

**MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF JANUARY 27, 2014**

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 27th day of January, 2014, 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 7:25 p.m.

**RE: 2014 ORGANIZATIONAL MEETING OF BOARD OF SUPERVISORS –
OUTGOING CHAIRMAN TRAVIS J. MOSKALSKI PRESIDING**

a. Election of Chairman for 2014 – Outgoing Chairman Travis J. Moskalski opened the meeting and stated this is an organizational meeting. He then called for nominations for Chairman of the Board for the year 2014.

Stephen K. Greenwood nominated Otto O. Williams for Chairman; nomination was seconded by C. T. Redd III.

There being no other nominations forthcoming, nominations were declared closed.

Otto O. Williams was duly elected Chairman of the Board for the year 2014, with the following roll call vote:

| | |
|-----------------|-----|
| T. J. Moskalski | Aye |
| S. K. Greenwood | Aye |
| T. S. Stone | Aye |
| C. T. Redd III | Aye |

O. O. Williams Aye

Mr. Williams thanked his fellow Board members for nominating him Chairman and then assumed the Chair.

b. Election of Vice-Chairman for 2014 – Chairman, Otto O. Williams declared the floor open for nominations for Vice-Chairman of the Board, for 2014.

T. J. Moskalski nominated Terry S. Stone for Vice-Chairman; nomination was seconded by S. K. Greenwood.

There being no other nominations forthcoming, Chairman Williams declared the nominations closed.

Terry S. Stone was duly elected Vice-Chairman of the Board for the year 2014, with the following roll call vote:

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

c. Adoption of By-Laws and Rules of Procedures of the Board of Supervisors – On motion by C. T. Redd III, seconded by T. J. Moskalski, with the following roll call vote, the Board adopted the By-laws and Rules of Procedure of the Board of Supervisors of King William County, for 2014.

T. S. Stone noted one change was made to the order of business, during the regular business meetings of the Board of Supervisors; one public comment period will be conducted at the beginning of each regular business meeting; the second public comment period conducted at the end of each regular meeting has been eliminated from the By-laws and Rules of Procedures.

Those members voting:

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

d. Adoption of Board of Supervisors Regular Monthly Meeting Schedule for 2014 – On motion by C. T. Redd III, seconded by T. J. Moskalski, with the following roll call vote, the Board adopted the Board of Supervisors Regular Monthly Meeting Schedule for 2014 as presented.

Those members voting:

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

RE: APPROVAL OF MEETING AGENDA

On motion by T. S. Stone, seconded by T. J. Moskalski, with the following roll call vote, the Board adopted the agenda for this meeting as presented by the County Administrator, with the following changes: under Presentations to the Board item 10d was added, Update on DEQ Biosolids Application Permit; also under New Business item 12e was added, Resolution #14-07 a Resolution in Opposition to Expansion of Provisions for Hunting on Sunday.

Those members voting:

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|-----------------|-----|
| T. J. Moskalski | Aye |
| S. K. Greenwood | Aye |
| T. S. Stone | Aye |
| C. T. Redd III | Aye |
| O. O. Williams | 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. Don Wagner, of the Mangohick District, urged the Board to request a public hearing with the Department of Environmental Quality (DEQ) to be held in King William County to give citizens the opportunity to express their concerns on the recent permit application for the application of industrial residuals on agricultural and parcels throughout the county.

2. Rodney Inge, President of the King William Volunteer Fire and Rescue Department, explained a payment on the loan for their tanker is due this year. He stressed there is a huge need for the tanker as it brings an extra 3,000 gallons of water to a structure fire; the engine is also needed on all fire and EMS calls. He noted refinancing the current loan on this equipment could save up to \$100,000 over the life of the loan. He said the department is holding a brunswick stew this weekend as a

fund raising event. He thanked the Board for their support and said he looks forward to continued communication and support for the department.

3. Carla Sturtz, property owner in the 2nd District on Wakema Road, stated she has had to endure the disgusting odor, for the past 3 months, from the biosolids recently applied to an adjacent property. She urged the Board to adopt an ordinance to hire a local monitor to oversee the application of biosolids in King William County. She indicated having a local monitor is not a financial burden to the county; the county would be reimbursed from a fund established by the DEQ for this service. In her opinion the biosolids applied by Synagro were not monitored properly. She and other citizens she knows called the county and complained and were told there was nothing the Board could do because the permit was issued by the DEQ. She also contacted the DEQ with no satisfaction. She feels her grandchildren developed respiratory and digestive illnesses because the careless application of the biosolids next to her property. She thanked Mr. Redd for his assistance in this matter.

4. Corey Lipscomb of the 2nd District, on 4499 Wakema Road, and adjacent to the property the biosolids were applied agreed with Ms. Sturtz and her depiction of the odor. He also believes his family developed respiratory and digestive illnesses as a result of the odor emitted from the biosolids. He stated he has a degree in occupational safety and health and understands what biosolids are as far as pathogens within the biosolids being applied. He feels there was adequate monitoring performed during the application of these biosolids, although he did not see an odor control plan being used. He too contacted the DEQ with no satisfaction. He thanked Mr. Moskalski for his assistance in this matter. He asked the Board for their assistance in stopping any future dumping of biosolids in King William County.

5. Lee Westermann of the 2nd District, at 230 Old Fraziers Trail, stated he is a biologist and feels the pathogenic problem this could create is certainly relevant. In his opinion a public hearing should be held to learn more facts. He said the biosolids permit for consideration is for 10 years; he feels the permit should be for less time.

