

**APPROVED MINUTES
KING WILLIAM COUNTY BOARD OF SUPERVISORS
WORK SESSION MEETING OF AUGUST 14, 2023**

A work session meeting of the Board of Supervisors of King William County, Virginia, was held on the 14th day of August 2023 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 Hodges called the meeting to order.

AGENDA ITEM 2. APPROVAL OF ELECTRONIC PARTICIPATION BY A BOARD MEMBER

Supervisor Moskalski made a motion to approve electronic participation by Supervisor Greenwood due to a personal reason (out of town). Vice Chair Garber seconded. The Chairman called for any discussion. The members were polled:

Supervisor, 2nd District: Travis J. Moskalski	Aye
Supervisor, 3rd District: Stephen K. Greenwood	
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. ROLL CALL

The members of the Board of Supervisors were polled:

Supervisor, 3rd District: Stephen K. Greenwood	Aye (Zoom)
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 4. REVIEW AND ADOPTION OF MEETING AGENDA

Supervisor Moskalski made a motion to adopt the agenda as presented. Chairman Hodges said there was a request to move Item 8.b. to the August 28, 2023 regular meeting. Supervisor Moskalski amended his motion to adopt the agenda with the change noted. Vice Chair Garber seconded. The Chairman called for any discussion. The members were polled:

Supervisor, 3rd District: Stephen K. Greenwood	Aye (Zoom)
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 5. SPECIAL MATTER

5.a. Library Materials Discussion - Tom Shepley, PRL Director; John Edwards and Mary Shipman, PRL Library Board Representatives for King William County

Vice Chair Garber said he understands the Pamunkey Regional Library (PRL) Board is saying that segregation of books is considered a violation of First Amendment rights. Mr. Shepley said yes, there have been court cases.

Chairman Hodges asked about having a separate library card for underage patrons. Mr. Shepley said the Library Board chose not to address that option.

Supervisor Moren said the books would not be unavailable, they would just be moved, and this doesn't deny anyone access to anything. He said he wants to protect children. Mr. Shepley said the library relies on parents to do that.

Andrew McRoberts, County Attorney, said there are no guarantees on how the courts would look at such an action. The Board of Supervisors has no power on this issue, only on the budget appropriation to the library. He said the courts look at segregation of materials negatively and consider it a First Amendment issue which then brings many other considerations into play.

Counselor McRoberts said PRL can use common sense when cataloguing books. There are things they can do but they need to weigh the risks versus what they want to accomplish.

Chairman Hodges said it's difficult to judge. Supervisor Moren asked who sets the standard.

Vice Chair Garber said there are at least two other counties doing it. He read an article saying Botetourt and Warren counties have instituted separate library cards for juveniles. Mr. Shepley said he doesn't believe those library boards have approved that action yet.

Supervisor Moskalski said a public body trying to restrict access to materials becomes a First Amendment issue and is dangerous territory.

Ms. Shipman said she has been using the library for 45 years, first with her children and now with her grandchildren, and has never run into objectional materials. However, she said if you specifically hunt for it, you will find it.

Supervisor Moskalski said you can find personally objectional material anywhere. People have choices. They can choose not to go to the library or they can choose to more closely supervise what their children access while there. He said he does not feel it is the Library Board's duty to restrict access. It is the parents' responsibility.

Supervisor Moren said if Hanover County leaves PRL, it will deeply affect King William. He told the Library Board members present that if there is anything they can come up with to aid this situation, he'd like to know.

Mr. Shepley said the Library Board has reviewed their collection policy and clarified their display policy. He mentioned a service called NoveList which helps readers of all ages find books

appropriate for them. He said PRL spent \$10,000 to enhance how it works and make it available for public use. It is accessible from within the library or outside the library. Mr. Shepley said you can use your phone to help you navigate materials that align with your viewpoint.

Supervisor Moren asked what the librarians do if a child comes to them with an inappropriate book and wants to know what it is. Mr. Shepley said librarians are not there to act as parents for a minor. They would address it with the parent.

AGENDA ITEM 6. PUBLIC HEARING

6.a. Ordinance 07-23 - Amend King William County Code Section 18-114. Peddlers; Itinerant Merchants - Steve Hudgins, Deputy County Administrator

Mr. Hudgins presented the Ordinance and said it was recommended by counsel to remove the last paragraph (BE IT FURTHER ORDAINED AND ENACTED that the Board directs the King William County Commissioner of Revenue and Treasurer to refund the difference to any such businesses having paid the higher license tax fee for calendar year 2023.) The Board would need to do this as a budget amendment if they chose.

