

**MINUTES**  
**KING WILLIAM COUNTY**  
**BOARD OF SUPERVISORS**  
**MEETING OF JUNE 27, 2011**

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 27<sup>th</sup> day of June, 2011, beginning at 6:30 p.m. in the Conference Room of the County Administration Building, order was called with the following present:

D. L. Wright, Vice-Chairman  
T. G. Smiley  
C. T. Redd, III  
O. O. Williams (arrived at 6:40 p.m.)  
C. L. Schools, Chairman - Absent  
T. L. Funkhouser, County Administrator  
D. M. Stuck, County Attorney

**RE: REVIEW OF MEETING AGENDA**

Vice-Chairman, Daniel L. Wright, called the meeting to order at 6:30 p.m. and agenda changes were discussed, no changes were made.

Davenport & Company LLC briefed the Board on the debt analysis materials prepared for the County. The analysis looked at long term debt for the County, in addition to short term debt, with the potential to save a little over one million dollars in debt service costs. There is no cost to the County for the service provided by Davenport unless savings are realized through refinancing.

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

The Vice-Chairman called the continued Board of Supervisors meeting to order at 7:00 p.m. and announced Chairman, Cecil Schools, was not in attendance due to recent knee surgery and will return for next month's regular scheduled meeting.

**RE: INVOCATION**

The opening invocation was delivered by Daniel L. Wright, Vice-Chairman of the Board of Supervisors.

**RE: APPROVAL OF MEETING AGENDA**

On motion by C. T. Redd, seconded by T. G. Smiley and carried the following vote, the Board adopted the agenda for this meeting as presented by the County Administrator.

Vote:

C. T. Redd III	Aye
D. L. Wright	Aye
T. G. Smiley	Aye
O. O. Williams	Aye
C. L. Schools	Absent

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

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

**MATTERS**

- a. Kathy and Jim Morrison of 17196 King William Road in the 2<sup>nd</sup> District, Mrs. Morrison spoke of the discrepancy in the reassessment of their property. She explained the reassessment notice they received in February matched the reassessment notice they received in December 2010; however when they received their tax bill in May they owed over \$500 more in taxes than last year. She compared the reassessment with the tax bill notice and a discrepancy was found in the amount of \$63,000; she contacted the office of the Commissioner of Revenue, she was told other discrepancies had been reported and it was being reviewed. In mid June, Mrs. Morrison contacted the Commissioner's office; she had not received an adjusted tax bill, was told the County Administrator made the decision to not adjust the bill and she could schedule a hearing with the Board of Equalization in September. Mrs. Morrison explained they were given an incorrect reassessment notice, forced to pay a tax bill on property value higher than the one reported to them; they feel they had no due process and their rights as property owners were disregarded.
- b. Molly Gregory of 104 Little Berry Road Walkerton in the 2<sup>nd</sup> District stated improvements on her real estate tax bill went up, no improvements have been made to the property, and the depreciation of the property is calculated incorrectly on her tax bill. She would like the Board to consider looking into this and explain why this was done; she feels the whole reassessment should be thrown out.
- c. Etta Hill of 685 Powhatan Trail in the 2<sup>nd</sup> District spoke about the King William Post Office and some confusion of mail being sorted in the Walkerton Post Office and then being brought back to King William Post Office. She inquired at the King William

branch who to notify to have her mail held for three days, or longer, and was told to contact the Walkerton branch. Ms. Hill hopes something will be done to keep a post office in King William.

Vice Chairman Wright stated the County Administrator has sent a letter to the US Postal Service with concerns of the County and the Board with regards to the handling of the mail at the King William and Walkerton branches.

d. Steve Greenwood of 121 Harris Road in the 2<sup>nd</sup> District, also the King William County Chamber of Commerce President, expressed his concerns of the reassessment; he reviewed his property card and is being taxed for 4 baths which is incorrect. His assessment increased, he has friends and relatives in surrounding counties and their assessments did not increase. Continuing, he feels the Board should have rejected the reassessment since there was so many errors, suggested the Board consider giving the reassessment company a fine. Mr. Greenwood said he paid the tax bill to avoid any penalties; he is aware he can schedule a meeting with the Board of Equalization to review but feels he shouldn't have to do this. He contacted Tri-County Appraisals to discuss the reassessment and said there is some confusion, in that office, who actually performed the assessments for King William County.

e. Ann Brummer property owner of 234 West Rose Garden Road in the 3<sup>rd</sup> District also stated her concerns of the reassessment of her property. Ms. Brummer resides in Henrico County, said taxes on the property she owns there decreased the past two years; the taxes for her property in King William continue to increase. She said the number of buildings calculated on her property in King William County were incorrect, she spent most of the afternoon today in the Commissioner of Revenue's office to get this corrected. Ms. Brummer would like to see something done so this does not occur again.

