

**MINUTES  
KING WILLIAM COUNTY  
BOARD OF SUPERVISORS  
MEETING OF APRIL 22, 2013**

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 22<sup>nd</sup> day of April, 2013, beginning at 7:00 p.m. in the Conference Room of the County Administration Building, order was called with the following present:

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

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

**RE: REVIEW OF MEETING AGENDA**

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

There was general discussion of the meeting agenda items.

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

Chairman, T. J. Moskalski called the meeting to order at 7:20 p.m.

**RE: APPROVAL OF MEETING AGENDA**

On motion by C. T. Redd III, seconded by T. S. Stone, with the following roll call vote, the Board adopted the agenda for this meeting as presented by the County Administrator with the following changes: item 11e – request for authorization of the advertisement of a public hearing to occur during the regular business meeting scheduled for May 20, 2013, to consider a proposed precinct location change – Sweet Hall (201) – Proposed Ordinance #13-05 now becomes item 8c; item 11f – request for authorization of the advertisement of a public hearing to occur during the regular business meeting scheduled for May 20, 2013, to consider amending Chapter 70 – Taxation of King William County Code to revise provisions related to assessment and equalization cycle – Proposed Ordinance #13-06 now becomes item 8d.

Those members voting:

S. K. Greenwood    Aye  
T. S. Stone            Aye

O. O. Williams      Aye  
C. T. Redd III        Aye  
T. J. Moskalski      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 First Public Comment Period.

1. Rodney Inge, President of King William Volunteer Fire and Rescue, pled with the Board to fully fund the KWVFR with \$240,000 and said even with this amount it will be extremely tight. He said the department is defunded for FY 13-14 and he predicts their doors will be closing soon. He said the department has been struggling on the allowed budget for many years. He said he has heard that the Board of Supervisors is calling for a change in the department's senior management. He reviewed rescue calls made by the KWVFR in 2012. He also gave a rundown on basic payments the department is responsible for; estimating a total of \$144,000. He also stressed the need for volunteers. He thanked Mattaponi EMS, Mangohick and First Responder, Walkerton Fire and West Point for the help over the years, saying they are all a crucial part of this community and its safety. He stated Caroline and Hanover counties have not been giving King William mutual aid, so this means if you live at the northern part of the county and KWVFR cannot get to you, they probably won't either.

Ms. Stone asked for clarification if an annual budget and a balanced budget, for all expenditures has been prepared for the department.

The County Administrator answered in the affirmative.

Ms. Stone asked if the budget has been reviewed by the department and if they are in agreement with it. She explained her reason for asking is because the Board appropriated \$60,000 last month with the idea that would get the department through the fiscal year; she understands those funds have been depleted in two months. Her calculations of \$30,000 per month would equal \$360,000 versus the stated \$240,000 for the year to cover expenses; she needs confirmation that \$240,000 would keep the department viable for an entire year.

Mr. Inge explained the \$60,000 appropriated funds went to pay past due bills. He also said if a recently purchased QRV is sold that money will come back to the county. He stated county staff has prepared the proposed budget for the department and verified \$240,000 is viable for the department to sustain their needs and the calls. He once again stressed the large number of drop-offs in volunteers for the organization; they are in dire need of volunteers. He explained there are many people that want to become volunteers but there are costs associated with required training to become a volunteer.

2. Eugene Campbell, Jr., of the 2<sup>nd</sup> District, supports King William Volunteer Fire and Rescue and urged the Board to fund the department. In his opinion if something is not done it will be a grave disservice to the citizens. He mentioned KWVFR will celebrate their 50<sup>th</sup> year of operation this year.

3. Robert Hughes, of the 2<sup>nd</sup> District, gave a handout to Board members which included a copy of their oath of office. He reminded each of them they agreed to support the Constitution of the United States and the Constitution of the Commonwealth of Virginia. He said he is aware the County and the Town of West Point possess the 1959 Attorney General's opinion that the split-levy system between the County and the Town of West Point is unconstitutional. He said legal action will be taken if both governing bodies do not uphold both constitutions.

4. Devin Thomas, of the 4<sup>th</sup> District and a volunteer for Mangohick and King William Volunteer Fire and Rescue, spoke in support of funding KWVFR. He spoke of public perception of the department and the few people that answer the 600 plus calls a month. He stressed volunteers are needed to help our friends, family members and neighbors.

5. John Heller, resident of King & Queen and a member of King William Volunteer Fire and Rescue, said he has served as a volunteer more than half of his life with this department. He spoke of the financial problems of the department and feels poor decisions, made by a select few, have resulted in the predicament of the department being in a near state of bankruptcy. He said he is alarmed that until the recent six months no formal oversight of accountability was levied by county administrative personnel on the organization. He implored the Board to allocate at

least level funding to the department. He said the misgivings of the Board are understood. He proposed several provisions be demanded on the department, if necessary, to secure the interests of the Board and citizens, in addition to operational continuity and stated several options to enforce provisions. He offered his time, support and cooperative assistance to better fire and EMS services in the county in any way he can.

6. Curtis Mason, of the 2<sup>nd</sup> District and member of the Mattaponi Rescue Squad, is concerned for the citizens of King William. He said he was a member with KWVFR for a number of years but became discouraged with the management of the department so he left and started his own rescue squad. He feels poor financial management has plagued KWVFR over the last 10 years. He encouraged the Board to support KWVFR in any way they can; if not he feels the burden is going to fall on his department. He said he was informed at a rescue committee meeting the Board is proposing that Mattaponi Rescue cover from Jim Hall's store to the Caroline County line. He said in order to give citizens the emergency services needed Mattaponi Rescue cannot cover the entire territory in the County and needs the help of KWVFR. He urged to Board to look at other options.

7. Bernard Sprouse, citizen of Hanover County, life member with Ashland Rescue for over 30 years and a member in Middlesex County for over 15 years. He stated he drives approximately 45 minutes, each way, to assist KWVFR. He feels they have had some problems but said with the new management he is hopeful things will get better. In his opinion King William citizens deserve better. He urged the Board to help the organization to get on their feet. He said he is willing to drive the distance and do what he can to try and help the department. He said he is dedicated to help those in need and is willing to help the department anyway he can. He feels without the Boards' support the organization is not going to make it.

8. Herbert L. White, Jr., of the 2<sup>nd</sup> District and charter and life member of KWVFR, spoke of the upcoming 50<sup>th</sup> anniversary for the organization. He feels the citizens are the ones that will suffer from services not being provided. He supports the department and urged the Board to fund them.

9. Zach Hodges, of the 1<sup>st</sup> District, spoke in support of funding KWVFR and finds it disturbing the Board would consider not fully funding the organization. He feels money that could possibly be spent on legal fees, on proposed suits from the Town against the County, could be used to fund emergency services. He does not support the proposed tax increase for the 1<sup>st</sup> District property owners and in his opinion the proposed change is a lose lose situation.

10. Jamie Powell, 2205 Sarah Anne Court and a new member of KWVFR, spoke in support of funding the department. She spoke of the recent scare at King William Schools and said her children did not attend school today because of the uncertainty. She stated she is paying for her certification training in order to volunteer; she is bothered she may be forced to use the training in another locality.

11. Jennifer Shelton, resident of King and Queen County and a volunteer with KWVFR, has been with the department for a little over a year and she has witnessed calls that have made a difference. She stated the members left in the department are dedicating their time to give back to the community; and said with the small number of people left in the department it is hard to do. She wonders how the department can recruit and bring on volunteers if there is no station to bring them to. She is in favor of funding the department and asked the Board for their support.

12. Dr. Patricia Cooke, a resident of Hanover County and a physician at Aylett Medical Center, appeared before the Board to speak about ambulance and EMS services specifically. In her opinion, as a physician, if county based emergency services are eliminated she fears citizens are going to die. She spoke of the golden hour in an emergency situation and the importance of obtaining higher medical care during that first hour for a better chance of survival. She spoke of a recent emergency that occurred at the medical center that took an ambulance 65 minutes to respond to a 911 call; response came from West Point. She said she has been following the minutes of the last few Board meetings and feels the Board has shown support to economically support the current situation; she knows the volunteers are working really hard. She also stated she has interacted with volunteers weekly from KWVFR and praised the professionalism she has witnessed from the services provided. She implored the Board to work with the organization and come to a solution. In her

opinion it is not right for citizens of King William to die waiting for a rescue squad when they are really only 25 minutes away from a hospital.

