

**MINUTES  
KING WILLIAM COUNTY  
BOARD OF SUPERVISORS  
MEETING OF MAY 20, 2013**

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 20<sup>th</sup> day of May, 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 Board of Supervisors 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 Moskalski called the meeting to back order at 7:25 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.

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, gave a brief review of the recent activities of the organization. He stated at the request of the Board vendors are forwarding bills for the department directly to the County for payment; some vendors indicated it could take as much as 30 to 60 days to make the transition. He said the community has shown great support in the recent fund raisers they have held; such as the brunswick stew and yard sale. He stated per insurance guidelines with the County there are concerns with the junior squad members and the age requirements for running calls on fire and EMS; the County is researching the requirements. He said it is very important that the junior squad members learning at the high school level get hands on experience. He said the department has stepped up in answering calls in the current month and has shown an improvement over the month of April. He mentioned the County has researched the savings on purchasing diesel fuel and an estimate of 15% savings could be had. He noted Curtis Mason, Jr. recently stepped into the position of EMS Chief.

Continuing Mr. Inge stated the \$111,000 allocated by the Board for operating the department is greatly appreciated, but will fall short of the cost for the basic running of the station and more funding will be needed. He restated \$244,500 is the bare minimum needed to operate the station. He said it has been a real effort to keep the moral of the volunteers up. He noted approximately twelve volunteers are working on fund raising; many ideas are in the works, in an effort to building the relationship between citizens and the department. He mentioned the next big event coming up is an open house at the station and is proposed to occur during the month of June.

Mr. Greenwood inquired about the auction event that took place at the station over the past weekend.

Mr. Inge stated Dr. Lewis holds a silent auction each year to benefit the Cornerstone. He said Dr. Lewis said he would donate some of the proceeds from that auction to King William Fire and Rescue. He further stated Dr. Lewis has also donated most of what is needed for the chicken dinner planned for September. He said Dr. Lewis has been a strong supporter of the department and continues to show his support.

Mr. Williams asked for clarification if the department is still recruiting members and the required qualifications for applying.

Mr. Inge stated they are actively recruiting members. He explained that two members joined King William Volunteer Fire & Rescue and joined Mangohick at the same time; those two memberships were terminated by Mangohick due to lack of certification requirements. He mentioned KWVFR is exploring the possibility of getting an EMS class started, with assistance from Mr. Lindsey, Mr. Bingham and Mr. Funkhouser; classes will more than likely be conducted in the Mattaponi area and also in the Hanover area.

Mr. Williams asked for clarification when Mr. Mason was voted back into membership.

Mr. Inge confirmed Mr. Mason was voted back into membership in the meeting before last.

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 S. K. Greenwood, with the following roll call vote, the Board approved the following items on its Consent Agenda:

a. Claims against the County for the month of May, 2013, in the amount of \$1,707,472.84 as follows:

(1) General Fund Warrants #77740-77755 in the amount of \$910,706.52; ACH Direct Payments #3561-3565 in the amount of \$6,511.78 for April 2013. General Fund Warrants #77778-77867 in the amount of \$309,791.42; ACH Direct Payments #3570-3656 in the amount of \$74,339.69; Direct Deposits #18021-18127 in the amount of \$185,158.37; and Electronic Tax Payment in the amount of \$74,796.98 for May, 2013.

(2) For informational purposes, Social Services expenditures for the month of April, 2013, Warrants #309651-309689 in the amount of \$31,865.50; ACH Direct Payments #878-901 in the amount of \$13,213.57; Direct Deposits #2976-2994 in the amount of \$30,065.07; and Electronic Tax Payment in the amount of \$12,142.12.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of April, 2013, Warrants #77756-77777 in the amount of \$52,496.38; and ACH Direct Payments #3466-3469 in the amount of \$6,385.44.

(4) There were no Tax Refunds for the month of May, 2013.

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 Adopt Proposed Ordinance # 13-05 – An Ordinance to Amend Ordinance # 12-05 to Relocate the Polling Place for the Sweet Hall Precinct (201), Second Election District – The County Administrator stated historically Brett Reed Church served as the polling place for the Sweet Hall Precinct, in the second election district, and at some point the polling place was moved to the VFW building, in the second election district. He said Brett Reed Church has completed some significant renovations, the Electoral Board has suggested moving the polling place back to this location due to some inadequacies at the VFW building.

i. Public Hearing - Ordinance # 13-05 – Chairman T. J. Moskalski declared the public hearing open to receive comments on the proposed change in the polling place location in the second election district.

