

**MINUTES  
KING WILLIAM COUNTY  
BOARD OF SUPERVISORS  
MEETING OF OCTOBER 28, 2013**

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 28<sup>th</sup> day of October, 2013, beginning at 7:00 p.m. in the Conference Room of the County Administration Building, order was called with the following present:

T. J. Moskalski, Chairman  
O. O. Williams, Vice-Chairman  
C. T. Redd III  
S. K. Greenwood  
T. S. Stone

T. L. Funkhouser, County Administrator  
D. M. Stuck, County Attorney

**RE: REVIEW OF MEETING AGENDA**

Chairman, T. J. Moskalski called the Board of Supervisors meeting to order at 7:00 p.m. and agenda changes were discussed.

There was general discussion of the meeting agenda items.

The Board recessed and moved to the Board Meeting Room of the County Administration Building to continue the meeting.

Chairman Moskalski called the meeting back to order at 7:15 p.m.

**RE: APPROVAL OF MEETING AGENDA**

On motion by C. T. Redd III, seconded by T. S. Stone, with the following roll call vote, the Board adopted the agenda for this meeting as presented by the County Administrator, with the following changes: item 11b Reassessment (RFP #13-0501) – Award of Contracts under New Business was moved and now becomes item 17; and item 17 Adjournment now becomes item 18.

Those members voting:

S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Aye
C. T. Redd III	Aye
T. J. Moskalski	Aye

**RE: PUBLIC COMMENT PERIOD – SPEAKERS: ONE OPPORTUNITY OF 3  
MINUTES PER INDIVIDUAL OR 5 MINUTES PER GROUP ON NON-PUBLIC  
HEARING MATTERS**

The Chairman opened the First Public Comment Period.

1. Randy Shank, Volunteer Board Member for the Cornerstone Community Development Center (CDC) in Aylett, explained the programs that are provided by the Volunteer Board to the Cornerstone Food Bank, the Cornerstone Free Health Clinic and the Lilly Field Clothing Shed. He said in 2012 over 16,000 households were served in King William, King & Queen and Caroline Counties. All mentioned programs are provided by volunteers and are supported by area churches, the Central Virginia Food Bank and through grant programs. He noted two projects in particular are the Backpack Program and the Missions of Mercy free dental clinic and asked the Board to consider contributing to them during the next budget cycle.

2. Rodney Inge, President of King William Volunteer Fire and Rescue, thanked the Board and County Staff for the communication they have experienced in the last few months. He feels much has been accomplished through meeting and working with County Staff on the needs of the department.

3. Bob Ehrhart, of the 5<sup>th</sup> District and speaking on behalf of the King William T.E.A. Party, questioned why King William County is paying VACo to refinance bonds and if a cost comparison can be presented to citizens demonstrating the cost effectiveness. He encouraged the Board to continue to be open to the option of eliminating open space exemptions. He also questioned why King William County is considering funding water infrastructure for RCI in the remaining portion of McCauley Park.

There being no other persons to appear before the Board the Chairman closed the First Public Comment Period.

**RE: CONSENT AGENDA**

On motion by C. T. Redd III, seconded by T. S. Stone, with the following roll call vote, the Board approved the following items on its Consent Agenda:

- a. Minutes:
  - i. Regular meeting of September 23, 2013.
  - ii. Joint meeting of September 26, 2013, Board of Supervisors and West Point Town Council.

iii. Joint meeting of October 2, 2013, Board of Supervisors and West Point Town Council.

b. Claims against the County for the month of October, 2013, in the amount of \$2,152,392.08 as follows:

(1) General Fund Warrants #78427-78432 in the amount of \$13,823.98; ACH Direct Payments #4128-4141 in the amount of \$5,200.24; General Fund Warrants #78440-78498 in the amount of \$802,888.49; ACH Direct Payments #4149-4228 in the amount of \$198,011.95; General Fund Warrants #78567-78633 in the amount of \$401,514.68; ACH Direct Payments #4229-4279 in the amount of \$347,310.51; Direct Deposits #18586-18695 in the amount of \$186,209.81; and Electronic Tax Payment in the amount of \$74,618.28.