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. J. Moskalski, with the following roll call vote, the Board approved the following items on its Consent Agenda:

- a. Minutes of the Regular meeting of December 16, 2013
- b. Claims against the County for the month of January, 2014, in the amount

of \$1,749,658.27 as follows:

(1) General Fund Warrants #78791-78829 in the amount of \$367,163.75; and ACH Direct Payments #4470-4500 in the amount of \$__184,931.29 for December, 2013. General Fund Warrants #78834-78888 in the amount of \$68,539.24; ACH Direct Payments #4512-4583 in the amount of \$57,076.59; General Fund Warrants #78889-78956 in the amount of \$373,370.31; ACH Direct Payments #4585-4644 in the amount of \$312,113.46; Direct Deposits #18948-19023 in the amount of \$188,144.55; and Electronic Tax Payment in the amount of \$75,319.60 for January, 2014.

(2) For informational purposes, Social Services expenditures for the month of December, 2013, Warrants #309946-309975 in the amount of \$24,122.48; ACH Direct Payments #1071-1092 in the amount of \$11,982.00; Direct Deposits #3139-3163 in the amount of \$31,783.84; and Electronic Tax Payment in the amount of \$12,426.39.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of December, 2013, Warrants #78830-78833 in the amount of \$16,650.20; and ACH Direct Payments #4501-4511 in the amount of \$26,034.57.

(4) There were no Tax Refunds for the month of January, 2014.

Those members voting:

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

RE: PRESENTATIONS TO THE BOARD

a. Resolution #14-02 – Resolution of Appreciation – King William County Ruritan Club – The following Resolution of Appreciation was read aloud by Board member T. J. Moskalski in recognition of the 75th Anniversary of the King William County

Ruritan Club. A framed resolution was presented by Chairman Williams and was accepted by Ruritan member Mr. Dick Campbell on behalf of the organization.

RESOLUTION #14-02
KING WILLIAM COUNTY
RESOLUTION OF APPRECIATION

WHEREAS, the King William County Ruritan Club was established on September 12th, 1938 here in King William County; and

WHEREAS, for the past 75 years, the King William Ruritan Club has worked tirelessly to make our County a better place through “Fellowship, Goodwill and Community Service” and these efforts have paid dividends for thousands of King William residents past, present and future; and

WHEREAS, this group of dedicated citizens counts among its membership several members of our community who have been active in the Ruritan Club and the King William community for more than sixty years; and

WHEREAS, during these past 75 years, the King William Ruritan Club has raised over \$350,000 for area charities, non-profit organizations, schools and emergency responders,

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors extends its sincere congratulations to the King William Ruritan Club and the many dedicated members on the occasion of their 75th Anniversary.

BE IT FURTHER RESOLVED, that a copy of this Resolution expressing the sense of this Board of Supervisors on this matter shall be conveyed to the King William Ruritan Club, and shall be spread upon the meeting minutes of said Board of Supervisors.

Adopted this 27th day of January, 2014

Those members voting:

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

b. Comprehensive Annual Financial Report – FY 13 – PBMares, Mike Garber – the County Administrator announced Mike Garber, of PBMares audit firm, was present to briefly review the CAFR.

Mr. Garber gave some highlights of the CAFR that was previously distributed to the Board for review. He said the County received an unmodified opinion, which is a clean opinion, on financial statements. He said the general fund balance increased this past year by approximately \$1.1 million, which is a very good thing. He said there is still some work to do on the unassigned fund balance within the general fund.

Ms. Stone said the audit reports look good and thanked Mr. Bingham for the thorough job he performed in transmitting the appropriate information to the auditors.

c. Stormwater Regulations – Bret Schardein, Director of Community Development and Jackie Rickards, Middle Peninsula Planning District Commission (MPPDC) – Mr. Schardein introduced Ms. Jackie Rickards, with the MPPDC, to give a presentation on the Stormwater Management Program. He explained Ms. Rickards and Draper Aden Associates have been working through grant funding to help develop a program and other documentation that is required to run the program. He said she will briefly discuss some of the legislation in this general assembly session that is being monitored and could potentially significantly change the program locally.

Ms. Rickards gave a brief review of the Virginia Stormwater Management Program, some of the associated regulations, and the progress King William County has made in developing their own program; which should be implemented by July 1, 2014. She said the progress plan for King William is as follows: April 1, 2013 a substantive package was submitted; January 15, 2014 a preliminary Local Virginia Storm Management Program (VSMP) application package was submitted; May 15, 2014 the submittal of final adopted Local VSMP ordinances to DEQ for review to include adopted VSMP Ordinance, a final staffing and budget plan, and VSMP policies and procedures; and July 1, 2014 the implementation of Local VSMP. She said moving forward the county will continue to work with the PDC to develop Regional Stormwater Management Frame; develop tools such as database for stormwater projects/permits; Best Management Practice (BMP) updates; reporting to DEQ; and flow of information. She noted DEQ staff will not assist with stormwater reviews and inspections, noting a portion of the fees collected will be paid to the DEQ. She explained legislation has been introduced for the 2014 General Assembly Session and HB 1173 is getting a lot of attention; this bill gives localities the option to have DEQ run the program for them. In closing she said this may not even happen, we will have to wait until March 8th when the General Assembly Session closes to see how this all plays out.

Mr. Moskalski commended Ms. Rickards and Mr. Lewis, with the MPPDC, on all the hard work done by the agency on this project. He said this is a huge undertaking and he is not sure how we would undertake this without the help of the PDC and their advocating for the smaller localities.

