**APPROVED MINUTES**
**KING WILLIAM COUNTY BOARD OF SUPERVISORS**
**REGULAR MEETING OF JANUARY 23, 2023**

A regular meeting of the Board of Supervisors of King William County, Virginia, was held on the 23rd day of January, 2023 beginning at 7:00 p.m. in the Board Room of the County Administration Building and via Zoom.

**Agenda Item 1. CALL TO ORDER**
Chairman Hodges called the meeting to order.

**Agenda Item 2. ROLL CALL**
The members were polled:

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

**Agenda Item 3. Moment of Silence**
The Chairman called for a moment of silence.

**Agenda Item 4. Pledge of Allegiance**
The Chairman led the pledge of allegiance.

**Agenda Item 5. REVIEW AND ADOPTION OF AMENDED MEETING AGENDA**
Supervisor Moskalski moved for the adoption of the amended agenda as presented; seconded by Vice Chair Garber. The Chairman called for any discussion. The members were polled:

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

**Agenda Item 6. CITIZENS COMMENT PERIOD**
Chairman Hodges opened the Citizens Comment Period.

Jacob Levy of District 5 spoke regarding his previous comments in July 2020 regarding property values possibly being decreased by surrounding dilapidated properties and thanked the Board for working to collect back taxes.

Charles Piersa of District 2 spoke regarding the conditions of the roads in the County.

Chris Couch of District 5 spoke regarding clarification to the contents of a letter he previously wrote regarding actions of the Board.

There being no further speakers, Chairman Hodges closed the Citizen Comment period.

Chairman Hodges had one item not on the agenda and invited Sheriff Walton to speak.

Sheriff Walton announced he would not be running for reelection and will retire at the end of the year. He thanked the Board and citizens for their support.

**Agenda Item 7. CONSENT AGENDA**

Consent Agenda items were:

a. Approval of Minutes:
   i. December 12, 2022 Work Session Draft Minutes
   ii. December 19, 2022 Regular Meeting Draft Minutes
b. **Resolution 23-05** – Recognizing and Honoring February as Black History Month
c. **Resolution 23-06** – Additional Funding from the State for DDS
d. **Resolution 23-07** – KWCPS Budget Amendment

Supervisor Moskalski moved for the approval of the Consent Agenda; motion was seconded by Vice Chair Garber. The Chairman called for any discussion. The members were polled:

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

**RESOLUTION 23-05**
**RECOGNIZING AND HONORING FEBRUARY 2022 AS BLACK HISTORY MONTH**

**WHEREAS,** in 1926, Black historian, author, journalist and founder of the Association for the Study of African American Life and History, Carter G. Woodson, launched "Negro History Week" with the purpose of bringing attention to the need for acknowledging and accurately representing Black history in schools; and

**WHEREAS,** Woodson once remarked, "If a race has no history, it has no worthwhile tradition, it becomes a negligible factor in the thought of the world, and it stands in danger of being exterminated"; and

**WHEREAS,** Black United Students and Black educators at Kent State University used the foundation laid by Woodson to found Black History Month on February 1, 1970, and six years later the month was officially recognized by the federal government during the nation's bicentennial; and

**WHEREAS,** the Association for the Study of African American Life and History (ASALH), the founders of Black History Month, announced that the 2022 theme of Black History Month is "Black Health and Wellness," exploring the legacy of Black scholars and medical practitioners in Western medicine, and considering the activities, rituals and initiatives that Black communities have done to be well.

**WHEREAS,** Black History Month is a time to recognize and honor the many people, events, and significant contributions of Black people to our community, nation, and world; and

**WHEREAS,** over 3,000 Black people live, work, and play in King William County and make significant contributions to our economy, arts and culture, science, education, and more;

**NOW THEREFORE, BE IT RESOLVED** that the King William County Board of Supervisors does hereby recognize and honor February 2023 as Black History Month.

**DONE** this 23rd day of January, 2023.

**RESOLUTION 23-06**
**AMENDMENT TO THE KING WILLIAM COUNTY FISCAL YEAR 2023BUDGET**
**DEPARTMENT OF SOCIAL SERVICES –BUDGET LINE 811/FOSTER CARE**

**WHEREAS** the King William County Board of Supervisors wishes to amend its Fiscal Year (FY) 2023 Budget to reflect the additional funding from State Department of Social Services; and

**WHEREAS** the King William County Department of Social Services will receive additional funding which will increase anticipated revenues and expenditures for FY2023. In July 2022 there was a rate increase from the state for monthly maintenance payments ($772 per month). The original state budget line appropriated $4,979.