(2) For informational purposes, Social Services expenditures for the month of September, 2013, Warrants #309831-309867 in the amount of \$30,727.33; ACH Direct Payments #999-1024 in the amount of \$13,766.75; Direct Deposits #3076-3100 in the amount of \$31,118.44; and Electronic Tax Payment in the amount of \$12,302.83.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of September, 2013, Warrants #78434-78439 in the amount of \$18,538.76; and ACH Direct Payments #4142-4148 in the amount of \$14,850.00.

(4) Tax Refunds for the month of October, 2013 in the amount of \$1,510.03.

c. Resolution #13-52 – Voting Credentials (Proxy) – Appointment of Board of Supervisor Member to Vote on behalf of King William County during the VACo Annual Business Meeting was approved.

RESOLUTION #13-52  
A RESOLUTION DESIGNATING A  
KING WILLIAM COUNTY REPRESENTATIVE TO VOTE AT THE  
2013 VACo ANNUAL BUSINESS MEETING

WHEREAS, Board of Supervisors members T. J. Moskalski and O. O. Williams are scheduled to attend the 2013 VACo Annual Business Meeting on November 12, 2013 at The Homestead in Bath County; and

WHEREAS, the VACo Bylaws allow counties to designate a non-elected official of the county or a representative from its Board of Supervisors to vote at the Annual Business Meeting,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Otto O. Williams, is hereby appointed to vote on behalf of King William County during the 2013 VACo Annual Business Meeting.

Adopted this 28<sup>th</sup> day of October, 2013

d. Resolution #13-53 – Concurrent Resolution Amending the Middle Peninsula Broadband Authority to include the County of Middlesex, Virginia, was approved.

RESOLUTION #13-53  
CONCURRENT RESOLUTION AMENDING THE MIDDLE PENINSULA  
BROADBAND AUTHORITY TO INCLUDE THE COUNTY OF MIDDLESEX, VIRGINIA

WHEREAS, the Middle Peninsula Broadband Authority (the “Authority”) was established on May 14, 2010 by concurrent resolution of the counties of Essex, Gloucester, King William, and Mathews to facilitate the provision of affordable broadband service to businesses, governmental agencies, and the general public, in the best interests of the general welfare of the citizens of each county; and

WHEREAS, the County of Middlesex has taken action, by Resolution adopted by its Board of Supervisors on December 18, 2012 to join the Authority as a Member Locality; and

WHEREAS, the Authority, in accordance with §15.2-5431.10 A. of the Code of Virginia, is prepared to amend Article 2, Authority Board, of its by-laws to increase the size of its Board from four members to five members;

NOW, THEREFORE BE IT RESOLVED, the undersigned political subdivisions of the Commonwealth of Virginia hereby authorize their respective members of the Authority to take appropriate actions to include the County of Middlesex, a political subdivision of the Commonwealth of Virginia, as a Member Locality of the Authority.

IN WITNESS WHEREOF, the governing bodies of the Counties of Essex, Gloucester, King William, Mathews, and Middlesex have authorized this amendment to the Middle Peninsula Broadband Authority, in conformity with the Virginia Wireless Service Authorities Act (§15.2-5431.1 et seq.) and Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56 of the Code of Virginia, and their respective seals to be affixed hereto and attested by their respective clerks commencing this 28<sup>th</sup> day of October, 2013.

Adopted this 28<sup>th</sup> day of October, 2013

e. Resolution #13-55 – A Resolution to Clarify FY 2014 Appropriations to the King William County Schools and the Town of West Point was approved.