Vice Chair Garber asked if the Commissioner of the Revenue has issues with the Ordinance. Mr. Hudgins said the Commissioner prefers a scale fee rather than a flat fee, similar to other business licenses in the County.

Supervisor Moren asked if the scale fee would be based only on sales made in King William. Mr. Hudgins said yes. Supervisor Moren said that would be difficult to track.

Supervisor Garber asked if this is the same ordinance presented and discussed with the Commissioner at the July 10, 2023 Board of Supervisors Work Session. Mr. Hudgins said yes.

Chairman Hodges opened the public hearing comment period.

There being no speakers, Chairman Hodges closed the public hearing comment period.

Supervisor Moskalski made a motion to adopt Ordinance 07-23 with the removal of the last paragraph. Vice Chair Garber seconded. 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 (Zoom)
Supervisor, 1st District: William L. Hodges – Chair	Aye

ORDINANCE 07-23
AMEND KING WILLIAM COUNTY CODE SECTION 18-114.
PEDDLERS; ITINERANT MERCHANTS

WHEREAS the King William County Board of Supervisors (the Board) wishes to clarify the subclassifications and exemptions in County Code Section 18-114 as defined by the Code of Virginia §58.1-3717 and thereby encourage businesses to operate within the County; and

WHEREAS the Board held a duly advertised Public Hearing on August 14, 2023 to receive public comments on the matter;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the King William County Board of Supervisors that King William County Code Section 18-114 is amended as follows effective January 1, 2023:

Sec. 18-114. Peddlers; itinerant merchants.

- (a) Generally. Any person who is doing business in the county and who is defined by Code of Virginia, § 58.1-3717 as a "peddler" or an "itinerant merchant" selling nonperishable items shall pay a flat annual license tax of ~~\$500.00~~, **\$30.00, subject to the following subclassifications and exemptions;** however,
 - i. Any person who is doing business in the county and who is defined by Code of Virginia § 58.1-3717 as a "peddler" or an "itinerant merchant" selling or offering for sale, in person or by their employees, ice, wood, charcoal, meat, milk, butter, other dairy products, eggs, poultry, fish, shellfish, game, vegetables, fruits or other food products and family supplies of a perishable nature or farm products or seafood that is not grown, harvested or produced by them or is purchased by them for sale shall pay a flat ~~fee~~ **annual license tax** of ~~\$250.00~~ **\$30.00.**
 - ii. **Any business that is defined by Code of Virginia, § 58.1-3715.1 as a "mobile food unit" shall pay a flat annual license tax of \$30.00, such tax being due for each mobile food unit transacting business in the County as an "itinerant merchant."**
 - iii. Any person described in Code of Virginia, § 58.1-3717(D) shall be entirely exempt from any license tax or administrative fee imposed by this article.
- (b) Location. Subject to zoning and other land use regulations, all peddlers licensed under this division may sell or offer for sale their goods, wares, or merchandise on any street, or other public place within the county except that no peddler licensed under this division shall be permitted to sell or offer for sale his goods, wares, or merchandise on U.S. Route 360 or State Route 30 unless a minimum of three clearly marked parking spaces, located outside of or off of the state maintained right-of-way are provided or are otherwise available.
- (c) Penalty. Except as otherwise provided in this section, any person who violates any provision of this division shall be guilty of a class 1 misdemeanor, as provided in Code of Virginia, § 18.2-11.

ADOPTED this the 14th day of August, 2023.

AGENDA ITEM 7. PRESENTATION

7.a. Friends of King William Animal Shelter - Clyde Cristman, Vice President

Mr. Cristman introduced the members of the Board of the Friends of King William Animal Shelter who were all present. He said he would summarize the organization briefly and answer the questions, Who, Why, and How.

Who – The organization was formed by a group of concerned King William County citizens who desire to support and enhance the programs offered by the Regional Animal Shelter (RAS).

Why – While the County meets all state mandates for the shelter, they still face many challenges. The RAS currently has an 84% live release rate which is fantastic, however more can be done beyond the state mandates to increase that percentage. The Friends has been formed as a tool to help local government meet the shelter's needs. They have applied to the IRS for their 501(c)3 designation which will allow them to apply for grants, seek corporate sponsorships, and accept donations.

How – The Friends goals are outlined in the committees which they've formed: Fundraising, Medical Needs, Special Events (such as King William Farmers Market), Marketing, Volunteer Recruitment, and Public Education. Mr. Cristman said the Trap-Neuter-Release (TNR) program will help to reduce the shelter's workload in the future. They also want to develop a foster care program within the community.