**WHEREAS** the local Department of Social Services budget will increase by $4,285 for state budget lines as noted below;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the King William County does hereby authorize and appropriate the following amendments to the 2022-2023 Budget, such line items increased as follows, which monies shall be expended for purposes as authorized and approved by the Board of Supervisors:

| | | |
|---|---|---|
| <u>FUND/ORGANIZATION</u> | | |
| Department of Social Services Fund Expenditures: | | |
| 811 IV-E (AFDC) Foster Care | $4,285.00 | No Local match |
| Department of Social Services Fund Revenues: | | |
| State Revenue | $ 1,876.83 | 43.8% |
| Federal Revenue | $ 2,408.17 | 56.2% |

**DONE** this the 23rd day of January, 2023.

**RESOLUTION 23-07**
**AMENDMENT TO THE KING WILLIAM COUNTY PUBLIC SCHOOLS BUDGET**

**WHEREAS** on June 17, 2022, Governor's executive amendment #28 approved funding to only be used for one-time ARPA Bonus Retention Payments to school divisions on or before December 1, 2022. The certification was complete in October 2022, the money was received on November 25, 2022 EDI, and Retention was paid on November 30, 2022 to staff who met the requirements; and

**WHEREAS** the King William County Public School Board met on December 13, 2022 and recommended the Board of Supervisors accept budget amendment funds and additional funding from the Commonwealth of Virginia and appropriate such funds accordingly;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the King William County does hereby authorize and appropriate the following amendments to the 2022-2023 Budget, such line items increased as follows, which monies shall be expended for purposes as authorized and approved by the Board of Supervisors:

<u>FUND/ORGANIZATION</u>
King William County Public Schools
Revenues:

| | |
|---|---|
| Fund 205: | $ 213,265.42 |
| Fund 705: | $ 9,185.68 |
| Total: | $ 222,684.80 |

King William County Public Schools
Expenditures:

| | |
|---|---|
| Fund 205: | $ 213,265.42 |
| Fund 705: | $ 9,185.68 |
| Total: | $ 222,684.80 |

**DONE** this the 23rd day of January, 2023.

## Agenda Item 8. PRESENTATIONS

### 8.a. Presentation of Resolution 22-05 to Vernon Holmes, President and Lisa Roberts, Vice President of NAACP King William Branch

Supervisor Moskalski read Resolution 23-05 and presented it to Mr. Holmes and Ms. Roberts.

### 8.b. VDOT Update – Lee McKnight, District Engineer

Mr. McKnight said the Route 634 Kentucky Road Rural Rustic project has begun and should be complete in spring/summer of this year. Route 641 Sandy Point Road Rural Rustic project preparation has begun with the road trimming and should also be complete in spring/summer of this year. Route 30 from .14 Miles east of route 360 to .17 miles east of Route 600 will be paved this year. That's proximately 2.68 miles of Route 30 that will be paved this year. Upcoming construction projects include Trimmer Shop Road - spring of 2024; Forest Road - spring of 2025; Green Level Rd. - spring of 2027; and East St. John's Church Road - spring of 2025.

Mr. McKnight said Smart Scale projects have been scored and King William received two projects.

Some bridge projects in the next 24 months will be Route 629 over Jacks Creek which will begin in spring of 2023, and Route 604 - Herring Creek Road over Herring Creek, which is a scour repair project and will also begin in spring of 2023. VDOT is working with staff on Route 641 Sandy Point Road going into Sandy Point State Forest. They are reviewing some options for possible grants to provide recreational access.

Vice Chair Garber asked if Mr. McKnight could provide the address of the section of Route 30 that he was addressing and asked if it was near the area Mr. Piersa spoke about. Mr. McKnight said he would provide them that information and the information on the traffic count on Brandywine Road that was done several months ago.

Supervisor Moskalski asked about West St. John's Church Road ongoing maintenance issues. He said the road is unpaved and there are issues every time there is a heavy rain. He asked if we just keep that road sustainable until we can get it on the list to be paved which is still a ways out. Mr. McKnight said the best way to report an issue is by using the VDOT website to create a work order. Work orders are tracked by how many are open and how long it takes to close the work order.

**Agenda Item 9. PUBLIC HEARINGS**
**9.a. Resolution 23-08 - CUP 03-22: Owner/ Applicant: John W. Foley, II, Trustee; Registered Agent: John W. Foley - Sherry Graham, Director of Planning**
Ms. Graham provided information about the requested CUP.

Chairman Hodges opened the Public Hearing.

Sybil Rose of 4985 Wakema Road said she objects to the CUP's approval there are no pros or benefits to her at all. She thinks where there's renters, there's going to be problems and her concern is about enforcement. She is very concerned about what will happen with this short-term rental to herself as well as the neighborhood.

Henry Sutherland of 2074 Custis Mill Pond Rd. said he did not like the idea of uncontrolled strangers rolling in and mentioned a 60 Minutes program about the problems with VRBO in California. He said a day-to-day rental is not residential but commercial and is no different than a motel or hotel. He said another look at the definition of short-term rental is needed.

