Such term to expire December 31, 2012.

**IN RE: AMENDMENT TO NEW POINT COMFORT ORDER
LIGHTHOUSE CONSULTING CONTRACT**

On motion of Mr. Cole, seconded by Ms. Putt, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to approve Amendment 2 to the contract with Vanasse Hangen Brustlin, Inc. for the bidding and construction management of the New Point Comfort Lighthouse enhancement project (Phase I), such amendment to increase the contract by \$10,000.

IN RE: RECESS

ORDER

The Board recessed the meeting at 6:00 p.m. to reconvene on March 28, 2012 at 1:00 p.m. in the historic courthouse for the purpose of a work session on the proposed FY 2012-2013 County budget.

Janine F. Burns, Chair
Mathews County Board of Supervisors

Stephen K. Whiteway
Consultant/Acting Clerk to the Board of Supervisors

**AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF
MATHEWS COUNTY, VIRGINIA, HELD IN THE HISTORIC COURTHOUSE
THEREOF ON WEDNESDAY, MARCH 28, 2012 AT 1:00 P.M. (Reconvened from
the March 27, 2012 Regular Meeting of the Mathews County Board of Supervisors)**

Board of Supervisors Members Present: Ms. Janine F. Burns, Chairman
Mr. Charles E. Ingram, Member
Ms. Geneva L. Putt, Member
Mr. O.J. Cole, Jr., Member

Also Present: Mr. Stephen K. Whiteway,
Consultant/Acting Clerk
Ms. Melinda Moran, Prospective County
Administrator

THE MEETING RECONVENED AND WAS CALLED TO ORDER BY THE
CHAIRMAN OF THE BOARD OF SUPERVISORS AT 1:07 P.M.

Ms. Burns asked the Board members to set aside April 11, 2012 for the purpose of interviewing candidates and firms for County Attorney services. Interviews will begin at 9:00 a.m. and continue into the afternoon.

IN RE: OTHER BUSINESS/AUTHORIZATION OF COUNTY ORDER
ADMINISTRATOR TO COUNTERSIGN CHECKS

On motion of Ms. Putt, seconded by Mr. Ingram, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram –

aye; Ms. Putt-aye; Mr. Cole – aye; to authorize Melinda Moran, County Administrator, to countersign all checks with regard to county payments effective April 16, 2012.

**IN RE: OTHER BUSINESS/AUTHORIZATION FOR ORDER
TREASURER TO ESTABLISH SPECIAL FUND FOR DONATIONS
TO MATHEWS MEMORIAL LIBRARY ADDITION PROJECT**

On motion of Ms. Putt, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to authorize Wendy Stewart, Mathews County Treasurer, to establish and maintain a special fund for donations made to the County or library for the purpose of supporting the Mathews Memorial Library addition.

IN RE: PROPOSED FISCAL YEAR 2012-2013 BUDGET ORDER

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – absent; Mr. Ingram – aye; Ms. Putt-aye; Mr. Cole – aye; to advertise for public hearing on April 19, 2012 a proposed FY 2012-13 County budget totaling \$23,658,195 as well as a reduction in the personal property tax rate for automobiles and light trucks from the current \$3.70 per \$100 of assessed valuation to \$3.65 per \$100 of assessed valuation.

IN RE: RECESS ORDER

There being no further business, by consensus, the meeting was recessed at approximately 2:45 p.m., such meeting to be reconvened on April 11, 2012 at 9:00 a.m. in the historic Mathews Courthouse for the purpose of interviewing firms and individuals for County Attorney services.

Janine F. Burns, Chair
Mathews County Board of Supervisors

Stephen K. Whiteway
Consultant/Acting Clerk to the Board of Supervisors

AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF
MATHEWS COUNTY, VIRGINIA, HELD IN THE HISTORIC COURTHOUSE
THEREOF ON WEDNESDAY, APRIL 11, 2012 (Reconvened from the March 28, 2012
Special Meeting of the Mathews County Board of Supervisors)

Board of Supervisors Members Present: Ms. Janine F. Burns, Chair
Ms. Edwina Casey, Vice Chair
Mr. Charles E. Ingram, Member
Mr. O.J. Cole, Jr., Member

Board of Supervisors Members Absent: Ms. Geneva Putt, Member

Also Present: Ms. Melinda Moran, Prospective County
Administrator

THE MEETING RECONVENED AND WAS CALLED TO ORDER BY THE
CHAIRMAN OF THE BOARD OF SUPERVISORS AT 9:00 A.M.

