

**MINUTES
KING WILLIAM COUNTY BOARD OF SUPERVISORS
REGULAR MEETING OF MAY 24, 2021**

A regular meeting of the Board of Supervisors of King William County, Virginia, was held on the 24th day of May 2021, beginning at 7:00 p.m. in the Board Meeting Room of the County Administration Building and via Zoom.

Agenda Item 1. CALL TO ORDER

Chairman Moskalski called the meeting to order.

Agenda Item 2. ROLL CALL

The members were polled:

Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

Agenda Item 3. MOMENT OF SILENCE

The Chairman called for a moment of silence. He informed those present that Mr. Cecil Schools had passed away and asked that he be remembered.

Agenda Item 4. PLEDGE OF ALLEGIANCE

The Chairman led the pledge of allegiance.

Agenda Item 5. REVIEW AND ADOPTION OF AMENDED MEETING AGENDA

Supervisor Garber moved for the adoption of the amended agenda for this meeting as presented; motion was seconded by Supervisor Hodges.

The members were polled:

Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

Agenda Item 6. PUBLIC COMMENT

Ms. Tiny Tang of Fairfax, VA requested the Board of Supervisors pass a Resolution to alert King William County citizens and medical professionals of the Chinese Communist Party's practice of harvesting organs from Chinese prisoners of conscience, especially from members of the Falun Gong. Ms. Tang explained that organ donation among the Chinese people is very low due to their widespread belief systems. However, many people from the United States and other countries are traveling to China for immediate organ transplant. The Caroline County Board of Supervisors passed such a resolution in May, 2021 and the US House of Representatives passed House Resolution 343 in June, 2016 to educate citizens of these practices.

Ms. Bai from South Korea also spoke of forced organ harvesting of prisoners of conscience by the Chinese Communist Party and presented a signed petition in support of a King William County Resolution. Ms. Bai said similar resolutions have been passed by Fairfax County, Prince William County, and Spotsylvania. She stressed that the Chinese people are not the CCP.

Chris Couch from District 5 spoke about the legal fees to the county from Sands Anderson. He said he spoke to Mr. Andrew McRoberts with Sands Anderson who told him that much of the work done is done by his legal assistant. Mr. Couch said that the county has been billed \$279,000 by Sands Anderson this year and those charges are for legal counsel time, not legal assistant time. He also said that, to the best of his knowledge, Sands Anderson does not have a business license in King William County.

[At this time, the Zoom meeting was hacked and shut down. Chairman Moskalski called for a recess until such time as the Zoom meeting could be reestablished and provided time for those previously attending virtually to reconnect. Chairman Moskalski then called the meeting back to order.]

Mr. Couch said that a recent Sands Anderson invoice charged the county \$715 for the purchase of a salad at a Panera Bread store for the purpose of comparing it to Mr. Couch's product. Mr. Couch said that there is no Panera in King William County therefore the tax charged would not be relevant and the product purchased is not similar to his. Mr. Couch also said a recent Sands Anderson invoice charged the county \$1,667 to "review which taxpayer arguments to respond to ..."

There being no further speakers, the Public Comment period was closed.

Agenda Item 7. CONSENT AGENDA

Consent Agenda items included:

- a. Approval of Minutes:
 - i. April 5, 2021 Public Hearing Minutes
 - ii. April 12, 2021 Joint Work Session with Planning Commission Minutes
 - iii. April 22, 2021 Special Called Meeting Minutes

- iv. April 26, 2021 Regular Meeting Minutes
- b. Approval of Payment of Bills - April 2021 - Natasha L. Joranlien, Director of Financial Services
- c. Resolution 21-31 - Appropriating Funds for the Fiscal Year Budget Beginning July 1, 2021 and Ending June 30, 2022 for King William County, Virginia - Replacing Resolution 21-29 Which Contained Erroneous Draft Information - Natasha L. Joranlien, Director of Financial Services
- d. Auditing Services to be Provided by Robinson, Farmer, Cox Associates, PLLC for FY2021 -Natasha L. Joranlien, Director of Financial Services
- e. Department of Social Services Supplemental Appropriation - Letecia L. Loadholt, Director [Resolution 21-33]
- f. Land Books, New Construction, and Refunds - Karena L. Funkhouser, Commissioner of the Revenue

The Chairman called for any discussion. Vice Chair Moren noted a correction was needed on p. 31 of the April 26, 2021 meeting minutes for a quote attributed to Scott Wyatt which was actually said by Delegate Rodney Willett, D, Henrico.

Supervisor Garber moved for adoption of the Consent Agenda with the changes noted by Vice Chair Moren; motion was seconded by Supervisor Greenwood.

The members were polled:

Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

**RESOLUTION 21-31
 APPROPRIATING FUNDS FOR THE FISCAL YEAR BUDGET BEGINNING JULY 1, 2021
 AND ENDING JUNE 30, 2022 FOR KING WILLIAM COUNTY, VIRGINIA
 (REPLACING ERRONEOUS RESOLUTION 21-29)**

WHEREAS, the Board of Supervisors of King William County, Virginia, has heretofore prepared and, on April 26, 2021, adopted a budget for informative and fiscal planning purposes for the fiscal year beginning July 1, 2021; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures contained in the Budget and to set forth the Board’s desired administration of those funds;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of King William County, Virginia, this 24th day of May 2021:

SECTION 1. GENERAL FUND. That the amounts herein named aggregating \$28,117,949 are hereby appropriated in the General Fund for the following functions subject to the conditions hereinafter set forth in this Resolution for the fiscal year (FY) beginning July 1, 2021 and ending June 30, 2022, as follows:

General Fund:			
	General Government	2,445,174	
	Judicial Administration	769,040	
	Public Safety	6,811,362	
	Public Works	1,894,777	
	Health & Welfare	898,291	
	Parks, Recreation & Cultural	624,308	
	Community Development	812,189	
	Non-Departmental	159,474	
	Contingency	75,000	
	Education	10,253,465	
	Transfer to West Point (Transfer + Local Sales Tax)	550,888	
	Capital/Debt Service	2,823,980	
Total General Fund:			\$ 28,117,949

SECTION 2. SCHOOL OPERATING FUND. That a local appropriation to the School Operating Fund in the amount of \$10,253,465 for operations and \$1,560,430 for debt service; is hereby made and an additional appropriation in the amount of \$15,987,843 is hereby made for the fiscal year beginning July 1, 2021 and ending June 30, 2022, subject to and contingent upon the availability of funding from the Federal government in the amount of \$1,511,823 and from the Commonwealth in the amount of \$14,298,870, and from other revenues in the amount of \$177,150. All of such appropriations are subject to the conditions hereinafter set forth in this Resolution.