No persons appeared to speak for or against the proposed change in the polling place location in the second election district. The Chairman declared the public hearing closed.

ii. Consideration of Ordinance # 13-05 – On motion by S. K. Greenwood, seconded by T. S. Stone, to approve Ordinance # 13-05 – An Ordinance to Amend Ordinance # 12-05 to Relocate the Polling Place for the Sweet Hall Precinct (201), Second Election District.

Mr. Redd asked for clarification that the County Attorney has reviewed Ordinance # 13-05 for correctness; the County Attorney confirmed he has reviewed Ordinance # 13-05.

Mr. Williams asked for clarification that the residents in the Sweet Hall portion of the second district are aware of the proposed change.

The County Administrator confirmed the public hearing and intent to adopt the proposed change in the polling place within the second election district has been properly advertised. He further noted citizens affected by such change will be notified, if approved.

Susan Mickens, Registrar for King William County, noted upon approval by the Board of Supervisors of the suggested change in the polling place further approval is required from the Department of Justice.

Chairman Moskalski asked for clarification if new voter cards will be mailed to those citizens a change would affect.

Ms. Mickens answered in the affirmative and stated once approved by the Department of Justice the change in the polling place will be properly publicized.

Upon the completion of consideration of Ordinance # 13-05 the Board approved the ordinance with the following roll call vote:

ORDINANCE # 13-05

AN ORDINANCE TO AMEND ORDINANCE # 12-05 TO RELOCATE THE POLLING PLACE FOR THE SWEET HALL PRECINCT (201), SECOND ELECTION DISTRICT

WHEREAS, The Electoral Board of King William County has determined that the facility currently used for the Sweet Hall Precinct polling place in the Second Election District is inadequate for the facilitation of elections due to a lack of parking capacity, sufficient public space outside for those campaigning, proper restrooms for staff or a reliable heating system and the Electoral Board has recommended to this Board that the location be changed; and

WHEREAS, Brett Reed Memorial Presbyterian Church, which at one time served as the polling place for this precinct, has improved its facilities to offer handicapped accessibility, more parking, greater space and better climate control and lighting, and these improvements will enhance the voting experience for voters and officers of election, and the Electoral Board has recommended this facility and obtained permission for its use as a polling place; and

WHEREAS, proposed Ordinance # 13-05 changes the polling place location for all elections for King William Election Precinct 201 (Sweet Hall) in the Second Election District from the present location of the VFW Building located at 1658 VFW Road, West Point, VA 23181 to Brett Reed Memorial Church, located at 29680 King William Road, West Point, VA 23181, and will not change any representation or have any impact on voter participation;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of King William County this 20<sup>th</sup> day of May, 2013 that Ordinance # 13-05, amending Ordinance # 12-05 is hereby enacted to read as follows:

AN ORDINANCE TO AMEND ORDINANCE # 12-05 TO RELOCATE THE POLLING PLACE FOR THE SWEET HALL PRECINCT (201), SECOND ELECTION DISTRICT

Section 1. Pursuant to the authority contained in the Code of Virginia, 1950, as amended, the Election Districts of King William County, Virginia, are hereby altered and established as set forth in this Ordinance.

Section 2. The Election District with populations set forth are as follows:

| <u>DISTRICT</u>          | <u>POPULATION</u> |
|--------------------------|-------------------|
| First Election District  | 3,306             |
| Second Election District | 3,067             |
| Third Election District  | 3,235             |
| Fourth Election District | 3,058             |
| Fifth Election District  | 3,269             |

First Election District  
*-West Point Precinct*

The boundaries of the West Point Precinct shall be the corporate limits of the Town of West Point as described in an order of the Circuit Court of King William County entered on the ninth day of December, 1963, and of record in the clerk’s office of that Court in Chancery Order Book 13, page 216 and as those limits were enlarged by the voluntary boundary agreement approved on the twenty-third day of August, 1999, by the Board of Supervisors of King William County and approved on the eighth day of September, 1999, by the Town Council of the Town of West Point.