Chairman Hodges asked their area of focus. Mr. Cristman said they are focusing on King William County since the Board are all County residents, but they will also support King & Queen County. Chairman Hodges asked if that includes West Point. Mr. Cristman said yes, there is a Board member who is a West Point resident.

Supervisor Moren asked if the Friends will compete with Indian Rivers Humane Society. Mr. Cristman said no, they will partner with them. They are focusing more on animal shelter funding and their work can enhance the work of other groups.

Mr. Cristman said he is personally focusing on corporate sponsorships. Donations would be made to the organization, not the government. Their goal is to have their EIN in place by October 1, 2023.

AGENDA ITEM 8. WORK SESSION MATTERS

8.a. Resolution 23-55 - Adoption of PPTRA - Karena L. Funkhouser, Commissioner of the Revenue

Commissioner Funkhouser said further calculations have made the proposed PPTRA rate 22.1%, rather than the 22% shown on the Resolution. She said last year's rate was 29.5% because of the \$1.00 decrease in the tax rate adopted by the Board of Supervisors for the special class of vehicles. This year, the rate has been returned to what it was before.

Supervisor Moskalski asked how vehicle values are looking. Commissioner Funkhouser said she is seeing a 12% decrease in value for cars and trucks, and a 7% decrease in value for motorcycles and vans. She said most people will pay more this year. In calculating their own potential taxes, her staff found they'd pay about \$30 more than last year.

Supervisor Moskalski asked if the Board should consider making an adjustment to the rate. Commissioner Funkhouser said they could delay setting the PPTRA rate until August 28, 2023 if the Board wanted to look at that possibility. She said preliminary calculations show that \$1.1 million more will be billed this year than last year. She stressed that number was for the amount billed, not the amount that would actually be received by the County due to abatements, non-payments, and other factors. She said the Board could consider reducing the rate on the special vehicle class.

The consensus of the Board was to review the options with staff and bring the issue forward at the August regular meeting.

8.b. Resolution 23-56 - Honoring King William Ruritan Club on the Occasion of Its 85th Anniversary

This Item was moved to the August 28, 2023 meeting agenda.

8.c. Resolution 23-57 - Amendment to the King William County Fiscal Year 2024 Budget - Law Enforcement Equipment Grant - Julie K. Mills, Deputy Director of Financial Services

Ms. Mills said Captain Hamilton, Chief Deputy with the King William Sheriff's Office, applied for and was awarded a law enforcement equipment grant in the amount of \$204,000. There is no local match required. The funds will cover one completely outfitted cruiser, two drones, rifle shields and armor, handheld cameras, and taser replacements.

Supervisor Moren confirmed with Captain Hamilton that law enforcement is not exempt from FAA regulations. Captain Hamilton said that is correct. He said funds for training were included in the grant request but were denied based on the purpose of the grant. He said a citizen in West Point can help with the drone training.

Vice Chair Garber asked if there was already a cruiser included in the FY24 budget. Captain Hamilton said yes, this would be in addition to that one.

Vice Chair Garber made a motion to approve Resolution 23-57. Supervisor Moren seconded. 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 (Zoom)
Supervisor, 4th District: C. Stewart Garber, Jr. – Vice Chair	Aye
Supervisor, 1st District: William L. Hodges – Chair	Aye

8.d. Utility Rate Study Discussion - Steve Hudgins, Deputy County Administrator

Mr. Hudgins said the County has not had a utility rate study that he can recall. He said this is for water rates only since HRSD sets the sewer rates and owns that system. To engage this consultant, no budget amendment would be required. It would be paid out of the Utilities Fund.

The general consensus of the Board was to move forward with the rate study.

AGENDA ITEM 9. BOARD OF SUPERVISORS' REQUESTS

Vice Chair Garber had no requests.

Supervisor Moskalski had no requests.

Supervisor Greenwood asked about the recent VATI update meeting. Supervisor Moren said they focused 99% on his scenario and it was positive. Supervisor Greenwood said Maui has been demolished by the fires and asked for prayers for Hawaii.

Supervisor Moren had no requests.

Chairman Hodges had no requests. He thanked everyone for attending.

AGENDA ITEM 10. ADJOURN OR RECESS

Supervisor Moskalski made a motion to adjourn; seconded by Vice Chair Garber. The members were polled:

Supervisor, 2nd District: Travis J. Moskalski	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye (Zoom)
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

COPY TESTE:

William L. Hodges, Chairman
Board of Supervisors

Christine H. Branch
Clerk to the Board of Supervisors