SECTION 3. SCHOOL RESERVE FUND. That an appropriation to the School Reserve Fund in the amount of \$400,689 is hereby made for the fiscal year beginning July 1, 2021 and ending June 30, 2022, subject to and contingent upon the availability of funding from the school fund balance. Such appropriation is subject to the conditions hereinafter set forth in this Resolution.

SECTION 4. SCHOOL CAFETERIA FUND. That an appropriation to the School Cafeteria Fund in the amount of \$1,088,807 is hereby made, subject to and contingent upon the availability of funding from the Federal government in the amount of \$950,000, and from the Commonwealth in the amount of \$7,800, USDA funding \$61,927 and from charges for services in the amount of \$67,580, and from recovered costs in the amount of \$1,500. Such appropriation is subject to the conditions hereinafter set forth in this Resolution.

SECTION 5. SCHOOL TEXTBOOK FUND. That an appropriation to the School Textbook Fund in the amount of \$513,990 is hereby made, subject to and contingent upon the availability of funding from the Commonwealth in the amount of \$139,758, Federal funding

of \$10,000 and from prior year Textbook fund reserves in the amount of \$364,232 for the fiscal year beginning July 1, 2021 and ending June 30, 2022. Such appropriation is subject to the conditions hereinafter set forth in this Resolution.

SECTION 6. SCHOOL HEALTH SELF-INSURANCE FUND. That an appropriation to the School Health Self-Insurance Fund in the amount \$4,405,000 is hereby made for the fiscal year beginning July 1, 2021 and ending June 30, 2022, subject to and contingent upon the availability of funding from the Interest on Bank Deposits of \$15,000 and from collections of Net Premium Income of \$4,390,000. Such appropriation is subject to the conditions hereinafter set forth in this Resolution.

SECTION 7. SCHOOL REGIONAL ALTERNATIVE EDUCATION FUND. That an appropriation to the School Regional Alternative Education Fund in the amount of \$575,000 is hereby made for the fiscal year beginning July 1, 2021 and ending June 30, 2022, subject to and contingent upon the availability of funding from the Commonwealth. Such appropriation is subject to the conditions hereinafter set forth in this Resolution.

SECTION 8. SCHOOL ADULT EDUCATION FUND. That an appropriation to the School Adult Education Fund in the amount of \$314,000 is hereby made for the fiscal year beginning July 1, 2021 and ending June 30, 2022, subject to and contingent upon the availability of funding from the Federal government in the amount of \$191,000 and from the Commonwealth in the amount of \$84,000 and from payments from another locality in the amount of \$39,000. Such appropriation is subject to the conditions hereinafter set forth in this Resolution.

SECTION 9. SPECIAL REVENUE FUNDS. That the amounts hereinafter named aggregating \$4,430,787 or so much thereof as may be necessary, are hereby appropriated to the various Special Revenue Funds subject to the conditions hereinafter set forth in this Resolution, and subject to and contingent upon the availability of funding from the sources hereinafter shown for each fund, for the fiscal year beginning July 1, 2021 and ending June 30, 2022, as follows:

Special Revenue Funds:				
			<u>Funds</u>	<u>Appropriation</u>
Virginia Public Assistance Fund:				
	Recovered Cost		\$ 2,000	
	State Support		\$ 376,830	
	Federal Support		\$ 725,565	
	Local Support (Transfer from General Fund)		\$ 226,334	
	Total VPA Fund:			\$ 1,330,729
Regional Animal Shelter Fund:				
	Charges for Services		\$ 7,000	
	Donations		\$ 38,300	
	Recovered Cost (King & Queen Co./Rest)		\$ 166,402	
	State Support		\$ 600	
	Local Support (Transfer from General Fund)		\$ 159,474	
	Total RAS Fund:			\$ 371,777
Asset Forfeiture Funds:				
	State Support		\$ 6,000	
	Total AF Fund:			\$ 6,000
Four-For-Life Funds:				
	State Support		\$ 19,000	
	Total Four-For-Life Fund:			\$ 19,000
Fire Program Funds:				
	State Support		\$ 42,000	
	Total Fire Program Funds:			\$ 42,000
Safer Grant Funds:				
	State Support		\$ 922,786	
				\$ 922,786
Victim Witness Fund:				
	Recovered Cost (King & Queen County)		\$ 5,309	
	State Support		\$ 105,307	
	Local Support (Transfer from General Fund)		\$ 5,309	
	Total Victim Witness Fund:			\$ 115,925

Special Revenue Funds (Cont'd)			
EMS Revenue Recovery Fund:			
	Recovered Costs (Insurance Claims & Private Pay)		
		\$ 150,000	
			\$ 150,000
VJCCCA			
	Recovered Cost (Electronic Monitoring Fees)	\$ 60,000	
	Other Localities Support (Charles City, Middlesex, K&Q, & New Kent)	\$ 48,400	
	State Support	\$ 40,014	
	Local Support (Transfer from General Fund)	\$ 18,850	
	Use of Fund Balance	\$ 128,150	
			\$ 295,414
Comprehensive Services Act Fund:			
	Charges for Services	\$ 4,000	
	State Support	\$ 734,465	
	Local Support (Transfer from General Fund)	\$ 424,041	
	Total CSA Fund:		\$ 1,162,506
Project Lifesaver Fund:			
	Local Support (Donations)	\$ 5,500	
	Total Lifesaver Fund		\$ 5,500
DARE Fund:			
	Local Support (Donations)	\$ 900	
	Total DARE Fund		\$ 900
Sheriff's Donation Fund			
	Local Support (Donations)	\$ 1,250	
	Total Sheriff's Donation Fund		\$ 1,250
Employee Recognition Fund			
	Rebate from BOA per State Contract	\$ 7,000	
	Total Employee Recognition Fund:		\$ 7,000
Total Special Revenue Funds:			\$ 4,430,787

SECTION 10. CAPITAL PROJECTS FUND. That the amounts herein named aggregating \$9,779,994 or so much thereof as may be necessary, are hereby appropriated to the Capital Project Fund subject to the conditions hereinafter set forth in this Resolution and subject to and contingent upon availability of funding from the sources shown, in the approved Capital Improvements Plan (CIP) for the fiscal year beginning July 1, 2021 and ending June 30, 2022, as follows:

Capital Projects Funds:				
	Capital Improvements Plan (CIP):		<u>Funds</u>	<u>Appropriation</u>
	Transfer from General Fund		\$ -	
	Capital Financing		\$ 7,665,328	
	Capital Fund 310		\$ 780,872	
	Proffers Fund		\$ 200,000	
	School Reserve Funds		\$ 400,689	
	School - Other Funds		\$ 578,105	
	Departmental Reserve Funds		\$ 155,000	
	Total Capital Projects Funds:			\$ 9,779,994

