

**MINUTES
KING WILLIAM COUNTY BOARD OF SUPERVISORS
REGULAR MEETING OF SEPTEMBER 27, 2021**

A regular meeting of the Board of Supervisors of King William County, Virginia, was held on the 27th day of September 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. Supervisor Hodges asked that Mr. Martin, a long-time KWCPs employee, be remembered at his passing.

Agenda Item 4. PLEDGE OF ALLEGIANCE

The Chairman led the pledge of allegiance.

Agenda Item 5. REVIEW AND ADOPTION OF AMENDED MEETING AGENDA

Supervisor Greenwood moved for the adoption of the amended agenda for this meeting as presented; motion was seconded by Vice Chair Moren. 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

Agenda Item 6. PUBLIC COMMENT

Mr. Chris Couch of District 5 pointed out that the latest bill from County Attorney, Sands Anderson, charged 21.3 hours for attorney time and only .40 hours of legal assistant time. There are also charges for copies in the amount of \$163.75. \$1,235 was billed for conversations in relation to a reassessment committee. Listed line items also included 2.4 hours “prepared for BOS meeting; Participated in same.” Mr. Couch asked if the Board of Supervisors had talked with department staff on the value they feel they are receiving from Sands Anderson and said that he had. He said he has a minimum expectation from someone charging \$325 per hour for their time and Sands Anderson is not meeting it.

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. Draft Minutes of the August 20, 2021 Special Called Meeting
 - ii. Draft Minutes of the August 23, 2021 Regular Meeting
 - iii. Draft Minutes of the September 13, 2021 Work Session
- b. Approval of Payment of Bills – August, 2021
- c. **Resolution 21-70** - Honoring Reverend Dr. C. Edward Shepherd on the Occasion of His 38 Years of Pastoral Service to Beulah Baptist Church
- d. **Resolution 21-72** - Directing the Treasurer of King William County to Issue a Real Estate Tax Refund Due to Erroneous Assessment on Tax Parcel 30-62B
- e. **Resolution 21-73** - Directing the Treasurer of King William County to Issue a Real Estate Tax Refund Due to Erroneous Assessment on Tax Parcel 69A1-33-426

Supervisor Garber moved for approval of the Consent Agenda; motion was 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

Agenda Item 8. PRESENTATIONS

8.a. Resolution 21-68 - Middle Peninsula Northern Neck Community Services Board Annual Update and Performance Contract Approval - Linda G. Hodges, Executive Director

Linda Hodges, Executive Director of the Middle Peninsula Northern Neck Community Service Board (MPNNCSB) presented their annual update and Biennial Performance Contract for the Board's approval. Ms. Hodges noted that the term of the County's current representative on the Board, Mr. Matthew Kite, expires on December 31, 2021 and a reappointment or new appointment will be required.

Ms. Hodges said the MPNNCSB moved the Warsaw Counseling Center to Essex and has renamed it the Essex Counseling Center. She said they are experiencing staff shortages due to COVID and outlined their FY22 budget which includes \$60,624 in appropriations from King William County.

Supervisor Garber asked if the County's share was based on population. Ms. Hodges said yes and they purposely did not ask for an increase last year due to COVID.

Vice Chair Moren asked how MPNNCSB compared and contrasted with the County's Department of Social Services (DSS). Ms. Hodges said DSS is supported through local, state, and federal funding. The MPNNCSB has a much wider variety of sources and each is based on the specific service provided. They may bill through an individual's health insurance. Vice Chair Moren asked if there was duplication of services and asked if services between the two organizations could be stream-lined. Ms. Hodges said she wasn't aware of any overlap of services at this time. She said MPNNCSB and King William DSS collaborate on services, not duplicate services.

Supervisor Hodges asked if the MPNNCSB had any plan for dealing with the Marcus Bill and said upholding it placed a great strain on law enforcement. Ms. Hodges said all mental health crises look different and each locality likes to handle things their own way. Supervisor Hodges said it would be very difficult to match the services Gloucester could provide to the services King William law enforcement is able to provide.

Chairman Moskalski said the Board is aware of the challenges facing both the MPNNCSB and the King William Sheriff's Department in relation to the Marcus Bill.

Vice Chair Moren said he did not remember receiving an annual update from MPNNCSB last year. Chairman Moskalski said MPNNCSB did not present last year due to staff changes with their Executive Director retiring. Ms. Hodges joined MPNNCSB in November of 2020.

Supervisor Hodges made a motion to approve Resolution 21-68 Approving the FY 22/23 Biennium Performance Contract Prepared by the MPNNCSB. Supervisor Garber seconded the motion. The Chairman called for any discussion.