There being no others to appear the Vice-Chairman closed the First Public Comment Period.

**RE: CONSENT AGENDA**

On motion by C. T. Redd, seconded by T. G. Smiley and carried the following vote. The Board approved the following items on its Consent Agenda:

- a. Minutes of the Regular Meeting of May 23, 2011, as presented
- b. Claims against the County for the month of June, 2011, in the amount of \$1,119,941.10 as follows:

(1) General Fund Warrants #74395-74547 in the amount of \$480,627.08; ACH Direct Payments for May, 2011, #1159-1252 in the amount of \$247,773.56; Direct Deposits #15427-15533 in the amount of \$189,115.36; and Electronic Tax Payment in the amount of \$57,798.93.

(2) For informational purposes, Social Services expenditures for the month of May, 2011, Warrants #308692-308727 in the amount of \$27,201.31; ACH Direct Payments #313-341 in the amount of \$31,196.00; Direct Deposits #2541-2558 in the amount of \$29,200.07; and Electronic Tax Payment in the amount of \$8,298.07.

(3) For informational purposes, Circuit Court expenditures for the month of May, 2011, Warrants #74371-74379 in the amount of \$5,370.41; Direct Deposits #412-414 in the amount of \$8,826.30; and Electronic Tax Payment in the amount of \$2,855.13.

(4) For informational purposes, Comprehensive Services Act Fund expenditures for the month of May, 2011, Warrants #74380-74394 in the amount of \$20,681.80; and ACH Direct Payments #1155-1158 in the amount of \$9,682.20.

(5) Tax Refunds for the month of May, 2011, in the amount of \$1,314.88

Those Members Voting:

O. O. Williams	Aye
C. L. Schools	Absent
C. T. Redd III	Aye
D. L. Wright	Aye
T. G. Smiley	Aye

**RE: ADOPTION OF RESOLUTIONS OF APPRECIATION**

a. Resolution of Appreciation to Mattie Holmes

The Board adopted the following Resolution of Appreciation congratulating Mrs.

Mattie Holmes upon the occasion of her retirement from the Sheriff's Department:

**RESOLUTION OF APPRECIATION**

**WHEREAS**, Mrs. Mattie Elizabeth Holmes retired from the Sheriff's Office on April 30, 2011, after 30 years of service; and

**WHEREAS**, Mrs. Holmes began her career with King William County on April 13, 1981, as a Dispatcher in the Sheriff's Office, and was promoted to Evening Dispatch Supervisor on July 1, 2002; and

**WHEREAS**, Mrs. Holmes served the administration of three Sheriffs during her employment with the County - Jim Wolford, Wayne Healey and Jeff Walton; and

**WHEREAS**, Mrs. Holmes was born to the late George and Mary Harris on June 9, 1944, and is a lifelong resident of King & Queen County; and

**WHEREAS**, Mrs. Holmes graduated from King & Queen Central High School in 1962, and married Tilton Holmes, Sr. in 1970; and

**WHEREAS**, Mrs. Holmes shares her retirement with her husband, her son Tilton Holmes, Jr., and his wife Wendy, and step-granddaughter, Brittanie Jones; and

**WHEREAS**, Mrs. Holmes is a volunteer on the Food Committee at her church, Union Prospect Baptist Church; and

**WHEREAS**, Mrs. Holmes is an active Avon Representative and will celebrate her twenty-eighth year this June; and

**BE IT RESOLVED**, that the King William County Board of Supervisors expresses its deep appreciation to Mrs. Holmes for her many years of service to the County; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the King William County Board of Supervisors congratulates Mrs. Holmes on her retirement and commends her for her hard work on behalf of the citizens of the County; and

**BE IT FINALLY RESOLVED**, that a copy of this resolution expressing the sense of this Board of Supervisors on this matter shall be spread upon the meeting minutes of said Board of Supervisors.

Upon adoption, the Resolution of Appreciation was presented to Mrs. Holmes by Board member, Vice-Chairman D. L. Wright and Sheriff Jeff Walton.

**RE: ADMINISTRATIVE MATTERS – T. L. FUNKHOUSER, COUNTY**

**ADMINISTRATOR**

a. **ALL-HAZARDS EMERGENCY PLANNING COMMITTEE REPORT:**

The County Administrator stated the All-Hazards Emergency Planning Committee submitted a final report; copy included in the Board packet. Committee members have offered their time for future needs; County is implementing some of the committee's recommendations. Interviews for the Emergency Management Coordinator position will take place in the next few weeks. The County will be establishing a Chief's Committee. Advertisement has been run for Emergency Planning Committee members. No action is required by the Board at this time.

b. **DEBT ANALYSIS – DAVENPORT & COMPANY LLC:**

Mr. Funkhouser commented on the earlier presentation to the Board, from Davenport & Company LLC; he said discussions will continue from the Budget work session, as well as the Budget itself, regarding review of the County's current debt and if there are any opportunities to restructure, the Board will hear more on this formally in the near future.