Ms. Stone said since sitting on the Board of Supervisors the question has been asked what is the benefit of participating in the MPPDC. She feels this is a perfect example of why we participate because if we had to hire experts on our own, as opposed to sharing and partnering, this would have had a greater impact.

Mr. Schardein said the bills before the General Assembly will be monitored but due to timing the county will need to move forward with a Planning Commission public hearing and at least advertise a Board public hearing while waiting for answers.

d. Update on the DEQ Biosolids Application Permit – Bret Schardein, Director of Community Development, said in response to the specific biosolids permit, spoke of earlier, the public comment period on this permit closes on January 31, 2014. He said the Department of Environmental Quality requires at least 25 people request a public hearing be held in King William County. He supplied the telephone number and email address to contact the DEQ.

A citizen noted the DEQ requires requests for a public hearing to be in writing; email is considered a written request.

Continuing Mr. Schardein said with regards to a local monitoring program a representative from DEQ will be present at next month's meeting to give a presentation on the options for local monitoring and the new changes to the biosolid regulations; which include new regulations on odor control.

Mr. Redd suggested the Board pursue some local options to control some of the issues with the application of biosolids.

Mr. Moskalski agreed with Mr. Redd and said he has already had some discussion with Delegate Peace and Mr. Schardein on this subject and our options appear to be limited. He said Mr. Schardein is familiar with biosolid programs and he is exploring options. In his opinion the most effective thing we could do is use the local monitor program.

RE: OLD BUSINESS

No old business was brought before the Board.

RE: NEW BUSINESS

a. Public Hearing – Proposed Ordinance #13-11 – An Ordinance to Adopt the VACo/VML Virginia Investment Pool Trust Fund for the Purpose of Investing

Moneys belonging to or within King William County's Control, other than Sinking Funds, in certain Authorized Investments in accordance with Section 2.2-4501 of the Virginia Code -

i. Staff Presentation – Mr. Troy Bingham, Financial Services Manager, addressed the Board and stated the proposed ordinance is to explore an additional investment option for investment strategies and to invest county funds at the discretion of the Treasurer. He said it is possible the investment pool may have better interest rates than the current banking institution we currently use. He explained participation in the proposed investment pool trust fund is not required and once participation is authorized there is no requirement for the county to invest any funds in any amount.

Ms. Stone asked for clarification this program meets the requirements of state code; Mr. Bingham confirmed that is correct.

Mr. Williams asked if the county has a substantial amount that could be invested; Mr. Bingham stated there is a minimum requirement to invest and the Treasurer is researching investment options.

Mr. Moskalski asked if there are penalties for withdrawing from this trust; Mr. Bingham said there are no penalties for withdrawing funds.

ii. Public Comments (3 minutes per individual; 5 minutes if representing an organization or group) – the Chairman opened the public hearing for public comments.

There being no one to speak for or against this matter the Chairman closed the public hearing.

iii. Consideration – Proposed Ordinance #13-11 – T. J. Moskalski moved for approval of Ordinance #13-11 – An Ordinance to adopt the VACo/VML Virginia investment pool trust fund for the purpose of investing moneys belonging to or within King William County's control, other than sinking funds, in certain authorized investments in accordance with Section 2.2-4501 of the Virginia Code; motion was seconded by C. T. Redd III.

Chairman Williams called for any discussion from Board members on proposed Ordinance #13-11.

There being no further discussion the Board approved Ordinance #13-11 with the following roll call vote:

ORDINANCE #13-11
AN ORDINANCE TO ADOPT THE VACo/VML VIRGINIA INVESTMENT POOL TRUST FUND FOR THE PURPOSE OF INVESTING MONEYS BELONGING TO OR WITHIN KING WILLIAM COUNTY'S CONTROL, OTHER THAN SINKING FUNDS, IN CERTAIN AUTHORIZED INVESTMENTS IN ACCORDANCE WITH SECTION 2.2-4501 OF THE VIRGINIA CODE

WHEREAS, Section 15.2-1500 of the Virginia Code provides, in part, that every locality shall provide for all the governmental functions of the locality, including, without limitation, the organization of all departments, offices, boards, commissions and agencies of government, and the organizational structure thereof, which are necessary to carry out the functions of government; and

WHEREAS, Section 2.2-4501 of the Virginia Code provides that all municipal corporations and other political subdivisions may invest any and all moneys belonging to them or within their control, other than sinking funds, in certain authorized investments; and

WHEREAS, Section 15.2-1300 of the Virginia Code provides that any power, privilege or authority exercised or capable of exercise by any political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision of the Commonwealth having a similar power, privilege or authority pursuant to agreements with one another for joint action pursuant to the provisions of that section; and

WHEREAS, any two or more political subdivisions may enter into agreements with one another for joint action pursuant to the provisions of Section 15.2-1300 of the Virginia Code provided that the participating political subdivisions shall approve such agreement before the agreement may enter into force; and

WHEREAS, the City of Chesapeake, Virginia and the City of Roanoke, Virginia have determined to jointly establish and participate in the VACo/VML Virginia Investment Pool (the "Trust Fund") for each such city; and

WHEREAS, it appearing to the Board of Supervisors of King William County that it is otherwise in the best interests of the King William County to become a participating locality in the Trust Fund; and

WHEREAS, the duly elected Treasurer of King William County, has the authority and responsibility under Virginia law to determine the manner in which King William County funds under his control will be invested;

NOW, THEREFORE THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY HEREBY ORDAINS:

§ 1 That the Board of Supervisors of King William County does hereby establish a trust pursuant to Section 2.2-4501 of the Virginia Code for the purpose of investing moneys determined to derive the most benefit from this investment strategy, belonging to it or within its control, other than sinking funds, in certain authorized investments, in the form set forth in the VACo/VML Virginia Investment Pool Trust Fund Agreement (the "Agreement").