RESOLUTION # 13-55  
A RESOLUTION TO CLARIFY FY 2014 APPROPRIATIONS  
TO THE KING WILLIAM COUNTY SCHOOLS AND THE TOWN OF WEST POINT

WHEREAS, on April 22, 2013, the Board of Supervisors of King William County, Virginia, duly adopted Resolution #13-16(R) approving the budget for the County for the fiscal year beginning July 1, 2013 and ending June 30, 2014 and such approval included a transfer to the King William County Schools from the General Fund in the amount of \$10,304,640 and a transfer from the General Fund to the Town of West Point in the amount of \$3,052,534; and

WHEREAS, on April 22, 2013, the Board of Supervisors of King William County, Virginia, duly adopted Resolution #13-17(R) appropriating sufficient funds for the

expenditures contemplated in the adopted Budget, including appropriations from the General Fund in the amount of \$10,304,640 to the King William County Schools and \$3,052,534 to the Town of West Point; and

WHEREAS, the Board acknowledges that Resolution #13-17(R) incorrectly referred to the appropriation to the Town of West Point as being "for Schools" and that in accord with Section 22.1-114 of the Code of Virginia, such appropriation is for use by the Town Council of West Point for such purposes as may be determined by the Council in its sole discretion; and

WHEREAS, the Board has been advised that in order to demonstrate compliance with Section 22.1-114 of the Code of Virginia it is appropriate for the Board to designate the specific sources and amounts of local funds appropriated and transferred for support of the King William County Schools for Fiscal Year 2014,

NOW, THEREFORE BE IT RESOLVED, this 28th day of October, 2013, that the King William County Board of Supervisors hereby designates the following sources and amounts as comprising the appropriation and transfer of local funds for support of the King William County Schools for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

GENERAL PROPERTY TAXES	\$ 7,351,219
OTHER REVENUE SOURCES:	
County's Share of the Local 1% Sales Tax	\$ 748,370
Consumer Utility Taxes	224,395
Business & Professional License Fee	275,276
Bank Stock Tax	60,480
Meals Tax	210,000
Communication Sales Tax	370,000
Motor Vehicle License Tax	360,000
Rolling Stock Tax	18,500
Vehicle Rental Tax	2,400
Penalties and Interest on General Property Tax Collection	<u>684,000</u>
	\$ 2,953,421
 TOTAL SCHOOL APPROPRIATION	 \$ 10,304,640

BE IT FURTHER RESOLVED, that: i) the designation of these specific revenue sources for fiscal year 2014 shall in no way restrict the Board of Supervisors in future appropriations; ii) appropriation of prior year funds to the King William County Public Schools will not be considered as part of the current year appropriation; and iii) the appropriation of state or federal revenue is not addressed as such are not local revenues covered under Section 22.1-114 of the Code of Virginia.

Adopted this 28<sup>th</sup> day of October, 2013

f. Resolution #13-56 – Close Out – Backup Fire Suppression Project and Appropriation to Capital Reserve was approved.

RESOLUTION #13-56  
CLOSE OUT – BACKUP FIRE SUPPRESSION PROJECT  
AND APPROPRIATION TO CAPITAL RESERVE

WHEREAS, the King William County Board of Supervisors approved the FY14 Carryover on June 24, 2013 and FY14 Budget and CIP Projects on April 22, 2013; and,

WHEREAS, the Backup Fire Suppression Project was completed under budget and on time,

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors hereby establishes a capital reserve and appropriates the following project savings from the Backup Fire Suppression project to the capital reserve:

\$ 81,000.00	Project Budget
<u>(53,473.92)</u>	Project Expenditures
\$ 27,526.08	Project Savings

Adopted this 28<sup>th</sup> day of October, 2013

g. Resolution #13-57 – McKendree Church Groundwater Monitoring Well

Nest Project – Appropriation from Capital Reserve was approved.