13. Lisa Pearson, of the 5<sup>th</sup> District and nurse at Aylett Medical Center for 30 years, stood before the Board not asking for a bailout for KWVFR but for assistance in restructuring a service that is greatly needed by King William citizens.

14. Dr. A. W. Lewis stated he was the Operating Medical Director for the rescue squad for 33 years, until fairly recently. He said not having rescue squad services available to the citizens of King William County is unimaginable to him. He urged the Board to find a way to assist KWVFR in any way possible, saying it is absolutely essential to the county. He said he is not only speaking for rescue services but for fire services as well. He hopes the organization will be able to celebrate 50 years of service this fall, with their doors open, and to continue the good services they provide.

15. Kristin Duvall, of the 3<sup>rd</sup> District and a student at King William High School and a Junior Squad Captain at KWVFR, supports the department and spoke of her concern of what would happen to her family and friends if emergency services are no longer available in King William County. She asked the Board to realize what a student's perspective is of the current situation with emergency services. She said she fears the thought of calls not be answered in a time of emergency.

16. Brian Jordan, of the 1<sup>st</sup> District, stated he moved to the Town for convenience. He said he was unaware of the animosity between the Town and County until last week and how deep it runs. He said he is aware of citizens having those types of feelings but feels Board members should be above those types of things. He does not support a tax increase for the 1<sup>st</sup> District and does not feel they are fair and equitable. He asked what services he will get in return for higher taxes.

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

**RE: CONSENT AGENDA**

On motion by C. T. Redd III, seconded by T. S. Stone, with the following roll call vote, the Board approved the following items on its Consent Agenda:

- a.
  - i. Minutes of Reconvened Budget Work Session of March 22, 2013
  - ii. Minutes of Reconvened Budget Work Session of March 25, 2013

iii. Minutes of BOS Regular Business Meeting of March 25, 2013

b. Claims against the County for the month of April, 2013, in the amount of \$1,106,728.38 as follows:

(1) General Fund Warrants #77594-77739 in the amount of \$167,307.97; ACH Direct Payments #3460-3560 in the amount of \$521,257.44; Direct Deposits #17908-18022 in the amount of \$184,966.02; and Electronic Tax Payment in the amount of \$74,017.52 for April, 2013.

(2) For informational purposes, Social Services expenditures for the month of March, 2013, Warrants #309614-309650 in the amount of \$36,249.83; ACH Direct Payments #848-877 in the amount of \$17,442.04; Direct Deposits #2950-2975 in the amount of \$30,188.95; and Electronic Tax Payment in the amount of \$11,864.82.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of March, 2013, Warrants #77576-77593 in the amount of \$49,646.85; and ACH Direct Payments #3454-3459 in the amount of \$6,986.21.

(4) Tax Refunds for the month of April, 2013, in the amount of \$6,800.73.

c. Authorized the advertisement of a public hearing to occur during the regular business meeting scheduled for May 20, 2013, to consider a proposed precinct location change – Sweet Hall (201) – Proposed Ordinance #13-05.

d. Authorized the advertisement of a public hearing to occur during the regular business meeting scheduled for May 20, 2013, to consider amending Chapter 70 – Taxation of King William County Code to revise provisions related to assessment and equalization cycle – Proposed Ordinance #13-06.

Those members voting:

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

**RE: PRESENTATIONS TO THE BOARD**

There were no presentations to the Board.

**RE: OLD BUSINESS**

No old business was brought before the Board.

**RE: NEW BUSINESS**

a. Public Hearing and Intent to Amend Chapter 86 of the King William County Code to Address Boathouses and Pier Accessory Structures – Proposed Ordinance #13-03 – Chairman Moskalski asked the County Administrator for additional comments before opening the public hearing for consideration of Ordinance #13-03, proposed amendment to Chapter 86 of the King William County Code to address boathouse and pier accessory structures.

The County Administrator stated he had no additional information on this matter. He announced Bret Schardein, Community Development Director, was present to answer any questions or to present additional information on this matter. Otherwise he said the request is relatively straightforward and proposed changes are to add certain uses to the zoning ordinance by-right and also to add certain uses by conditional use permit.

Chairman Moskalski opened the public hearing for proposed Ordinance #13-03 and asked anyone wishing to speak for or against the matter to please come forward.

There being no one to speak for or against the matter the Chairman closed the public hearing.

b. Consideration of Ordinance #13-03 – O. O. Williams motioned to approve Ordinance #13-03 – An Ordinance to Amend Chapter 86 – Zoning of the King William County Code to Revise Provisions Related to Boathouses and Pier Accessory Structures; motion was seconded by S. K. Greenwood.

Chairman Moskalski called for discussion from Board members.

Mr. Redd asked for clarification if Ordinance #13-03 is approved fees paid by applicants with active permits will be reimbursed.

The County Administrator answered in the affirmative as noted in the staff report to the Board; applicants with active permits are Dyson and Prince.

Upon the completion of consideration of Ordinance #13-03 the Board approved the ordinance with the following roll call vote:

Ordinance #13-03  
An Ordinance to Amend Chapter 86 – Zoning of the King William County Code  
to Revise Provisions Related to Boathouses and Pier Accessory Structures

WHEREAS, the Board of Supervisors of King William County, Virginia has received a recommendation from the Planning Commission, adopted after a duly held public hearing, to amend certain sections of Chapter 86 (Zoning Ordinance) of the King William County Code; and

WHEREAS, after a duly advertised and held public hearing, the Board believes it appropriate to amend the King William County Code Chapter 86 as recommended by the Planning Commission,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 22<sup>nd</sup> day of April, 2013, amend and reenact the following sections of Chapter 86, of the King William County Code to add the following definitions and uses as follows:

Sec. 86-5. - Definitions.

Boat house means an over-water roofed structure used for storing a boat as defined in §28.2-1203(A), such structure being larger than 700 square feet in area or having at least one wall. Boat houses must be fitted with reflectors and lighting as to make them visible at night to water traffic

Boat shed means an over-water wall-less roofed structure used for storing a boat as defined in §28.2-1203(A), such structure being 700 square feet in area or less. Boat sheds must be fitted with reflectors and lighting as to make them visible at night to water

Pier gazebo, large means a roofed structure located over a pier as defined in §28.2-1203(A), which is over 400 square feet in area or a structure of any size containing walls

Pier-gazebo, small means a wall-less roofed structure located over a pier as defined in §28.2-1203(A), which is 400 square feet in area or smaller

Sec. 86-171. - Permitted use table established.

TABLE OF PERMITTED USES IN ZONING DISTRICT

Description of Uses	A-C	R-R	R-1	B-1	B-2	M	R-C
RECREATIONAL, PUBLIC OR COMMERCIAL							
Boatshed	R	R	R	R	R	R	
Pier-gazebo, large	C	C	C	C	C	C	
Pier-gazebo, small	R	R	R	R	R	R	

Adopted this 22<sup>nd</sup> day of April, 2013

Those members voting:

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

c. Resolution #13-14 – Appropriation of CIP Proceeds – FY13 – Regional

Animal Shelter – Construction Improvements – The County Administrator noted this request is to deal with some peeling paint and some other issues that were some subjects of the Virginia Department of Agricultural inspections, as well as routine

maintenance, at the Regional Animal Shelter. He stated King William County is in partnership with King and Queen County on this particular service. Part of the money is appropriated but Staff is asking the Board appropriate the balance of the funds necessary to accomplish this work; as well as appropriate the balance of the proceeds that we have no immediate plans to expend, simply to draw down the bonds that are sitting with a third party.

Chairman Moskalski called for any discussion from Board members.