c. RADIO SYSTEM UPDATE:

The County Administrator said the County was unable to have a meeting with Wayne Stack, the County's managing consultant, on behalf of the proposals submitted in response to the County's request for proposals several months ago. The County Administrator will be meeting with Mr. Stack next week and will make a recommendation to the Board.

d. ADOPTION OF RESOLUTION – SETTING OF THE PERSONAL PROPERTY TAX RELIEF PERCENTAGE:

The County Administrator presented Resolution #11-09, prepared by the Commissioner of the Revenue, and stated the Board is required to adopt a Personal Property Relief Percentage annually. The Resolution sets the tax relief at 45%, the same amount used last year. The County is required to either exhaust these funds or carry forward funds; but will have to equalize over time. The Commissioner of the Revenue has determined 45% is the amount that would exhaust those funds.

On motion by T. G. Smiley, seconded by C. T. Redd III, the Board adopted the following resolution to set the Personal Property Tax Relief Percentage for the Personal Property 2011 Billing in accordance with the 2004-2005 changes to the Personal Property Tax Relief Act of 1998.

Vice Chairman Wright asked for any discussion from Board members.

Mr. Williams asked for clarification that this is the car tax relief; County Administrator answered in the affirmative.

Mr. Smiley further clarified Mr. Williams' question by reading the last paragraph of Resolution #11-09.

**Resolution # 11-09  
Setting the Personal Property Tax  
Relief Percentage for the Personal Property 2011  
Billing in Accordance with the 2004-2005 Changes  
To the Personal Property Tax Relief Act of 1998**

WHEREAS, the Personal Property Tax Relief Act of 1998, Virginia Code 58.1-3523, et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session 1 (Senate Bill 5005), and the provisions of item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-2006 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS, the Board of Supervisors adopted King William County Code Sections 70 -149 and 70-150 on December 12<sup>th</sup> 2005 implementing the 2004-2005

changes to the Personal Property Tax Relief Act of 1998, in response to these legislative enactments; and

WHEREAS, such County Code sections provide that the Board shall annually set the rate of tax relief on qualifying vehicles at a level that is anticipated to fully exhaust tax relief funds provided to the County by the Commonwealth; and

WHEREAS, Section 70-150 provides that personal property tax relief shall be applied so as to eliminate personal property taxation on qualifying vehicles with an assessed value of One Thousand Dollars (\$1,000.00) or less; and

WHEREAS, the County Treasurer has received the amount of relief in the County's block grant from the State, and made a projection based upon the County's historical growth in personal property tax values of the level necessary to fully exhaust the PPTRA relief fund provided to the County by the Commonwealth, as called for in the ordinance; and

WHEREAS, it is necessary for this Board to establish the allocation of tax relief for the first Twenty Thousand Dollars (\$20,000.00) in assessed value of other qualifying vehicles; and

WHEREAS, the Board has been informed that for the 2011 calendar year, the remaining relief funds available will be sufficient to provide a reduction of Forty Five percent (45%) in the tax bill of such qualifying vehicles valued at greater than \$1,000.

NOW THEREFORE BE IT RESOLVED, this 27<sup>th</sup> day of June, 2011, that for calendar year 2011, qualifying vehicles with assessed values of more than One Thousand Dollars (\$1,000.00) shall have their tax computed by reducing the amount otherwise owed on the first Twenty Thousand Dollars (\$20,000.00) of assessed value of such qualifying vehicle by a dollar amount equal to Forty Five percent (45%) of the amount otherwise owed.

Adopted this 27<sup>th</sup> day of June, 2011.

Those members voting:

C. T. Redd III	Aye
D. L. Wright	Aye
T. G. Smiley	Aye
O. O. Williams	Aye
C. L. Schools	Absent

**RE: APPOINTMENTS**

Mr. Funkhouser noted a series of appointments for the Board's consideration; all applications were included with the exception of one as it was received after the publication of the Board packet.

a. Appointment of Zoning Administrator – Mr. Funkhouser stated appointment of a Zoning Administrator is necessary, due to the abolishment of this position, and proposes Scott Lucchesi, Director of Community Development, for this position.

On motion by T. G. Smiley, seconded by C. T. Redd III, the Board appointed Scott Lucchesi, Director Community Development, to serve as Zoning Administrator.

Vote:

O. O. Williams	Nay
C. L. Schools	Absent
C. T. Redd III	Aye
D. L. Wright	Aye
T. G. Smiley	Aye

b. Appointment of Fiscal Agent for the Comprehensive Services Act Program – Social Services – The County Administrator explained to the Board at the request of the Director of Social Services, the County needs to appoint a Fiscal Agent to handle the administration of the Comprehensive Services Act programs. He proposes the Board adopts Resolution #11-25 which designates the Finance Officer of King William County as the Fiscal Agent.