Laura Bondurant of 5255 Wakema Rd. said she is against this short-term rental. She said the County Ordinance (Section 86-210) requires the principal guests to be at least 18 years of age and college kids like to party. She asked what would be considered a substantiated complaint and said the County noise ordinance states it shall be unlawful for any person to make, continue, or cause to be made or continue any loud, unreasonable, or unusual noise, or any noise which disturbs injuries or endangers the comfort repose. She asked how the Sheriff's Office would enforce it and things there should be tougher rules. She said to look at other county's ordinances and make King William's stricter.

Betsy Mountcastle of 2306 Custis Mill Pond Rd. said she agreed with Laura Bondurant. She said that she has chosen to be in a rural, single-family dwelling where she knows her neighbors and has chosen to be in a space where she knows the river, its swift currents, and the best ways of navigating the river and taking care of it. She'd like to know how renters are vetted.

Elliott Bondurant. of 5255 Wakema Road said he can stand on his front porch and look through the woods and see the other house. He admitted there are some woods and the Foley's have put up a fence along part of that property line. He's also concerned about the vetting process and who is going to enforce the code and conditions.

Dennis Mountcastle of 2306 Custis Mill Pond Road said there are no or very few regulations and no way of enforcing them. He would like the Board to research what other localities have done and make sure there are the means to enforce them.

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

Supervisor Moren recommended sending this back to the Planning Commission for another look.

Chairman Hodges recommended tabling or denying the CUP until the County has personnel that can provide enforcement.

Vice Chair Garber said he is a firm believer in listening to the adjoining landowners and those directly affected by it.

Supervisor Moskalski said there are two distinct issues – what to do with this application and the short-term rental language needs some attention. He said the Board should discuss the issue with neighboring counties that have a bit of experience with it see what's worked for them.

Supervisor Greenwood said there has already been a public hearing on this and the Planning Commission came up with almost 20 conditional uses to try to address everybody's issues. He said the Board has to go by what the County ordinance says. He said not enforcing local ordinances is already a problem the Board knows about. He said nobody's going to be able to do anything because this is a complaint-driven county and nothing gets done until someone complains. There are people operating short-term rentals illegally and they are going to get away with it and keep doing it. He said this penalizes the Foleys because they tried to do the right thing and paid $2500 to get a permit. The Planning Commission went over this CUP very thoroughly. The Foleys met the requirements, followed the rules, and came up with conditional uses. What other counties do does not matter for this application. The County's ordinance cannot be changed mid-application. He said if the Foleys get three black marks, they will lose the permit.

Chairman Hodges asked Mr. Ashcraft to see what a code enforcer would cost.

Mr. Foley said he appreciated Supervisor Greenwood's comments. He said they have agreed to all the conditions and are meeting or exceeding all of them. He said it is unfair to continue to move the goal post on them when these were the guidelines already set up by the County.

Vice Chair Garber asked Mr. Foley if he is recommending they vote on this tonight. Mr. Foley said he is recommending they approve it tonight because they have met all the guidelines and they understand they will lose the CUP if there are three complaints.

Supervisor Moskalski said it's obvious the Foleys are making an effort and have met with the neighbors and he appreciates it. He said typically when concerns are brought up in the Planning Commission Public Hearing, they have largely been worked out by the time by it comes to the Board. In this situation, not a single neighbor is in favor. He said it has been revealed that we've got some work to do on our ordinances.

Supervisor Greenwood said we could table it and talk with other counties and find out if some additional information could be added. He said the Board can't do any kind of enforcement on any County ordinances.

Supervisor Moskalski said he's perfectly happy to refer this back to the Planning Commission, but it doesn't sound like that's an option.

Vice Chair Garber said he's always been on the page of listening to adjoining landowners. He said if the neighbors work out something and agree to it, he wouldn't have a problem with it. He said he goes on record right now that from this point forward, if adjoining landowners don't want this specific thing, he will vote against it.

Supervisor Moren said they are presuming an assumption that violations will occur and he finds that odd.

Supervisor Moskalski said the ordinance is an issue separate and apart from this application. He said they are dealing with the feel and fit and desire of the neighborhood. He said if there's no other motion, to Board needs to either approve or deny.

Vice Chair Garber asked the Foleys if they want the Board to move on this tonight or table it and see if something can be worked out with the neighbors.

Mr. Foley said they have already been down that path and have done an extraordinary amount to make sure they have addressed the neighbors' concerns. The goal line was presented to them and then it was moved. They continued to meet or exceed all the guidelines and are still leaving without a resolution.

Supervisor Greenwood said it should be tabled.

Attorney Hlavin said tabling states an intent to postpone a decision to a certain date. The Board could hold a work session to talk about short term rental ordinance but in the interim, the action on the legislative application has to occur within 12 months.