RESOLUTION #13-57  
MCKENDREE CHURCH  
GROUNDWATER MONITORING WELL NEST PROJECT  
APPROPRIATION FROM CAPITAL RESERVE

WHEREAS, the King William County Board of Supervisors approved the FY14 Carryover on June 24, 2013 and FY14 Budget Resolution 13-10(R) on March 25, 2013; and

WHEREAS, the McKendree Church Groundwater Monitoring Well Nest project needs additional resources to complete the entrance road and secure the easement from McKendree Church,

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors hereby appropriates the following project savings from the capital reserve to the McKendree Church Groundwater Monitoring Well Nest project:

\$ 200,000.00	Project Budget
(196,832.00)	Project Expenditures to Date
<u>(19,000.00)</u>	Expected Project Expenditures for entrance and easement
(15,832.00)	Project Shortfall
\$ 27,526.08	Capital Reserve Balance
<u>(15,832.00)</u>	Cover Project Shortfall
\$ 11,694.08	Capital Reserve Projected Balance

Adopted this 28<sup>th</sup> day of October, 2013

h. Resolution #13-58 – Generator Connection at Emergency Shelter Project

– Appropriation from Capital Reserve was approved.

RESOLUTION #13-58  
GENERATOR CONNECTION AT EMERGENCY SHELTER PROJECT  
APPROPRIATION FROM CAPITAL RESERVE

WHEREAS, the King William County Board of Supervisors approved the FY14 Carryover on June 24, 2013 and FY14 Budget and CIP Projects on April 22, 2013; and,

WHEREAS, the Generator Connection at the Emergency Shelter project needs additional resources to complete the generator pad,

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors hereby appropriates the following project savings from the capital reserve to the Generator Connection at the Emergency Shelter project:

\$ 49,680.00	Project Budget
(42,000.00)	Project Encumbrances to Date
<u>(19,000.00)</u>	Expected Project Expenditures for 56'x12'x12" pad
(11,320.00)	Project Shortfall
\$ 11,694.08	Capital Reserve Balance
<u>(11,320.00)</u>	Cover Project Shortfall
\$ 374.08	Capital Reserve Projected Balance

Adopted this 28<sup>th</sup> day of October, 2013

Those members voting:

T. S. Stone	Aye
O. O. Williams	Nay
C. T. Redd III	Aye
S. K. Greenwood	Nay
T. J. Moskalski	Aye

**RE: PRESENTATIONS TO THE BOARD**

a. Materials Recycling Facility (Proposed) – Steven Geissler, Virginia Peninsulas Public Service Authority (VPPSA) – Steven Geissler, Executive Director for Virginia Peninsula Public Service Authority, explained VPPSA has been managing solid waste management on the middle peninsula for more than 20 years. He noted last fall VPPSA entered into a ten year agreement, with the option for renewal for ten years, with the counties of Essex, King & Queen, King William, Mathews and Middlesex to continue operations. He reported the level of services provided by VPPSA over the years has increased and the facilities have a number of limitations.

Mr. Geissler stated in October 2007, VPPSA started selling corrugated cardboard and mixed paper to various vendors giving the highest bid. He said in most cases the highest bidder results in long distance hauls and the inability to obtain reasonable pricing for the sale of the comingled containers. VPPSA staff made the decision to pursue the development of a small materials recovery facility to process the recyclable materials collected in the drop off recycling program. In March 2008, the Middle Peninsula Oversight Committee directed the staff to prepare a RFP to develop a master plan for the development of a complex that would include a materials recovery facility, a vehicle maintenance facility, and a consolidated administrative and field office. After evaluating all potential sites the West Point Industrial Park proves to be the best location for the complex. He gave some details of the potential for the

increase in revenues and the cost savings for consolidating and housing the facilities in West Point.

In closing he said once the details of the project have been finalized he will return to present a proposal for consideration; more information will probably be available early next year. He stated the information presented tonight has been presented to the other participating Middle Peninsula counties and they are willing to consider this proposal. He noted there is a risk assumption due to the fluctuation in revenue for paper and plastic recyclables.

**RE: OLD BUSINESS**

No old business was brought before the Board.