Chairman Burns explained that the purpose of this reconvened meeting was to interview
prospective applicants for legal services due to the upcoming retirement of County
Attorney, Richard H. Harfst.

There being no other business, the Board of Supervisors entered Closed Meeting.

IN RE: CLOSED MEETING ORDER
ENTER CLOSED MEETING

On motion of Mr. Ingram, seconded by Mr. Cole, the Mathews County Board of
Supervisors voted 4-0-0 as follows, Ms. Burns – aye; Ms. Casey – aye; Mr. Ingram – aye;
Ms. Putt-absent; Mr. Cole– aye; to enter into a closed meeting to discuss and consider
the following subject matters: Per § 2.2-3711(A) 1 of the Code of Virginia, 1950 as
amended, for the discussion of personnel matters pertaining to specific employees.

Mr. Cole excused himself from the Closed Meeting to attend to other obligations.

IN RE: CLOSED MEETING ORDER
RETURN TO OPEN MEETING

On motion of Mr. Ingram, seconded by Ms. Casey, the Mathews County Board of
Supervisors voted 3-0-0 as follows, Ms. Burns – aye; Ms. Casey – aye; Mr. Ingram – aye;
Ms. Putt- absent; Mr. Cole – absent; to re-enter open meeting.

IN RE: CLOSED MEETING ORDER
CERTIFICATION OF SAME

The Mathews County Board of Supervisors, on motion of Mr. Ingram, seconded by Ms.

Casey, voted 3-0-0 to adopt the following resolution certifying that this closed meeting proceedings comply with the requirements of the Virginia Freedom of Information Act.

WHEREAS, the Mathews 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 2.2-3712 of the Code of Virginia, 1950, as amended, requires a certification by the Mathews County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE BE IT RESOLVED that the Mathews County Board of Supervisors hereby certifies that, to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification resolution applies by the Mathews County Board of Supervisors; and (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 Mathews County Board of Supervisors.

Present:

Ms. Janine F. Burns, Chair
Ms. Edwina J. Casey, Vice-Chair
Mr. Charles E. Ingram, Member
Ms. Geneva L. Putt, Member
Mr. O.J. Cole, Jr., Member

Vote:

Aye
Aye
Aye
Absent
Absent

Certified:

Janine F. Burns, Chairman
Mathews County Board of Supervisors

IN RE: ADJOURNMENT

ORDER

On motion by Mr. Ingram, seconded by Ms. Casey, the Mathews County Board of Supervisors voted 3-0-0 as follows: Ms. Burns – aye; Mr. Ingram – aye; Ms. Casey – aye; Ms. Putt – absent; Mr. Cole, – absent.

Janine F. Burns, Chair
Mathews County Board of Supervisors

Melinda Moran
Prospective County Administrator

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 role 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

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, NOVEMBER 1, 2011, IN THE BOARD ROOM OF THE
HISTORIC COURTHOUSE, SALUDA, VIRGINIA:

Present: John D. Miller, Jr., Harmony Village District
Carlton Revere, Hartfield District
Pete Mansfield, Saluda District
Wayne Jessie, Sr., Jamaica District
Fred S. Crittenden, Pinetop District

Charles M. Culley, Jr., County Administrator
Michael T. Soberick, County Attorney

CALL TO ORDER

The Chairman, Mr. Miller, called the meeting to order at 9:00 a.m. and led the group in prayer. Mr. Culley led in the Pledge of Allegiance.

CONSENT AGENDA

Mr. Miller noted two corrections to the minutes of the October 4th meeting which are to be incorporated into the final approved set. The motion to approve the Consent Agenda with corrections to the minutes as noted was made by Mr. Jessie, seconded by Mr. Revere and carried unanimously. The Consent Agenda included approval of the minutes from the meetings of October 4th and October 18th and the disbursements dated October 27, 2011, numbered 71426 and November 1, 2011, numbered 71427 through 71497 totaling \$244,515.37. These checks will be disbursed as approved.

CONSTITUTIONAL OFFICERS

Treasurer

Betty Bray, Treasurer, reported that the October 29th rabies clinic had gone well, with 55 shots were given.