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

8.b. Resolution 21-69 Declaring October 2021 as Domestic Violence Awareness Month – Tiffany Webb, Deputy Commonwealth’s Attorney (Postponed to October 25, 2021 Regular Meeting)

8.c. King William County Public Schools Review of Most Critical Facility Improvement Needs – Nathan Botwright, ABM Industries

Nathan Botwright and Stephen Niez with ABM presented an overview of Critical Facility Improvement Needs at Cool Spring Primary School (CSPS), Acquinton Elementary School (AES), Hamilton Holmes Middle School (HHMS), and King William High School (KWHS).

Phase 1 was the evaluation and audit. The audit report on the energy saving upgrades done in 2019 showed excess savings of \$7,831 over the cost of improvements.

Phase 2 critical needs include HVAC replacement at AES, which has equipment from 1989 and 1995, and the replacement of 7 unit ventilators at KWHS. Vice Chair Moren asked if we were just lucky that the equipment has lasted this long. Mr. Botwright said School maintenance staff had done an excellent job caring for the equipment and had to piece together replacement parts since the equipment has been obsolete for quite some time. Supervisor Garber asked if all the equipment at AES is old.

Phase 3 critical needs include replacing 45 roof top HVAC units and 2 HRUs, all of which date back to 1998, at HHMS. This equipment was not part of the recent addition/renovation project at HHMS.

Phase 4 critical needs include replacing HVAC equipment and a full reroof at CSPS, and replacing BARDs and fan coil units in two outbuildings at KWHS.

Supervisor Garber asked the timeframe of when these needs must be addressed. Mr. Botwright said within the next three years based on their age. Some Phase 3 or 4 issues may want to be addressed in Phase 2.

Supervisor Hodges asked what was done to cause the savings reported. Chairman Moskalski said many energy saving upgrades were made based on a KWCPs initiated contract with ABM in 2019. Supervisor Hodges asked if the savings shown included the cost of the ABM contract. Mr. Botwright said yes.

The total estimated cost over the next three years for Phases 2, 3, and 4 combined is \$13.5 million (Phase 2 - \$4.85 million, Phase 3 - \$3.13 million, Phase 4 - \$5.5 million). Grant funds could be used to offset the cost, including ARPA funds.

Vice Chair Moren asked from what tech era are the new units being proposed. Mr. Niez said the new units have an 96% efficiency rating whereas the current units have an 80% efficiency rating. Supervisor Garber asked about a PMI package. Mr. Botwright said it would be on all phases for at least one year.

Vice Chair Moren asked if this was the first the Board was hearing of these issues. Chairman Moskalski said these issues are in KWCPs's capital requests every year but this is a more aggressive attack on the specific needs. He said these are not new issues.

Supervisor Garber asked if the projected energy savings were conditional upon things such as what temperature the thermostat is set at and the like. Mr. Niez said the savings are based on industry recommended rates such as ventilation and building occupancy. The recommended usage rates meet all industry requirements.

Mr. Botwright said the issues mentioned are needs and not wants. ABM offers a guaranteed certainty of outcome as far as the projected energy savings and the prices shown are firm and fixed for all three phases. Mr. Botwright said, if the Board approved and awarded the contract to ABM, they could begin contract work as early as December 2021.

Supervisor Greenwood asked if the equipment has a guaranteed life. Mr. Niez said it depends on the maintenance plan, if any, that is chosen. He said the better you take care of the equipment, the longer it lasts. Supervisor Garber asked how expensive the maintenance agreements were. Mr. Botwright said it depends on what you choose.

Supervisor Hodges asked if the new equipment could be expected to last as long as the old equipment did. Mr. Botwright said state legislation dictates equipment must be replaced every twenty years; ABM suggests fifteen.

Chairman Moskalski asked the Interim County Administrator, Steve Hudgins, to arrange a meeting as soon as is practical between the Board, the School Board, and Davenport & Company LLC to discuss funding.

Agenda Item 9. OLD BUSINESS

9.a. Commissioner of Revenue Office Update – Edmunds – Karena L. Funkhouser, Commissioner of Revenue

Commissioner Funkhouser informed the Board that approximately 100 land use renewal affidavits were mailed to property owners two weeks ago. Applicants have until December 5th to return their affidavits. New applications are due November 1st. She said she has no

reason to believe anyone is unjustly taking advantage of the land use ordinance and does not anticipate anyone being unable to comply with her requests for additional information.

Supervisor Garber asked what the end result is if someone doesn't adhere to the forestry plan. Commissioner Funkhouser said there is no penalty other than that they will no longer be able to claim that exemption. They do not have to pay roll-back taxes.

Chairman Moskalski said the Board had looked closely into the land use program a few years ago expecting to find wide-spread abuse, however they found that was not the case. He said often the cases were of people not being able to complete the paperwork on time and there were cases where elderly landowners had leased out their land for farming or forestry and were unaware that their tenants were not complying with the ordinance.

Commissioner Funkhouser said personal property tax bills will be mailed out in a few weeks. She noted that some citizens will see an increase in their bills this year due to the value of used vehicles dramatically increasing. The Commissioner provided an explanation she received from JD Power (Attachment A – Why did my personal property tax bill increase?).

