

**MINUTES
KING WILLIAM COUNTY BOARD OF SUPERVISORS
WORK SESSION OF OCTOBER 4, 2021**

A work session of the Board of Supervisors of King William County, Virginia, was held on the 4th day of October 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. REVIEW AND ADOPTION OF AMENDED MEETING AGENDA

Supervisor Hodges moved for the adoption of the amended agenda for this meeting as presented; 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

Agenda Item 4. WORK SESSION MATTERS

4.a. Fire & EMS Department Report – Stacy Reaves, Fire Chief

Chief Reaves said the increase in COVID-19 infections appears to be leveling and beginning to decrease across the country, however, the Three Rivers District (which includes King William County) is still in Status Black. This means EMS responders have to call a hotline when transporting patients and VCU determines which hospital they are able to transport the patient to. This can and does lead to extended transport and turnaround times.

Chief Reaves said staffing continues to be insufficient and the situation is worsening. The County did not receive the SAFER grant and it has already been agreed to by the Board of Supervisors that ARPA funding will be used to help in this area.

The transition to the ESO system is nearing completion. King William and West Point have completed all their templates and Mangohick was hoping to complete theirs tonight.

The new ambulance has been ordered, construction is underway, and it is on schedule for delivery in December. Chairman Moskalski said he was glad to hear the new ambulance was on time.

The department is continuing to work with VDEM on the Emergency Operations Plan (EOP) and a meeting is scheduled with County Department Directors this week.

Supervisor Greenwood asked if there was any news on the vaccination booster shot. Chief Reaves said nothing had been approved yet. Chairman Moskalski said this was on the CDC's docket to discuss on October 18th. Supervisor Hodges said he had already received his third Moderna vaccination (booster) and was unclear as to what had and hadn't been approved.

4.b. Human Resources Update – Nita McInteer, Human Resources Manager

Ms. McInteer presented a recommended adjustment to the County's Overtime and Compensatory Time Policy due to changes recently made by the General Assembly. Full-time non-exempt employees are currently compensated for 35 hour work week (8:30am-4:30pm with one hour unpaid lunch) and are paid overtime for hours worked over 35. The recommended change would credit employees in compensatory time for any hours worked on 40 in a standard week the month after it is earned. This would not apply to Fire & EMS and Sheriff's Department employees.

Chairman Moskalski said the County moved from a 40 hour week to a 35 hour week in 2014 for some reason. Vice Chair Moren asked how this would affect those employees who regularly work overtime. Ms. McInteer said there are really only two people who are currently working regular overtime, the Deputy Clerk and the Planning Secretary.

The consensus of the Board was that they are in favor of moving to a 40 hour week.

4.c. Reassessment Contract with Pearson's Appraisal Service, Inc. – Steve Hudgins, Interim County Administrator

Mr. Hudgins presented the King William County Contract for Consulting Services with Pearson's Appraisal Service, Inc. for the Board's approval.

Highlights of the proposed contract include a cost of \$28.00 per parcel with an estimated parcel count of 11,197; Mr. Fred W. Pearson will sign the reassessment book; an assessment office in the County administration building will be staffed during business hours for the duration of the contract; the Contractor will visit greater than 95% of all parcels in the

County and take at least 2 pictures of key features of improved properties; and the final reassessment values would be effective January 1, 2023. Pearson's was the only proposal received by the County in answer to the RFP posted for the reassessment.

Supervisor Garber asked if the Assessment Office would be staffed from 8:30am-4:30pm. Mr. Hudgins said the contract is worded such that it will be staffed during regular business hours.

Supervisor Garber asked about the \$90/hour fee for addressing citizen questions and concerns. Mr. Hudgins said the Commissioner of the Revenue's office staff will answer citizen questions to avoid incurring that fee.

Supervisor Hodges asked approximately how many parcels there are in the County. Mr. Hudgins said the estimate is 11,197.

Supervisor Garber asked if the contract requires Pearson's to visit greater than 95% of all parcels. Mr. Hudgins said yes. Supervisor Garber asked what constitutes a visit. Mr. Hudgins said the assessor must physically go to the parcel. Supervisor Garber said Mr. Pearson had previously said he would not be able to physically visit some undeveloped parcels. Supervisor Hodges said the contract stipulates they must visit 95% of all parcels.