Supervisor Greenwood made a motion to table the application for 60 days to try to work out something with the neighbors. Vice Chair Garber seconded. The Chairman called for any discussion. The members were polled:

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

**9.b. Z-02-2022: Owner/Applicant: MHF Properties LLC – Sherry Graham, Director of Planning**

Vice Chair Garber asked if the total project is somewhere around 166 acres and how many acres are wetland and RPA. Ms. Miller said she did not have the exact number, but she thinks it is over 25 acres. She does not think they have it exactly calculated. Their Wetlands Department is working with the Army Corps of Engineers to do the official delineation. Their official approval comes during permitting. All areas to the North would be preserved as RPA, around 20 acres.

Vice Chair Garber said the options on Flextrack D are a private or public recreation facility and that's a big difference. Ms. Miller said they heard there might be a need for a public recreation facility if the park doesn't have one. It is a possibility that the facility could be open to the general public and not just the people in the subdivision.

Supervisor Greenwood asked for a square footage update on the dwellings, townhomes, and apartments. Ms. Miller said it states in proffer condition #10 the minimum gross floor area of each townhouse dwelling should be 1,200 square feet. The minimum gross floor area of a single-family dwelling for one story would be 1,200 square feet, more than one story would be 1,400 square feet. These are minimums, so they could be larger. They do not have a particular size for the multifamily dwellings, but they are projected to be market rate apartments and could range from 915 square feet depending on the size and how many bedrooms. The maximum building coverage in the commercial section is 30% of the total commercial acreage. She said it's hard to put stipulations on square footage when they don't have end users in mind.

Supervisor Moskalski asked if they plan to build to suit or build to attract in the commercial track. Ms. Miller said they anticipate having somewhat pad ready sites, but it would probably be a mixture of both.

Supervisor Moskalski asked the ground level vision for commercial tracks that will front 360 to the right of the main entranceway. John Naparlo with MHP properties said those are specifically intended to be all parcels. They are currently showing six across which would more than likely be for single tenant users such as restaurant, banks, a pharmacy potentially. If they were to build a retail strip center, it would more than likely be on the commercial track. He said plans could change as groundwork is begun and they would not necessarily build a blank building without an end user in mind.

Supervisor Moren asked if they have anything in the vicinity that compares to this project that the Board could look at. Ms. Miller said she was not aware of anything off the top of her head.

Chairman Hodges opened the Public Hearing.

Lisa Mason of District 2 said she was at both the January 2nd and 12th meetings of the Planning Commission and was very confused and put off by the project. She believes the developer/owner bullied the Planning Commission into voting on it when they had legitimate questions they should have gotten answers to. She said Attorney Hlavin clarified some things in the process and it seemed like the public didn't get a lot of input after that meeting. She said she's very confused as to what more the public gets to say about what's built and what the uses are. She said she was very involved in the rewriting of the ordinances and is still confused.

Jake Levy of District 5 asked if our overcrowded high school, middle school, and grade school can handle an additional 320 residents.

Supervisor Greenwood said Ms. Miller checked with the school board and was told they wouldn't have any problem with the additional houses. Ms. Miller said they were told the schools were not currently at maximum capacity. Dr. White said the high school is at 63%, the middle school is 75%, and the primary elementary schools are at 57% and 69%.

Attorney Hlavin advised that amendments to the proffers must happen before the closing of the public hearing.

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

Supervisor Greenwood made a motion to approve Rezoning Request Z-02-22 and accept the proffered conditions. Supervisor Moskalski seconded the motion. The Chairman called for any discussion. The members were polled:

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

**ORDINANCE 02-23**
**Z-02-22: OWNER/APPLICANT: MHF PROPERTIES LLC**

**WHEREAS** owner/applicant, MHF Properties, LLC, has applied for a re-zoning on property located at the intersection of 360/30 identified as Tax Map Numbers 21-61 (partial) and 21-61D currently zoned R-1 (suburban-residential) to allow for a PUD (Planned Unit Development); and

**WHEREAS** the owner/application proposes 58.8 acres be used for 219 single family dwellings; 26.5 acres be used for 201 townhomes; 9.3 acres be used for 200 apartments; 32.8 acres be used for a commercial parcel; and 11.9 acres be used for a commercial parcel; and

**WHEREAS** the developer exceeds the minimum requirements necessary for district size and density under the General Standard of Development; and

**WHEREAS** the King William County Future Land Use Map shows this area to be used as Mixed-Use/Planned Unit Development; and

**WHEREAS** the King William County Planning Commission held a duly advertised Public Hearing on January 3, 2023 and voted 4-0 to recommend approval of the zoning request to the Board of Supervisors; and

**WHEREAS** the Board of Supervisors conducted a duly advertised Public Hearing on January 23, 2023 to receive public comments on the matter;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the King William County Board of Supervisors that Rezoning Request Z-02-22 is approved; and

**BE IT FURTHER ORDAINED AND ENACTED** that the King William County Board of Supervisors accepts the proffered conditions contained in the attached Statement of Proffered Conditions.