Second Election District  
*-Courthouse Precinct*

From the intersection of the Pamunkey River and Census Blocks 2201 and 2212, approximately 350 yards southwest of the terminus of Green Level Road, then following the boundary of the aforementioned Census Blocks to its intersection with Green Level Road, then northeasterly following the centerline of Green Level Road to its intersection with Mt. Olive-Cohoke Road (Rt. 632), then northwesterly following the centerline of Mt. Olive-Cohoke Road northeasterly to its intersection with Jacks Creek Road (Rt. 629) continuing northeasterly along the centerline of Jacks Creek Road to its intersection with Acquinton Church Road (Rt. 618), then northwesterly following the centerline of Acquinton Church Road to its intersection with East River Road (Rt. 600). Then following northerly along the centerline of East River Road (Rt. 600) to its intersection with King William Road (Rt. 30). Then crossing King William Road (Rt. 30) and continuing along the centerline of West River Road (Rt. 600) to its intersection of census block 4070 and following an unnamed tributary of the Mattaponi River. Then following that boundary westerly to its intersection with the Mattaponi River. Then following the centerline of the Mattaponi River downstream, southeasterly to its intersection with the Mattaponi Indian Reservation’s southern boundary which is the boundary between Census Blocks 2062 and 2041, then following that boundary westerly to its intersection with Indian Town Road (Rt. 625), then following the centerline of Indian Town Road southerly to its intersection with East Rose Garden Road (Rt. 626), then following the centerline of East Rose Garden Road (Rt. 626) westerly to its intersection with King William Road. Then following centerline of West Rose Garden Road (Rt. 626) to its intersection with Powhatan Trail (Rt. 633), and then along the centerline of Powhatan Trail to the Pamunkey River.

*-Sweet Hall Precinct*

From the Mattaponi Indian Reservation’s southern boundary which is the boundary between Census Blocks 2062 and 2041, then following the centerline of the Mattaponi

River downstream, southeasterly to its intersection with the unnamed tributary of the Mattaponi River that forms the boundary of Census Blocks 1011 and 1007, then following that boundary southerly to its intersection with Geron Lane, then following the centerline of Geron Lane to its intersection with Chelsea Road (Rt. 635), then following the centerline of Chelsea Road northwesterly to its intersection with the West Point town boundary then following the town boundary southwesterly to its intersection with VFW Road (Rt. 636) then following the centerline of VFW Road southeasterly to its southern intersection with the West Point town boundary then following the town boundary westerly to its intersection with the Pamunkey River, then northwesterly following the centerline of the Pamunkey River to Lester Manor Landing, then following the centerline of Powhatan Trail (Rt. 633) to its intersection with West Rose Garden Road (Rt. 626), then following the centerline of West Rose Garden Road northeast to its intersection with King William Road (Rt. 30). Then following the centerline of King William Road, northwesterly, to its intersection with East Rose Garden Road, then following the centerline of East Rose Garden Road, northerly, to its intersection with Indian Town Road, then following the centerline of Indian Town Road, northerly, to its intersection with the Mattaponi Indian Reservation's southern boundary which is the boundary between Census Block 2005 and 2087.

#### Third Election District

##### *-Aylett Precinct*

From the confluence of Herring Creek and the Mattaponi River, westerly along the centerline of Herring Creek, then westerly along the centerline of Millwood Rd. (Rt. 607) to the intersection with Upshaw Rd. (Rt. 608), then following the centerline of Upshaw Road to the intersection with Vessels Road (Rt. 659). Then southerly along the centerline of Vessels Road (Rt. 659) along boundary line of census block 3018 to centerline of Cherry Hill Drive (Rt. 1225) to its intersection with King William Road (Rt. 30). Then southeasterly along the centerline of King William Road (Rt. 30) to its intersection with West River Road (Rt. 600). Then following West River Road (Rt. 600) to its intersection of census block 4070 and following an unnamed tributary to the Mattaponi River. Then following that boundary westerly to its intersection with the Mattaponi River. Then following the Mattaponi River northwesterly to the confluence of Herring Creek.