§ 2 That the Board of Supervisors of King William County does hereby agree to become a "Participating Political Subdivision" in the "VACo/VML Virginia Investment Pool" (hereinafter, the "Trust Fund"), as further defined in the Agreement.

§ 3 That the Board of Supervisors of King William County does hereby designate the Treasurer of King William County to serve as the trustee of King William

County with respect to the Trust Fund and to determine what funds under the Treasurer's control shall be invested in the Trust Fund.

§ 4 That the Board of Supervisors of King William County does hereby authorize the Treasurer to execute and deliver the Trust Joinder Agreement for Participating Political Subdivisions under VACo/VML Virginia Investment Pool ("Trust Joinder Agreement").

§ 5 This ordinance shall be in force and effect upon its adoption or passage.

Adopted this 27th of January, 2014

Those members voting:

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

b. Resolution #14-04 – Budget Amendment – King William Sheriff's Office – Appropriation of State Grant Funds for Mobile Data Computer (MDC) Replacement – FY14 – C. T. Redd III moved for approval of Resolution #14-04 Budget Amendment – King William Sheriff's Office Appropriation of State Grant Funds for Mobile Data Computer (MDC) Replacement – FY14; motion was seconded by T. J. Moskalski.

Ms. Stone asked for clarification that there is no matching fund or ongoing commitment for this request.

The County Administrator stated other than minimal maintenance associated with the laptops there is no matching fund or ongoing commitment for this request.

There being no further discussion the Board approved Resolution #14-04 with the following roll call vote:

RESOLUTION # 14-04
BUDGET AMENDMENT – KING WILLIAM SHERIFF'S OFFICE
APPROPRIATION OF STATE GRANT FUNDS FOR
MOBILE DATA COMPUTER (MDC) REPLACEMENT- FY14

WHEREAS, the Board of Supervisors wishes to amend the FY 13-14 County Budget to provide funds to the Sheriff's Office for the purposes of replacing Mobile Data Computers (MDCs) at a cost of \$67,252 by appropriating grant funds; and

WHEREAS, Sheriff's Office Deputies currently use 25 Panasonic Toughbooks as MDCs during patrols; and

WHEREAS, the Attorney General of Virginia received Medicare Fraud settlement proceeds from the Federal Government, and is using those one-time funds to assist state and local law enforcement efforts; and

WHEREAS, the Sheriff's Office applied in October 2013 and was awarded these one-time funds in December 2013 and shall use the funds to replace the 25 Panasonic Toughbooks.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors of King William County hereby amends the FY 13-14 County Budget to establish the following revenue and expenditure:

| | | |
|--------------|-------------------------------|-----------|
| REVENUE: | Grant Proceeds - Commonwealth | \$ 67,252 |
| EXPENDITURE: | Non-Capital Equipment | \$ 67,252 |

and \$67,252 is hereby appropriated and is directed to be transferred to the above-referenced line items for the above stated purposes.

Adopted this 27th day of January, 2014

Those members voting:

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

c. Resolution #14-05 – Budget Amendment – King William Sheriff’s Office

Adding One Full-Time Equivalent (FTE) Dispatcher FY14 – T. J. Moskalski moved for approval of Resolution #14-05 Budget Amendment – King William Sheriff’s Office adding one Full-Time Equivalent (FTE) Dispatcher – FY14; motion was seconded by C. T. Redd III.

There being no discussion the Board approved Resolution #14-05 with the following roll call vote:

RESOLUTION # 14-05
BUDGET AMENDMENT – KING WILLIAM SHERIFF’S OFFICE
ADDING ONE FULL – TIME EQUIVALENT (FTE) DISPATCHER FY14

WHEREAS, the Board of Supervisors wishes to amend the FY 13-14 County Budget to provide funds to the Sheriff’s Office for the purposes of meeting certain E911 Dispatch operational requirements at a cost of \$45,000 by appropriating General Fund Balance; and

WHEREAS, the Board of Supervisors is responsible for funding the E911 Center in the County; and

WHEREAS, the Board of Supervisors recognizes the need for dispatch staff work scheduling to follow Fair Labor Standard Act guidance for overtime and compensatory time; and

WHEREAS, the FY13-14 County Budget currently includes 10.5 FTE’s for dispatch services and required changes in work hours in the week would require (1) additional Full Time Equivalent (FTE) Dispatcher to meet minimum coverage standards in the County; and

WHEREAS, General Fund Balance has sufficient cash to cover this operating expense for the remainder of the fiscal year for the additional FTE and initial purchase of Capital Equipment-Furniture (communications console position).

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors hereby amends the FY14 County Compensation Plan to add one FTE Dispatcher position in E911 Dispatch.