Commissioner of Revenue

Mrs. Davenport, Commissioner, reported that all personal property tax bills are being reviewed and adjustments are being made to correct errors in double-taxing outdoor boat motors. This error was discovered in February when she received the file and adjustments have been on-going, however, a few were missed. Neither she, nor the owner of the company, Vessel Valuation Services, knows how this happened. The original file had the correct information; the uploaded file had the error. Mrs. Davenport noted that in previous years her staff has assessed boats in-house using values from the BUC book that are then discounted from 0 - 20% in the office. This year, the

assessment of boats was outsourced and the company performing the assessment used the AVIS book, which typically has even higher values than the BUC book. She lowered the values by up to 40%, however, it still was not enough to match the previous values. Her office staff is continuing to make these adjustments and corrections.

Sheriff:

The Sheriff reported that arrests made in Town during the Oyster Festival would be taken to the Regional Jail to go before a magistrate. The Chief Magistrate had agreed to make a magistrate available in Town for a fee of \$10,000.00, which was not approved by the Town or the Oyster Festival Committee.

HIGHWAY MATTERS

Resident Administrator, Sean Trapani, presented information regarding recent and planned VDOT projects. The Route 17 business intersection study is not complete, however, in the meantime, there will be some additional pavement marking and signage.

Route 640, Baker's Corner: Mr. Jessie requested the criteria for placement of a guard rail at this location, as there is a residence very close to the edge of the pavement.

Scoggins Creek Trail: Mr. Revere wanted to make sure that a project to remove branches in the right of way was on the schedule. Mr. Trapani commented that it is on the schedule, however, the contractor had defaulted and the process of selecting another contractor was underway.

SCHOOL MATTERS

Mr. Fairheart was present to represent the School Board. School enrollment is at 1189, based on a budget of 1170. Christine Peterson of the High School English Department has received the 2011 Economic Educator Award and will be presenting her lesson plan titled, "Fast Food Nation" before the Virginia Council on Economic Education next month.

Bridging Communities:

Mr. Fairheart requested the Board's endorsement of a resolution supporting the Bridging Communities career and technical education project. The goal is to offer more diversity to smaller divisions through a regional approach. The potential is there to renovate a facility in New Kent to further expand the program. A public hearing is scheduled for November 10th, in New Kent regarding this proposal. Mr. Fairheart noted that support of the project presents no financial obligation to the Board. Students and potential employers are being surveyed for needs and viable opportunities. Diesel repair, technology and medical sciences are some of the areas in consideration.

Currently, electronics, electricity and marine trades are offered to students at Rappahannock Community College. This is an interim step to a permanent facility and an attempt to diversify offerings. Rappahannock Community College is a willing partner with the Bridging Communities consortium as the classes are dual enrollment – with kids receiving both high school and college credits.

Mr. Fairheart noted that the school system is being cautiously optimistic about the program and will have to be cautious when it comes to full participation because the school system is not currently providing any funding to a technical school that it could shift to this project. The potential is there for some other local program to be sacrificed in order to participate.

The motion to support the Bridging Communities project was made by Mr. Revere, seconded by Mr. Jessie and carried unanimously:

RESOLUTION
BRIDGING COMMUNITIES

WHEREAS, Middlesex County's future economic growth is tied to the youth of this county; and
WHEREAS, Middlesex County Schools offers excellent academic programs for students but has limited opportunities in Career and Technical Education Courses; and
WHEREAS, Middlesex County's unemployment rate is 6.5%; and
WHEREAS, 13.8% of Middlesex County's residents are in poverty; and
WHEREAS, the Bridging Communities consortium of school divisions began discussions of a Regional Career and Technical Center in 2004; and
WHEREAS, the member school divisions are researching viable career options and surveying students' interests; and
WHEREAS, the Southern Association of Colleges and Schools (SACS) endorsed the Bridging Communities Program in their review of Middlesex County Schools; and
WHEREAS, an opportunity has arisen to partner with New Kent County Schools, King and Queen County Schools, Charles City County Schools, and King William County Schools in the development of the Bridging Communities Career and Technical Education Center in New Kent County; and
WHEREAS, Middlesex County Schools believes that students participating in the classes offered in these programs will enter the workforce and earn salaries that are above the average; and
WHEREAS, the programs offered will lead to occupations that are likely to be lifelong careers; and
WHEREAS, these students are residents of Middlesex County and many will reside here as adults with their families; therefore
BE IT RESOLVED, the Middlesex County Board of Supervisors strongly supports the Bridging Communities Regional Career and Technical Education Consortium; and
FURTHER BE IT RESOLVED, the Middlesex County Board of Supervisors strongly supports Middlesex County Schools' participation in a Bridging Communities Regional Career and Technical Education Center in New Kent County.