Commissioner Funkhouser said her office has experienced many problems with the new Edmunds software and has not received the support required per the contract. She said the two Edmunds people assigned to the County both left the company during the first week the software went live and their emails and messages went unanswered. They were then told they needed to submit a support ticket by email however those were also not responded to in a timely manner. The Commissioner said she would provide a separate memo tomorrow informing the Board of the numerous problems encountered.

Two significant issues were that the West Point personal property rates had not been entered and Edmunds ignored her and Mr. Wolfe's (KWC Systems Engineer) emails for two weeks. State code mandates she deliver the personal property tax books to the Treasurer by September 1st and failure to do so could result in her being personally fined. On Friday, August 27, 2021, Commissioner Funkhouser requested an extension from Rod Compton at the Virginia Department of Taxation, a personal embarrassment to her. She finally received assistance from Edmunds on August 30th and 31st and was able to complete the books by September 1st.

Supervisor Greenwood asked if the personal property bills had been prepared but not mailed. The Commissioner said the Treasurer has mailed some out but they are three weeks late. One issue they experienced was being unable to put account numbers on bills.

Chairman Moskalski said some issues were to be expected as part of a learning curve and that they originally migrated out of Bright due to deterioration of service. Commissioner Funkhouser said they are unable to use the software because they don't know how and when they inquire, they are not receiving a timely response.

The Commissioner's office has entered supplemental bills totaling \$102,000 for new construction between January and June which were to be mailed September 1, 2021. The Treasurer has been unable to mail the bills due to unresolved problems with Edmunds.

9.b. Proposed Water Tower Location – Steve Hudgins, Interim County Administrator

Mr. Hudgins presented information from Bowman Consulting including a draft Preliminary Engineering Report analyzing six locations as potential sites for the tank. The top sites evaluated include Kelly Lane, Manquin, and Kennington.

The Kelley Lane site is not recommended due to the concerns brought forth by the Upper Mattaponi Indian Tribe. The Kennington site does not promote future development. The Manquin site requires the most amount of associated infrastructure to function but this same infrastructure promotes both residential and commercial development and has already been identified as a future project. Combining the water main extension with the tower project at this time merely expedites that future project. For these reasons, the Manquin site is the recommended site. Staff is seeking the Board's guidance for moving forward.

Supervisor Hodges asked what is meant by "Fair Water Quality". Mr. Hudgins said fair water quality meant the water in the tank was 16 to 20 days old. Excellent is less than 10 days and good is from 10 to 15 days.

Supervisor Garber said he had talked with Chief Adams that afternoon and he mentioned that the owner of the Kelly Lane property had recently changed. Chief Adams said he's willing to sit down and talk about it with the County.

Vice Chair Moren said he liked the Manquin site because it would address the needs of Commerce Park. He asked who currently owns that site. Mr. Hudgins said the County does. He said the existing residents of Commerce Park would be required to hook in if that option were chosen.

Supervisor Hodges asked the distance from the Kelly Lane site to Commerce Park. Mr. Hudgins said it was about four miles but they wouldn't be extending infrastructure all the way but attaching to what was existing.

Chairman Moskalski asked if Kelly Lane is back on the table, does staff still recommend the Manquin site. Mr. Hudgins said he would like to consult the Planning Commission and see how it would fit in with the new Comprehensive Plan.

Chairman Moskalski asked the Board's opinions. Supervisor Greenwood said he liked the Manquin site and thinks it aligns better with the Comprehensive Plan, however he would like to have a conversation with Chief Adams about the Kelly Lane site as well. He said he believes the public should also be involved in making the decision and should know what's being considered. Mr. Hudgins said there would definitely be a Public Hearing once the Board has a recommendation.

Agenda Item 10. NEW BUSINESS

10.a. ARPA Budget Discussion – Steve Hudgins, Interim County Administrator

Mr. Hudgins said the first half of the funding had been received and \$22,494.10 has already been expended. The Board had made known its stance that ubiquitous broadband and water utility projects should be made a priority use for ARPA funds.

Staff is recommending \$2,000,000 be used towards the County's required VATI grant match of \$2,500,000 for ubiquitous broadband in the County. The remaining \$500,000 is proposed to be funded by the broadband capital fund (\$225k) and the infrastructure capital fund (\$275k).

After discussions with Mr. James Sanderson of Davenport & Company LLC, it is not recommended to use the remaining ARPA funds for the Water Tower project because the amount would not make an appreciable difference on a yearly bond payment. Also, current utility funds and expected utility revenues are enough to cover bond payments for water utility projects, specifically the proposed water tower and associated infrastructure.

At this time, \$344,404.95 is recommended to budget towards departmental requests funding such items as PPE, COVID time off, Regional Animal Shelter needs, Commonwealth Attorney needs, (2) prisoner transport vehicles, and the installation of audio equipment in the Courthouse wing. This total also includes funds for Sheriff Deputies who are not eligible to receive Comp Board bonuses to receive bonuses to match their comped peers.