SECTION 11. DEBT SERVICE FUND. That the amounts herein named aggregating \$2,875,084 or so much thereof as may be necessary, are hereby appropriated to the Debt Service Fund subject to the conditions hereinafter set forth in this Resolution for the purposes hereinafter mentioned for the fiscal year beginning July 1, 2021 and ending June 30, 2022, as follows:

		<u>Source of Funds</u>	<u>Appropriation</u>
Debt Service Funds			
	General Government Debt Transfer from General Fund	\$ 1,314,654	
	School Debt Transfer from the School Tax District Revenue in the General Fund	\$ 1,560,430	
	Total Debt Service Funds		\$ 2,875,084

SECTION 12. PROPRIETARY FUNDS. That the amounts herein named aggregating \$1,338,123 or so much thereof as may be necessary, are hereby appropriated to 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, 2021 and ending June 30, 2022, as follows:

Proprietary Funds:		<u>Funds</u>	<u>Appropriation</u>
Water Utility Fund:			
	Charges for Services	\$ 521,168	
	Prior Year Reserves	\$ 150,000	
	Total Water Utility Fund:		\$ 671,168
Sewer Utility Fund:			
	Charges for Services	\$ 400,000	
	Prior Year Reserves	\$ -	
	Total Sewer Utility Fund:		\$ 400,000
Parks & Recreation Program Fund:			
	Charges for Services	\$ 241,955	
	Prior Year Reserves	\$ 25,000	
	Total Parks & Recreation Program Fund:		\$ 266,955
Total Proprietary Funds:			\$ 1,338,123

SECTION 13. Monies are hereby appropriated for the fiscal year 2022 in the various funds for the purpose of liquidating encumbered purchase transactions and for continuing capital and special projects as of June 30, 2021, not to exceed the applicable fund balance/net assets/net position as recorded in the County's audited accounting records. The County Administrator shall advise the Board of Supervisors in writing of the allocation of all such appropriations.

SECTION 14. Additional funds received for the following items are hereby appropriated for the purposes and to the programs for which received:

- (A) Insurance recoveries and other payments received for damage to County vehicles or property;
- (B) Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement;
- (C) Contributions and donations received for specific programs or purposes.

SECTION 15. All of the monies appropriated as shown by the items contained in Section 1 through Section 14 are appropriated upon the following terms, conditions and provisions:

- (A) 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 only in the event the revenues collected from the anticipated non-local sources are sufficient to pay the appropriations in full; otherwise, said appropriation shall be deemed to be payable only in an amount equal to actual non-local revenue

received. The County Administrator is authorized to make transfers to the various funds for which there are transfers budgeted. The County Administrator shall transfer funds only as needed up to the amounts budgeted, or in accordance with any existing bond resolutions that specify the manner in which transfers are to be made.

(B) No department, agency or individual receiving an allocation of the appropriations made by this Resolution shall exceed the amount of such allocation except with the prior consent and approval of the Board of Supervisors or, as set forth in paragraph (D) of this Section 15, the County Administrator where so authorized.

(C) 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 any debt of King William County, including debt incurred for school purposes.

(D) The County Administrator is authorized to redistribute appropriations within, but not between, the several funds under the control of the Board of Supervisors as may be necessary to best meet the needs and interests of King William County, except that transfers of funds from payroll items to non-payroll items or vice versa and transfers of capital projects funds between individual projects as set forth in the approved Capital Improvements Program may only be made by the Board of Supervisors.

(E) Annual appropriated contributions to non-governmental entities in excess of \$25,000 shall be disbursed on a quarterly basis in July, October, January, and April with the amount disbursed not to exceed one-quarter of the total appropriation unless otherwise agreed by the Board.

(F) The County Treasurer, upon receipt of a written order from the County Administrator, is authorized to advance monies between the several County Funds under his custody provided; however, that the total advanced to any particular fund, plus the amount of monies disbursed from that fund, does not exceed the annual appropriation for said fund.

(G) To the extent such authorization is required, the County School Board is authorized to create such additional funds, as it may deem necessary to account for its operations and to transfer the monies appropriated by this resolution for school purposes to such additional funds. Any such transfers shall not affect the status of such monies at year-end or the reversion thereof as otherwise provided by law.

(H) No funds appropriated to the King William County Economic Development Authority within the Capital Improvement Plan for fiscal year 2022 or prior years shall be disbursed without prior authorization of this Board.

SECTION 16. The County Administrator and specific employees designated by her in writing are hereby authorized as signers of drafts on the Petty Cash account available to allow emergency/immediate expenditures, not to exceed \$5,000, necessary in daily County operations.

SECTION 17. In accordance with the provisions of Senate Bill 488 which was adopted by the General Assembly of the Commonwealth of Virginia during the 2014 regular session and signed by the Governor of Virginia which created a special school tax district and established the taxing and appropriation authority of the King William County Board of Supervisors with respect to such special tax district and the county school division, the Board of Supervisors hereby designates the following local sources and amounts for the support of county school division operations and debt for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Special School Tax District Property Tax Levies (Including penalties and interest)	\$ 9,223,566
County Share of Local 1% Sales Tax	\$ 1,180,330
Utilities Gross Receipts	\$ 45,000
Business License Taxes	\$ 420,000
Motor Vehicle License Tax	\$ 325,000
Consumer Utility Tax	\$ 220,000
Food & Beverage Tax	\$ 400,000
Total School Appropriation*	<u>\$11,813,895</u>

*Includes funds designated for debt service and operational activities.

The designation of these specific revenue sources for FY 2022 shall in no way restrict the Board of Supervisors in future appropriations. The appropriation of prior year funds to the King William School Division derived from property taxes in the special tax district is not a part of the current year appropriation unless an amount from such source is specifically shown in the above listing. Should total receipts from the sources listed in this section exceed the amount estimated above, the excess shall be deemed property tax receipts. Such revenues shall be retained as fund balance for the special tax district and will be available for future appropriation by the Board of Supervisors for school operation or capital purposes. Should total receipts from the sources listed in this section be less than the amount estimated above, the Board will appropriate additional funds from sources designated in a future resolution as necessary to cover any gap in local funding. The appropriation of state or federal revenue is not addressed, as such revenues are not local revenues covered by Senate Bill 488.

SECTION 18. Notwithstanding any other provision of this Resolution, the County Administrator is authorized to allocate the monies set aside in the approved FY 2022 budget and appropriated in the General Fund for employee pay adjustments to those departments, agencies, functions or funds as necessary to carry out the plan of adjustment presented to this Board

SECTION 19. All resolutions and parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

DONE this the 24th day of May, 2021.