Mr. Williams asked for clarification this matter has been discussed with King and Queen and they are in agreement. The County Administrator answered in the affirmative. Mr. Williams also asked for clarification this is to correct an issue that occurred when the structure was originally built. The County Administrator answered in the affirmative.

Ms. Stone asked for clarification the proceeds are a remaining balance and further clarification if there will be an additional request for re-appropriation of funds to current fiscal year; since it is likely all funds will likely not be expended before June 30<sup>th</sup>. The County Administrator stated Staff will advise the Board of any future expenditures of the funds. He stated any plans for those expenditures will become part of the capital projects or part of the fund balance; or to pay down debt services which is another use for those proceeds.

Mr. Greenwood asked for clarification if there is any chance to recoup any of the funds for the repairs from the original contractor. The County Administrator answered in the negative and further stated that was part of the nature of the settlement, no funds exchanged hands and the County retained certain funds that had not been paid to the contractor in lieu of settling the contract and then have the contractor pay the County.

On motion by T. S. Stone, seconded by O. O. Williams, with the following roll call vote the Board approved Resolution #13-14 – Appropriation of CIP Proceeds – FY13 Regional Animal Shelter – Construction/Improvements:

RESOLUTION #13-14  
APPROPRIATION OF CIP PROCEEDS – FY13  
REGIONAL ANIMAL SHELTER – CONSTRUCTION/IMPROVEMENTS

WHEREAS, the Board of Supervisors is responsible for construction of the Regional Animal Shelter and funding half of that construction with King and Queen County; and

WHEREAS, the Regional Animal Shelter has experienced inspection concerns from Virginia Department of Agriculture and Consumer Services (VDACS) for peeling and chipping floor coatings in sections of dog runs; and

WHEREAS, the Board of Supervisors secured bond funds to fund their portion of the construction and subsequent repairs; and

WHEREAS, the Animal Shelter coating project will require half of the contract amount and possible contingency funds; and

WHEREAS, there is a CIP cash account balance for animal shelter of \$63,573.09, which includes \$60,215.96 of bond proceeds; and

WHEREAS, the requested CIP budget addition is as follows:

EXPENDITURE: Animal Shelter – Construction/Improvements \$ 63,573.09

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors of King William County hereby amends the FY13 County Budget to include and to track all related items and \$63,573.09 is hereby appropriated for the above stated purposes.

Adopted this 22<sup>nd</sup> day of April, 2013

Those members voting:

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

d. Resolution #13-15 – Appropriation of CIP Proceeds – FY13 – Courthouse – Repairs/Maintenance – The County Administrator stated during routine maintenance it was discovered there are some cracks in the peat moss tank, a non-conventional system, which serves the courthouse. He said it has been recommended by the contractor that those tanks be replaced; staff concurs. The approximate cost to replace the tank is \$32,000; funding is available in terms of both the budget and prior years fund balances for courthouse maintenance fees. Staff is asking for appropriation of those funds to be utilized for the septic system repair.

Mr. Williams asked for clarification of the age of the septic system. The County Administrator stated approximately 10 years old. Mr. Williams asked if that is what we get to look forward to with all of the alternative systems being put throughout the county. The County Administrator said not necessarily, maintenance checks are performed for such cracks. He said an attempt to determine the reason for the crack with the contractors, none determined, these tanks sometimes experience cracking; the crack is not covered by warranty and there is not a problem with the installation as

best staff can tell. He said as far as conventional systems they require maintenance and there are mechanical components. Mr. Williams asked for clarification that this was found during a regular maintenance check. The County Administrator answered in the affirmative.

On motion by S. K. Greenwood, seconded by C. T. Redd III, with the following roll call vote, the Board approved the following Resolution #13-15 – Appropriation of CIP Proceeds – FY13 Courthouse – Repairs/Maintenance:

RESOLUTION #13-15  
APPROPRIATION OF CIP PROCEEDS – FY13  
COURTHOUSE – REPAIRS/MAINTENANCE

WHEREAS, staff has identified that the alternative septic system installed at the courthouse is in need of repair in order to continue operation; and

WHEREAS, the Board of Supervisors has assessed a fee of \$2.00 on all criminal, traffic, and civil case for the general maintenance of the courthouse; and

WHEREAS, the FY13 Budget allocated \$15,000 of these revenues, in which \$6,000 is based on current year receipts and \$9,000 is use of prior year restricted fees; and

WHEREAS, staff projects the remaining amount of restricted fees to be \$22,397; and

WHEREAS, preliminary reports identify systemic failures in the alternative septic system that could cost up to \$32,000; and

WHEREAS, the requested CIP budget addition is as follows:

EXPENDITURE: Courthouse – Repairs/Maintenance      \$ 22,397

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors hereby amends the FY13 County Budget to include and to track all related items for the above stated purposes and \$22,397 is hereby appropriated.

Adopted this 22<sup>nd</sup> day of April, 2013

Those members voting:

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

e.      Resolution #13-16 – Consideration of Adoption of Budget for FY13-14 –

The County Administrator stated Resolution #13-16 is a resolution for approval of the FY13-14 Budget. He said this resolution is consist with a number of cuts the Board decided to make during the March work sessions.

Mr. Williams asked for clarification that approving this budget does not mean there is not possible funding to keep King William Fire and Rescue going, if necessary.

The County Administrator said that is correct, although this is a relatively tight budget there are contingency funds and fund balance contributions available, also the funds identified by the Board held by a placeholder in the name of Mid-County can be used.

Ms. Stone stated she has a few proposed changes to the FY13-14 Budget to be considered by the Board.

Chairman Moskalski asked for clarification from the Parliamentarian on how to proceed with proposed changes to the FY13-14 Budget.

The County Attorney explained someone would make a motion to adopt the resolution that is presented and then there would be appropriate motions to amend the resolution, or resolutions, individually for each amendment; approved amendments would then become part of the amended resolution.

On motion by T. S. Stone, seconded by S. K. Greenwood, moved approval of Resolution #13-16 – King William County, Virginia FY14 General Funds Budget.

Chairman Moskalski called for discussion on Resolution #13-16.

T. S. Stone moved to amend Resolution #13-16 – King William County, Virginia FY14 General Funds Budget to recognize the allocation of level funding of \$111,600 to the King William Volunteer Fire Department and Rescue with those expenses being approved by the organization and paid by the County; motion was seconded by O. O. Williams.

Chairman Moskalski called for discussion on motion.

Mr. Greenwood said he feels the funds should not be appropriated to King William Volunteer Fire Department and Rescue. He said it is apparent the funds allocated by the Board to the organization have already been used up. He said funds are in the budget and can be allocated at a later date. He further said the calculations of the Financial Services Manager for the organization is \$240,000 for the fiscal year and does not include any paid volunteers. He said he was specifically told by the President that they are not meeting calls because they are not paid volunteers. He said paid volunteers would cost an additional \$10,000 a month; which would bring their budget to \$360,000 a year. He does not think the County is ready to pay that kind of money. He said he understands that there may be deaths, but he asked if all of the

other Board members are going to be pulled into having to do this; he feels that is what they are planning for the Board to do. He said he does not think the Board should approve this.

Mr. Redd said this is probably going to sound crazy, because he is not getting any support from the 3<sup>rd</sup> and 4<sup>th</sup> Districts for his situation in the 1<sup>st</sup> District on the new taxation deal, but he said he cannot leave the citizens of the 3<sup>rd</sup> and 4<sup>th</sup> Districts without a fire and rescue department. He stated the Board has tough decisions to make, he feels we are all King William County and he said he is going to support Ms. Stone's motion.

Mr. Williams said he remembers the Board members sitting on the other end of the podium pushing real hard a few months ago about the management of the KWVFR organization; what the management was going to show the Board they were trying to change and do better. He said he still sees mismanagement right up through March in reviewing the invoices submitted for payment. He stated the Board asked the management of the organization to not waste the funds already appropriated. He feels the people that benefited the most from the funds are not helping to bail the organization out. He commented that the new volunteers are dedicated to obtaining the necessary training and he is not criticizing that group. He questioned where all the people that spoke tonight were when the recent call took 65 minutes for a response. He said he respects all volunteers that run calls, but when people are paid for a solid year to run calls, he asked who the volunteers are. He said he has nothing against funding volunteers; however he is against volunteers paying themselves and not paying the organizations bills. He said he has worked as a volunteer for a long time and has never drawn a paycheck. He feels there are still some major problems that need to be fixed with this organization. He said he does not want to see the department close down but he does not want to see things continued the way they have been going.