The remainder of \$963,898.96 in ARPA funds is anticipated to fund most of the rest of the outstanding requests by the Sheriff's Department as well as the Fire and EMS Department. However, consideration is being given for its use to meet staffing needs in the Fire and EMS Department now that it is known the County was not selected to receive SAFR grant funds. This would include seven positions at a cost of \$478,000.00 per year for (2) years.

Chairman Moskalski said the priorities of broadband and water had been covered and he thinks it's a necessity to fund Fire and EMS due to not receiving the grant.

Supervisor Garber asked why the County did not get the grant. Mr. Hudgins said applicants are not told the reason they were not awarded a grant.

Supervisor Garber asked if the SAFR grant was to cover staffing costs for three years. Stacy Reaves, Fire Chief, said yes, it was for 13 positions for three years. Using ARPA funds would fund seven positions for two years.

Vice Chair Moren asked if they were certain the funds could be used since the department was having troubles recruiting. Chief Reaves said recruitment opportunities are high right now for full-time positions with benefits. There are many part-time opportunities available

but that does not allow candidates to grow their careers. He said the County's requirements are attractive, requiring only a high school diploma and a clean criminal record, and retention will be good because the recruits would be growing with their jobs over the coming years. Chief Reaves said additional staff is needed to cut down service times and increase the ability to save lives. Since many of the County's part-time staff hold full-time positions elsewhere, it is more attractive for them to work overtime at their full-time jobs because they receive overtime pay. He said currently, even with offering overtime pay, they are unable to fill the schedule.

Supervisor Garber asked if we could reapply for the SAFR grant. Chief Reaves said yes, he recommends reapplying next year for the additional six positions.

Chairman Moskalski said the Board knew the positions would need to be funded if the SAFR grant was not received and the ARPA funds give them the ability to do that. Vice Chair Moren asked the timing for receipt of the second half of the funds. Mr. Hudgins said they'd be received in about a year.

Chairman Moskalski asked Mr. Hudgins and Chief Reaves to put something together for the Board to review and approve.

10.b. Resolution 21-74 – Request for Approval for Use of School Reserve Funds for Repairs to the King William High School Cafeteria – Tony Stone, KWCPD Director of Operations

Mr. Stone said, while installing the new grease interceptor at the High School, it was discovered that the cast pipes below the cafeteria and kitchen floor have broken and collapsed under the concrete slab. The requested funding of \$115,000 from the school reserve fund would cover reestablishing sanitary lines and tying them into the new interceptor, and the rental of a refrigerated trailer for food storage during the repairs.

Vice Chair Moren asked what would be done with the funds if the project cost less than \$115,000. Stacy Longest, KWCPD Director of Finance, said it would carry over to the next fiscal year along with any other amounts in the Operating Fund. At the end of the fiscal year, funds remaining in the Operating Fund are automatically transferred to the Capital Fund.

Supervisor Garber made a motion to approve Resolution 21-74 for the use of School Reserve funds in the amount of \$115,000 for repairs to the King William High School cafeteria. Supervisor Greenwood seconded the motion. 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 21-74
BUDGET AMENDMENT – KING WILLIAM COUNTY PUBLIC SCHOOLS
APPROVAL FOR USE OF SCHOOL RESERVE FUNDS FOR REPAIRS TO THE
KING WILLIAM COUNTY HIGH SCHOOL CAFETERIA

WHEREAS, while replacing the grease interceptor at King William County High School it was determined that there was a much larger issue in which the pipes below the cafeteria and kitchen floor have broken and collapsed under the concrete slab; and

WHEREAS, repairs will entail reestablishing sanitary lines, the rental of a refrigerated trailer for food storage, and tying into the new grease interceptor; and

WHEREAS, the King William County Public School Superintendent and Director of Finance have requested the use of School Reserve funds in the amount of \$115,000.00 to be used for these repairs; and

WHEREAS, the Board of Supervisors wishes to approve the use of King William County Public Schools' School Reserve Funds for the above stated purposes in the amount of \$115,000.00;

NOW THEREFORE, BE IT RESOLVED BY the King William County Board of Supervisors that \$115,000.00 from the KWCPs Reserve Fund is hereby approved and is directed to be transferred to the KWCPs Capital Fund for the above stated purposes.

DONE this 27th day of September, 2021.

Agenda Item 11. PUBLIC HEARING

11.a. Ordinance 08-21 – Amend King William County William County Code §70-3 (a) Penalties for Delinquent Payments of Property Taxes - Mary Sue Bancroft, Treasurer

Ms. Bancroft said the Treasurer's office would like to change the due date for Tangible Personal Property Taxes from December 6th to January 15th in order to provide a bit of relief to citizens because Real Estate taxes are also due on December 6th and because of the holiday season.

Supervisor Greenwood asked if the Personal Property Tax bills would still go out at the usual time. Ms. Bancroft said yes.