BE IT FURTHER RESOLVED, the Board of Supervisors of King William County hereby amends the FY 13-14 County Budget to establish the following transfers for the referenced revenue and expenditure:

| | | |
|----------------|--|---------------|
| TRANSFER FROM: | General Fund Balance | \$ 45,000 |
| TRANSFER TO: | E911 Dispatch | |
| | Half Year \$32,722 Mid-Point Salary + Benefits | 21,761 |
| | Capital Equipment-Furniture | <u>23,239</u> |
| | | \$ 45,000 |

and \$45,000 is hereby appropriated and is directed to be transferred to the above-referenced line items for the above stated purposes.

BE IT FURTHER RESOLVED, to promote compliance with applicable regulations and policies, the Sheriff's Office shall provide written documentation to the Financial and Management Services Department confirming zero balances for Compensatory Time for Dispatchers as of October 1, 2013 and shall also provide, on a monthly basis, time sheets with sufficient detail to confirm employee balances for Compensatory Time, Annual Leave and Sick Leave.

Adopted this 27th day of January, 2014

Those members voting:

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

d. Resolution #14-06(R) – Authorization of the County Administrator to Proceed with Application to, and Coordination with, VML/VACo Finance for a Tax-Exempt Lease Financing to Refinance Engine 1 and Tanker 1 of the King William County Volunteer Fire Department and the Execution and Delivery of Certain Documents Prepared in connection therewith –

Mr. Redd asked for more details on this item.

The County Administrator stated basically there are two pieces of equipment that have unfavorable interest rates; those purchases were not made in coordination with the county. He said in working through some issues with King William Volunteer Fire Department the Board set aside sufficient funds for capital preservation which is what we have been focusing on, as well as trying to improve our operating margin. He said county staff felt it was necessary to investigate some options given the present state of the fleet. He said, as Mr. Inge pointed out earlier this evening, these are two vital pieces of equipment for the department; staff agrees and supports pursuing

refinancing. He said staff is asking for Board consideration for permission to pursue the refinancing application with VML/VACo with no obligation other than application processing fees; which would be minimal.

Mr. Redd asked should the Board approve this refinance who will own the equipment.

The County Administrator stated the county will assume ownership and insurance responsibility; items are currently in budget. The loan requires the county to take ownership of the equipment.

C. T. Redd III moved for approval of Resolution #14-05(R) based on the fact the Board is not committing to borrowing any money, only giving permission to pursue with the application; motion was seconded by T. J. Moskalski.

Ms. Stone asked for clarification that the volunteer organization entered into this debt; the County Administrator stated that is correct.

Ms. Stone asked for clarification the department has been unable to make the payments on this equipment so the county has been assisting them.

Mr. Bingham stated that is correct and explained further that the loan on the tanker is an interest only loan and the full cost of the loan of \$161,000 is due in May 2014; a balloon payment.

Ms. Stone asked for further clarification the department does not have the funds to pay the balloon payment, nor has the county budgeted for this balloon payment of \$161,000; Mr. Bingham stated that is correct.

Ms. Stone asked for details of the interest rate quoted by EVB; Mr. Bingham said 5.5% is the best EVB can do and the request went to the highest level of the bank.

Ms. Stone asked for the interest rate quoted by VML/VACo.

Mr. Bingham stated 2.25%; governments can normally get a better interest rate than other organizations.

Ms. Stone asked for clarification there is an opportunity for a savings of \$87,000.

Mr. Bingham clarified that between the two vehicles there is the opportunity of \$100,000 of savings over the life of the loan; less interest would be paid.

Ms. Stone said certainly this VML/VACo option, since we are partnering with an organization that provides debt options to local governments, an interest rate of 2.25% is much more attractive than a local bank at 5.5%. She explained that is why we have used them in the past, even though there are some small expenses associated, the savings you have on the interest rate side over the life of the debt far exceeds what you would spend if you went with a local bank.

Mr. Bingham stated that is correct, this meets the criteria of the funding if the debt was already ours.

Ms. Stone said the reality of the situation is if we do not assist then the department will not have the equipment they need to respond to calls. She further clarified if the organization faults on the current loan she understands the bank will go after the facility property.

Mr. Bingham stated that is correct, the bank would lien the facility and because the county does business with EVB there would be some implications that we might face there.

Mr. Moskalski said he has stated before he feels the county involvement and working with King William Volunteer Fire and Rescue has yielded some positive results to this point. He pointed out this balloon payment was discovered rather late in the game by both the county and the organization. He noted the purchases were made historically and not since the county has become involved in the organizations procurement process. In his opinion to provide any adequate level of service the department needs these vital pieces of equipment. He noted the Board is not taking action on drawing down the loan but if we are setting the stage for the process in the future then he supports the county in whatever can be done to assist the department.

Mr. Greenwood said this is a bad situation but the citizens need the department in the county. He noted without the department we were informed homeowner insurance would raise to a devastating rate. He said he is disappointed the bank is not willing to work with us on this debt. In his opinion this is something the Board has to do; help the organization stay in business so they can help citizens.

Mr. Williams asked if this amount is figured in the organization's budget.

Mr. Bingham stated this is part of the organization's budget.

Mr. Williams asked for the length of the life of the loan.

Mr. Bingham said the loan for the tanker is until 2018; the engine goes to 2021.

Mr. Williams asked what percentage is this of their budget.

Mr. Bingham stated he believes 50%, exact figures are not in front of him, this is a large portion of their fire operations budget; the debt service.

Mr. Williams said he would like to see these figures on paper to see how their budget is going to work.

The County Administrator further clarified this process can be done through future budgets; it is difficult to say, we can definitely define the current operating trends and the current capital expenditures we have committed to. He said discussions have not been completed on what those operating budgets would be, such as revenue recovery; possible pay plans; not having other certain pieces of equipment, those are more complete discussions to be had during this budget process and will help set the stage for what percentage this debt presents of any future budgets that they have.