Adopted by the Middlesex County Board of Supervisors at their regularly held meeting on November 1, 2011.

Oyster Festival:

The Oyster Festival Foundation will have waterfront exhibits on display Thursday, November 3, as part of the Education Day program.

Thank You:

Mr. Fairheart thanked the Board for their support during his 4-1/2 years as superintendent.

Mr. Mansfield asked what more could be done to bring the Community College into the County. Mr. Fairheart noted that by the College being so close they prefer to use their own campus rather than going to other locations, however, they have used the High School facilities for some of their programs. Sometimes there are not enough participants so the need is there to try and get more adult learners involved and they could also try and expand to the lower or upper ends of the county.

FIRST MED, INC

Steve Guion, Chief/Director of Operations for First Med, Inc., has requested the Board's endorsement of their license renewal to operate an ambulance service in the County. If established after July 1, 1984, the State Code (Section 15.2-955) requires approval from the governing body for any emergency medical service organization to operate in the county. The motion to adopt the following resolution was made by Mr. Mansfield, seconded by Mr. Revere and carried unanimously:

RESOLUTION

WHEREAS, First Med Inc. desires to offer Basic and Advanced Life Support services in Middlesex County; and

WHEREAS, the provision of such services will be under the medical control of an Operational Medical Director who is a licensed physician in the Commonwealth of Virginia; and

WHEREAS, the Code of Virginia, §15.2-955, and the Rules and Regulations Governing Emergency Medical Services, established by the State Board of Health, require endorsement of the governing body, for an EMS agency to provide such services.

NOW, THEREFORE, BE IT RESOLVED, that the Middlesex County Board of Supervisors does hereby endorse First Med Inc. to establish an office and conduct business in Middlesex County;

BE IT FURTHER RESOLVED that the Middlesex County Board of Supervisors does not recognize First Med Inc. as an integral part of the public safety network.

Carlton S. Revere	aye
Fred S. Crittenden	aye
Pete W. Mansfield	aye
John D. Miller, Jr.	aye
Wayne H. Jessie, Sr.	aye

APPROPRIATION REQUEST

The motion to approve the following appropriation was made by Mr. Revere, seconded by Mr. Mansfield: FROM: 3-1-23020-0048, Sheriff's Reimbursement, \$1,429.79 TO: 4-1-31020-1008, Special Events. This is to reimburse the county for expenses associated with the Southern Virginia Internet Crimes Against Children Task Force. (SoVA ICAC)

APPOINTMENTS

There was no action taken on appointments.

RAPPAHANNOCK RIVER OYSTER COMPANY

Travis Croxton was present to request the Board's endorsement of his request for a permanent pump and haul permit through the Department of Health. According to Mr. Croxton, the Rappahannock River Oyster Company operation currently operates under a Health Department permit allowing for 980 gallons of waste per day, although they only produce approximately 980 gallons of sewage waste per month. The facility has a storage capacity of 2,000 gallons. Their current permit also only allows for 12 customers per day for their tasting room. In order to expand this operation they would have to upgrade their drainfield facilities or establish a pump and haul operation. A proposal to upgrade the current facility by installing an "Aquaworx" control panel to allow for timed dosing to the drainfield area to limit daily flow, has been denied by the Health Department. Mr. Croxton does not foresee the need to use the pump and haul operation if the metering equipment is installed.

The motion, to endorse the request for permanent pump and haul provided that the Aquaworx control panel equipment is installed and data provided to the Health Department, was made by Mr. Revere, seconded by Mr. Jessie and carried unanimously.