#### Fourth Election District

##### *-Manquin Precinct*

From the intersection of King William Road (Rt. 30) westerly following the centerline of King William Road (Rt. 30) and Cherry Hill Drive (Rt. 1225) to the intersection with Enfield Road (Rt. 610), then southerly along the centerline of Enfield Road to the intersection with unnamed road that is the boundary for Census Block 1003, Census Block 1008, and Census Block 1010, then following said unnamed road to its intersection with another unnamed road that serves as the boundary for Census Blocks 1054, 1055 and 1057, then southerly to its intersection with Dabneys Mill Road, following the centerline of Dabneys Mill Road (Rt. 604) to its intersection with Mehixon Creek Lane, then following Mehixon Creek Lane to Mehixon Creek, then to its confluence with the Pamunkey River. Then following the centerline of the Pamunkey River southerly to the intersection of Census Blocks 2201 and 2212, then following the boundary of the aforementioned Census Blocks to its intersection with Green Level Road (Rt. 621), then northeasterly following the centerline of Green Level Road to its intersection with Mt. Olive-Cohoke Road (Rt. 632). Then following northwesterly along the centerline of Mt. Olive-Cohoke Road (Rt. 632) to its intersection with Jacks Creek Road (Rt. 629) continuing northeasterly along the centerline of Jacks Creek Road to its intersection with Acquinton Church Road (Rt. 618). Then following northwesterly along the centerline of Acquinton Church Road to its intersection with East River Road (Rt. 600). Then following northerly along the centerline of East River Road (Rt. 600) to its intersection with King William Road (Rt. 30). Then following the centerline of King William Road (Rt. 30), northwesterly, to its intersection with Kelley Lane (Rt. 612). Then northwesterly following the centerline of Kelley Lane (Rt. 612) to its intersection with Cherry Hill Drive (Rt. 1225).

#### Fifth Election District

##### *-Mangohick Precinct*

From the intersection of the county boundary with Caroline County and the Mattaponi River, downstream along the centerline of the Mattaponi River, then westerly along the centerline of Herring Creek, then westerly along the centerline of Millwood Rd. (Rt. 607) to the intersection with Upshaw Rd. (Rt. 608), then following the centerline of Upshaw Rd. to the intersection with Vessels Road (Rt. 659), then following centerline of Vessels Road (Rt. 659) and along the boundary line of Census Block 3018 to centerline of Cherry Hill Drive (Rt. 1225) and to its intersection with King William Road (Rt. 30). Then following the centerline of King William Road (Rt. 30) westerly to its intersection with Enfield Road (Rt. 610). Then southerly following Enfield Rd. to the intersection with unnamed road that is the boundary for Census Block 1010, Census Block 1008, and Census Block 1003, then following said unnamed road to its intersection with another unnamed road that serves as the boundary for Census Blocks 1057, 1055 and 1054, then southerly to its intersection with Dabneys Mill Road, following the centerline of Dabneys Mill Road to its intersection with Mehixon Creek Lane, then following Mehixon Creek Lane to Mehixon Creek, then to its confluence with the Pamunkey River. Then upstream northwesterly along the centerline of the Pamunkey River to its intersection with the county boundary with Caroline County, and then returning to the origin, following the county boundary, at the intersection of the county boundary with Caroline County and the Mattaponi River.

Precinct Voting Locations

First – West Point Armory  
110 Thompson Ave – “West Point”

Second-A – Brett Reed Memorial Presbyterian Church  
29680 King William Road – “Sweet Hall”

Second-B – King William Admin. Bldg.  
180 Horse Landing Road – “Courthouse”

Third – King William Vol. Fire & Rescue  
7936 Richmond-Tappahannock Hwy. – “Aylett”

Fourth – King William High School  
80 Cavalier Drive – “Manquin”

Fifth – Mangohick Vol. Fire Dept.  
3493 King William Road – “Mangohick”

Section 3. One supervisor shall be elected from each Election District as set forth by this Ordinance by the qualified votes of such district.

Section 4. Map references are based on Census Bureau digital data incorporated in the King William County geographic information system.

Section 5. Should any section or provision of this Ordinance be decided to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any other section and provisions of this Ordinance.

Section 6. This Ordinance shall be in full force and effect upon its adoption and enactment by the Board of Supervisors of King William County, Virginia.

Adopted this 20<sup>th</sup> day of May, 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 |

b. Public Hearing and Intent to Adopt Proposed Ordinance # 13-06 – An Ordinance to Delete Section 70-44 “Board of Equalization” and Amend Section 70-45 of the King William County Code “Three Year Assessment and Equalization Schedule”

– The County Administrator stated the proposed change to the King William County Code deletes some unnecessary language in Section 70-44. He said consistent with Board discussions during the budget process, earlier this year, the proposed change to Section 70-45 moves the assessment and equalization schedule from a three year to a four year cycle.

i. Public Hearing - Ordinance # 13-06 – Chairman T. J. Moskalski declared the public hearing open to receive comments for or against proposed Ordinance # 13-06.