Vice Chair Moren asked if they will be using drones. Mr. Hudgins said Mr. Pearson said he may use satellite imaging for some parcels if necessary.

Mr. Hudgins said Mr. Pearson's staff has completed VISION training and spoke with them to ensure data is properly ported over.

Supervisor Greenwood asked if there were any way to hold them to better interaction with the public. Supervisor Hodges said that is in the contract.

Supervisor Garber asked if Pearson's would provide a surety bond sufficient enough to protect the County from breach of contract unlike the previous contractor's bond which only provided for fixing errors. Mr. Hudgins said he would ask Mr. McRoberts (County Counsel) specifically and noted Pearson's could not attain a bond until the contract was signed.

Vice Chair Moren mentioned the proposed Citizens Advisory Group and recommended Mr. Bob Hubbard to lead it. He said he would put together a proposal to present at the next Board of Supervisors meeting.

Supervisor Greenwood said he believed the Supervisors should be responsible for appointing the Advisory Board and it should not be done outside of them. He said there are already groups meeting and discussing these issues without the Board of Supervisor's knowledge.

Supervisor Garber noted whoever is part of the Citizen Advisory Group could not also be part of a future Board of Equalization.

Chairman Moskalski asked if staff has put together their own outline and recommendations for this group. Mr. Hudgins said not yet. Chairman Moskalski said to do that and noted the general consensus of the Board of Supervisors is to form a citizen's work group, not a Board of Assessors. He said this has to be done by the end of this year and the issue should be placed on the next meeting's agenda for discussion.

Chairman Moskalski asked if there would be any substantive changes to the contract upon review. Mr. Hudgins said the contract had already been reviewed by Mr. McRoberts and Mr. Pearson had already signed it.

4.d. Land Use Discussion – Charles Piersa, Farm Bureau President

Mr. Piersa said he had been contacted by concerned citizens who've applied for land use. He said citizens, County and Farm Bureau staff, and the former Commissioner of the Revenue had met previously and came up with criteria agreed to by all and now additional requirements were being sought by the current Commissioner of the Revenue.

He said there are valid reasons why people can't cut or replant within certain timeframes and they were concerned by the current Commissioner's statement that, if someone had stated on their land use application they would cut or replant within a certain timeframe, she expected that to occur.

Mr. Piersa said he owns land in King William and other counties and has also talked with people who own property in Caroline and Hanover counties. He said every year he receives one form asking if he is still in land use and if he has any changes to report. He simply checks the boxes and returns the form. The only time additional documentation is required is if there have been changes made. He said land use applicants have worked hard to get the requirements to where they are now and are concerned that changes are now being made. He asked that the process be kept simple for the sake of farmers and County staff.

Supervisor Garber said he owns property in Gloucester County and has never had to provide a forest plan. He said he doesn't think it's fair that a parcel becomes ineligible simply because the timber hasn't been cut. He noted that those who have done their own plan may not have put in reseedling plans because that's a Department of Forestry requirement.

Chairman Moskalski said the plan was looked at in 2015 with the expectation that wide abuse would be found and it was not.

Supervisor Garber said farmers get a USDA Crop Report annually and that's all the documentation that should be required because that is proof that the parcel is in agricultural use.

Mr. Piersa said he would like to see the process simplified and noted there is a penalty, a fee charged, in Caroline County if you don't return the annual form within the deadline.

The Commissioner of Revenue, Karena Funkhouser, said there is substantial savings when you're in land use and she is in favor of it because it slows development. She said she is tasked with enforcing the Ordinance as it is written and it says you must submit a Forestry Plan and planned harvest timetable. She said if the Board does not want to require a Forestry Plan, they can remove that language from the Ordinance, however, she must enforce it as it is written.

Supervisor Garber recommended removing "must" and "shall" from the language of the Ordinance regarding the Forestry Plan.

Commissioner Funkhouser said all people have to do is submit some sort of timetable, it could say "in 5-10 years". It is required by the ordinance. If a submitted timetable says 5-10 years, it will be expected that it will actually be done in that timeframe or the applicant will have to submit a new timetable.

Supervisor Garber said it used to say that the plan had to be done by the Virginia Department of Forestry or a professional Forester. Now people do their own plans.