**RE: NEW BUSINESS**

a. Public Hearing – Resolution #13-54 – Conditional Use Permit 03-13, Applicant: National Communication Towers, LLC, Location: Watkins Property, Tax Map #22-10, Commons Road, Aylett VA –

i. Staff Presentation – Bret Schardein, Community Development Director, stated Conditional Use Permit 03-13 is for a 199 foot communication tower that includes any lightning rods or antennas. He clarified this permit allows for only one tower; additional towers would require an additional conditional use permit and a separate public hearing. He also stated the applicant proposed a monopole construction for the original site location; a lattice type tower is proposed for the two alternate locations.

Steven Gallagher, with National Communication Towers LLC (NCT), addressed the Board and stated the company was founded in 1997, and has constructed 38 operational towers in the State of Virginia; averaging three carriers per tower. He gave details of a proposed communication tower at the Watkins property. He gave specific details of the construction of a lattice type tower and the requirements for maintaining a tower of this type. He reviewed the three sites, the original site and two alternate sites, considered for the placement of the proposed tower; applicant has no preference of site selection. He described the balloon tests that were performed on all three sites. He noted NCT does not build prospective towers, a lease being finalized and awaiting signatures with Verizon Wireless which

will be the lead tenant on this tower. He reviewed coverage maps conducted by Verizon Wireless that suggested a tower in Aylett will greatly increase signal strength. He stated this coverage would benefit not only the residents in this area but also the numerous commuters that travel in this area and also for emergency services.

In summary Mr. Gallagher said the proposed tower will not require lighting per the FAA, will not be physically visible from any travel corridors, and is virtually undetectable. He said the tower is only visible from the Palmer's house and you have to travel several hundred feet in the woods to physically see the tower now that the two alternate sites have been proposed. He said the tower will provide high speed internet service to the surrounding community which enhances business opportunities and access to educational opportunities. He requested if the tower is sited at one of the alternate locations that it remains a lattice tower. He said correspondence from Mr. Schardein indicates a tower in that area could possibly be helpful in the future to emergency services; a lattice tower is much easier to structurally add this type of load. He said one location on the tower and inside of the compound will be rent free to King William County should a decision be made to co-locate some equipment on the site. Verizon Wireless has approved the site and plans to co-locate in early 2014. The site as it stands meets or exceeds requirements of the county zoning ordinances.

There was some discussion among the Board members, the County Administrator and the Applicant regarding the particulars of the type of tower proposed and the site location.

ii. Public Comments (3 minutes per individual; 5 minutes if representing an organization of group) – Chairman Moskalski opened the public hearing comment period.

1. Richard McMath, of 223 Newman Drive, opposes the tower site location. He said he and his wife moved to King William County in 1977 because they wanted to live in a progressive rural area; not to look at a metal tower. He asked the Board to reject this permit as presented.

2. Helen Zottoli, of 908 Commins Road, opposes the communication tower permit as proposed. In her opinion there are health risks from

the electromagnetic radiation emitted by cell towers. She stated the surrounding property owners were promised a monopole style tower; the request is for a lattice style tower now.

3. Henry Bayne, of 191 Newman Drive, moved to King William County in the 1970's to live in a rural area. He is in favor of a cell tower but not at this location. He noted he does not have any issues with cell phone or internet reception at his home. In his opinion health risks are associated with cell towers. He is also concerned the tower may collapse and destroy his property.

4. John Palmer, of 1017 Commins Road, is frustrated with the changes in the requested permit that have been presented tonight and opposes the communication tower. He feels the County is being misled with the information provided by the Applicant. He urged the Board to deny the conditional use permit request.

5. James Orrock, of 281 Newman Drive, has questions he has not received answers to regarding the overview of the conditional use permit request. He questioned if the properties surrounding the proposed tower location will be reassessed at a lower value.