No persons appeared to speak for or against the proposed changes in the King William County Code in Section 70-44 “Board of Equalization” and in Section 70-45 “Three Year Assessment and Equalization Schedule”. The Chairman declared the public hearing closed.

ii. Consideration of Ordinance # 13-06 – C. T. Redd III motioned for approval of Ordinance # 13-06 – An Ordinance to Delete Section 70-44 “Board of Equalization” and Amend Section 70-45 of the King William County Code “Three Year Assessment and Equalization Schedule”; motion was seconded by T. S. Stone.

Mr. Williams asked for clarification the proposed change in the reassessment and equalization cycle is so the county stays in compliance with state code; the County Administrator answered in the affirmative.

Upon the completion of consideration of Ordinance # 13-06, the Board approved the ordinance with the following roll call vote:

ORDINANCE # 13-06  
An Ordinance to Delete Section 70-44 “Board of Equalization”  
and Amend Section 70-45 of the King William County Code  
“Three Year Assessment and Equalization Schedule”

WHEREAS, Section 70-44 of King William County Code provides deadlines for action of the Board of Equalization; and

WHEREAS, Section 70-45 of King William County Code specifies that the County undertake a Real Property reassessment every three years; and

WHEREAS, after a duly advertised and held public hearing, the Board feels it appropriate to amend the King William County Code to establish a four year

reassessment and equalization cycle and to delete the Board of Equalization deadlines that are otherwise established by state law;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 20<sup>th</sup> day of May, 2013, delete and amend Sections 70-44 and 70-45 of the King William County Code as follows:

Section 70-44. Board of Equalization, is hereby deleted.

Section 70-45. Four-year assessment and equalization cycle is hereby amended to read:

There shall be a general reassessment and equalization of assessments of all real property in the County on a four-year cycle, with the next such general reassessment being effective on January 1, 2015 and with subsequent general reassessments being effective every fourth year thereafter.

Adopted this 20<sup>th</sup> day of May, 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 |

c. Public Hearing and Intent to Adopt Proposed Ordinance # 13-08R – An Ordinance to Impose Property Tax Levies upon Real Estate, Mobile Homes, Tangible Personal Property, Public Service Corporation Property, Machinery and Tools, and Aircraft for the Calendar Year 2013, and to Repeal and Replace Ordinance # 13-04R, adopted April 22, 2013 relating to the same subject and entitled “An Ordinance to Impose Tax Levies upon Real Estate, Tangible Personal Property, Public Service Corporation Property and Aircraft for the Calendar Year 2013” – The County Administrator pointed out a paragraph in Ordinance # 13-08R that references Civil Case 13-37 that extends the deadline for paying taxes to August 5<sup>th</sup> for property owners in the Town of West Point corporate limits only. He said taxes are typically due June 25<sup>th</sup>; this extension was part of court order.

Ms. Stone asked for clarification the extension for property owners in the Town of West Point is for real estate taxes only; the County Administrator answered in the affirmative.

i. Public Hearing – Ordinance # 13-08R – Chairman T. J. Moskalski declared the public hearing open to receive comments, for or against, proposed Ordinance # 13-08R.

Chairman Moskalski announced a sign-up sheet was provided, prior to the start of the meeting, for anyone wishing to speak during the public hearing and only one person signed in; that being Mayor Jim Hudson. Mayor Hudson was called forward to speak.

1. Mayor Jim Hudson, of the Town of West Point, addressed the Chairman and members of the Board, and said he is speaking on behalf of West Point Town Council. He thanked the Board for the opportunity to speak and for agreeing to meet with Town Council to define their relationship going forward. He said he believes that reasonable people can put differences aside and concentrate on their common ground, and he feels we have a whole lot of common ground here. He feels the Board is wrestling with a number of budget issues, among them land use taxes and elderly tax relief. He said these types of tax benefits are made possible and much easier by a robust and commercial industrial tax base; and that tax base in turn will be attracted to our locality if we have cohesive, stable and inviting local governments. He said both governing bodies simply have to move beyond petty differences and work together for the good of this entire county. In his opinion prosperity at either end of King William County benefits the entire county. He stated the Town Council pledges to work with this Board in the spirit of openness and compromise as long as they are met with commitment from this Board; he said he is sure they will be. He said Town Council will be responsive to requests for scheduling and information and assures this Board will match their efforts. He said Town Council looks forward to getting started and meeting the schedule in the agreement and schedule set forth by the Circuit Court of King William County. Again, he thanked the Board for agreeing to sit down together and working with them; he said it is appreciated.