Mr. Redd said what has been heard in the last week is there is a move to make some additional changes within the organization. The department has taken on some new volunteers, and he feels the Board owes them an opportunity to see what they

can do, and if they don't then smack him on the hand. In his opinion the Board cannot leave the citizens hanging.

Chairman Moskalski stated he has said several times that he wants to do everything he can to maintain fire and especially rescue services in this area of the county. He said he is inclined to support Ms. Stone's motion. He stated he is a little bit more than disappointed in what he sees going on in the department for the last several months, even after it was acknowledged there was financial difficulties and things needed to change. He said it appears changes are very slow in coming and he still has reservations of whether or not it is truly there. He stated he hopes the Board is not throwing good money after bad. In the absence of a short term solution to maintaining services in that area unfortunately he does not see another way; we have to be able to provide services there.

Ms. Stone said if nothing else she believes this buys some time. She clarified funds appropriated will not be available for paying individuals. Since the County will be paying bills directly then we should not be in the situation where we are paying individuals.

Mr. Greenwood stated that was said the last time and we were told of all the credit cards and bills that got paid still; he does not see any changes. He said they are going to find ways to get around it, just like they already have.

After the lengthy discussion among Board members, with the following roll call vote, the Board approved an amendment to Resolution #13-16 – King William County, Virginia FY14 General Funds Budget to recognize the allocation of level funding of \$111,600 to the King William Volunteer Fire Department and Rescue, with those expenses being approved by the organization and paid by the County.

Those members voting:

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

Chairman Moskalski called for further discussion on Resolution #13-16.

T. S. Stone moved the Board approve an amendment to Resolution #13-16 – King William County, Virginia FY14 General Funds Budget to restore the funding for

the program fees to the Parks and Recreation Department; motion was seconded by O. O. Williams.

Chairman Moskalski called for discussion on motion.

Mr. Redd stated the reason for the Board's decision for making this change was to make the program side more efficient and more self-supporting. He said he is totally against transferring the funds back; it does not create a sense of making it more self-sufficient. He feels there is too much money allocated to the recreation department away, so he does not support the amendment.

Mr. Williams said the program funds are monies paid by the participants using the park and it appears the program fees are supporting more use. He said he understands the general fund does fund some of the administrative costs. He feels taking this funding from the department is going to make it harder to maintain other programs.

Mr. Greenwood asked for clarification of whether a recent vacated position in the Parks and Recreation department will be filled; or if those funds will be used in other areas of the department. The County Administrator stated there are no immediate plans for advertising the vacated position pending further discussions with the Board of Supervisors.

Chairman Moskalski asked for clarification from Ms. Stone what she hoping to see improve with the re-allocation of approximately \$10,000 to the department.

Ms. Stone said she feels at this point there is some confusion with regards to how these fees are accumulated; the perception is through program fees. She stated she is interested, between now and next year, to actually see a breakdown of all the programs individually; revenues versus expenditures not collapsed together. She feels this will give the Board the information needed to specifically see how these funds are accumulated and how they are utilized. She feels the funds should be moved back to Parks and Recreation budget until additional information is provided.

After a discussion among Board members, with the following roll call vote, the Board approved an amendment to Resolution #13-16 – King William County, Virginia FY14 General Funds Budget to restore the funding for the program fees to the Parks and Recreation Department.

Those members voting:

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

Chairman Moskalski called for further discussion on Resolution #13-16.

Ms. Stone made a recommendation with regards to the tax rates; she feels this has been a very difficult situation this year with the discovery of the split tax rate not being in accordance with State code or the Virginia Constitution and the proposed change in regards to that. She said she consulted with Delegate Chris Peace last Monday and he suggested that if there was an opportunity for compromise, or to lower the machinery and tools tax, that he felt that would be beneficial. She recommended an amendment to Resolution #13-16 to reduce the machinery and tools tax by \$0.20. She said while that would typically have an impact on the rebate to West Point by lowering it, she recommended that the rebate be kept stable or at the same value which is \$3,052,534. She explained this recommendation does impact the budget in regards to the change in the tax rate and she said she realizes she will need to make this motion again prior to approval of the tax rate.

Chairman Moskalski asked for clarification from the County Attorney if the motion is in order.

The County Attorney said the amount Ms. Stone stated in the motion is already in Resolution #13-16, ultimately approving the budget expenditures. He said he is not sure how this would amend the resolution.

Ms. Stone clarified this will impact the revenues, lowering the machinery and tools tax revenue will also, in order to have a balanced budget it would likely result in an increase in the prior year balance. The difference would be made up with an increase or show a use of prior year fund balance. She said it impacts the detail line item revenues but not the overall budget. She said it is acceptable to her to wait for the next resolution for this motion.

Chairman Moskalski ruled the motion made by Ms. Stone is more appropriate for the discussion of the proposed tax rate resolution.

C. T. Redd III moved the Board approve an amendment to Resolution #13-16 – King William County, Virginia FY14 General Funds Budget to level fund Bay Transit. He feels this service is beneficial to a lot of people for transportation to and from work and also to and from medical appointments; motion was seconded by O. O. Williams.

Chairman Moskalski called for discussion on motion.

Mr. Moskalski stated he does not agree with this proposed amendment. He feels there are other opportunities with other private transportation companies and feels this is a disservice to the competition to continue to subsidize Bay Transit. He mentioned the supposedly deeply discounted fares of Bay Transit are not that discounted compared to the fares of some of the private companies.

Upon completion of discussion among Board members, with the following roll call vote, the Board denied the proposed amendment to Resolution #13-16 to level fund Bay Transit.

Those members voting:

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

Chairman Moskalski called for further discussion on Resolution #13-16.

There being no further discussion among Board members, the Board approved the following amended Resolution #13-16(R) – King William County, Virginia FY14 General Funds Budget, with the following roll call vote:

RESOLUTION #13-16(R)  
KING WILLIAM COUNTY, VIRGINIA  
BOARD OF SUPERVISORS  
MEETING OF APRIL 22, 2013

WHEREAS, the King William County Board of Supervisors has reviewed the General Funds, School Fund and Special Revenue Funds for the Fiscal Year 2014 Budget; and,

WHEREAS, the Board held a duly advertised public hearing on the Budget on April 15, 2013,

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors approves the FY14 General Funds Budget in the amount of \$24,685,517, which includes a transfer of \$10,304,640 to the School Fund and Town of West Point transfer of \$3,052,534 and \$211,630, approves the School Fund budget in the amount of \$23,752,020, the Special Revenue Funds in the amount of \$3,048,477, the Capital Project Fund of \$287,411, the Proprietary Fund of \$440,083, and the Agency Fund of \$3,294,472.

Adopted this 22<sup>nd</sup> day of April, 2013

Those members voting:

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

C. T. Redd III stated due to the potential legal actions that may cost King William County tax payers a substantial amount of money and since the County Attorney has said he did not say the split levy was illegal, moved the Board scrap the current advertised tax rate structure in proposed Ordinance #13-04, and re-advertise the tax rates discussed earlier using the same split levy currently being used; motion was seconded by T. J. Moskalski from the chair.

Chairman Moskalski called for discussion on motion.

T. S. Stone clarified Board members received an email from the County Attorney that the tax rate is not illegal, he shared with the Board on Friday afternoon that the term illegal is to suggest some type of criminal activity, and that was not his intent. She said the County Attorney did confirm with Board members that the split tax rate is not in accordance with State Code or with the Virginia Constitution; he has reviewed many Attorney General opinions one of which is dated May 8, 1959, that was specifically addressed to King William County and instructed that the split tax levy was not in accordance with the Constitution of Virginia.