Mr. Williams said he sees this setting a bad precedence for the rest of the departments that have worked so hard to do a good job for what they do.

Ms. Stone said she thinks the distinction is the volunteer organization is giving up the asset, from meeting with some of the members it is very important to them to own these capital assets. She said they recognize the fact that they will not have ownership, ownership will revert to the county, to county insurance and county rules; they are giving up some independence. She has heard comments such as are you going to do this for all the other organizations, to the extent the county monitors every expenditure the organization has because the county has had to step in and assist them, taking over some of their financial control and they have expressed frustration; but that is what they have given in return. So if the other organizations are saying to the county we are going to give you our assets, we are willing to follow your rules and willing for the county to come in and go through our books. In her mind that is the distinction between the situations.

Mr. Redd clarified the resolution for Board consideration is for the County Administrator to pursue an application for a loan; this is not authorization to borrow money; that would come later for a vote.

The County Attorney pointed out a change that should be made to the resolution under consideration. He said in paragraph one the last four words reads “(the “Refunded Lease Obligations”)", they should read “to acquire these two vehicles from King William Volunteer Fire Department”.

Mr. Bingham agreed with the County Attorney.

Mr. Redd modified his motion to reflect the change the County Attorney referred to; motion was seconded by T. S. Stone.

There being no further discussion the Board approved amended Resolution #14-06(R) with the following roll call vote:

RESOLUTION # 14-06(R)
AUTHORIZATION OF THE COUNTY ADMINISTRATOR TO PROCEED
WITH APPLICATION TO, AND COORDINATION WITH, VML/VACO
FINANCE FOR A TAX-EXEMPT LEASE FINANCING TO REFINANCE
ENGINE 1 AND TANKER 1 OF THE KING WILLIAM COUNTY
VOLUNTEER FIRE DEPARTMENT AND THE EXECUTION AND
DELIVERY OF CERTAIN DOCUMENTS PREPARED
IN CONNECTION THEREWITH

WHEREAS, the County of King William, Virginia (the “County”), has determined that it is advisable and in the interest of the County to refinance certain financial obligations for Engine 1 and Tanker 1 of the King William Volunteer Fire Department (to acquire these two vehicles from King William Volunteer Fire Department); and

WHEREAS, the King William Volunteer Fire Department membership voted on November 14, 2013 in support of the County refinancing the current vehicle debt of the Department and the County assuming debt service responsibility for these vehicles; and

WHEREAS, the King William Volunteer Fire Department is expected to transfer title for the vehicles to the County upon request by the County Administrator; and

WHEREAS, the County intends to finance existing collateralized debt of the King William Volunteer Fire Department by entering into a tax-exempt lease agreement (“Lease Agreement”) in an amount to be determined to accomplish such intentions; and

WHEREAS, the County Administrator has previously received advice and analysis by the Virginia Local Government Finance Corporation, a Virginia non-stock, nonprofit corporation, (serving as Program Administrator for VML/VACo Finance) indicating sufficient debt service savings to make it economically beneficial and advisable to proceed with the refinancing;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF KING WILLIAM, VIRGINIA:

1. Application for Issuance of Lease Financing. The Board of Supervisors hereby authorizes and directs the County Administrator to submit an application for the assistance of VML/VACo Finance in order to complete the tax-exempt lease financing of the County to refinance the financial obligations of the King William Volunteer Fire Department associated with Engine 1 and Tanker 1.
2. Authorization of Solicitation of Lease Financing. The Board of Supervisors hereby authorizes VML/VACo Finance, after its review of the application and in

coordination with the County Administrator, to solicit competitive bids for the lease financing. The County will need to set a date for final approval and authorization of the Lease Agreement after review of bids received.

3. Non-binding Solicitation. The Board of Supervisors understands that the solicitation is non-binding and that the Board of Supervisors will have final approval prior to the execution of the Lease Agreement, but the Board of Supervisors expresses its intent to utilize the services of the VML/VACo Finance program to complete the refinancing.

4. Other Actions. All other actions of officials of the County in conformity with the purposes and intent of this Resolution are ratified, approved and confirmed. The officials of the County are authorized and directed to execute and deliver on behalf of the County such application and other information, documents or certificates necessary or appropriate to carry out the transactions authorized by this Resolution, and all of the foregoing, previously done or performed by such officers of the County, are in all respects approved, ratified and confirmed.

5. Effective Date. This Resolution shall take effect immediately.

Adopted this 27th day of January, 2014

Those members voting:

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

e. Resolution #14-07 – A Resolution in Opposition to Expansion of Provisions for Hunting on Sunday – T. J. Moskalski said Resolution #14-07 is for Board consideration as a result of his recent conversations with Mr. Carter Garnett and his association with the Virginia Hunting Dog Association. He explained the General Assembly has taken up, in the past couple of years, the possibility of hunting on Sunday's in the State of Virginia; this year this legislation has appeared to have gained some traction. He said proposed Resolution #14-07 states this Board's opposition in making a change to the current statutes that disallows hunting on Sunday's for a variety of reasons; one of which is safety concerns. He said the reason given by the State of Virginia for disallowing Sunday hunting is a day to allow for rest for not only hunters but also the animals; not just the deer but the dogs used for hunting. He said a number of rural localities, like King William, have adopted resolutions similar to the one before the Board for consideration. He said Resolution #14-07 condensed states that King William County recognizes the value that hunters provide the community in assisting with control of population and fully support hunting activities but oppose any proposed changes to allow for hunting on Sunday's.