6. Virginia Orrock, of 281 Newman Drive, is confused and surprised with the last minute changes that were presented tonight to the permit request. In her opinion the tower will be visible from her home when the leaves fall from the numerous trees on her property. She questioned how many more towers will be installed in the area when the proposed tower is overloaded. She asked the Board to take all the citizen comments into consideration.

7. Beatrice Palmer, of 1017 Commins Road, is also surprised at the changes to the permit request presented tonight. She questioned who will benefit from the coverage from a new tower. She feels if the need for service is along the Route 360 corridor then the tower needs to be built in that area. She suggested building on the King William Fire and Rescue Department's property. She requested denial of Conditional Use Permit 03-13.

8. Eugene Rivara, of 1270 Commins Road, noted the proposed tower would be built in his front yard. He feels a tower will benefit him with

cell phone and internet reception but he asked the Board to not allow the tower to be built in his neighbor's backyards. He urged the Board to work with the citizens and the applicant to build the tower in a different location. He also suggested building the tower on the property of the King William Volunteer Fire and Rescue Department. He feels the county ordinances referring to towers should be reviewed and revised.

9. Bob Ehrhart, of the 5<sup>th</sup> District and speaking on behalf of the King William T.E.A. Party, said the possibility of building the proposed tower on the property of the King William Volunteer Fire and Rescue Department could potentially be a win-win situation.

10. Chip Watkins, owner of parcel 22-10 in Aylett and proposed site of the communication tower, noted he purchased the property approximately ten years ago as an investment. He has been approached by many different prospects including a new housing development for potentially constructing 400 new homes. When he was approached by NCT he felt this was a way to make money on his investment and to make potential improvements for King William County. He encouraged the Board to approve Conditional Use Permit 03-13.

11. Henry Bayne read a statement for his neighbor, Kandi Mitchell, of 167 Newman Drive. Ms. Mitchell opposes the construction of a communication tower at the location requested in Conditional Use Permit 03-13.

iii. Consideration – C. T. Redd III motioned to table Conditional Use Permit 03-13 until the November meeting of the Board of Supervisors in order to get a clearer understanding from the applicant on the exact tower location and type of tower to be constructed; motion was seconded by O. O. Williams.

The County Administrator clarified the applicant applied for a lattice tower in the original application; the Planning Commission conducted a public hearing and recommended denial and further, as stated in Resolution #13-54, directed staff and the applicant to work with the adjacent property owners. As a result of that a monopole and two alternate locations were sited. Staff recommends the Alt 2 location and a monopole type tower; the resolution reflects this recommendation and is the worst case scenario for the applicant. He stated the applicant has reasons for requesting a lattice type tower be constructed at the original proposed location. He

said there are also legal reasons if the Board is so inclined to deny the original application.

The County Attorney clarified this is a conditional use permit request and the Board has the ability to impose the conditions they feel are appropriate for approval on this site.

Upon the completion of a discussion on some particulars of the proposed tower site and type of tower between the Board members, County Staff and the applicant, the motion made by C. T. Redd III, seconded by O. O. Williams, to table Conditional Use Permit 03-13 was approved with the following roll call vote.

Those members voting:

O. O. Williams	Aye
C. T. Redd	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
T. J. Moskalski	Aye

By consensus of the Board it was agreed specific concerns or questions of Board members on this matter will be relayed promptly to the County Administrator for clarification prior to the November meeting.

b. Resolution #13-59 – King William Volunteer Fire Department and Rescue Squad – Contributions for Fire Service – Budget Amendment and Appropriation – The County Administrator stated the resolution before the Board for consideration recognizes the pooling of funds, specifically the fund raising account for King William Volunteer Fire and Rescue Department in the amount of \$35,000. He said Resolution #13-59 proposes giving the County budget authority to spend those funds on behalf of the fire department in consultation with them.

O. O. Williams asked for clarification King William Volunteer Fire Department has \$35,000 put aside at this moment. He asked for further clarification where the funds came from.

The County Administrator confirmed the funds are available and consists of funds from various fund raising efforts conducted.