C. T. Redd III stated the County Attorney also said that it has been ruled that Attorney General opinions are just that, they are opinions. He stated we have case law from Judge Hoover, from the Circuit Court of King William County, that said Sections 22.1-113 and 22.1-114 did offer a way to collect taxes, but did not say that was the only way; the case law also stated that the Town and County had come up with another way and he saw nothing wrong with that. He said his motion stands.

Chairman Moskalski asked generally if the Board has a firm grasp on what they are doing with this taxation system. He said he asked the question earlier if the Board understood what the windfall and revenue might do to our composite index and was unable to get an answer; simply because we have not had an opportunity to review that yet, so we are not sure how this will affect our State funding for King William or

West Point. He said he is further concerned about the autonomy, not just of West Point schools but of King William schools, if we in the County are going to marry those two funds to where the amount of money given to West Point is directly dependent upon the amount of money given to King William schools. What incentive and precedent are we setting and for the autonomy of our own funding system, where every dollar we give, above and beyond, we give to King William schools is an increased burden on the County to fund West Point schools. He said this is a concern of his that has not been hashed out or decided among the Board. He feels this has all been done too quickly, he does not feel the Board has a firm grasp on what the short or long term impacts of doing things this way will be. He said he is of the opinion that while the County Attorney has said that there is no statutory authority to do so, he agrees with him it is not in any way illegal to do it this way. Furthermore he said he feels the Board needs more time to hash out what this is going to mean for the tax payers in King William, for the tax payers in West Point, and again for the autonomy of the schools. He said West Point is very concerned of what this is going to do to the independence of their school system; he is concerned about what this will do to the independence of the King William school system in so much as what are the actions of this Board in the future when we have to consider what type of burden we are placing on ourselves to further fund Town schools, if we want to fund our schools above and beyond what we do.

Mr. Williams said it is being said the split tax levy system doesn't meet the State Constitution and he is a little upset the Board didn't know about this sooner. He asked how something like this is forgotten for so long and bypassed by the legal attorneys we deal with. He said most of the Board members totally depend on attorneys and the hired staff to give good judgment and the right answers. He said in working with the information provided it appears this was a skeleton in the closet that popped out. He said he would like to understand more about this, but he is continually told the County tax bills need to go out. In his opinion he feels the Board needs to do something and if we hold off it will put the County in a bind. He said he is looking at the situation in so many different ways, he understands a whole lot of Mr. Redd's concerns, he understands the Town of West Point being concerned; but he also understands the

rest of the county being concerned. He said the Board members are here to look out for each of their districts and to do the best for the whole county. He said he has listened to several scenarios of how to lessen the impact on the tax payer, but he has not heard of any compromise of anyone working together, all he hears from the Town is what they are going to do if the County goes through with the change. He said he hasn't heard anyone say let's sit down and talk about this before coming to the public hearing meeting, all he heard was the Town was going to fill the courthouse, we are going to sue, where was the cooperation of working together.

Mr. Redd stated unfortunately the Town did not know about the proposed change until two days prior to the County advertised. He feels that is one of the issues.

Mr. Williams asked for clarification that from the time of the advertisement, within two days of the County budget meeting, this came up.

Mr. Redd said when the Board had the last budget work session the Board left that meeting under the conclusion that there was going to be an \$0.11 increase on the general fund side and that much decrease on the school fund side; so actually the only people that were going to get hurt were the citizens in the Town because they only pay into the general fund. He explained the time line of the events which ended up only giving the Town two days prior to the County advertising their public hearing. He said the Town would have loved to sit down with the County, and the opportunity to discuss. So now they have no recourse except to say they are going to have to take legal action because you didn't let us know in time. He said the Town had their budget ready to advertise and then this happened, so they couldn't do their budget until they found out the details of the County budget. He said he feels the Town would like to meet with the County and discuss and that is the reason for his motion.

Ms. Stone said she agrees that this is a discovery the Board learned at the last minute, however the advertisement went out on April 1<sup>st</sup> or 2<sup>nd</sup>, it is now April 22<sup>nd</sup>, three weeks have passed, and she believes there could have been opportunities for the two governing bodies to meet; that was not planned and she acknowledged that is an issue for both sides. She said from another perspective we have heard a lot about the Westmoreland formula, which is a split rate that actually takes into account several

revenues that are allocated to the school fund side. She said the Westmoreland model with a split tax rate would have more of a negative impact on the Town of West Point than what is proposed. She said if you look at the numbers and follow the formulas what is being proposed tonight is the most beneficial approach, other than going back to the old way which would have a very negative impact on the other four districts and has for a number of years. The proposal is the most reasonable approach to approve a tax rate, is in accordance with State Code, and has the least negative impact on the Town of West Point. She said if that amount seems so significant then remember that is a measure of the amount that the other four districts have been overtaxed for a number of years.

Chairman Moskalski asked for clarification from Ms. Stone, in the absence of the PPTRA fix, what other revenues she is anticipating. He said he knows there is this idea, or misconception, there is going to be this giant windfall for the County.

Ms. Stone stated it is not her desire for a windfall for the County, she said it is her desire to get the tax rates accurate. Again, she said if you follow the Westmoreland model there are other revenues. For example if the Town collects its own sales and meals taxes and retains for the Town to fund their schools, yet the other four districts collect sales and meals taxes and are not allowed to dedicate those funds to their schools. She said there is an imbalance and Staff has checked these numbers. She agrees we need to work towards a formula and is agreeable to working towards a split tax formula; the model that is set out there for us is Westmoreland County. She stressed that a split levy formula that follows the Westmoreland model will not look anything like the split tax rate that we currently have in place.

Mr. Williams said we are all here trying to do what is right for the people; with the legal advice we are given. He said he would hate to see this turn into a legal battle for lawyers because that means everybody loses. He said he would not like to think that the citizens from his district would say if the tax rate has not been split equitably since 1998 and he didn't do something to adjust it, that he was doing right by the people of his end of the county.

Chairman Moskalski said he agrees with Mr. Williams but that would mean fixing the PPTRA which was a proposal under the initial split levy. He added he

agrees with Ms. Stone when the County sits down and talks with the Town, and actually show them the numbers; they have a decision to make between retaining the autonomy that they desire and what the revenue models are going to look like. He feels the motion being considered now is the best way to move forward and actually give us an opportunity to sit down with the Town Council to show them the numbers and actually demonstrate how this model works. He said they may decide they like this model better, they may decide that they value their autonomy more. He feels the Board needs to give the Town the opportunity to make a decision and talk with the Board about it. Again he said he does not think the Board has fully considered what we are doing to the King William school systems autonomy. He has a strong concern consideration has not been given as to what school funding is going to look like in the future, not to mention the extra revenue coming in and not knowing what the composite index might be.

Mr. Greenwood said he agrees with Mr. Williams and feels West Point Town Council has had as much time as this Board has had and this was no conspiracy. He said Mr. Moskalski and Mr. Redd met with Town staff the next day. He said county staff phone calls were not returned. He feels all the Town has done is threaten law suits, and requested his and Ms. Stone's work emails through FOIA; he feels they are acting like a bunch of children.

Chairman Moskalski called order in the galley and reminded Mr. Greenwood to be respectful of citizens.

Continuing Mr. Greenwood stated the County showed the Town it could be equalized and a net zero tax increase, but the Town didn't want to hear suggestions from the County. He feels it is appalling the time and effort the Town has spent on busing people to the meeting and requesting emails. He stated he will not vote for a split levy. He also said this might not be illegal but it is not legal either, there is no precedent case; they can take us to court because we are going to win.

Mr. Redd stated he does not appreciate Mr. Greenwood referencing the citizens of the 1<sup>st</sup> District as a bunch of children. He said this is how this whole thing is working out and it is not going to get any better.

Chairman Moskalski asked the Deputy Clerk to call roll for motion made by C. T. Redd III, seconded by T. J. Moskalski, that the Board scrap the current advertised tax rate structure, proposed Ordinance #13-04, and re-advertise the tax rates discussed earlier using the same split levy currently being used.