**DONE** this the 23rd day of January, 2023.

**Resolution 23-10 – Disposition of Real Property for Public Use – Steve Hudgins, Deputy County Administrator**

Mr. Hudgins said the County owns property in the Kennington subdivision as a proposed library site. A better site for the proposed library is at the corner of Shelton Place and Route 30, across from the Rec Park. The request is to swap properties. The Shelton Place property is 3 acres and has direct frontage on Route 30.

The Chairman opened the Public Hearing.

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

Vice Chair Garber made a motion to approve Resolution 23-10; seconded by Supervisor Moskalski. The Chairman called for any discussion. The members were polled:

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

**RESOLUTION 23-10**
**DISPOSITION OF REAL PROPERTY WITHIN KENNINGTON SUBDIVISION BY KING WILLIAM COUNTY IN EXCHANGE FOR SIMILAR PROPERTY ON KING WILLIAM ROAD**

**WHEREAS** King William County (the "County") currently owns a lot consisting of approximately 2.5 acres within the Kennington Subdivision, identified as Tax Map Parcel ID #22-12-1 (the "Property"); and

**WHEREAS** the Property was proffered to the County as a proposed library site by Kennington Place, LLC on March 29, 2004; and

**WHEREAS** the County has not invested in design or construction of a library on the Property; and

**WHEREAS** there exists property of a similar size and value at the corner of Shelton Place and King William Road, identified as a portion of Tax Map Parcel ID #21-50 consisting of approximately 3 acres as shown on the attached Exhibit (the "New Site"); and

**WHEREAS** the New Site, Tax Map #21-50, is owned by McCauley Park, LLC; and

**WHEREAS** McCauley Park, LLC has offered to convey the New Site to the County in exchange for the Property; and

**WHEREAS** the New Site, has certain advantages for the County and the community as a site for a public library compared to the Property; and

**WHEREAS** the King William Board of Supervisors desires to exchange the Property for the New Site for use as a future library.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of King William County, Virginia that the most beneficial way to utilize Tax Map Parcel ID #22-12-1 as a public library consistent with the intent of the proffers dated March 8, 2004, is to exchange such parcel for property more suited to development as a public library.

**BE IT FURTHER RESOLVED** that the Board of Supervisors of King William County, Virginia authorizes the disposition of Tax Map Parcel ID #22-12-1 in exchange for a subdivided site of approximately 3-acres, being a portion of Tax Map Parcel ID #21-50 as shown on the attached diagram, and authorizes the County Administrator to sign all documents, required or convenient, for this exchange of property.

**DONE** this the 23rd day of January, 2023.

**AGENDA ITEM 11. NEW BUSINESS**
**11.a. Salary Discussion - Stacy Reaves, Fire Chief**
**11.a.i. Intent to File for Assistance to Firefighters Grant**
**11.b. Public Water Connections in King William Commerce Park - Steve Hudgins, Deputy County Administrator**

Staff recommended that Items 11.a and 11.b be removed from the agenda and deferred to February 6th and February 18th respectively.

Supervisor Greenwood made a motion defer 11.a to February 6 and defer 11.b to February 18; seconded by Supervisor Moskalski. The Chairman called for any discussion. The members were polled:

| | |
|---|---|
| Supervisor, 5th District: Edwin H. Moren, Jr. | Aye |
| Supervisor, 2nd District: Travis J. Moskalski | Aye |
| Supervisor, 3rd District: Stephen K. Greenwood | Aye |
| Supervisor, 4th District: C. Stewart Garber, Jr. – Vice Chair | Aye |

| | |
|---|---|
| Supervisor, 1st District: William L. Hodges – Chair | Aye |

**11.c. Virginia Resources Authority (VRA) – Apply for Water Tower Bond Issuance – Steve Hudgins, Deputy County Administrator**

Staff has been in discussion with Davenport on bond financing for the water tower and water main extension project. The deadline for spring borrowing is February the 3rd. The application needs to be submitted and a Public Hearing must be scheduled.

**11.d. Resolution 23-11 – Budget Adjustment Request – Improvement Plan for VPPSA Transfer Station – Steve Hudgins, Deputy County Administrator**

Mr. Hudgins said the cost estimate for the construction phase of the VPPSA transfer station expansion has come back down much closer to the original estimate and total project cost design. Because Fire & EMS received a grant to pay for SCBA, for which the Board had already appropriated funds from the unassigned fund for the FY '23 Capital Improvement Plan, those funds are now available to be used for this purpose.