TOWN OF URBANNA

Mr. Culley reported that the Town of Urbanna has been exploring options for improving their financial software services and have been discussing the possibility of tying into the County's system with himself and Mrs. Jones. The Town Council has voted to approve this proposal. Mr. Culley noted that it would be a \$30,000.00 investment to buy a new AS400 computer system. It has been recommended that the Town use space on the County's system for a charge of \$500.00 per month because it will take up space on the current system, will use the County's internet band space and there will be some Information Technology staff time to implement. Mr. John Bailey, Town Administrator, was present and expressed the Town's appreciation for consideration of this request. Mr. Bailey reported that the Town has used the Bright software before, however, not to its full capability. The motion to endorse the request

was made by Mr. Jessie, seconded by Mr. Mansfield. The motion to approve the request was made by Mr. Jessie, seconded by Mr. Mansfield and carried unanimously.

REGIONAL WATER SUPPLY PLAN AND ORDINANCE

Mr. Culley reported that minor changes to the proposed drought contingency ordinance had been made to insure that the policy would not apply to individual wells serving residences or businesses and to apply enforcement penalties. Mr. Mansfield continued to express his opposition to adopting the plan and adding that the Department of Environmental Quality should be responsible for this and he would not vote for the plan or ordinance. Mr. Revere noted that although he also did not agree with it, the State Code required that the locality adopt a plan.

The motion to adopt the following revised resolution for the Regional Water Supply Plan was made by Mr. Revere, seconded by Mr. Jessie and carried by a vote of four in favor (Miller, Jessie, Crittenden, Revere) to one opposed (Mansfield):

A RESOLUTION APPROVING THE REGIONAL WATER SUPPLY PLAN FOR THE MIDDLE PENINSULA OF VIRGINIA

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

WHEREAS, Middlesex County is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on October 18, 2011, Middlesex County held a public hearing to accept public comment on the Regional Water Supply Plan; and

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

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

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Middlesex at a meeting held on November 1, 2011.

Members voting as follows:

John D. Miller, Jr.	aye
Wayne H. Jessie, Sr.	aye
Fred S. Crittenden	aye
Carlton S. Revere	aye
Peter W. Mansfield	nay

The motion to adopt the following revised drought contingency ordinance was made by Mr. Revere, seconded by Mr. Jessie and carried by a vote of four in favor (Miller, Jessie, Crittenden, Revere) to one opposed (Mansfield):

Middlesex County Water Conservation Ordinance

Water emergencies and conservation.

Section (A) Applicability, Purpose and authority to declare water emergencies. For purposes of this Ordinance, unless the context clearly requires a contrary meaning, the term "water" shall mean potable water withdrawn from any water utility system that is owned and/or operated "by a locality, authority, or company distributing water for a fee or charge". It shall not apply to individual wells serving residences or businesses or to community systems providing water to residences or businesses.

In the event of an actual or anticipated shortage of potable water due to climatic, hydrological, mechanical and/or other extraordinary conditions, Middlesex County may determine that certain uses of water should be reduced, restricted, curtailed and/or prohibited. These reductions, restrictions, curtailments and/or prohibitions are intended to protect the health, safety and welfare of the residents of Middlesex County.

The County Administrator, with the approval of the Board of Supervisors, or its subsequent ratification by the Board within 48 hours, is authorized to declare water emergencies in the County, as a whole or portions thereof, affecting the use of water. A Drought Emergency declaration will be issued after consideration of the conditions of individual affected water systems. The County Administrator may order mandatory restrictions on water use in response to specific conditions, such as when any system exceeds 90 percent of the permitted capacity for 3 consecutive months.

Section (B) Drought monitoring to anticipate water emergency conditions. Middlesex County, in cooperation with other jurisdictions of the Middle-Peninsula Water Supply Planning Region, will monitor the U.S. Drought Monitor operated by the U.S. Geological Service and made available through DEQ's website at: <http://www.deq.virginia.gov/waterresources/drought.php>. When the USGS Drought Monitor registers a condition "D1-Moderate Drought" for Middlesex County, the County Administrator shall declare a Drought Watch alert for all water systems addressed by this ordinance.

Section (C) Water conservation measures. After the declaration of a water emergency under the authority provided by Virginia Code Sections 15.2-923 and 15.2-924, and upon a determination by the County Administrator of the existence of the following one or more conditions, the County Administrator shall take the following actions which shall apply to any person whose water supply is furnished from an affected water utility system:

- (1) *Condition 1 (Drought Warning)*. When moderate but limited supplies of water are available or when a "D2-Severe Drought" condition is registered on the USGS Drought Monitor, the County Administrator may, through appropriate means, call upon the affected population and entities to

employ prudent restraint in water usage and to conserve water voluntarily by whatever methods available.