There being no other persons appearing to speak for or against proposed Ordinance # 13-08R the Chairman closed the public hearing.

ii. Consideration of Ordinance # 13-08R – C. T. Redd III said before the Board considers Ordinance # 13-08R, he feels over the past week there has been a lot of work done by several people to take this issue in a positive direction. He said he would like to thank those individuals from the Town and the County involved in this process; a lot time has been spent on this important issue and he appreciates the

efforts. He stated this Board still has one last opportunity tonight to make this whole thing right.

Continuing Mr. Redd motioned to scrap Ordinance # 13-08, for which the public hearing was just held, and go back to the original split levy that the Board discussed in April. He said we know we are going to work to get an agreement for next year. He feels the Board should sit back and think about this whole thing, go back to a split levy for this year and then go back with statute through the General Assembly for next year and move everything in a positive direction; Chairman T. J. Moskalski seconded the motion from the chair.

Chairman Moskalski called for any discussion on the motion before the Board. There being none he asked the Deputy Clerk to call roll.

Those members voting:

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

Chairman Moskalski announced the motion failed.

Chairman Moskalski called for a motion on Ordinance # 13-08R.

T. S. Stone moved approval of Ordinance # 13-08R; motion was seconded by S. K. Greenwood and was carried with the following roll call vote:

ORDINANCE # 13-08R  
AN ORDINANCE TO IMPOSE PROPERTY TAX LEVIES UPON REAL ESTATE,  
MOBILE HOMES, TANGIBLE PERSONAL PROPERTY, PUBLIC SERVICE  
CORPORATION PROPERTY, MACHINERY AND TOOLS, AND AIRCRAFT FOR THE  
CALENDAR YEAR 2013, AND TO REPEAL AND REPLACE ORDINANCE # 13-04R,  
ADOPTED APRIL 22, 2013  
RELATING TO THE SAME SUBJECT AND ENTITLED "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 previously adopted property tax levies for said purpose by Ordinance #13-04R on April 22, 2013, after holding a public hearing but the validity of that action has been questioned due to alleged defects in the notice given to the public; and

WHEREAS, the Board has duly advertised and held a second public hearing on May 20, 2013, on the subject tax levies;

NOW, THEREFORE, BE IT ORDAINED by the King William County Board of Supervisors this the 20<sup>th</sup> day of May, 2013, that the following general County property tax levies be, and they hereby are, imposed on all such property not exempted by law located within King William County, to include the Town of West Point, for the calendar year 2013:

|    | <u>Class of Property</u>   | <u>Rate Per \$100 of Assessed Valuation</u> |
|----|--|---|
| 1. | Real Estate  | \$0.79                                      |
| 2. | Mobile Homes (Vehicles without motive power, used or designed to be used as manufactured homes as defined in Section 36-85.3 of the Code of Virginia.) | \$0.79                                      |
| 3. | Public Service Corporation Property  | \$0.79                                      |
| 4. | Tangible Personal Property not otherwise exempt or set out   | \$3.65                                      |
| 5. | Machinery & Tools  | \$2.25                                      |
| 6. | Aircraft   | \$1.30                                      |

BE IT FURTHER ORDAINED AND ENACTED that Ordinance #13-04R is hereby repealed; and

BE IT STILL FURTHER ORDAINED AND ENACTED that, notwithstanding the provisions of Section 70-42 of the King William County Code, the first installment of real estate taxes due for calendar year 2013 on real property located within the boundaries of the Town of West Point shall be due and payable on or before August 5, 2013, in accordance with the Order of the Circuit Court of King William County entered on May 17, 2013, in Civil Case No. 13-37, and penalties and interest for late payment of taxes due on such real property shall be adjusted and assessed accordingly.

This ordinance shall be effective upon adoption.

Adopted this 20<sup>th</sup> day of May, 2013

Those members voting:

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

d. Resolution #13-18 – Award of Contract – McKendree Church

Observation Well Nest – The County Administrator stated he hopes to report to the Board next month this project is complete. He stated for Board consideration is a proposed award of a contract to Water Well Solutions, in the amount of \$155,000, to install the observation wells that were required by the County’s ground water withdrawal permit that was issued in 2009.