Supervisor Moskalski made a motion to approve Resolution 23-11; seconded by Supervisor Moren. The Chairman called for any discussion. The members were polled.

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

**RESOLUTION 23-11**

**AMENDMENT TO THE KING WILLIAM COUNTY FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN FOR VPPSA TRANSFER STATION**

**WHEREAS** the King William County Board of Supervisors (the "Board") wishes to amend its Fiscal Year (FY) 2023 Capital Improvement Plan to appropriate additional funds for expansion and upgrade of the VPPSA transfer station adjacent to King William High School in FY2023 in the amount of $160,000; and,

**WHEREAS** the Board appropriated $280,000 from the unassigned fund for FY2023 Capital Improvement Plan for the purchase of Fire and EMS SCBA. Fire and EMS applied and received a grant for $335,714.28 for the purchase of SCBA. The local share for the grant calculates to $115,408.81; and

**WHEREAS** the Board wishes to reappropriate $160,000 from the SCBA project to the VPPSA Convenience Site Solution project within the approved Capital Fund expenditures for FY2023; and

**NOW, THEREFORE, BE IT RESOLVED** that the King William County Board of Supervisors does hereby authorize and appropriate the following changes to the FY2023 Capital Improvement Plan; and

| GENERAL DESCRIPTION | Approved FY2023 | Amended FY2023 |
|---|---|---|
| VPPSA Convenience Site | 400,000 | 560,000 |
| SCBA | 280,000 | 120,000 |

**BE IT FURTHER RESOLVED** that the King William County Board of Supervisors authorizes the County Administrator to sign the construction work order contract with Gordian, Project No. 108824, utilizing these funds.

**DONE** this the 23rd day of January, 2023.

**11.e. Discussion of Staggered Election Terms for the Board of Supervisors and School Board – Maxwell C. Hlavin, County Attorney and Alison Fox, General Registrar, Director of Elections**

Ms. Fox provided information on the process for possibly staggering the terms for the Board of Supervisors (Attachment A).

Supervisor Moskalski said he has concerns over voter turnout if terms were staggered.

**AGENDA ITEM 12. ADMINISTRATIVE MATTERS FROM COUNTY ADMINISTRATOR**

**12.a. Administration Report - Percy C. Ashcraft, County Administrator**

Mr. Ashcraft introduced Max Hlavin to the board as the County's representative on legal matters and provided the Board with his monthly report. He also provided the Board with a list of legislative issues being considered by the General Assembly (Attachment B).

**AGENDA ITEM 13. BOARD OF SUPERVISORS COMMENTS**

Supervisor Greenwood thanked all who attended. He'd like an internet update and would like to know the addresses covered.

Supervisor Moskalski thanked everyone for attending. He'd like to take a deeper dive into the short-term rental ordinance.

Vice Chair Garber thanked people for coming and said he'd like further discussion on staggered elections. He pointed out that changes to the electoral boundaries affect signature collection for potential candidates so check the map carefully.

Supervisor Moren said more information was needed in the Foley case regarding adjacent land owners.

Chairman Hodges thanked people for coming and said he'd like a VPPSA update.

**AGENDA ITEM 14. CLOSED MEETING**

**14.a. Motion to Convene Closed Meeting**

Supervisor Moskalski 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 appointment of individuals to Boards and Commissions; and in accordance with Section 2.2-3711 (A)(4) of the Code of Virginia regarding a personal matter not related to public business in order to protect the privacy of individuals. Motion was seconded by Supervisor Greenwood. The Chairman called for any discussion. The members were polled:

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

**14.b. Motion to Reconvene in Open Session**

Supervisor Moskalski made a motion to Reconvene in Open Session; seconded by Supervisor Greenwood. The Chairman called for any discussion. The members were polled:

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

**14.c. Certification of Closed Meeting**

Supervisor Moskalski moved for the adoption of the Standing Resolution 1 (SR-1) in accordance with Section 2.2-3712 (D) of the Code of Virginia, 1950, as amended; seconded by Supervisor Greenwood. The Chairman called for any discussion. The members were polled:

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

**AGENDA ITEM 15. APPOINTMENT**

Supervisor Moskalski made a motion to reappoint Otto O. Williams to the Citizen Representative position on the Middle Peninsula Planning District Commission for a one-year term ending December 31, 2023. Supervisor Greenwood seconded the motion. The Chairman called for any discussion. The members were polled:

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

**AGENDA ITEM 16. ADJOURN OR RECESS**

Supervisor Moskalski made a motion to adjourn the meeting; seconded by Supervisor Greenwood. The Chairman called for any discussion. All were in favor with none opposing.

COPY TESTE:

| | |
|---|---|
| William L. Hodges, Chair<br>Board of Supervisors | Barbara Trimmer<br>Planning Secretary |

## ATTACHMENT A

### State Codes to reference:

## §24.2-219 Alternative for biennial county supervisor elections and staggered terms.

A. The governing body of any county may by ordinance provide that the county board of supervisors be elected biennially for staggered four-year terms.