Chairman Moskalski opened the Public Hearing period for citizen input.

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

Vice Chair Moren made a motion to approve Ordinance 08-21 changing the due date for Tangible Personal Property Taxes to January 15th. Supervisor Hodges seconded the motion. 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

ORDINANCE 08-21
AN ORDINANCE TO AMEND KING WILLIAM COUNTY CODE § 70-3 (a)
PENALTIES FOR DELINQUENT PAYMENTS OF PROPERTY TAXES

WHEREAS, pursuant to Virginia Code Section 58.1-3916 the King William County Board of Supervisors may by ordinance establish due dates for the payment of local taxes; and

WHEREAS, the King William County Board of Supervisors wishes to provide some relief to citizens by establishing a due date for the tax or levy of Tangible Personal Property, as defined in the Code of King William County, Virginia Chapter 70 Article III, different than the due dates for the tax or levy of Real Property;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 27th day of September, 2021, amend King William County Code Sec. 70-3 (a) to read as follows:

Sec. 70-3. - Penalties for delinquent payments of property taxes.

(a) Any person, business, firm, corporation or other taxpayer failing to pay any county property taxes for levies on or before June 25 and December 5 shall incur a penalty thereon of ten percent of the tax past due, which the treasurer shall add to the amount of tax or levy due from such taxpayer, and the treasurer shall, in addition, assess interest on any such delinquent taxes or levies remaining unpaid commencing on the day following such day as the taxes are due at the rate of ten percent per annum on the delinquent taxes or levies and penalties, such interest to commence on **the dates set forth in this section** ~~June 26 and on December 6~~ of the year in which the taxes or levies are due. **Provided, however, that penalties and interest shall accrue as provided herein if Tangible Personal Property taxes are not paid on or before January 15 of the year following the year for which the tax was assessed.**

DONE this the 27th day of September, 2021.

11.b. Ordinance 09-21 - Amendments to the King William County Zoning & Subdivision Ordinance - Sherry L. Graham, Director of Planning

Ms. Graham introduced Ms. Rebecca Cobb with the Berkley Group.

Ms. Cobb presented an overview of the new Zoning & Subdivision Ordinance Update including the process to date, a review of changes, recent amendments, and next steps. The process of updating the Zoning & Subdivision Ordinance began in 2018 and has included drafting, community input, editing, additional community input including a survey of all county landowners, additional editing, public review, final revisions, and now the Public Hearing and possible adoption by the Board of Supervisors.

Ms. Cobb said the biggest changes to the current code are in Section XI – Landscaping, XII – Exterior Lighting Standards, and XIV – Planned Unit Development – Mixed Use. General updates include modernized definitions, developed community standards, the addition of State Code references, the insertion of State requirements, and clarified language. Requirements were moved out of the Definition section and placed in the appropriate sections of the Code itself. New uses have been added including Agritourism, commercial indoor amusement, personal services, and mobile restaurants (food trucks). Article III - General Conditions changes included moving items to the specific articles relating to that topic and updating with best practices and State Code references. Article IV – Administration changes included adding a Concept Plan requirement for rezoning applications, with the more expensive Site Plan still being required, but later in the process. No new Primary Zoning Districts were added and a Special Purpose District, PUD-Planned Unit Development, was added. R-R District minimum lot area was kept at the existing 3 acres. Article VIII – Use and Design Standards go beyond the district requirements. Ms. Cobb said they are based on “being a good neighbor.” Article IX – Nonconforming Uses and Lots addresses those uses or lots that do not conform to this ordinance but were in existence prior to adoption and may continue or be “grandfathered”. Sign Standards were updated. A new section was added – Article XVI – Solar Facilities – which includes appropriate setbacks, the requirement for neighborhood input, county revenue opportunity, and proper dismantling and withdrawal.

Article XVIII – Subdivisions changes include adding niece and nephew to the Family Subdivisions. Vice Chair Moren asked what the effect of a divorce would have on the requirements in this section. Chairman Moskalski said such issues would be settled by a court, not by the County and that once the deed has been recorded, the court would decide any issues. County Counsel, Andrew McRoberts, said a court order would take precedence.

Supervisor Garber asked if the Ordinance were approved tonight, when does it take effect. Mr. Hudgins said the Ordinance is written to take effect upon passage but the Board can amend that if they so desire. Counselor McRoberts said it’s up to the Board but statute dictates it would become effective at midnight tonight. Ms. Graham said plans which had already been approved would be grandfathered under the existing code. Supervisor Garber asked what if the application were in process but not yet approved. Ms. Graham said any

applications already in process would also be grandfathered under the existing code. Counselor McRoberts said the Board should include language to that effect in the Ordinance.

Chairman Moskalski opened the Public Hearing period.

Cheryl Mills of the Sweet Hall District said she was coordinating speakers from each of the five districts who are in favor of the ordinance as presented and agrees with Ms. Graham at keeping the minimum lot size below the 10-acre requirement which some have suggested.