RESOLUTION 21-33
BUDGET AMENDMENT – KING WILLIAM SOCIAL SERVICES OFFICE APPROPRIATION
OF LOCAL MATCH FUNDS FOR ADDITIONAL PASS-THROUGH FUNDING FOR FY21

WHEREAS, the Board of Supervisors wishes to amend the FY21 County Budget to provide local match funds to the Social Services Office for additional pass-through funding for the remainder of the FY21; and

WHEREAS, each year federal and state pass-through funds are utilized throughout the budget year to help fund administrative expenses and services; and

WHEREAS, additional pass-through funds are being requested at this time as a result of additional administrative expenses that exceeded the projections of the FY21 budget request; and

WHEREAS, pass-through is funded at a 65% local match;

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors of King William County hereby amends the FY21 County Budget to establish the following revenue and expenditure:

REVENUE:	Transfer from Cost Allocation Plan (CAP)	\$36,000.00
	Transfer from General Fund	\$39,828.56
		\$75,828.56

EXPENDITURE:	Administrative Expenditures	\$75,828.56
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REVENUE:	Transfer from Cost Allocation Plan (CAP)	\$36,469.44
	Transfer from General Fund	\$37,444.58
		\$73,914.02

EXPENDITURE:	Administrative Expenditures	\$73,914.02
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and ~~\$75,828.56~~ **\$73,914.02** is hereby appropriated and is directed to be transferred to the above referenced line items for the above stated purposes.

DONE this 24th day of May, 2021.

Agenda Item 8. PRESENTATIONS

a. Joint Venture between King William County and Hanover Habitat for Humanity – Renee Robinson, Executive Director, Hanover Habitat for Humanity

Ms. Robinson presented information about Habitat's major programs: Home Ownership Program –building affordable homes, 30-70% of area median income, mostly around 50%, with subsidies to make mortgage payments affordable, 10% of KWC residents live below the poverty level; Critical Repair Program – helping seniors 62+ with health and safety issues, 16% of KWC residents are 65+; Restore – home and construction supply retail shop located in Mechanicsville, funds raised support programs. Habitat also works closely with and welcomes local contractors whenever they're able. The majority of labor are volunteers from the local community and faith community.

In working with King William County, Habitat asks that they be brought to the table for any discussions regarding affordable housing and keeping people safe while allowing them to age in place. The majority of conversations with Habitat will go through the King William County Department of Social Services.

Ms. Robinson introduced Amanda Gunter, a King William County resident who works with Hanover Habitat for Humanity.

The Chairman called for any questions or discussion.

Supervisor Garber thanked the Habitat representatives for their presentation and thanked Ann Mitchell for working to bring Habitat for Humanity to King William County.

Vice Chair Moren asked who/how Habitat would interface with the county. Ms. Robinson said they primarily interface with Department of Social Services, community groups, and the faith community.

Agenda Item 9. PUBLIC HEARINGS

a. VDOT Secondary Six-Year Plan [Resolution 21-34] – Joyce McGowan, Residency Administrator, VDOT Saluda Residency

Ms. McGowan said there was no hearing last year due to the pandemic, so all amounts were brought forward to this year.

- Route 608 – Hazelwood Road was slated for this year.
- Routes 637, 634, 633, 624, 617, 627, and 621 are slated through 2025.
- There is no funding available for additional roads at this time.
- Route 600 turn lane will be done this year. There will be a short-term detour during paving.
- There is an additional \$30,000 going to the slush fund for future projects.
- This plan covers the new construction and paving of rural rustic roads only. It does not cover potholes or repairs which are from another fund.
- Next year the county will be eligible for Smart Scale funds.
- Funds remaining after the completion of a project are moved to fund future projects.

Supervisor Hodges asked about Sandy Point Road. Ms. McGowan said it is scheduled for March, 2024.

Vice Chair Moren thanked VDOT for the safety work done on Mahixon Road.

Supervisor Garber thanked VDOT for the work done on East River Road which was more than he expected.

Supervisor Greenwood thanked VDOT for the work done at the 360/30 intersection which he felt was better than expected. He asked when they could go over other issues regarding potholes and said he had submitted emails but not heard back. Ms. McGowan said to email her directly. She also said that Moncuin Road is being paved and that will take care of a lot of pothole issues.

Chairman Moskalski opened the Public Comment Period.

Mr. Charles Piersa, 2nd District, said the rumble strips installed in the center of Route 30 are a waste of taxpayer dollars and are a constant source of noise. He said he cannot even hear his neighbors speaking when he is standing next to them. He said that the strips tear up car and farm equipment tires. He expressed concern that the County is fixing back roads but not addressing main secondary roads.

There being no further speakers, Chairman Moskalski closed the Public Comment Period.

Supervisor Greenwood made a motion to adopt the VDOT Secondary Six-Year Plan as presented; motion was seconded by Supervisor Garber. [Resolution 21-34]

The members were polled:

Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

Ms. McGowan informed the Board that she has been promoted and will no longer be the King William County VDOT Representative.

RESOLUTION 21-34
ADOPTION OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)
SECONDARY SIX-YEAR ROAD PLAN FY2022 THROUGH FY2027

WHEREAS, Section 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each County to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2022 through 2027) as well as the Construction Priority List (FY2022) on May 24, 2021, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, Joyce McGowan, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan and budget for Secondary Roads (2022 through 2027) and the Construction Priority List (2022) for King William County,

NOW, THEREFORE, BE IT RESOLVED, that since said Plan and budget appears to be in the best interest of the Secondary Road System in King William County, and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2022 through 2027) and Construction Priority List (2022) are hereby approved as presented at the public hearing.

DONE this 24th day of May, 2021.

b. Conditional Use Permit 04-21 [Resolution 21-35] – King William Sand & Gravel – Sherry Graham, Interim Planning Director

Ms. Graham presented CUP 04-21 modifying King William Sand & Gravel Company's current CUP to add land to extend the life of the current gravel pit. The proposed site would not open until the current site closes and there would be no increase in road traffic and no blasting at the proposed site.

Mr. Mark Kronenthal with King William Sand & Gravel provided background for the existing operation and showed maps of current and proposed sites. He pointed out that they were adding approximately 100 acres to their existing CUP 01-07, would not be adding any trucks to the roads, have avoided all wetlands, there will be no net increase to traffic leaving the plant, and materials will be processed onsite at the existing plant. King William Sand & Gravel worked with JRIA to perform archeological and historical surveys of the land. They identified two early 20th Century sites not eligible for the historical registry and will be avoiding those areas.