T. J. Moskalski moved for approval of Resolution #14-07 – A Resolution in Opposition to Expansion of Provisions for Hunting on Sunday; motion was seconded by T. S. Stone.

There being no discussion the Board approved Resolution #14-07 with the following roll call vote:

RESOLUTION #14-07
A RESOLUTION IN OPPOSITION
TO EXPANSION OF PROVISIONS FOR HUNTING ON SUNDAY

WHEREAS, King William County has a tradition of hunting that is as old as the County itself; and

WHEREAS, King William County recognizes the North American model of wildlife management as the only successful model worldwide because the wildlife resource is held in common for all the people and not just the landowner; and

WHEREAS, the King William County tradition of hunting provides significant economic and cultural benefit to the County and its people; and

WHEREAS, the King William County tradition of hunting contributes significantly to wildlife management, enhances public safety by reducing motor vehicle collisions, reduces crop damage, and helps control the spread of wildlife diseases to the benefit of the natural environment; and

WHEREAS, King William County values its open space for use by all citizens for hiking, horseback riding, wildlife watching, and outdoor recreation; and

WHEREAS, many King William County landowners are exceedingly generous with their support of hunting by allowing hunters to use their private property to pursue their sport and manage the wildlife populations; and many of these landowners are in opposition to Sunday hunting; and

WHEREAS, the King William County Board of Supervisors recognizes that civility is an inherent part of the character of rural Virginians and further recognizes that many citizens do not feel comfortable sharing the open spaces while hunters pursue their sport,

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors supports hunting in its many and varied forms as currently authorized by the Code of Virginia and the regulations of the Virginia Department of Game and Inland Fisheries.

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors does not support hunting in any form on Sunday beyond what is currently authorized and hereby urges members of the Virginia General Assembly and members of the Board of Directors of the Virginia Department of Game and Inland Fisheries to oppose any additional laws or regulations that would authorize expanded hunting on Sunday.

Adopted this 27th day of January, 2014

Those members voting:

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

Chairman Williams opened the Second Public Comment Period.

1. Bob Shannon, of the 3rd District, said approximately three years ago the Middle Peninsula Planning and Development Committee held a meeting in conjunction with the Department of Environmental Quality on the precursor to these regulations. He said he made comments at that meeting regarding the way they measure pollutants in the Chesapeake Bay as in pounds. He said the 10th anniversary report of the Chesapeake Bay Act states the largest ongoing contributing factor is commercial poultry and hog farms; which were not addressed in these regulations. The attorney from DEQ intervened and said the General Assembly was working on this. Continuing Mr. Shannon said not only is this an erosion of private property rights, which perhaps the Board of Supervisors of a locality can't do anything about, but how unfair it is when you spare the largest commercial contributors; the reduction in pounds has to be made up with all the more onerous regulations on private property owners. In his opinion it might also be why Smithfield Farms has members of the General Assembly on retainer. He said the average property owner once again doesn't have the representation that corporate interest can buy from members of the General Assembly that we all know.

2. Rodney Inge, President of the King William Volunteer Fire and Rescue Department, explained the department did not have knowledge of the balloon payment with EVB until this past August. He said roughly 40 students are enrolled in the Junior Squad EMS program for next year and spoke of his concerns that due to insurance restrictions on the vehicles covered under the county insurance those students will not be allowed to ride on the EMS equipment for training.

Chairman Williams asked Mr. Inge who signed the loan with EVB.

Mr. Inge stated he has not seen the paperwork on the loan so he cannot state who signed; he imagines the president of the department signed.

Mr. Williams added whoever signed for the loan should have known there was a balloon payment.

Mr. Greenwood asked how one person was able to sign for the tanker loan.

Mr. Inge said in the past the department membership reviewed proposed equipment and voted as a body to approve purchases; since then measurers have been put in place to prevent that from happening. He said the county has control over purchases made for the department.

Mr. Greenwood said normally a financial background check is performed for credit worthiness before a loan is granted; he is interested in what was submitted for review.

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

RE: APPOINTMENTS

a. Resolution #13-64 – Planning Commission, Board of Supervisor representative; term expired 12/31/2013 – on motion by T. J. Moskalski, seconded by C. T. Redd III, with the following roll call vote, the following Resolution #13-64 Appointment to the King William County Planning Commission appointing Otto O. Williams as the Board of Supervisor representative; term expiring December 31, 2014, was adopted.

RESOLUTION #13-64
APPOINTMENT TO THE KING WILLIAM COUNTY
PLANNING COMMISSION

WHEREAS, the term of Otto O. Williams, the Board of Supervisor representative, serving on the King William County Planning Commission, expires on December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Otto O. Williams, Board of Supervisor representative, is hereby appointed to serve the King William County Planning Commission, for a term of one year, with said term to begin January 1, 2014 and to expire December 31, 2014.

Adopted this 27th day of January, 2014

Those members voting:

| | |
|-----------------|-----|
| T. J. Moskalski | Aye |
| S. K. Greenwood | Aye |
| T. S. Stone | Aye |

C. T. Redd III Aye
O. O. Williams Aye

b. Resolution #14-03 – Virginia Peninsula Public Service Authority (VPPSA)

Primary and Alternate Representatives; terms expired 12/31/2013 – on motion by C. T. Redd III, seconded by T. S. Stone, with the following roll call vote, the following resolution #14-03 Resolution of Appointment of Primary and Alternate Representatives to serve the Virginia Peninsula Public Service Authority (VPPSA); appointing Trenton Funkhouser as the primary representative and Joseph Topham as the alternate representative; both terms expire December 31, 2017, was adopted.