Angela Roane of District 1 said she is a member of the King William County NAACP and has lived in the County for 35 years. She's concerned about any changes which would increase the minimum lot size and said 10 acres is too much.

Reginald Neale of District 2 said he is a member of the King William County NAACP and has been a homeowner in the County for 18 years. He said the County's growth needs to be a proper reflection of all residents.

Lisa Roberts of District 3 said she is a member of the King William County NAACP and has lived in the County all her life. She was involved in this ordinance update process as a member of the stakeholders group. She stressed the need for increased transparency and positive change in the County.

Rodney Charity of District 4 said he is a member of the King William County NAACP and has lived in the County since 2006. He is also concerned about keeping the minimum lot size low and said a 10-acre lot in the County is expensive and hard to find.

Tim Johnson of District 5 said he is a member of the King William County NAACP and has lived in the County for 15 years. He has a strong concern about the amendments to this ordinance and said the County needs to focus on attracting and enabling young people to move to the County. He asked how young people just out of college with student loan debt would be able to afford to live in the County and said that needed to be considered if we really want young people to live here.

Ms. Mills summarized that all the representatives in her group support Ms. Graham in keeping the minimum lot size as it is presented in this ordinance.

Victor Anderson of Roanoke Road in the 2nd District thanked those involved in the updating process for their hard work and said he believes the suggested changes focus on quality of life and safety for the residents of the County. He said in his experience, there has been little or no enforcement of the current ordinance by the County and that adopting a new ordinance without the means of enforcement does nothing. He said the County needs to fund the proper staff needed to enforce the ordinance and maintain residents' quality of life and safety. He asked who is responsible for enforcement.

Brian Johnson of District 2 thanked the leadership and staff for their hard work. He asked what the reason was for eliminating flag lots in minor subdivisions and could it be reconsidered. Chairman Moskalski suggested hearing from all who wished to speak and then addressing questions at the end. Mr. Johnson suggested making the ordinance effective 01-01-2023, or at least 01-01-2022, because some people were not coming forward due to COVID concerns and he felt making it effective immediately would be unfair to the community. He said he hadn't had time to review the whole document and asked the Board to delay the process.

Darryl Kellum of District 3 asked the effective date to be 60-90 days out at a minimum.

Justin Feinman said he is an attorney representing Charles Snead of District 2. Mr. Snead is concerned about the definition of a Bed & Breakfast as having up to five bedrooms and being owner occupied. Mr. Snead currently runs a two bedroom Bed & Breakfast from his home on 36 acres and has paid for plans to expand to 12 bedrooms. He suggests the Bed & Breakfast limit be tiered based on lot size. He said Mr. Snead's 2 bedrooms are routinely booked meaning people want to come to a Bed & Breakfast in King William County. He asked if the County wanted to promote Bed & Breakfasts or Airbnbs because that was what the ordinance was leading to.

Chris Couch of District 5 said he is concerned about consistency in the writing of ordinances. He said this ordinance contains 31 pages of definitions which are not in the State Code. However, when the Food & Beverage Tax ordinance was being amended, County Counsel said it could not contain any definition which was not in State Code due to the Dillon Rule. He said Counselor McRoberts said he would resign if the Board passed the Food & Beverage Tax ordinance with any definition not contained in State Code and said this was an opportunity to see if Mr. McRoberts were a man of his word.

Peter Mason of District 2 said these are not sudden changes. The changes to this ordinance have been going on for years and delaying it tells the people who've done all the work they don't matter. He said any further delay is ridiculous and encouraged complete adoption of the ordinance as presented. He noted that some people asking for leeway with the adoption of the revised code are currently in violation of the existing code.

There being no further speakers, Chairman Moskalski closed the Public Hearing period.

Counselor McRoberts addressed the concerns raised by Mr. Couch regarding the Dillon Rule and said a tax ordinance is not the same as a zoning ordinance. He said the Supreme Court has said in tax issues, you must follow the Dillon Rule 100%. With zoning issues, the General Assembly gives more leeway and hasn't specifically provided definitions in all things. He said zoning has a broader interpretation than tax issues.

Ms. Graham said the flag lot changes were made to minimize the number of entrances for minor subdivisions. Supervisor Garber said the current limit for minor subdivision entrances is four. Ms. Graham confirmed that it is.

Chairman Moskalski asked Ms. Graham her opinion on delayed enactment and asked if it would disadvantage anyone. Ms. Graham said she didn't think the updated ordinance contained that much of a change to matter to anyone. She recommended no later than 01-01-2022 and said that is not really very far away. Vice Chair Moren asked why not October or November. Chairman Moskalski agreed there was not much of a change in the proposed ordinance update and didn't think it would really affect use. Ms. Graham said there were pros and cons to delaying enactment and noted one pro to not delaying is that the new ordinance allows accessory dwellings up to 800 ft. thus eliminating the need for a homeowner to obtain a Conditional Use Permit (CUP).