The Planning Commission recommends approval of CUP 04-21 with fourteen conditions.

Vice Chair Moren said he had toured the site and asked where the archeological sites were located. Mr. Kronenthal pointed them out on the map and said those areas will not be disturbed.

Chairman Moskalski opened the Public Comment Period. There being no speakers, Chairman Moskalski closed the Public Comment Period.

Vice Chair Moren moved to approve CUP-04-21; motion was seconded by Supervisor Garber.

The chairman called for any discussion.

The members were polled:

Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

**RESOLUTION 21-35
APPROVING CONDITIONAL USE PERMIT (CUP) 04-21
MODIFYING CONDITIONAL USE PERMIT (CUP) 01-07
KING WILLIAM SAND & GRAVEL**

WHEREAS, King William Sand and Gravel Company, Inc. have applied for a modification to Conditional Use Permit 01-07 in order to expand the site of the Queenfield Mine by adding approximately 100.35 acres of additional and contiguous property and is also requesting modifications to seven conditions required under CUP 01-07; and

WHEREAS, the King William County Planning Commission held a Public Hearing on April 6, 2021 and voted 5-0 to recommend approval to the Board of Supervisors with the following fourteen (14) conditions:

- 1) A true and complete copy of the approved Mining Permit from the appropriate State of Virginia Agencies (i.e., DMME) for this site shall be submitted to King William Planning Department for the review and approval. The Mining Permit shall be added to the zoning file for this matter and shall become a part of the record for this Conditional Use Permit. In addition to a copy of the Mining Permit described above, a site plan shall be submitted to the King William Planning Department for their approval. Before mining operation may begin on this property, both the Mining Permit and the site plan must be submitted to and approved by the King William County Planning Department. Any amendments to the Mining Permit shall be promptly submitted to the King William County Planning Department for their review and approval. The County shall be promptly notified upon completion of the requirements for reclamation of the site as required by the Mining Permit, at which time authority to continue extraction on the site by virtue of this CUP shall cease. Non-compliance with the Mining Permit or site plan may be deemed to be sufficient reason to revoke this CUP by the King William County Planning Department.

- 2) Development shall be generally consistent with the “King William Sand and Gravel Conditional Use Permit” exhibit dated November 2020, hereafter referred to as “Exhibit”.
- 3) No machinery except for machinery and equipment used for extraction, processing and transport of matter, shall be located on the acreage subject to this CUP. Normal farming machinery may be located on the area subject to this CUP except for those areas that are actively being mined.
- 4) Lighting shall be used on to the minimum extent necessary to facilitate the extraction process and shall be directed away from neighboring homes by refractors or any other means required, “Dark Sky” lighting techniques shall be implemented where and whenever possible. All site lighting shall be reduced to no more than a security level after close of operations.
- 5) Noise generated by the mining, processing and delivery of the mined matter shall be kept to a minimum using methods reasonable for the activities taking place. The applicant shall include measures such as using strobe lights instead of back-up warning signals on mobile equipment to minimize noise as much as possible but still stay within the state and federal regulations. No loudspeakers, whistles or horns to be used as part of the operations and no explosive/blasting is allowed on the site at any time.
- 6) The applicant will take reasonable steps to monitor the truck traffic utilizing the site. Trucks or other types of haulers found to violate traffic laws and traffic safety rules shall be reprimanded, fined or barred from further use of the site as deemed appropriate by the applicant to ensure that traffic laws and traffic safety rules are observed and obeyed. A sign shall be posted in a clearly visible location on the site to inform all haulers of this policy.
- 7) Hours of operation, Plant, Monday– Saturday, 6:00 a.m. 6:00 p.m. Delivery Hours, Monday – Friday 6:00 a.m. – 9:00 p.m. Saturday delivery hours, 6:00 a.m. – 5:00 p.m. No plant or delivery hours of operation will be allowed on Sunday or on National Holidays. In the event of state or nationally declared emergencies such as officially declared natural disaster, restrictions on hours of operation may be waived by the King William County Planning Department upon notification by the applicant of the need to waive the restriction on the hours of operation and delivery by notifying the King William County Planning Department and Public Safety Officer.; and
- 8) The landscaped berm shown on the attached exhibit shall be provided along Dabney’s Mill Road. The berm will be constructed in accordance with guidance outlined in the DMME Mineral Mine Operations Manual.
- 9) Buffers shall be adjacent to RPA and Wetland lines within the mining operation as required according to VDEQ regulations and regulations for Non-Metallic Mineral Mines (9-VAC25-190) and per guidelines outlined in DMME Mineral Mine Operations Manual.
- 10) Prior to any disturbance onsite, all wetlands will be delineated.

- 11) Site conveyors will be permitted to transfer materials across the site. Any conveyors that cross any state or private road (not owned by the applicant) shall be constructed to meet all Virginia Department of Transportation (VDOT) requirements and/or DMME requirements, where applicable.
- 12) King William Sand and Gravel Company, Inc. or it's successors and/or assigns shall, at the request of King William County and at no expense to the County, convey a one-acre well lot to the County. The said one acre well lot shall be located within the Manskin Lodge Farm or Queenfield Farm as they exist at the time of rezoning. The exact location of the said well lot to be mutually agreed upon by King William County and King William Sand and Gravel at the time of the conveyance.
- 13) If practicable, a "Dry Hydrant" will be installed on the Manskin Lodge Farm or Queensfield for the use by King William County, emergency personnel or any County or State approved emergency services agency. The hydrant may be used in cases of emergency or for training purposes. The hydrant shall be installed at the expense of King William Sand and Gravel and shall be located in an area easily accessible to emergency vehicles and equipment.
- 14) Those conditions shall be applicable to the applicant, King William Sand and Gravel and any successor and/or assigns of either the applicant or King William Sand and Gravel Company, Inc.; and

WHEREAS, the Board of Supervisors conducted a public hearing on May 24, 2021, to consider CUP 04-21,

NOW, THEREFORE, BE IT RESOLVED, the King William County Board of Supervisors this 24th day of May, 2021, hereby approves CUP 04-21, with the above fourteen (14) conditions.

DONE this 24th day of May, 2021.

c. Conditional Use Permit 05-21 [Resolution 21-36] – James Chester – Sherry Graham, Interim Planning Director

Ms. Graham presented CUP 05-21 for the addition of an accessory dwelling at 3806 Custis Millpond Road. Mr. Chester would like to add a small trailer for a family member and has already received Health Department approval. The accessory dwelling would be located behind the primary dwelling and used for family only. The Planning Commission recommends approval of CUP 05-21 with two conditions.