Those members voting:

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

Chairman Moskalski announced the motion failed.

f. Ordinance #13-04 – Consideration of Adoption of – Tax Levies for Calendar Year 2013 – T. S. Stone moved approval of Ordinance #13-04 – An Ordinance to Impose Tax Levies upon Real Estate, Tangible Personal Property, Public Service Corporation Property and Aircraft for the Calendar Year 2013; motion was seconded by O. O. Williams.

Chairman Moskalski called for discussion on Ordinance #13-04.

T. S. Stone moved to amend Ordinance #13-04 to lower the machinery and tools tax rate by \$0.20, from \$2.45 to \$2.25; include the rebate to the Town of West Point stay as documented in the budget resolution at \$3,052,534; motion was seconded by O. O. Williams.

Chairman Moskalski called for discussion on motion.

Mr. Redd said the idea to lower machinery and tools tax sounds good; he is behind this 100%. He said he is also 100% behind the Town taking the difference for the rebate as suggested. He said this does not address what is going to happen the following years and how those numbers are going to be worked out. He said this is a one shot deal so even this would lower the machinery and tools rate he cannot support because this is not going to be effective after this year. He said it seems this is a way to try to temporarily appease some people and that is not going to work.

Chairman Moskalski agrees with Mr. Redd.

Mr. Williams feels lowering the machinery and tools tax helps businesses and we are supposed to be trying to help businesses. He pointed out every year there are

arguments over the budget, he does not see the budget process is going to get any easier, no matter how it is approached.

Mr. Greenwood said there is talk the machinery and tools tax is eventually going away, the County may as well start reducing it now so there is less of an impact later on.

Chairman Moskalski asked the Deputy Clerk to call roll for motion made by T. S. Stone, seconded by O. O. Williams, to amend Ordinance #13-04 to lower the machinery and tools tax rate by \$0.20, from \$2.45 to \$2.25; to include the rebate to the Town of West Point stay, as documented in the budget resolution, at \$3,052,534.

Those members voting:

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

Chairman Moskalski announced amendment carries.

Chairman Moskalski called for further discussion on Ordinance #13-04.

Mr. Redd stated if this Board passes this proposed tax rate schedule this Board has committed an act of discrimination against the 1<sup>st</sup> District. He said all other districts are getting a \$0.02 decrease in real estate and the 1<sup>st</sup> District is getting a \$0.52 increase. He said this also appears to be a way for some members of this Board, maybe they are getting pressure from a local political group, to try and take some of the financial control from the West Point schools; he feels this is a backdoor approach to do that and is totally against this. He said approving this rate structure is a smack in the face to 20% of the tax payers in this county and he urged a no vote.

Ms. Stone suggested this is actually the correction of the discrimination of a tax rate that has been unfairly levied against the other four districts of this county due to oversight, to no one's intent, in regards to the allocation of revenues and the use of a split tax rate.

Mr. Greenwood said the \$0.52 tax rate is the rate calculated under the original budget plan of the Town of West Point and has not been amended to reflect the rebate the county is allocating back to the Town in consideration. He again said the models

shown at the meeting last Friday indicated it is possible to have no increase to the tax rate.

Chairman Moskalski stated he agrees with both Mr. Redd and Ms. Stone there has been historical inequities in the tax rates. He feels the Board is moving too fast with this without understanding it. He feels the inequities can be fixed in the tax rates while retaining the levy this year, while we move into negotiations with the Town.

Mr. Williams said he feels negotiations need to continue with the Town even with this new tax rate. He said the two governing bodies need to learn to work together. Once again, he said he did not hear any complaints when the County was working with them on the radio system or the dispatch services.

Mr. Greenwood agreed with Mr. Williams regarding the dispatch services that were returned to the County for a rate of \$40,000 a year, with no possible increase; the Town was paying \$240,000 for the services. He feels the County has tried to help the Town a lot in the last year.

Mr. Redd clarified what the Town is paying the County for dispatch services; and said the Town has been paying into the general fund that partially funds the dispatch services for the Sheriff's department and all the fire departments outside of the Town for years. He said to say the County is a big hero for taking on this service is not correct; they were paying for it anyway.

Chairman Moskalski asked the Deputy Clerk to call roll for motion by T. S. Stone, seconded by O. O. Williams, for approval of amended Ordinance #13-04(R) – An Ordinance to Impose Tax Levies upon Real Estate, Tangible Personal Property, Public Service Corporation Property and Aircraft for the Calendar Year 2013:

ORDINANCE #13-04(R)  
AN ORDINANCE TO IMPOSE TAX LEVIES UPON REAL ESTATE,  
TANGIBLE PERSONAL PROPERTY,  
PUBLIC SERVICE CORPORATION PROPERTY AND AIRCRAFT  
FOR THE CALENDAR YEAR 2013

WHEREAS, it is necessary for the Board of Supervisors to establish real estate and personal property tax levies for King William County for calendar year 2013, beginning January 1, 2013, and ending December 31, 2013; and

WHEREAS, the Board has duly advertised and held a public hearing on April 15, 2013 on the subject tax levies;

NOW, THEREFORE, BE IT ORDAINED, by the King William County Board of Supervisors that the following County tax levies be, and they hereby are, imposed for the calendar year 2013:

Rate Per \$100 of Assessed Valuation

<u>Class of Property</u>	
1. Real Estate	\$0.79
2. Mobile Home	\$0.79
Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3 of the Code of Virginia	
3. Public Service Corporation Real Property	\$0.79
4. Tangible Personal Property Not Otherwise Exempt Or set out	\$3.65
5. Machinery & Tools	\$2.25
6. Aircraft	\$1.30

Adopted this 22<sup>nd</sup> day of April, 2013

Those members voting:

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

Chairman Moskalski announced ordinance is adopted.

g. Resolution #13-17 – A Resolution Appropriating Funds for the Fiscal Year Budget Beginning July 1, 2013 and Ending June 30, 2014 for King William County, Virginia – T. S. Stone moved for approval of amended Resolution #13-17R – A Resolution Appropriating Funds for the Fiscal Year Budget beginning July 1, 2013 and ending June 30, 2014 for King William County, Virginia; motion was seconded by O. O. Williams.

Chairman Moskalski called for any discussion on amended Ordinance #13-17R.

Mr. Williams feels the County needs to make sure the King William Volunteer Fire Department and Rescue hold up to their end of the bargain before appropriating all the money to them.

Chairman Moskalski reminded Mr. Williams that motion has already been added to the budget and approved.

Chairman Moskalski asked the Deputy Clerk to call roll for motion by T. S. Stone, seconded by O. O. Williams, for approval of amended Resolution #13-17R – A

Resolution Appropriating Funds for the Fiscal Year Budget beginning July 1, 2013 and ending June 30, 2014 for King William County, Virginia.

R E S O L U T I O N #13-17R  
 A RESOLUTION APPROPRIATING FUNDS FOR  
 THE FISCAL YEAR BUDGET  
 BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014  
 FOR KING WILLIAM COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of King William County, Virginia, has heretofore prepared and, on April 22, 2013, adopted a budget for informative and fiscal planning purposes only, with the exception of the School Expenditure Budget, for the fiscal year beginning July 1, 2013; and,

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures as are contained in the Budget,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of King William County, Virginia, this 22<sup>nd</sup> day of April, 2013:

SECTION 1. GENERAL FUNDS. That the amounts herein named aggregating \$24,685,517 or so much thereof as may be necessary, are hereby appropriated for the General Fund subject to the conditions hereinafter set forth in this resolution for the fiscal year beginning July 1, 2013 and ending June 30, 2014, as follows:

EXPENDITURES			
General & Financial Administration	\$	1,487,167	
Board of Elections		184,138	
Judicial Administration		541,577	
Public Safety		4,119,018	
Public Works		1,367,606	
Health & Welfare		180,170	
Community Colleges		7,623	
Parks, Recreation & Cultural		610,747	
Community Development & Environment		345,085	
Non-Departmental		269,903	
Transfers to:			
School Fund	\$	10,304,640	
Town of West Point for Schools		3,052,534	
Town of West Point (Local Sales Tax)		211,630	
Other Funds		<u>956,664</u>	
			14,525,468
Debt Service			825,998
Fund Balance Contribution			<u>362,701</u>
TOTAL GENERAL FUND EXPENDITURES			\$ <u><u>24,685,517</u></u>

SECTION 2. SCHOOL FUNDS. That the amounts herein named aggregating \$23,752,020 are hereby appropriated annually by category for the School Fund subject to the conditions hereinafter set forth in this resolution for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

EXPENDITURES			
Operation	\$	20,819,620	
Capital Improvement Plan		567,000	
Debt Service		<u>2,365,400</u>	
TOTAL SCHOOL FUND EXPENDITURES			\$ <u><u>23,752,020</u></u>

SECTION 3. SPECIAL REVENUE FUNDS. That the amounts herein named aggregating \$3,048,477 or so much thereof as may be necessary, are hereby appropriated for the Special Revenue Funds subject to the conditions hereinafter set forth in this resolution for the purposes hereinafter mentioned for the fiscal year beginning July 1, 2013 and ending June 30, 2014, as follows:

Special Revenue Funds:

Virginia Public Assistance Fund:	Expenditures
Total Expenditures & Other Uses of Funds, VPA Fund:	\$ 1,058,837
Courthouse Maintenance Fee:	Expenditures
Total Expenditures & Other Uses of Funds, CMF Fund:	\$ 6,000
Courthouse Security Fee:	Expenditures
Total Expenditures & Other Uses of Funds, CSF Fund:	\$ 18,897
Regional Animal Shelter Fund:	Expenditures
Total Expenditures & Other Uses of Funds, RAS Fund:	\$ 271,836
School Cafeteria Fund:	Expenditures
Total Expenditures & Other Uses of Funds, SC Fund:	\$ 988,100
Asset Forfeiture Funds:	Expenditures
Total Expenditures & Other Uses of Funds, AF Fund:	\$ 2,100
Four for Life EMS Grant Fund:	Expenditures
Total Expenditures & Other Uses of Funds, FFL EMS Fund:	\$ 15,000
Fire Programs Grant Fund:	Expenditures
Total Expenditures & Other Uses of Funds, FPG Fund:	\$ 28,990
Victim Witness Fund:	Expenditures
Total Expenditures & Other Uses of Funds, VW Fund:	\$ 60,272
Transportation Fund:	Expenditures
Total Expenditures & Other Uses of Funds, Transportation Fund:	\$ 42,675
Comprehensive Services Act Fund:	Expenditures
Total Expenditures & Other Uses of Funds, CSA Fund:	\$ 555,770
Total Special Revenue Funds:	\$ <u>3,048,477</u>

SECTION 4. CAPITAL PROJECTS FUNDS. That the amounts herein named aggregating \$287,411 or so much thereof as may be necessary, are hereby appropriated for the Capital Project Funds subject to the conditions hereinafter set forth in this resolution for the purposes hereinafter mentioned for the fiscal year beginning July 1, 2013 and ending June 30, 2014, as follows:

Capital Project Funds :

Proffer Funds:	Expenditures
Total Expenditures & Other Uses of Funds, Proffer Fund:	\$ 31,411
Capital Improvement Plan:	Expenditures
Total Expenditures & Other Uses of Funds, CIP Fund:	\$ 256,000
Total Capital Project Funds:	\$ <u>287,411</u>

SECTION 5. PROPRIETARY FUNDS. That the amounts herein named aggregating \$440,083 or so much thereof as may be necessary, are hereby appropriated for the Proprietary Funds subject to the conditions hereinafter set forth in this resolution for the purposes hereinafter mentioned for the fiscal year beginning July 1, 2013 and ending June 30, 2014, as follows:

Proprietary Funds:

Water Utility Fund:	Expenditures
Total Expenditures & Other Uses of Funds, WU Fund:	\$ 184,391

Sewer Utility Fund:	Expenditures
Total Expenditures & Other Uses of Funds, SU Fund:	\$ 153,712
Parks & Recreation Program Fees:	Expenditures
Total Expenditures & Other Uses of Funds, P&RP Fund:	\$ 101,980
Total Proprietary Funds:	\$ <u>440,083</u>

**SECTION 6. AGENCY FUNDS.** That the amounts herein named aggregating \$3,294,472 or so much thereof as may be necessary, are hereby appropriated for the Special Revenue Funds subject to the conditions hereinafter set forth in this resolution for the purposes hereinafter mentioned for the fiscal year beginning July 1, 2013 and ending June 30, 2014, as follows:

Trust and Agency Funds:	Expenditures
Regional Alternative Education	\$ 445,840
State Sales Tax	2,715,822
DSS Special Welfare	5,000
Virginia Juvenile Comprehensive Crime Control Act (VJCCCA)	125,410
Project Lifesaver	800
Drug Abuse Resistance Education (DARE)	600
Donation to Sheriff's Office	1,000
Total Trust and Agency Funds:	\$ <u>3,294,472</u>

**SECTION 7.** All of the monies appropriated as shown by the items contained in Section 1 through Section 6 are appropriated upon the terms, conditions and provisions hereinafter set forth in this section.

(1) All appropriations are declared to be maximum, conditional and proportionate appropriations, the purpose being to make the appropriations payable in full in the amounts named herein if necessary, and then only in the event the aggregate revenues collected and other resources available during the fiscal year ending June 30, 2014, for which the appropriations are made, are sufficient to pay all the appropriations in full; otherwise, said appropriation shall be deemed to be payable in such proportion as the total sum of all realized revenue is to the total amount of the revenues estimated by the Board of Supervisors to be available for appropriation in the fiscal year ending June 30, 2014.

(2) No department, agency or individual receiving appropriations under the provisions of this resolution shall exceed the amount of its or his appropriation except with the prior consent and approval of the Board of Supervisors or as set forth in paragraph (5) of this Section 7.

(3) Nothing in this resolution shall be construed as authorizing any reduction to be made in the amount appropriated in this resolution for the payment of interest on or the retirement of the School Debt of King William County.

(4) It is expressly provided that this resolution, with the exception of the expenditures of the funds appropriated, shall apply only to the lump sum amounts which have been included in this resolution.

(5) The Board of Supervisors reserves the right to change at any time during said fiscal year the compensation so provided to any officer or employee and to abolish any office or position excepting such office or position as it may be prohibited by law from abolishing.

The County Administrator is authorized to make such rearrangements of positions and appropriations within the several funds under the control of the Board of Supervisors that may best meet the needs and interests of King William County, Virginia.

**SECTION 8.** All resolutions and parts of resolutions inconsistent with the provisions of this resolution are hereby repealed.

**SECTION 9.** This resolution shall be effective on and after July 1, 2013.

Adopted this 22<sup>nd</sup> day of April, 2013

Those members voting:

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

**RE: ADMINISTRATIVE MATTERS – TRENTON L. FUNKHOUSER,**

**COUNTY ADMINISTRATOR**

The County Administrator had no additional information to report.

**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.

1. Tim Brown, of the 1<sup>st</sup> District, expressed his extreme disappointment in the Board for passing the tax rates in this budget. In his opinion this rate will give the Town residents a rate of \$1.43 for real estate, the highest in the state of Virginia. He feels real estate tax rates are a prime factor when people decide where they want to live. He feels this rate was arrived at the last minute with no time to study or research. He feels this change is not about money but the County seeking more power and control over the Town of West Point.

2. Devin Thomas, of the 4<sup>th</sup> District, spoke of the missed call by KWVFR and said everyone wants to mention the negative and not the positive. On a personal note he said he has known Mr. Otto Williams most of his life and said the disappointment he feels in him is unbelievable.