On motion by C. T. Redd III, seconded by O. O. Williams, with the following roll call vote, the Board approved the following Resolution #13-18 – Award of Contract –

McKendree Church Observation Well Nest; with corrected verbiage in contract stating the correct location of the well nest:

RESOLUTION #13-18  
AWARD OF CONTRACT – MCKENDREE CHURCH OBSERVATION WELL NEST

WHEREAS, A Virginia Department of Environmental Quality (VDEQ) mandate related to King William County groundwater withdrawal permit (GW0007400) issued in November 2009 required the County to install an observation well nest within 15 months of receiving the withdrawal permit; and

WHEREAS, On February 1, 2011 the Virginia State Control Board issued enforcement action to King William County under §62.1-268 of the Code of Virginia; and

WHEREAS, King William County experienced repeated difficulty in identifying an appropriate site for the observation well nest; and

WHEREAS, In order to continue water service on the County water system and avoid a health hazard to the public, the County must complete the observation well nest by June 21, 2013; and

WHEREAS, the Invitation for Bids (IFB) for this project was advertised in the Tidewater Review on May 1, 2013, advertised in the Richmond-Times Dispatch on May 2, 2013 and further communicated to qualified potential contractors by Draper Aden Associates and VDEQ and one bid was received, such bid was consistent with engineering costs estimates and the bidder is qualified to perform the requested work.

NOW, THEREFORE BE IT RESOLVED, a contract in the amount of \$155,000 is hereby awarded to Water Well Solutions, LC (sic), to install the required observation well nest.

Adopted this 20<sup>th</sup> day of May, 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 |

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

**COUNTY ADMINISTRATOR**

a. Resolution #13-19 – Regional Burn Building Grant Support – Proposed New Kent County Facility – The County Administrator stated for Board consideration is a resolution in support of an application for a regional burn building that the County of New Kent has asked King William, Charles City, King and Queen, the Town of West Point and James City to support. He said this is an application only and does not obligate the Board in any way, shape or form to future expenditures; this is noted in the last paragraph of the resolution. He said in order for New Kent to submit this application they need regional partners to see if they will get any funding at all towards this facility.

Mr. Williams asked for clarification that basically this gives our fire fighters another facility to do training, hopefully cheaper than what we have been doing.

The County Administrator said in theory, in the future, if this facility is developed and depending on how much money it costs to operate on an annual basis, the Board would be asked either to participate as a regional partner and make some sort of duration and money commitment; or a fee basis which is consistent with other training facilities that let non-members participate. We do not have to participate at all, but it will be available.

On motion by O. O. Williams, seconded by S. K. Greenwood, with the following roll call vote the Board approved the following Resolution #13-19 – Regional Burn Building Grant Support, Proposed New Kent County Facility:

RESOLUTION #13-19  
REGIONAL BURN BUILDING GRANT SUPPORT  
PROPOSED NEW KENT COUNTY FACILITY

WHEREAS, the Virginia Department of Fire Programs has made localities aware of a grant entitled “Grant Awards to Construct, Renovate or Repair Burn Buildings throughout the Commonwealth”; and

WHEREAS, New Kent County has requested the localities of Charles City, King William, King and Queen, West Point and James City (“the Consortium”) to work together in obtaining a grant to construct a new burn building in New Kent County; and

WHEREAS, guidance from the Virginia Department of Fire Programs states, in part, “...In the event that an award is to be made for a Burn Building serving more than one eligible jurisdiction, then that consortium of eligible jurisdictions shall identify one of their own to serve as the agent for all; and

WHEREAS, a lead locality will apply for the grant and New Kent County has volunteered to act as the lead locality and New Kent County has asked for a written commitment from each governing body of the consortium.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors of King William County authorizes New Kent County to apply for the VA Department of Fire Programs Grant as the lead locality of the consortium and further authorizes the Chairman of the Board of Supervisors and County Administrator of King William County to sign any documents supporting this grant effort so long as such efforts do not obligate King William County to the expenditure of funds unless additional action(s) of the King William County Board of Supervisors authorize such expenditure(s).

Adopted this 20<sup>th</sup> day of May, 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 |

**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. Anita Roy, of the 1<sup>st</sup> District, asked for clarification of how much the County had to pay for getting involved in the failed reservoir project. She reviewed the amount of combined taxes she pays to the County and Town and asked what her tax bill would be if her house was located in the County. She said it surprises her that 80% of the County cannot support the King William school system but 20% can support the West Point school system. She stated she used to live in the County but chose to move her family to West Point because of a 911 incident that occurred with her child a number of years ago. She commented on a social network conversation she had with a King William School Board member and her disappointment in the awful attitude he showed to her and hopes this Board does not have the same attitude. She said she is excited the Board and Town Council are going to meet to work out the differences.