- (2) *Condition 2 (Drought Emergency)*. The County Administrator is hereby further authorized during the duration of a water emergency for which voluntary measures would be insufficient to order the restriction or prohibition of any or all of the following water uses by users of an identified, affected water system after consultation with the affected water system owner/operator:
- a. Watering of outside shrubbery, trees, lawns, grass, plants, home vegetable gardens, or any other vegetation except from a watering can or other container not exceeding five gallons in capacity. This limitation shall not apply to commercial greenhouses, nursery stocks and sod growing, which may be watered in the minimum amount required to preserve plant life between 6:00 p.m. and 8:00 a.m.
 - b. Washing of automobiles, trucks, trailers, or any other type of mobile equipment, except in licensed commercial vehicle wash facilities.
 - c. Washing of sidewalks, streets, driveways, parking lots, service station aprons, exteriors of homes or apartments, commercial or industrial buildings or any other outdoor surface, except where mandated by federal, state or local law.
 - d. The operation of any ornamental fountain or other structure making a similar use of water.
 - e. The filling of swimming or wading pools requiring more than five gallons of water, or the refilling of swimming or wading pools that were drained after the effective date of the declaration of emergency, except that pools may be filled to a level of two feet below normal, or water may be added to bring the level to two feet below normal, or as necessary to protect the structure from hydrostatic damage.
 - f. The use of water during outdoor recreational activities. This limitation shall not apply to water utilized for drinking and sanitary purposes during such activities.
 - g. The use of water from fire hydrants for any purposes other than fire suppression and related training exercises, unless otherwise approved by the county administrator.
 - h. The serving of drinking water in restaurants, except upon request.
 - i. The operation of any water-cooled comfort air conditioning that does not have water-conserving equipment in operation.
- (3) *Condition 3*. In addition to the restrictions and prohibitions authorized under subsection (2) above, the County Administrator is hereby further authorized during the duration of a water emergency to implement any or all of the following for any of the affected water systems:
- a. For any publicly owned and operated public water utility:
 - i. Industrial, institutional, commercial, governmental, wholesale and all other nonresidential customers shall be allotted a percentage reduction based on that customer's average monthly water consumption for the same billing period of the previous calendar year's consumption.
 - ii. Individual residential customers shall be limited to a specific volume or percentage reduction of water per month.

- iii. If the allotted monthly water usage, as determined in subsection (3)a.i. and (3)a.ii. above, is exceeded, the customer shall be charged two times the existing service rate for consumption over the minimum monthly charge for every 1,000 gallons of water consumed above the allotted volume. Where prior consumption data is not available, the county administrator shall estimate allocations based upon the data available from similar activities of equal intensity.
 - iv. Declaration of a moratorium on new and expanded connections to the public water utility system, unless such connections are primarily intended and designed to provide fire protection and/or potable drinking water to lawfully permitted residential or nonresidential buildings that are existing or substantially constructed at the time that a water emergency is declared.
- b. For any privately owned and operated public water supply: The system operator shall be required to demonstrate on a monthly schedule, compliance with the capacity requirements set forth by the Virginia Department of Health Waterworks Regulations (12 VAC5-590-520 and 12 VAC5-590-690).
- (4) *Condition 4.* When crucially limited supplies of water are available, the County Administrator shall restrict the use of water from any affected water system to purposes which are absolutely essential to life, health and safety. Such permitted uses of water may include, but may not be limited to, the provision of limited quantities of water for drinking and sanitation purposes to residents, health care facility patients and/or emergency shelter evacuees, who are unable to utilize their potable water supplies due to the loss of electrical power, storm events or other natural or manmade causes.
 - (5) *Failure to address leaks.* It shall be unlawful for the owner of any residential unit or units, or the owner of any commercial or industrial establishment which is found to be an excessive user of water due to leakage from waterlines or plumbing fixtures on the premises, to fail to take immediate action to repair and to stop such leakage after being so ordered by the County Administrator or his agent.
 - (6) *Effective date.* The imposition of the restrictions above shall become effective upon their being printed in any newspaper of general circulation in Middlesex County, or broadcasted upon any radio or television station serving Middlesex County.
 - (7) *Appeals for exemptions.* Upon implementation of subsections (2), (3) or (4) above, the County Administrator shall establish an appeals procedure to review customer applications for exemptions from the provisions of subsections (2), (3) or (4) on a case-by-case basis and, if warranted, to make equitable adjustments to such provisions. The County Administrator shall also be empowered to establish regulations governing the granting of temporary exemptions applicable to all or some of the uses of the water supply set forth in subsections (2), (3) or (4). The County Administrator shall, in rendering a decision on such applications, balance economic and other hardships to the applicant resulting from the imposition of water use restrictions or allocations against the individual and cumulative impacts to the water supply resulting from the granting of such exemptions and may impose reasonable conditions to ensure compliance with the terms of the exemption.