Supervisor Hodges asked how this trailer differs from an RV. Ms. Graham said this dwelling is considered by building code as a modular home. Mr. Hodges asked if the current well and septic were adequate to support the addition of the accessory dwelling. Ms. Graham said yes. Mr. Hodges asked if the owner would be able to lease out the dwelling. Ms. Graham said only to a family member. Mr. Chester clarified the shed in the picture presented will be

moved to the left and the new dwelling would be in the wooded area, not quite visible from the road.

Chairman Moskalski opened the Public Comment Period. There being no speakers, Chairman Moskalski closed the Public Comment Period.

Supervisor Garber moved to approve CUP-05-21; motion was seconded by Supervisor Hodges.

The chairman called for any discussion.

The members were polled:

Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

RESOLUTION 21-36
APPROVING CONDITIONAL USE PERMIT (CUP) 05-21
CONSTRUCTING AN ACCESSORY DWELLING ON TAX PARCEL 46-6-4
JAMES G. CHESTER and KIMBERLY CHESTER

WHEREAS, a goal in the current King William County Comprehensive Plan is to encourage the development of a variety of housing types to accommodate current and future citizens of varying ages, stations in life, and income levels and one of the implementation strategies is to “Consider revisions to the County Ordinance that permits options for accessory/secondary housing for family members requiring care”; and

WHEREAS, owner/applicants, James G. and Kimberly Chester have applied for a Conditional Use Permit in order to construct an accessory dwelling on their property located at 3806 Custis Millpond Road, Tax Map Parcel 46-6-4, which consists of approximately five acres zoned A-C (Agricultural-Conservation) with one single-family home currently existing; and

WHEREAS, the King William County Planning Commission held a Public Hearing on April 6, 2021 and voted 5-0 to recommend approval to the Board of Supervisors with the following two (2) conditions:

- 1) The accessory dwelling be located behind the front of the primary dwelling.
- 2) The accessory dwelling only be occupied by immediate family members; and

WHEREAS, the Board of Supervisors conducted a public hearing on May 24, 2021, to consider CUP 05-21,

NOW, THEREFORE, BE IT RESOLVED, the King William County Board of Supervisors this 24th day of May, 2021, hereby approves CUP 05-21, with the above two (2) conditions.

DONE this 24th day of May, 2021.

d. Conditional Use Permit 06-21 [Resolution 21-37] – Chris Quann – Sherry Graham, Interim Planning Director

Ms. Graham presented CUP 06-21 for the addition of an accessory dwelling at 1053 West Chinkapin Road for immediate family members. The Planning Commission recommends approval of CUP 06-21 with three conditions.

Supervisor Garber asked the square footage of the accessory dwelling. Ms. Graham said it could have two bedrooms and be no more than 1,200 sq. ft.

Chairman Moskalski opened the Public Comment Period. There being no speakers, Chairman Moskalski closed the Public Comment Period.

Supervisor Greenwood moved to approve CUP-06-21; motion was seconded by Supervisor Garber.

The chairman called for any discussion.

The members were polled:

Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

**RESOLUTION 21-37
APPROVING CONDITIONAL USE PERMIT (CUP) 06-21
CONSTRUCTING AN ACCESSORY DWELLING ON TAX PARCEL 36-6-4
CHRISTOPHER W. QUANN**

WHEREAS, a goal in the current King William County Comprehensive Plan is to encourage the development of a variety of housing types to accommodate current and future citizens of varying ages, stations in life, and income levels and one of the implementation strategies is to “Consider revisions to the County Ordinance that permits options for accessory/secondary housing for family members requiring care”; and

WHEREAS, owner/applicant, Christopher W. Quann, has applied for a Conditional Use Permit in order to construct an accessory dwelling on his property located at 1053 W.

Chinquapin Road, Tax Map Parcel 36-6-4, which consists of approximately 10.2 acres zoned A-C (Agricultural-Conservation) with one single-family home currently existing; and

WHEREAS, the King William County Planning Commission held a Public Hearing on April 6, 2021 and voted 5-0 to recommend approval to the Board of Supervisors with the following three (3) conditions:

- 1) Only two dwellings be located on the property.
- 2) The accessory dwelling only be occupied by immediate family members.
- 3) The accessory dwelling be no more than 2 bedrooms and a maximum of 1,200 sq. ft.; and

WHEREAS, the Board of Supervisors conducted a public hearing on May 24, 2021, to consider CUP 06-21,

NOW, THEREFORE, BE IT RESOLVED, the King William County Board of Supervisors this 24th day of May, 2021, hereby approves CUP 06-21, with the above three (3) conditions.

DONE this 24th day of May, 2021.

e. Conditional Use Permit 07-21 [Resolution 21-38] – Coastal Farm Service – Sherry Graham, Interim Planning Director

Ms. Graham presented CUP 07-21 for approval to add a 3,500 ft. agricultural grass airstrip for an aerial application service. The strip would be allowed to service up to five (5) aircraft and operate from dawn to dusk, except in cases of emergency. The Planning Commission recommends approval of CUP 07-21 with seven (7) conditions.

Mr. Crabbe, who owns the land, said there will be no runoff from the airstrip. There is full containment on the site – all concrete. He has been in this business for twenty years and has never had an accident. He applies common agricultural products for farmers and also provides fire fighting services to the Commonwealth of Virginia as needed. All take-off and landing would be to/from the north in most cases. The products he applies are fertilizer and pesticides commonly used by farmers. Depending on weather conditions, fire suppression work happens from February-April; April-late-October is agricultural; and there is not much flying in the winter months. He doesn't store chemicals on his property. The customer or supplier brings only what is needed for the particular job. If there is excess, the customer or supplier picks it up.

Mr. Garber asked Mr. Crabbe's affiliation with Crabbe Aviation, LLC. Mr. Crabbe said he is a manager. He sold that business and property and purchased another property 2.5 miles away. Mr. Garber expressed concern that Mr. Crabbe already had one airstrip with an approved Conditional Use Permit and he chose to sell it. Now he has purchased another property and wants another Conditional Use Permit for an airstrip. Mr. Crabbe said he personally owns the land the proposed strip will be on and wants to use that land for his

personal business. Mr. Garber asked what the purpose of the old/existing airstrip will be. Mr. Crabbe said if he stops working for them, he has no way of knowing what the current owner will do. Mr. Crabbe said he works off whatever land can get him closer to the project, from WV to NC.

Vice Chair Moren asked about the local hang-gliding operation. Mr. Crabbe said he communicates closely with the owner to ensure safety. If he knows they are out, he gives them wide berth.

Mr. Hodges asked about the size of the plane used for fire suppression. Mr. Crabbe said it is similar in size to a King Air and holds 500 gallons of fire suppression product, hence the need for the long airstrip. Mr. Crabbe also clarified that any emergency use would be for fire suppression activities.