3. Carroll L. Gresham, Jr., of the 1<sup>st</sup> District, said he is not surprised at the Board's decision tonight; one thing he has learned in his life is Boards never represent the people after being elected into office. He said he is retired and is not able to go back to work. He said he and his wife will have to consider moving from the Town because of the higher tax rate, but where will they go, no one is going to want to purchase a house in West Point. He asked what services are the residents in the Town going to get for the extra taxes they are going to have to pay. In his opinion people in power don't hear what the little man says or what the little man does. He

feels none of the Board members, with the exception of Mr. Redd, are going to feel what the residents of the 1<sup>st</sup> District are going to feel because of this change.

4. John Heller, a resident of King and Queen and a member of King William Volunteer Fire and Rescue, stated he appreciates the Board approving the level funding for KWVFR. He said the skepticism of the Board members that voted no tonight is understood, received and opinion respected. He stated it is his personal mission to do his part to prove, in the near future, this funding was well received and is utilized responsibly to benefit to the citizens of King William County. He pointed out that King William County is one of only two municipalities in the entire eastern third of Virginia served fire and EMS entirely by volunteer personnel, with no supplemental paid staffing. He stated that eventuality is coming for a county based fire and EMS system; until it does we have to make the best we can with what we have to work with and said he appreciates consideration of these factors.

5. Stacy Ellwanger, of the 1<sup>st</sup> District, said she works in Richmond and makes the long commute each day; she has two small children and admits she has not had the time to address political issues, however going forward she said she will attend all Board meetings. She feels the emergency meeting that took place last Friday was not a meeting, it was the Terry show. She watched her yes men go over the budget and said the County Administrator should be ashamed and suggested he move. She said she wants all the districts in the County to bridge so that we can work together; she feels the information presented by Staff destroyed that bridge. She said she is offended by the comment, made by Mr. Greenwood, that the residents of the 1<sup>st</sup> District act like children.

6. Will Addison, of the 1<sup>st</sup> District, said something is blatantly wrong with the statements that have been made that somehow the Town has cheated the County, the Town has not cheated the County; he feels this is the greatest of insults. He feels the Board has done a great disservice to themselves and to the County. In his opinion what the Board has done in effect is rolled the wheels forward to the unintended consequences.

7. Rodney Inge, President of King William Volunteer Fire Department and Rescue, thanked the Board for showing their continued support for KWVFR. He

clarified that some of the invoices submitted to the department were back dated purchases and were presented with a current date of purchase; they are trying to get the company that submitted those invoices to correct that information.

8. W. E. Wills, of the 1<sup>st</sup> District, feels the County Board has spent money like our Federal government. He said there was a perfectly good courthouse in King William but a new one was built at the request of a Judge; he asked is the Judge a dictator. He said West Point has had the same courthouse since 1939. He feels the Board has done a disservice to all.

9. Delegate Keith Hodges, Representative of the 98<sup>th</sup> District for part of King William County and the Town of West Point, said as a legislator he cannot get involved in local issues, he can only watch, observe and serve as a resource for the Town and the County. He said tonight he is offering himself for a possible legislative fix, should that be the direction the Board and the Town wish to take. He said the fix does not have to be the Westmoreland/Colonial Beach model; it can be the King William/West Point model. He said it can be a totally different model with separate legislation, when the Town and the County get together and work together. He said he grew up in King William and went to school in West Point and it breaks his heart that these two localities are at odds with each other. He stated it is his goal to work with each and every one, in the Town and in the County, to try and make this work and get back together.

10. Lynn Vogel, member of the West Point School Board, said she sent an email to all Board of Supervisor members on April 12<sup>th</sup> indicating a very real and sincere interest of working something out. Her email offered other Town leaders would also be interested in doing so. She said she has received no response.

11. Regina Feucht, of the 1<sup>st</sup> District, stated she sent an email to all of the Board members today and one of her concerns is the real estate tax bill that will be arriving very soon to the residents of the 1<sup>st</sup> District with a 192% increase. In her opinion most of the tax payers are not going to have the ease of being able to pay the bill. She said tax payers do not know what the Town is going to do, maybe they will reduce their bill, but the Town bill doesn't come until August. She hopes the Board

considers a plan of how to help people that are extremely strapped to deal with the increased tax bill.

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

**RE: APPOINTMENTS**

No appointments were made.

**RE: BOARD OF SUPERVISORS COMMENTS**

Chairman Moskalski opened the Board of Supervisors comment period.

Mr. Williams thanked everyone for coming out and said he is sorry for the people that are disappointed in the way he voted, he said he has some real convictions on the issues with the fire department. He hopes the Town Council can work with the Board to get some of these things worked out and feels some of this can be fixed, he would hate to see it this bad next year. He stressed working together is an important thing. He spoke about King William having all volunteer fire and rescue organizations and said that thirteen positions were paid for running calls for one year, where is the volunteerism in that; this issue upsets him. The County funded the department, they were receiving recovery money, supposedly paying people, and he was all for paying positions. He said he has a lot of respect for volunteers, but not those that expect pay or they don't volunteer; they have run away some good volunteers in his opinion. He said he would not want to be in Mr. Inge's shoes, there are a whole lot of problems that need to be worked through. He said he is looking forward to them working the problems out and to them answering calls. He said as far as the tax issue he wishes the Board had more time and notice, but going forward he suggested the Town needs to work with the County, as well as the County with them. He said it was said the Council came to the County last May for the two bodies to work together. He said Mr. Redd was Chairman back then and he didn't hear any motions from him for any meetings between the two bodies; the situation needs to be looked at from all sides. He said Mr. Redd has represented the 1<sup>st</sup> District 110% for every year he has been on the Board but he has not seen where the Town wants to work together. He hopes for a resolution in the future.

Mr. Greenwood said Mr. Redd is working for his district and the other board members are working for their districts. He said there have been injustices in the past; the rate was going to be higher anyway, even before this discovery. He explained Ms. Stone showed ways to make the tax rate more equitable. He said this came on all of a sudden and everybody had the same amount of time to digest, County staff reached out to the Town. He feels he has to go with what is legal and speak for the citizens from the 3<sup>rd</sup> District; that is why he voted that way he did.

Mr. Redd thanked everyone for coming out, especially those from the 1<sup>st</sup> District. He said everyone in attendance witnessed a crime against the citizens of the Town of West Point. He said when this County gets hit with some large legal fees in the near future; he wants everybody here just to remember that those expenses could have been prevented tonight, had we taken different action.

Ms. Stone said to the extent that it is the Terry Stone show it is not intended to be. She said she has not made accusations at anyone. She stated an error was discovered and the Board moved to correct the error. She said she is happy to work with both governing bodies to look at the formula but again she feels when you start looking at the numbers, because they are the facts, they are not necessarily going to play the way that everyone is hoping they do. She said she appreciates everyone being here tonight and all the input.

Chairman Moskalski thanked everyone for attending; those that chose to stay and not disrupt the room. He stated he feels the Board has moved too quickly and has made a decision that the Board does not fully understand the far reaching impacts. He said not just the rate on the Town; that is certainly a concern, Town Council needs to be prepared to take whatever action to equalize but said that is not the County's call. He said he is again concerned that the Board has tied the funding for our schools in a way that we do not understand and the impacts. He is also concerned that the Board has given up some of our own autonomy with King William schools in an attempt to diminish West Point's. He feels the best way to move forward would be to continue with the rate and fixing the PPTRA misallocation; there is your historical in the rate. Otherwise we are dealing with methods of taxation, he has had lawyers from all sides tell him, you can or either there is no clear answer. He said he appreciates the County

Attorney's input on the matter and said he has certainly stuck by his word, never using the word illegal but perhaps not statutorily allowable. He said the County Attorney also gave advice on several different ways to carry forward, one of which being continue with the split rate, what will happen, it has been done this way for 50 years. Having said all of that, he said we are where we are now; he hopes a solution can hashed out. He thanked Delegate Hodges for being so gracious in attending the meeting tonight.

**RE: ADJOURNMENT OF MEETING**

There being no other business to come before this Board, the meeting was adjourned at 9:40 p.m. on motion by O. O. Williams, seconded by C. T. Redd III, and carried unanimously.

COPY TESTE:

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T. J. Moskalski, Chairman  
Board of Supervisors

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