Troy Bingham, Financial Services Manager, clarified the combined balance for King William Fire Department is approximately \$40,000.00. The fund raising account specifically has a balance of \$20,563.94 and an operating account has a balance of

\$17,254.07. He said additional funds will be collected throughout the year and is expected to surpass the projected balance amount.

O. O. Williams asked for clarification these funds have nothing to do with cost recovery money.

The County Administrator stated no sir and these are not comingled funds. He further clarified that recognizing in advance the operating budget for this department has a negative balance, in the absence of additional appropriations at this time from the Board of Supervisors these funds will carry them through until such time the Board can continue discussions regarding vehicles and other operating aspects of the station. He said this will allow them to continue to operate and we will continue to work together on saving money where possible. He feels progress is being made and would like to continue working with them. He said the primary purpose is capital preservation.

On motion by C. T. Redd III, seconded by S. K. Greenwood, with the following roll call vote, Resolution #13-59 – King William Volunteer Fire Department and Rescue Squad (KWVFDRS) Contributions for Fire Service – Budget Amendment and Appropriation was approved.

RESOLUTION #13-59  
KING WILLIAM VOLUNTEER FIRE DEPARTMENT AND  
RESCUE SQUAD (KWVFDRS)  
CONTRIBUTIONS FOR FIRE SERVICE – BUDGET AMENDMENT  
AND APPROPRIATION

WHEREAS, the King William County Board of Supervisors voted on the FY14 Budget on April 22, 2013, after a duly advertised public hearing on April 15, 2013; and

WHEREAS, Since those dates, the Board of Supervisors directed County staff to work with KWVFDRS staff on financial and procedural issues; and

WHEREAS, the KWVFDRS has expended or will expend its FY14 allocation of \$111,600; and

WHEREAS, County staff has estimated that an additional \$35,000 is needed to provide funds for regular operating expenses for the remainder of the fiscal year; and

WHEREAS, County staff is prepared to continue handling accounts payable and receivable on behalf of KWVFDRS based on KWVFDRS providing the County with monthly payments, in advance, that are sufficient to pay projected accounts payable; and

WHEREAS, such payments to the County shall occur until such time as the Board of Supervisors establishes alternative funding mechanisms;

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors hereby amends the KWVFDRS budget and appropriates funds for that department as follows:

REVENUES		
	Contribution from KWVFD for station operations	\$ 35,000
		<u>35,000</u>
EXPENDITURES		
	Utilities	20,000
	Fuel	15,000
		<u>35,000</u>

Adopted this 28<sup>th</sup> day of October, 2013

Those members voting:

C. T. Redd III	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Nay
T. J. Moskalski	Aye

**RE: ADMINISTRATIVE MATTERS – TRENTON L. FUNKHOUSER,**

**COUNTY ADMINISTRATOR**

The County Administrator had no additional information to report.

**RE: PUBLIC COMMENT PERIOD – SPEAKERS: ONE OPPORTUNITY OF 3**

**MINUTES PER INDIVIDUAL OR 5 MINUTES PER GROUP ON NON-PUBLIC**

**HEARING MATTERS**

The Chairman opened the Second Public Comment Period.

1. Jeanette Wagner, of the Mangohick District, announced VPPSA is having a recycling event at the Lawson Marriott School in King & Queen County this Saturday from 8:00 a.m. until noon. She said the collection is for items such as pesticides, household chemicals and electronics.

There being no other persons to appear before the Board the Chairman closed the Second Public Comment Period.

**RE: APPOINTMENTS**

No appointments.

**RE: BOARD OF SUPERVISORS COMMENTS**

Chairman Moskalski opened the Board of Supervisors comment period.

All Board members thanked citizens for their participation at the monthly Board meetings.