In lieu of an ordinance by the board of supervisors, the registered voters of the county may file a petition with the circuit court of the county requesting that a referendum be held on the question of whether the county board of supervisors should be elected biennially for staggered four-year terms. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the county on the January 1 preceding its filing.

The court pursuant to §§ 24.2-682 and 24.2-684 shall order the election officials on a day fixed in the order to conduct a referendum on the question. The clerk of the court shall publish notice of the referendum in a newspaper having general circulation in the county once a week for four consecutive weeks and shall post a copy of the notice at the door of the courthouse of the county. The question on the ballot shall be:
"Shall the members of the county board of supervisors be elected biennially for staggered four-year terms?

[ ] Yes

[ ] No"

The referendum shall be held and the results certified as provided in § 24.2-684.
B. If a majority of the voters voting in the referendum voted for biennial election of the members of the board of supervisors for staggered four-year terms, or if the governing body has so provided by ordinance, then the terms of supervisors elected at the next general election for supervisors shall be as follows:

1. If the number of supervisors elected in the county is an even number, half of the successful candidates shall be elected for terms of four years and half of the successful candidates shall be elected for terms of two years; or

2. If the number of supervisors in the county is an odd number, the smallest number of candidates which creates a majority of the elected supervisors shall be elected for terms of four years and all other successful candidates shall be elected for terms of two years.

Unless the number of members who volunteer to take two-year terms exactly equals the number of two-year terms to be assigned, the electoral board of the county shall assign the individual terms of members by lot at its meeting on the day following the election and immediately upon certification of the results. However, the electoral board may assign individual terms of members by election district in a drawing at a meeting held prior to the last day for a person to qualify as a candidate, if the governing body of the county so directs by ordinance or resolution adopted at least thirty days prior to the last day for qualification and members are elected by district. In all elections thereafter all successful candidates shall be elected for terms of four years.

In any county where the chairman of the board is elected from the county at large pursuant to § 15.2-503 or § 15.2-802, the provisions of this section shall not affect that office. The chairman of the board shall be elected for a term of four years in 1995 and every four years thereafter.
C. If the representation on the board of supervisors among the election districts is reapportioned, or the number of districts is diminished or the boundaries of the districts are changed, elections shall be held in each new district at the general election next preceding the expiration of the term of the office of the member of the board representing the predecessor district of each new district. If the number of districts is increased, the electoral board shall assign a two-year or four-year term for each new district so as to maintain as equal as practicable the number of members to be elected at each biennial election.

Code 1950, § 24-157; 1968, c. 639; 1970, c. 462, § 24.1-88; 1971, Ex. Sess., c. 265; 1973, c. 30; 1976, c. 616; 1981, c. 12; 1982, c. 650; 1993, c. 641; 2011, c. 455.

## §24.2-233 Election and term of school board members.

In any county, city or town wherein members of the school board are elected, pursuant to Article 7 (§ 22.1-57.1 et seq.) of Chapter 5 of Title 22.1, elections shall be held to coincide with the election of members of the governing body at the regular general election in November or the regular general election in May, as the case may be. Elected school board members shall serve terms that are the same as those of the governing body, to commence on January 1 following their election or July 1 following their election, as the case may be.
Notwithstanding any other provision of law, general or special, in a locality that imposes district-based or ward-based residency requirements for members of the school board, the member elected from each district or ward shall be elected by the qualified voters of that district or ward and not by the locality at large.

**OPTIONS:**

1. After the General Election is held, two newly elected members can volunteer to take two-year terms.

2. After Certifying the election, The Electoral Board assigns the individual terms of members by lot.

3. The Electoral Board may assign terms by district in a drawing held prior to the last day for qualification if directed in an ordinance or resolution adopted 30 days prior to the last day for qualification.

# VACo 2023 LEGISLATIVE PRIORITIES

## ECONOMIC DEVELOPMENT AND PLANNING

### Broadband

VACo requests that the Commonwealth provide 100 percent funding to counties to build the necessary telecommunications infrastructure to deploy universal affordable access to the internet for all areas, particularly in underserved and rural areas, and streamline the application process for Virginia Telecommunication Initiative (VATI) grants. Additionally, VACo supports legislation that provides additional tools for counties to finance, build and operate open access networks in partnership with commercial internet service providers. VACo also supports efforts to streamline the permitting of broadband infrastructure in the VDOT right-of-way, at railroad crossings, and within utility easements.

### Affordable and Workforce Housing

VACo supports increasing federal and state funding and appropriate incentives to assist localities in fostering affordable housing, as well as workforce housing for employees such as teachers and first responders.