Chairman Moskalski opened the Public Comment Period. There being no speakers, Chairman Moskalski closed the Public Comment Period.

Supervisor Hodges moved to approve CUP-07-21; motion was seconded by Supervisor Greenwood.

The chairman called for any discussion.

Mr. Garber said he is still concerned that Mr. Crabbe already had a property with an approved airstrip, sold it, and now wants another airstrip.

Mr. Crabbe said he owns this land and wants to use it as he desires. He can and does land anywhere it is legally permitted.

The members were polled:

Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Nay
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

RESOLUTION 21-38
APPROVING CONDITIONAL USE PERMIT (CUP) 07-21
OPERATING A BUSINESS FOR AGRICULTURAL COMMODITY PRODUCTION AND
INSTALLATION OF A 3500' GRASS AIRSTRIP AND OPERATING AN AGRICULTURAL
AERIAL APPLICATION SERVICE ON TAX PARCEL 26-48
COASTAL FARM SERVICE, LLC

WHEREAS, owner/applicant Coastal Farm Service, LLC has applied for a Conditional Use Permit in order to operate a business for Agricultural Commodity

Production, installation of a 3500' grass airstrip and to operate an Agricultural Aerial Application Service located at 173 Landing Road, Tax Map Number 26-48, consisting of 127 acres zoned A-C (Agricultural-Conservation); and

WHEREAS, Coastal Farm Service, LLC would like the ability to operate up to five (5) aircraft from this strip, operate from dawn to dusk when in season, plans to follow standard aviation patterns, and states take-off and landings will be from the north unless very strong winds are present; and

WHEREAS, the King William County Planning Commission held a Public Hearing on April 6, 2021 and voted 5-0 to recommend approval to the Board of Supervisors with the following seven (7) conditions:

- 1) The applicant be limited to five spray planes, one helicopter, and one private plane;
- 2) A site plan be submitted and approved before development;
- 3) The applicant obtain all required approvals and permits;
- 4) A vegetated buffer be provided between all adjacent property owners;
- 5) Only operate from dawn to dusk, with the exception of an emergency;
- 6) Follow standard aviation patterns from the north; and
- 7) The CUP will become null and void should the business cease for more than two years; and

WHEREAS, the Board of Supervisors conducted a public hearing on May 24, 2021, to consider CUP 07-21,

NOW, THEREFORE, BE IT RESOLVED, the King William County Board of Supervisors this 24th day of May, 2021, hereby approves CUP 07-21, with the above seven (7) conditions.

DONE this 24th day of May, 2021.

f. Conditional Use Permit 08-21 [Resolution 21-39] – Joshua Stewart – Sherry Graham, Interim Planning Director

Ms. Graham presented CUP 08-21 for the addition of an attached accessory dwelling at 95 Epworth Road for family members. The Planning Commission recommends approval of CUP 08-21 with no conditions.

Vice Chair Moren asked where the property was on a map and Mr. Stewart pointed it out. He showed how the addition would come off the rear of the existing home and said it would be used for his parents.

Chairman Moskalski opened the Public Comment Period. There being no speakers, Chairman Moskalski closed the Public Comment Period.

Supervisor Hodges moved to approve CUP-08-21; motion was seconded by Supervisor Garber.

The chairman called for any discussion.

The members were polled:

Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

g. Consideration of Ordinance 06-21 - Replace King William County Code, Chapter 70 Article VIII -Meals Tax with an ordinance for a Food and Beverage Tax that conforms with State Code -Karena L. Funkhouser, Commissioner of Revenue

Ms. Funkhouser said the proposed Ordinance published to the website and provided in these meeting minutes was the same as the one proposed at the April 26, 2021 Public Hearing and Board of Supervisors meeting except that the definition of “Beverage” has been changed back to the original existing language of the Ordinance.

Ms. Funkhouser said that King William County currently has a tax – Meals Tax – meant for cities and towns and that this proposed Ordinance just changes the terminology to that which is supposed to be for counties – Food and Beverage Tax.

Mr. Moren said he had questions that have since been answered satisfactorily.

Chairman Moskalski opened the Public Comment Period.

Chris Couch of District 5 came forward representing business owners in King William County. He commended Ms. Funkhouser for her support and for working together with him to address his concerns. Mr. Couch questioned why this new ordinance was being proposed and said it was done not at the request of any County employee or officer but by Andrew McRoberts of Sands Anderson. Further, the error that was discovered regarding the beverage definition in Mr. McRoberts’ rewritten ordinance was found by Mr. Couch, not by legal counsel. Mr. Couch reiterated that he still has not been given a satisfactory understanding as to why serving size can’t be defined. Mr. McRoberts insists it’s because of the Dillon Rule however the first draft of the proposed new ordinance contained definitions different than state code and still contains a definition of food that’s not in the state code. Mr. Couch questioned why Mr. McRoberts added a definition not contained in state code but says he can’t add the definition of serving size, also not in state code.

Mr. Couch asked if the Board felt state tax law intended for scope to be interpreted/defined outside the ordinance by one person who does not possess knowledge or training on serving size. This makes the scope and definition arbitrary and done without public review, comment, or vote and means it can be changed at any time without justification. Mr. Couch said he does not believe this is a correct interpretation of how state law is meant to be.

Ms. Funkhouser said the Board of Supervisors is responsible for setting policy and the Commissioner of Revenue is responsible for administering the policy. Scope is policy, not administration. She has not been able to confirm this interpretation but other counties and King William County have definitions not included in state code. She asked Mr. McRoberts to put his interpretation on record and he has not done so.

Ms. Funkhouser said she does not disagree with Mr. Couch, however, this is how counsel says it has to be because of the Dillon Rule. Ms. Funkhouser asked Mr. McRoberts what would happen if she presented an ordinance containing a definition of serving size and the Board of Supervisors approved and signed it. Mr. McRoberts said he would resign and was adamant that it's against the Dillon Rule. Ms. Funkhouser said she is not an attorney and does not recommend going against counsel's advice.

Vice Chair Moren asked what the ramifications were of tabling this issue other than additional expense. Chairman Moskalski said there were none. Supervisor Garber asked what the purpose would be in tabling the issue. Chairman Moskalski said constituents had not had their questions answered satisfactorily. It would give the Board time to receive further input from counsel and others. Chairman Moskalski asked Ms. Funkhouser if she spoke with anyone having a different opinion on the issue. Ms. Funkhouser said she's not done all the research that Mr. Couch has done; however, she has compared the proposed ordinance with Henrico County's Food & Beverage Tax Ordinance and it is very similar. Ms. Funkhouser said the King William County Proposed Ordinance is simple and allows the Commissioner of Revenue to interpret things the state seems to like them to interpret. She feels the more specific the language, the more controversy it will cause.