Ms. Stone responded to Mr. Ehrhart's comments regarding the VACo financing and added this subject was directed at her on the big yellow sign on Route 360. She explained when most individuals purchase a house they hire an attorney to carry this out, it works the same way in the issuance of municipal bonds, you hire an expert. VACo is a one of the experts, they have the experience and you get the benefit of economies of scale by using them. She said there is significant savings associated with this refunding and the information was presented at the Board meeting which Mr. Shannon was present during the discussions. The rule of thumb is the net savings is greater than 3% of the outstanding debt and this refinancing far exceeded that amount. She feels it was good route to take and was a good decision made by this Board. She said it is unfortunate when people want to over simplify a complex decision that was good for this county and resulted in savings with a nonsense blurb on the side of the road.

Mr. Redd pointed out that if this Board approves a tower on the site discussed tonight that the 125 foot x 125 foot area will come out of land use so that should make the T.E.A. Party happy.

Mr. Williams said he has taken notes on the concerns tonight and he hopes a resolution can be arrived at that everyone can live with.

Mr. Greenwood commented on the large crowd and said it is always nice to see this much participation from the citizens. He feels some things were accomplished tonight but feels there was misleading information on some of the details of the proposed tower request; he looks forward to a resolution for all involved. He also wished everyone a safe Halloween.

Chairman Moskalski stated he has attended several leadership meetings of the King William Volunteer Fire and Rescue Department. He feels while there is still more work to do on behalf of this organization strides has been made. In his opinion the relationship between the organization and the County, and the health of the department, is in a much better place than when the process began. He said with regards to the conditional use permit presented tonight the applicant has some work to do to satisfy the concerns of the neighboring land owners; hopefully a resolution will be made during next month's meeting.

**RE: CLOSED MEETING**

Motion was made by T. S. Stone, to convene in a Closed Meeting in accordance with § 2.2-3711(A)(7), of the Code of Virginia, 1) to consult with legal counsel and/or staff on the case of the Board of Supervisors v. Corbin a matter of actual litigation in which the County is involved, and 2) to consult with legal counsel and obtain legal advice regarding the ongoing negotiations with the Town of West Point related to the development of special legislation to authorize a split levy; and 3) in accordance with § 2.2-2711(A)(29) of the Code of Virginia, because discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board to consult with legal counsel and discuss the award of a public contract and the terms or scope thereof which involves the expenditure of public funds; the public contract is one for the provision of reassessment services for the next general reassessment; and 4) in accordance with § 2.2-3711(A)(1), of the Code of Virginia, to consider a personnel matter involving the performance of a specific public officer. The motion was seconded by S. K. Greenwood, with the following roll call vote:

Those members voting:

S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Aye
C. T. Redd III	Aye
T. J. Moskalski	Aye

After exiting the Closed Meeting, Chairman Moskalski reconvened the meeting in open session.

Chairman Moskalski called for a motion and roll call vote certifying the closed session.

On motion of C. T. Redd III, seconded by O. O. Williams, the following resolution was adopted:

**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 this the 28<sup>th</sup> day of October, 2013, 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.

Those members voting:

T. S. Stone	Aye
O. O. Williams	Aye
C. T. Redd III	Aye
S. K. Greenwood	Aye
T. J. Moskalski	Aye

**RE: REASSESSMENT (RFP #13-0501) – AWARD OF CONTRACT**

On motion by T. S. Stone, seconded by C. T. Redd III, with the following roll call vote, Wampler and Eanes Appraisal Group LTD was selected as the preferred Offerer for the 2015 Reassessment RFP; staff was directed to negotiate a contract with Wampler and Eanes Appraisal Group LTD.

Those members voting:

O. O. Williams	Aye
C. T. Redd III	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
T. J. Moskalski	Aye

**RE: ADJOURNMENT OF MEETING**

There being no other business to come before this Board, the meeting was adjourned at 10:35 p.m. on motion by T. S. Stone, seconded by O. O. Williams, and carried unanimously.

COPY TESTE:

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T. J. Moskalski, Chairman  
Board of Supervisors

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T. L. Funkhouser,  
County Administrator  
Clerk of the Board