RESOLUTION #14-03
RESOLUTION OF APPOINTMENT
PRIMARY AND ALTERNATE REPRESENTATIVES TO SERVE
THE VIRGINIA PENINSULA PUBLIC SERVICE AUTHORITY (VPPSA)

WHEREAS, the Virginia Peninsula Public Service Authority (VPPSA) is a regional governmental agency established, as a political subdivision of the State, in 1989 under the Virginia Water and Waste Authorities Act; and

WHEREAS, VPPSA was established to offer solid waste management services to the member cities and counties that are implemented through service agreements executed by both VPPSA and the member jurisdiction; and

WHEREAS, VPPSA is governed by a Board of Directors made up of one representative from each member city and county and appointed by the City Council or the County Board of Supervisors; and

WHEREAS, member localities include the Counties of Essex, Hampton, James City County, King and Queen, King William, Mathews, Middlesex and York and the Cities of Poquoson and Williamsburg; and

WHEREAS, VPPSA provides for the appointment, by the respective member governing bodies, of a Primary and Alternate Representative from each member locality with such appointment and associated representation starting and ending at the pleasure of the governing body; and

WHEREAS, Trenton L. Funkhouser, County Administrator, was appointed by the Board of Supervisors on January 24, 2011, to serve as the Primary representative; with a term that expired on December 31, 2013; and

WHEREAS, Joseph M. Topham, Executive Assistant – Operations, was appointed by the Board of Supervisors on February 25, 2013, to serve as the Alternate representative; with a term expired on December 31, 2013,

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of King William County hereby appoints Trenton L. Funkhouser, County Administrator, to serve as the Primary representative for King William County to the Virginia Peninsula Public Service Authority; with a term to expire December 31, 2017.

BE IT FURTHER RESOLVED, the Board of Supervisors of King William County hereby appoints Joseph M. Topham, Executive Assistant – Operations, to serve as the Alternate Representative for King William County to the Virginia Peninsula Public Service Authority; with a term to expire December 31, 2017.

Adopted this 27th day of January, 2014

Those members voting:

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

RE: BOARD OF SUPERVISORS COMMENTS

Chairman Williams opened the Board of Supervisors comment period.

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

Mr. Moskalski announced the birth of his daughter and was the reason for his absence at the December Board meeting. He thanked the Board and the community for placing faith in him as Chairman during 2013 and said it was an honor. He said he looks forward to working with Mr. Williams and his leadership this year. He said hopefully 2014 will bring less stress and storm Mr. Williams' way than was brought his way last year; none the less he said it was an enjoyable challenge.

Mr. Moskalski said he has had a number of detailed discussions with Mr. Schardein regarding biosolid options for King William. In his opinion Mr. Schardein has a lot of good information and background in biosolids that will help with further monitoring of biosolid applications in the community.

Continuing he said he and Mr. Williams are members of the PDC and they have both seen the presentation on stormwater management presented tonight. He said this project has been in the works for quite a while and issues, as a region and a locality, have been brought up during meetings. He said General Assembly members will tell you they have issues with this as well; yet it moves along. He feels the MPPDC has done an exemplary job of representing our interests and also in helping to lay the frame work for this project.

In closing, he thanked Mr. Inge and congratulated him on his recent re-election as president for the King William Volunteer Fire Department and hopes we continue to move forward to put some of these historically bad debt and bad purchases behind us.

Mr. Greenwood reminded everyone of the dates of the budget input meetings scheduled during the upcoming weeks and invited citizens to attend and participate.

Ms. Stone mentioned VDOT was not present tonight but there has been communication with staff in regards to the poor repair conditions of Route 30 in the Venter Road area. She noted VDOT has also been contacted regarding the noticeable material difference, after the recent snow, when entering King William County from either Caroline County, Hanover County or New Kent County. She also thanked Mr. Inge and said she feels the department has worked very well with the county and hopefully the momentum will keep going.

Mr. Redd personally thanked Mr. Moskalski for his leadership as Chairman of the Board last year. He said he has served this Board for some 26 years and feels it was the stormiest year he has experienced thus far.

Continuing Mr. Redd mentioned contact information is available, from county staff, for anyone that wants to contact the DEQ requesting a public hearing be held in King William on the biosolid issues. He noted the location of the application of the biosolids mentioned tonight was on Wakema Road and said the odor was very strong when traveling on Route 30 in the October/November time frame. In his opinion this was a problem, a mess all over the road, and feels the Board should do everything they can to address this for the citizens.

Mr. Williams thanked his fellow Board members for nominating him to serve as Chairman for 2014. He thanked Mr. Moskalski for his leadership in 2013. He noted the many complaints from Mangohick citizens about a forestry application of biosolids that also fell on deaf ears years ago. He said there were complaints of the lingering odor but they were told at that time there was no recourse. In his opinion there are issues with biosolids, however there are some types applied to fields that are less offensive; we need to find out the difference.

RE: ADJOURNMENT OF MEETING

There being no other business to come before this Board the meeting was adjourned at 9:20 p.m.

COPY TESTE:

O. O. Williams, Chairman
Board of Supervisors

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