Mr. Redd asked Ms. Roy to meet him after the meeting and he will discuss her question about the reservoir project.

2. Sibyl Rose, of the 2<sup>nd</sup> District, stated she wrote a letter to the Board last month concerning a zoning violation that is adjacent to her property. She said she is very concerned about a decision to not pursue any enforcement and to allow this violation to continue. She said she has met with the County Administrator several times and he has made site visits; she has also spoken with her Supervisor, Mr. Moskalski. She said her main concern is the negative impact this has on her property value as with the erosion of the structure that is on a vertical cliff on the river. She does not feel the county was remiss at all through the zoning department, she feels it is the responsibility of the contractor to comply with local and state zoning ordinances. She said this is a Chesapeake Bay Act violation. She stated this was supposed to go before the Planning Commission for a special exception and that did not happen. She said she is speaking tonight with her concerns of the river, her property value and her concerns the county is going to let this slide.

3. Charles Piersa, of the 2<sup>nd</sup> District and representing the Farm Bureau, stated several farmers have contacted the Bureau with problems with deer damages to their crops. He stated he has discussed this issue with the Game Warden and was told all surrounding localities, except King William County, allows open doe season. He stated he is aware the Department of Game and Inland Fisheries are in the process of reviewing regulations and will be meeting in June to discuss/approve changes. He urged the Board to support open doe season in King William County.

4. Ann Todd, property owner in the 2<sup>nd</sup> District, stated she is a property owner in King William County that has been over taxed for many years. She said she appreciates the diligence this Board took in finding the error. She commends the Board and stated she is aware the Board members have a tough job and feels it is hard to present an error to the public once it is discovered. She said she is thankful the Board is working to make this equitable for all property owners in King William.

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.

Ms. Stone thanked everyone for coming out and said all comments are appreciated. She said she is looking forward to working collectively, either as a board or subcommittee, with the Town of West Point on a formula for a split tax rate that is equitable and fair to all five districts of this County; she is confident this can be done. She wished everyone a safe Memorial Day.

Mr. Redd also thanked everyone for coming to the meeting and said it is nice to see so many faces from West Point in the audience. He said a lot has been seen in the last few meetings and we will probably see more for the duration of the year. He said he is also glad the two governing bodies have worked something out. In his opinion he feels this entire Board is going to work really hard to come up with an agreement that works for everyone. He pledged to the 1<sup>st</sup> District that he is going to work really hard to make sure we accomplish this task and meet the requirements

under Civil Case No. 13-37. He stated if anyone has any suggestions or comments to please contact him because he is ready and willing to hear what they have say.

Mr. Williams thanked everyone for attending the meeting and said he is aware that this is a stressful time but feels we are on our way to dealing with the issues. He said he is looking forward to seeing improvement in fire and rescue while trying to survive; he knows they are trying hard. He said when you hear people talking about moving out of the district because of fire and rescue response, it really hurts. He wished everyone a safe holiday.

Mr. Greenwood thanked citizens for attending the meeting. He also thanked Mayor Hudson and Town Council for bringing the motion to the Board to work together to come to a mutual agreement. He said he is looking forward to being a participant in the process. He asked everyone to keep those that have been devastated by the tornado, in Oklahoma, in their thoughts and prayers.

Chairman Moskalski also thanked everyone for coming out tonight. He said he is very glad we are on the path towards reconciling these differences regarding the levy. He stated we have some heavy lifting and hard work ahead of us, but he is happy that we can set aside some of the adversarial interactions and move forward as a community; he feels that is very important. He said he is looking forward to getting back to some other important matters that need to be addressed; obviously this has been dominating the time of both the Board members and staff. He echoed Mr. Greenwood's comments of keeping those in Oklahoma that have been affected in thoughts and prayers. He wished everyone a safe trip home and looks forward to seeing everyone throughout the next month and the next meeting.

**RE: ADJOURNMENT OF MEETING**

There being no other business to come before this Board, the meeting was adjourned at 8:15 p.m. on motion by O. O. Williams, seconded by C. T. Redd III, and carried unanimously.

COPY TESTE:

\_\_\_\_\_  
T. J. Moskalski, Chairman  
Board of Supervisors

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