Chairman Moskalski asked Commissioner Funkhouser if the issue was having a timetable or that of not adhering to the provided timetable. Commissioner Funkhouser said the applicant can write the date when it is planned. Chairman Moskalski said he thinks the concern is that the Commissioner is enforcing the date on the timetable. Supervisor Garber said the decision of when to harvest timber is greatly determined by market price, not by a specific date. Commissioner Funkhouser said if it says ten years, she expects to see either a harvest or a new timetable if the applicant's plans have changed. The ordinance requires a harvest timetable be submitted. Supervisor Hodges asked who determines if the applicant's reason for not harvesting is valid. Chairman Moskalski said the applicant does not have to provide a reason, just an amended harvest timetable. Or, Supervisor Garber suggested, the Board of Supervisors can change the ordinance. Mr. Piersa agreed the ordinance needs to be changed.

Commissioner Funkhouser said those under land use are saving a substantial amount of money so there should be some requirements. A timetable is not set in stone and can always be changed by the applicant.

Chairman Moskalski said an interim solution is that now applicants know what the Commissioner is looking for and the Board can consider changing the ordinance in the future.

Commissioner Funkhouser pointed out that she has not turned down any applications.

Mr. Piersa asked about the farmland requirements. Commissioner Funkhouser said applicants can provide their Schedule F showing sales of at least \$1,000 per year or a copy of their crop insurance. She said she had planned to ask Mr. Piersa if she had any questions. Mr. Piersa said farmers do not want the private information on their Schedule F on public display.

Supervisor Hodges asked if people would be put out of the land use program if they don't meet the deadline. Commissioner Funkhouser said there is a penalty of 10% of the tax due that year if the applicant doesn't recertify by the December deadline. She said the re-affidavit forms were sent out weeks ago.

Mr. Piersa said he would still like to see the recertification process simplified similar to the process used in other counties. They receive a form which they have to check off yes, they're still in land use, and then declare whether any changes have been made. If there are changes, they must notify the Commission of Revenue office. If they do not return the recertification by the due date, there is a monetary penalty.

Commissioner Funkhouser said her office had not received any calls from concerned citizens. Mr. Piersa and Supervisor Garber said they have been getting calls.

Commissioner Funkhouser said it is not her intent to disqualify people from participating in land use. She is just enforcing the ordinance as it is written.

Agenda Item 5. BOARD OF SUPERVISORS' REQUESTS

Vice Chair Moren said VDOT was supposed to be mowing in the 360 corridor. Supervisor Hodges said he'd seen them out there picking up trash as they normally do before they begin mowing. Chairman Moskalski said VDOT has said they'll get to it when they get to it. Vice Chair Moren said hopefully the situation will open up so that there is something the County can do on its own. He asked Mr. Hudgins to give an update on the All Points Broadband project. Mr. Hudgins said he hadn't heard anything today. The VATI grant has been applied for and there have been no challenges. He hasn't gotten any word yet on the portion under the RDOF grant and there is no final timeline known for announcing and awarding the grant.

Supervisor Garber thanked those who came to meeting and attended via Zoom.

Supervisor Hodges said he agrees the land use ordinance needs to be streamlined. He asked Mr. Hudgins to provide him with the County's VDOT contact person's information and noted the bricks in West Point are still broken and have not been replaced. He urged people to get their COVID-19 vaccines and noted more people in the area have died from the virus.

Supervisor Greenwood said he'd like to revisit the mowing issue with VDOT and find out if the County may be allowed to pay extra to hire contractors itself to do the job.

Chairman Moskalski said he wants to discuss the land use ordinance issue and work on an outline for the reassessment citizen's advisory group.

Agenda Item 6. CLOSED MEETING

6.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 to consider a personnel matter involving the employment of a specific employee, County Administrator. Motion was seconded by Supervisor Hodges. 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

6.b. Motion to Reconvene in Open Session

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

6.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 4th day of October, 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 4th day of October, 2021.

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

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

Agenda Item 7. ADJOURN OR RECESS

Supervisor Greenwood made a motion to adjourn the meeting; 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

COPY TESTE:

Travis J. Moskalski, Chairman
Board of Supervisors

Christine H. Branch
Deputy Clerk to the Board of Supervisors