Any person subject to a decision rendered by the County Administrator under this section may appeal such decision to the Board of Supervisors. The appeal shall be in writing and shall be submitted to the County Administrator, as agent for and clerk to the Board of Supervisors.

The County Administrator may issue temporary waivers or exemptions within the provisions of this subsection for such periods of time as may be necessary for the Board of Supervisors to formally consider action on the appeal.

The Board of Supervisors shall render a decision on the appeal and may: affirm, with or without modification, the County Administrator's decision; or approve the requested exemption, with or without modification. The Board of Supervisors may impose reasonable conditions to ensure compliance with the terms of any exemption granted hereunder.

Any decision rendered by the Board of supervisors shall be subject to remedies provided by statute.

Section (D) *Penalty for violations.* Any person, firm or entity who shall violate any of the provisions of this section, or of any of the conservation regulations promulgated by Middlesex County pursuant thereto, shall, upon conviction thereof, be subject to the penalties provided in Section (F). Each act or each day's continuation of a violation shall be deemed a separate offense.

In addition to the foregoing, the County Administrator may suspend public water utility service to any person continuing to violate the provisions of this ordinance or the regulations promulgated hereunder.

If such public water utility service is terminated, the person, firm or entity shall pay a reconnection fee of \$50.00 before service is restored.

Section (E) *Declaration of end of water emergencies.* The County Administrator shall notify the Board of Supervisors when, in his opinion, the water emergency situation no longer exists. Upon concurrence of the Board of Supervisors, the water emergency shall be declared to have ended.

Section (F) *Violations.* Any person, firm, entity or operator of any water system, who violates any provision of this Ordinance shall be guilty of a Class 4 misdemeanor. Any person who violates any provision of this Ordinance a second or subsequent time within 30 days shall be guilty of a Class 2 misdemeanor.

This Ordinance shall be in effect upon adoption.

Present and voting:

John D. Miller, Jr.	aye
Wayne H. Jessie, Sr.	aye
Fred S. Crittenden	aye
Carlton S. Revere	aye
Peter W. Mansfield	nay

COMMITTEE REPORTS

Board members reported on their various committees. All Board members were encouraged to attend the next Planning District Commission meeting. There will be more discussion of the Total Maximum Daily Load requirements and proposed budget increases. The Board was also encouraged to be thinking of possible appointments for the Comprehensive Economic Development Strategy Committee – a requirement for

federal funding of the Planning District Commission. These appointments are required by January, 2012.

Mr. Revere reported that the Emergency Services Committee had met and he hopes to have a recommendation for the next meeting with regard to replacing the telephone enterphase in the Dispatch Office. The County has received a grant for over \$150,000.00. The County is working on the emergency response database for the reverse 911 system.

The Governor has requested localities prioritize the state's unfunded mandates that impact them the most.

PUBLIC COMMENT

Trudy Feigum thanked the Board for their comments on the water plan and hoped that the plan does not sit on a shelf.

Monica Sanders thanked the Board for their diligence in revising the water supply plan and ordinance and suggested that the County could write our own documents rather than relying on regional offices.

CLOSED MEETING

The motion to conduct a closed meeting pursuant to Code of Virginia, §2.2-3711.A3, discussion of land acquisition was made by Mr. Revere, seconded by Mr. Jessie and carried unanimously.

Upon reconvening in open session the following motion was read by Mr. Soberick and carried unanimously by a roll call vote:

To the best of the members' knowledge, only public business matters lawfully exempted in the motion by which the closed session was called were considered or discussed in the closed session.

There was no action taken as a result of the closed meeting.

RECESS

There being no further business the motion to recess until the public hearings scheduled for November 9th and 10th was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously.

John D. Miller, Jr., Chairman
Board of Supervisors