Ms. Graham addressed the issue of the room limit for Bed & Breakfasts and said that, once you get over five bedrooms, it gets into the definition of a hotel. She said residents do not want a commercial feel to a residential area. Supervisor Greenwood noted this is not a change; it was already in the current code.

Supervisor Greenwood said the Zoning & Subdivision Ordinance is a living document and can be changed. He urged people to bring any special issues to the Planning Commission and they could work on it together.

Chairman Moskalski said we have gotten a good amount of public input and listened to it. He noted also that there are not a lot of changes made to the existing code; it's mostly just modernizing the language. He said the issues brought up during the process have been worked through. He said individual cases can be brought to the Planning Commission and they can continue to make refinements.

Supervisor Hodges said he is in favor of moving forward and made a motion to adopt Ordinance 09-21 as presented.

Supervisor Greenwood said the time of enactment needed to be moved out.

Supervisor Hodges withdrew his motion to adopt Ordinance 09-21.

Supervisor Greenwood made a motion to adopt Ordinance 09-21R changing line 25 from "... this article shall become effective upon passage" to "... this article shall become effective 30 days from passage".

Chairman Moskalski noted the need to address the issue of applications currently in process and suggested adding, after line 26, "BE IT FURTHER ORDAINED AND ENACTED, that any applications currently active in the Office of Community Development shall be handled pursuant to the Zoning & Subdivision Ordinance as it was enacted at the time of application."

Supervisor Greenwood withdrew his motion to adopt Ordinance 09-21R.

Supervisor Hodges made a motion to adopt Ordinance 09-21R2 with the aforementioned two changes. Supervisor Greenwood seconded the motion. 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

ORDINANCE 09-21R2
AN ORDINANCE TO UPDATE AND AMEND KING WILLIAM COUNTY CODE
CHAPTER 86 - ZONING

WHEREAS, pursuant to Code of Virginia §15.2-2240 the governing body of every locality shall adopt an ordinance to assure the orderly subdivision of land and its development; and

WHEREAS, the King William County Zoning & Subdivision Ordinance Update presented has been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, and general welfare of the citizens of the County; and of further accomplishing the objectives of Code of Virginia §15.2-2283; and

WHEREAS, the King William County Planning Commission, after study and review, conducted a duly advertised public hearing on September 7, 2021 on the zoning and subdivision text amendments contained in the attached Zoning & Subdivision Ordinance Update dated September 8, 2021, and recommended that the Board of Supervisors make certain amendments to the King William County Code contained therein; and

WHEREAS, after reviewing the amendments recommended by the Planning Commission and holding a duly advertised public hearing on September 27, 2021, the Board finds that the general welfare of the King William community and the dictates of good zoning practice require changes to and adoption of the Planning Commission's recommendations in order to meet the requirements of the Code of Virginia;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 27th day of September, 2021 amend King William County Code Chapter 86 - Zoning as presented in the attached Zoning & Subdivision Ordinance Update dated September 8, 2021; and

BE IT FURTHER ORDAINED AND ENACTED, that this article shall become effective ~~upon~~ **thirty (30) days from** passage; **and**

BE IT FURTHER ORDAINED AND ENACTED, that any applications currently active in the Office of Community Development shall be handled pursuant to the Zoning & Subdivision Ordinance as it was enacted at the time of application.

DONE this 27th day of September, 2021.

(See Attachment B.)

Agenda Item 12. ADMINISTRATIVE MATTERS FROM COUNTY ADMINISTRATOR

12.a. Board Information

Mr. Hudgins made note that VPPSA reported Container Revenue to the County for recycling in the month of August, which hasn't been the case for some time.

Agenda Item 13. BOARD OF SUPERVISORS' COMMENTS

Supervisor Hodges urged people to get COVID vaccinations and said West Point had officially cancelled this year's Crab Carnival.

Supervisor Greenwood also urged people to get their vaccine and wear masks. He said people are dying and we need to be cognizant of protecting others. He noted the State Fair was going on and thanked everyone for coming.

Vice Chair Moren thanked everyone for their participation and gave kudos to Ms. Branch for the thoroughness of the meeting minutes.

Supervisor Garber also encouraged people to get vaccinated and do the right thing for others. He mentioned a member of his district, Molean Wood, passed away. She served Altria for 30 years and she and her husband took in disadvantaged young men for many years and helped them get jobs. He noted she will be missed.

Chairman Moskalski noted the passing of Native American historian, Shirley McGowan, and asked to remember her family. He encouraged people to get vaccinated and be safe.

Agenda Item 14. CLOSED MEETING

14.a. Motion to Convene Closed Meeting

Supervisor Moren made a motion to convene in Closed Meeting in accordance with Sections 2.2-3711 (A)(1) and (2) of the Code of Virginia to discuss the appointment of individuals to Boards and Commissions and to discuss the interview of a prospective candidate for employment. Motion was seconded by Supervisor Greenwood. The chairman called for any discussion.