Chairman Moskalski said he disagreed it would cause more controversy and said he sees benefits on both sides. Ms. Funkhouser said she does not think the state will allow counties to define serving size as it's too onerous an undertaking.

Vice Chair Moren said they're defined at the federal level but not the state or county level and asked why we're not allowed to use the federal definitions. Ms. Funkhouser said she asked Mr. McRoberts and made several suggestions and he said no to everything she proposed. She said we will not be able to please everyone.

Chairman Moskalski said it's not about seeking to please everyone; it's about seeking to be clear on the County's ability to add definitions if they so desire.

Vice Chair Moren suggested seeking a second legal opinion. Supervisor Garber asked why Mr. McRoberts was not present. Chairman Moskalski said he was in trial preparation.

Supervisor Greenwood said if it's up to the Commissioner of Revenue, it should be left up to the Commissioner of Revenue. The current COR has a different opinion than the previous one and we should go with what Ms. Funkhouser is saying now. The back and forth wastes too much money and we've spent enough. We can get someone to say whatever we want them to say.

Ms. Funkhouser said the proposed ordinance exempts the same things the state does. She asked Mr. McRoberts if the county could add an exemption for agribusiness or food manufacturing and he said it is against the Dillon Rule. She said this is a simple ordinance that follows state code.

Supervisor Garber said we have to follow the Dillon Rule. The locality can only do what the state says we can do.

Vice Chair Moren made a motion to table the issue for further research. As no second was made, the motion failed.

Supervisor Greenwood moved to approve proposed Ordinance 06-21; motion was seconded by Supervisor Garber. The Chairman called for discussion.

Supervisor Hodges said we've spent enough money on this issue. Supervisor Garber said the only other option was to get a new attorney and start all over, which he does not recommend.

The members were polled:

Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Nay
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Nay

Agenda Item 10. OLD BUSINESS

There was no old business.

Agenda Item 11. NEW BUSINESS

There was no new business.

Agenda Item 12. ADMINISTRATIVE MATTERS FROM COUNTY ADMINISTRATOR

a. Board Information

The Board was provided the following information with no comment: Regional Animal Shelter Animal Activities Report for April 2021, Building Report for April 2021, Utilities Monthly Activity Report for April 2021, and Bay Transit Quarterly Report through March 2021.

Agenda Item 13. BOARD OF SUPERVISORS' COMMENTS

Supervisor Hodges said it was nice to be able to remove masks and hopes it doesn't backfire. He appreciated people coming out and especially those who came back online after the meeting was shut down. He said he appreciates the public and comments and listens to every one of them, even if he does not agree.

Supervisor Greenwood thanked Chairman Moskalski for recognizing Mr. Schools during the moment of silence. He said Mr. Schools was his predecessor and helped him a lot. He holds much respect for him and was sorry to see him go so soon. He wished everyone a happy Memorial Day and said to be careful with the mask mandate being lifted.

Vice Chair Moren said a constituent had contacted him regarding VPPSA stations, particularly the ones in Central Garage and Epworth. He asked the County Administrator to work with VPPSA to better define operating rules and stipulations as things seem to have changed. Vice Chair Moren also said the county has a lot of money coming from the American Rescue Act which can be used for Broadband expansion. He said we should try to take advantage where we can.

Supervisor Garber thanked everyone for coming out. He wished everyone a healthy and safe Memorial Day and said to remember what the day is truly about – our veterans who gave everything so we could have everything. We must appreciate their sacrifices. He mentioned his father, who was a WWII veteran, and his grandfather, who was a WWI veteran.

Chairman Moskalski apologized for the hacking of the Zoom call and said we'd get to the bottom of it. He thanked people for sticking with us, some even coming in person when the Zoom meeting shut down. He also thanked those here and thanked Ms. Graham for having everything organized so well for the public hearings. He wished everyone a happy and safe Memorial Day and looked forward to seeing everyone back here in a couple weeks.

Agenda Item 14. CLOSED MEETING

a. Motion to Convene Closed Meeting

Vice Chair Moren made a motion to convene in Closed Meeting in accordance with Section 2.2- 3711 (A)(1) of the Code of Virginia for the appointment of individuals to Boards and Commissions and in accordance with Section 2.2- 3711 (A)(5) of the Code of Virginia for the proposed expansion of an existing industry in King William County. Motion was seconded by Supervisor Garber.

The chairman called for any discussion.

The members were polled:

Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

b. Motion to Reconvene in Open Session

Having completed the Closed Meeting, Supervisor Garber made a motion to Reconvene in Open Session. Supervisor Greenwood seconded.

The members were polled:

Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

c. Certification of Closed Meeting

Supervisor Hodges moved for adoption of Standing Resolution 1 (SR-1) in accordance with Section 2.2-3712 (D) of the Code of Virginia, 1950, as amended; the motion was seconded by Supervisor Greenwood.

The chairman called for any discussion.

The members were polled:

Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

**STANDING RESOLUTION – 1 (SR-1)
A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION
ACT REGARDING MEETING IN CLOSED MEETING**

WHEREAS, the King William County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by the King William County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the King William County Board of Supervisors on this 24th day of May, 2021, hereby certifies that, to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were heard, discussed, or considered in the closed meeting to which this certification resolution applies, by the King William County Board of Supervisors.
2. Only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the King William County Board of Supervisors.

DONE this the 24th day of May, 2021.

d. Action on Closed Meeting (if necessary)

No action required.

Agenda Item 15. APPOINTMENTS

Supervisor Greenwood moved for approval of Resolution 21-32 to appoint Mathew Sluder to the Planning Commission with a term ending June 30, 2025; the motion was seconded by Supervisor Garber.

The chairman called for any discussion.

The members were polled:

Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

**RESOLUTION 21-32
APPOINTMENT/REAPPOINTMENT TO THE
PLANNING COMMISSION**

WHEREAS, Janie L. Rhoads' term on the Planning Commission expires as of June 30, 2021; and

WHEREAS, the Board of Supervisors now desires to make an appointment or reappointment to this position;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of King William County, Virginia that Mathew W. Sluder be appointed to the aforementioned organization for a term ending June 30, 2025.

DONE this 24th day of May, 2021.

Agenda Item 16. ADJOURN OR RECESS

Supervisor Hodges made a motion to adjourn the meeting; seconded by Supervisor Greenwood.

The chairman called for any discussion.

The members were polled:

Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

COPY TESTE:

Travis J. Moskalski, Chairman
Board of Supervisors

Christine H. Branch
Deputy Clerk to the Board of Supervisors