## EDUCATION

### Education Funding

VACo urges the General Assembly to provide full state funding for public education, including the Standards of Quality (SOQ) as recommended by the Board of Education, where these recommendations coincide with prevailing local practice, targeted incentive programs, capital, and maintenance support, and teacher salaries. Full state funding should be achieved without reduction to other parts of state public education budgets or to other core services.

VACo supports additional state resources and additional statewide funding options for localities for capital and school construction costs, including expanding dedicated local sales and use tax authority first given to select counties by the General Assembly in 2019 as well as continuing to fund the School Construction Grant Program and School Construction Assistance Program.

VACo supports voluntary incentives that encourage localities to increase teacher salaries to reflect the national average in compensation, as long as this is done without a required minimum local match. The state share of compensation for the base rate of salaries should reflect the actual average salary as determined by prevailing local practice.

VACo supports additional state efforts and resources to educate, train, and credential students, especially in high-demand and critical shortage fields of employment.

## ENERGY

### Energy Policy

VACo supports energy policies and goals that reduce greenhouse gas emissions without compromising reliable and affordable access to electricity, and that address potential environmental impacts and life cycle costs for the manufacture, disposal, re-use, or recycle of material inputs. New sources of potential energy generation should include a range of technologies such as solar, wind, hydroelectric, hydrogen, and small modular nuclear reactors. Such policies should allow for responsible coal and natural gas extraction, processing, and transport while protecting agricultural interests and natural resources.

## ENVIRONMENT AND AGRICULTURE

### Water Quality Funding

VACo supports sufficient and sustained financial and technical assistance to counties to improve water quality and meet all federal and state standards to reduce pollution.

## FINANCE

### Local Finance

VACo supports preserving the authority of county governments to collect revenues necessary to provide local public services.

VACo appreciates the starting point that the discussions in the 2022 legislative session took regarding adjustments to sales taxes on food purchased for human consumption and essential personal hygiene products -- that any local revenue losses would be replaced. VACo believes that the compromise forged in the budget negotiations in 2022 protects local K-12 revenue and respectfully requests that no further changes be made to this important local funding source.

## GENERAL GOVERNMENT

### Local Authority

VACo supports relaxation of the Dillon Rule and supports legislation maintaining and enhancing local authority and autonomy in matters including land use, revenue measures, procurement, and other issues of local concern. VACo supports extending powers currently granted to some local governments to all local governments. VACo opposes legislation that erodes local authority.

### Unfunded Mandates

VACo opposes unfunded mandates and shifting fiscal responsibility for existing and new programs by the Commonwealth from the state to localities. When funding for a mandated program is altered, the mandate should be suspended until full funding is restored. When legislation with a cost to localities is passed by the General Assembly, the cost should be borne by the Commonwealth, and the legislation should contain a sunset clause providing that the mandate is not binding on localities until funding by the Commonwealth is provided.

## HEALTH AND HUMAN RESOURCES

### Health and Human Resources Funding

VACo supports transparent state policies and funding to ensure the Commonwealth's at-risk families have access to high quality and appropriate services. The Commonwealth should provide full funding to localities and their state administrative entities for state-mandated human services and provide the necessary program flexibility to enable localities to provide comprehensive and case-tailored services.

VACo supports resources necessary for behavioral health and mental health facilities to ensure the protection of residents' and staff health and safety, such as appropriate staff qualifications, training, compensation, and condition of the facilities.

### Crisis Services and State Hospital Capacity to Accept Individuals Subject to Temporary Detention Orders

VACo supports efforts to address census pressures at state hospitals through near-term funding measures that will enable all state hospitals to receive admissions of individuals subject to temporary detention orders without delays. VACo supports competitive salaries and training for state hospital direct care staff. In addition, ongoing efforts to support community-based crisis services must continue.

## TRANSPORTATION

### Transportation Funding

VACo supports continued study and action to address the causes for declining growth in transportation revenues and to develop recommendations to grow revenue over time to meet increasing demands for new construction and maintenance for existing transportation infrastructure. Such action must address the secondary road needs of counties throughout the Commonwealth, including additional funding for the paving of unpaved roads.

VACo supports changes to simplify the Smart Scale process for allocating transportation funds to reduce time and costs to prepare and review applications.

VACo supports adequate funding levels to maintain existing transit capital state match rates.

VACo supports continuing efforts to replace the regional funding that was redirected from the Northern Virginia Transportation Authority.

VACo supports efforts to replace revenue lost due to eliminating the state sales tax on groceries, without redirecting funding for other transportation purposes.

While VACo supports the passage of the 2021 Infrastructure Investment and Jobs Act (IIJA), this funding should not replace the necessary funding the Commonwealth should provide localities regarding their transit and infrastructure needs. VACo supports flexible funding for transportation, transit and infrastructure projects across the Commonwealth.