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

14.b. Motion to Reconvene in Open Session

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

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

14.c. Certification of Closed Meeting

Supervisor Greenwood 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 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

**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 27th day of September, 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 27th day of September, 2021.

13.d. Action on Closed Meeting (if necessary)

No action was taken as a result of the Closed Meeting.

Agenda Item 15. APPOINTMENTS

15.a. Resolution 21-71 – Recommendation for an Appointment to the Board of Zoning Appeals

Supervisor Hodges made a motion to approve Resolution 21-71 recommending the appointment of Amanda Walker to the King William County Circuit Court as a member of the Board of Zoning Appeals for an unexpired term ending June 30, 2026. Mr. Garber seconded the motion. 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 21-71
RECOMMENDATION FOR AN APPOINTMENT TO THE
BOARD OF ZONING APPEALS**

WHEREAS, Laura N. Nunnally’s term on the Board of Zoning Appeals (BZA) expired on June 30, 2021; and

WHEREAS, Ms. Nunnally has not expressed interest in reappointment to the BZA; and

WHEREAS, others who have expressed interest in appointment to the BZA include Jeanette Wagner and Amanda Walker; and

WHEREAS, BZA Chairman Benjamin Shumaker expressed the consensus of the Board of Zoning Appeals requesting the Board of Supervisors make a recommendation to the King William County Circuit Court to appoint Amanda Walker to fill this vacancy; and

WHEREAS, the Board of Supervisors now desires to make a recommendation to the King William County Circuit Court for an appointment to this position;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of King William County, Virginia does recommend to the King William County Circuit Court that Amanda Walker be appointed to the Board of Zoning Appeals for an unexpired term ending June 30, 2026.

DONE this 27th day of September, 2021.

Agenda Item 15. ADJOURN OR RECESS

Supervisor Hodges made a motion to adjourn the meeting; seconded by Supervisor Garber. The chairman called for any discussion.

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

COPY TESTE:

Travis J. Moskalski, Chairman
Board of Supervisors

Christine H. Branch
Deputy Clerk to the Board of Supervisors

ATTACHMENT A
COMMISSIONER OF THE REVENUE OFFICE UPDATE
Karena L. Funkhouser, Commissioner of Revenue

Why did my personal property tax bill increase?

The Personal Property Tax Relief Act (PPTRA) requires each locality to provide annual tax relief on the first \$20,000 in vehicle value for vehicles not used for business purposes. In 2005, the General Assembly capped the funding provided to localities for this tax relief program. King William County receives \$1.2m annually from the State to offset the personal property tax.

Unfortunately, the amount of actual tax relief to citizens typically declines every year, **in every locality**. When citizens replace older vehicles with newer models and the number of vehicles increases as people move into the County, the total value of assessed vehicles increases. Last year, the number of vehicles in King William County increased by 819. Consequently, the \$1.2m must be divided over a bigger pie and the PPTRA rate decreases. This year the PPTRA rate is 27.7% and the amount of your personal property tax bill is reduced by 27.7%.

In addition, many vehicle valuations for tax year 2021 are not following the historical trend of depreciating from one year to the next. For Tax Year 2021, many vehicles are valued higher this year than that same vehicle was valued last year. If you have purchased or sold a vehicle in the past year or are planning to do so, this information will not surprise you. This is a result of the COVID pandemic.

*According to J.D. Power (February 2, 2021), "under normal market conditions, the observed year over year value increases would be unusual. Unfortunately, the COVID-19 pandemic has made the current auto market anything but usual. Just over the Summer of 2020, prices increased over 10% for the US used car market as a whole. **This was simply due to demand outpacing supply, which occurred both as a result of large fleet companies holding on to their inventories longer and factories being temporarily closed.** This phenomenon has been observed in every segment of the used car market. In fact, these year over year price increases are much more prevalent and far more massive in the pickup truck segments vs. the market in general".*

Some other factors contributing to the unprecedented upward movement in vehicle valuations include a strong demand fueled by the Federal Reserve cutting interest rates to near 0% in March of 2020 and the influx of government stimulus money.

The concurrence of these events resulted in stronger demand and limited supply which resulted in the higher prices. For tax year 2021, many vehicles will be valued higher this year than that same vehicle was valued last year. If your vehicle is valued higher, hopefully this information helps explain why.

**ATTACHMENT B
ORDINANCE 09-21R2**



King William County, Virginia
Zoning & Subdivision Ordinance Update
Board of Supervisors Public Hearing Draft
September 8, 2021

The complete Zoning & Subdivision Ordinance Update can be downloaded from the County website - <https://www.kingwilliamcounty.us/384/Zoning-Ordinance>.

The full King William County Code can be found online at https://library.municode.com/va/king_william_county/codes/code_of_ordinances or click on “King William County Code” under the Quick Links section of the County website.