Mr. Williams asked for clarification of who the current Finance Officer is for the County. Mr. Funkhouser stated the current Fiscal Agent is the Assistant County Administrator and due to the abolishment of this position the County is required to appoint another person. The Assistant County Administrator attended the required meetings and handled much of the policy paperwork. Resolution #11-25 proposes the work is split between the two Finance Officers of the County, Rebecca Sears and Rhoda Rose. Ms. Rose will attend meetings and handle policy type work in terms of working with the County Administration and that Board. Ms. Sears will handle the actual data entry and grant requests.

On motion by C. T. Redd III, seconded by T. G. Smiley and carried the following vote, the Board appointed the Finance Officer of King William County to serve as the Fiscal Agent – Comprehensive Services Act – Social Services.

Vote:

T. G. Smiley	Aye
O. O. Williams	Aye
C. L. Schools	Absent
C. T. Redd III	Aye
D. L. Wright	Aye

c. Appointment to Social Services Board – One Member, Four Year Term, Term of Anita H. Webb Expires 6/30/11 - On motion by C. T. Redd III, seconded by O. O. Williams and carried the following vote, the Board reappointed Anita H. Webb to serve a four year term on the Social Services Board for King William County. Said term will expire June 30, 2015.

Vote:

D. L. Wright	Aye
T. G. Smiley	Aye
O. O. Williams	Aye
C. L. Schools	Absent
C. T. Redd III	Aye

d. Appointment to Historic Preservation & Architectural Review Board – One Member, Five Year Term, Term of Thomas G. Smiley, Board of Supervisor Member Expires 6/30/11 - On motion by C. T. Redd III, seconded by O. O. Williams and carried the following vote, the Board reappointed Thomas G. Smiley to serve a five year term on the Historic Preservation & Architectural Review Board for King William County. Said term will expire June 30, 2016.

Vote:

C. T. Redd III	Aye
D. L. Wright	Aye
T. G. Smiley	Abstain
O. O. Williams	Aye
C. L. Schools	Absent

e. Appointment to the Economic Development Authority, Two Members, Four Year Term, Terms of W. Franklin Parker III and Travis W. Longest Expires 6/30/11 – Mr. Funkhouser stated Mr. Gary Hogenson filed an application for consideration of appointment to the Economic Development Authority, he had a discussion with applicant and explained to him the two incumbents have requested reappointment.

On motion by T. G. Smiley, seconded by O. O. Williams and carried the following vote, the Board reappointed W. Franklin Parker III and Travis W. Longest to serve a four year term on the Economic Development Authority for King William County. Said term will expire June 30, 2015.

Vote:

C. L. Schools	Absent
C. T. Redd III	Aye
D. L. Wright	Aye
T. G. Smiley	Aye
O. O. Williams	Aye

f. Appointment to the Recreation Commission, Three Members, Three Year Term, Terms of Eugene Rivara, Elizabeth Wayland and C. L. Schools Expires 6/30/11 – On motion by T. G. Smiley, seconded by O. O. Williams and carried the following vote, the Board reappointed Eugene Rivara representing Election District #3, Elizabeth Wayland

representing West Point School Systems and Cecil L. Schools – Board of Supervisor Member to serve a three year term on the Recreation Commission for King William County. Said term will expire June 30, 2014.

Vote:

O. O. Williams	Aye
C. L. Schools	Absent
C. T. Redd III	Aye
D. L. Wright	Aye
T. G. Smiley	Aye

g. Recommendation of Appointment to the Board of Zoning Appeals. One Member. Five Year Term, Term of William R. Barber, Sr. Expires June 30, 2011 – On motion by C. T. Redd, seconded by T. G. Smiley and carried the following vote, the Board recommended to the Circuit Court the reappointment of William R. Barber, Sr. to serve a five year term on the Board of Zoning Appeals for King William County. Said term will expire June 30, 2016.

Vote:

T. G. Smiley	Aye
O. O. Williams	Aye
C. L. Schools	Absent
C. T. Redd III	Aye
D. L. Wright	Aye

**RE: UPDATE FROM COUNTY ATTORNEY – DANIEL M. STUCK**

Mr. Stuck stated he has received funds, deposited in his escrow account, from HRSD for water and sewer bill collection; awaiting a release from HRSD.

The County Attorney spoke about the Marie Hill project, First Market Bank obtained a new attorney and they are anxious to work with the County to get the project up and current and in a position when the market does improve they can do something with it. The County drew their \$309,000 letter of credit, used to secure improvements to that development. A meeting is scheduled onsite this Thursday for Mr. Stuck, Mr. Funkhouser, Mr. Lucchesi and representatives from the bank to review the site.

Mr. Stuck commented on redistricting progress; the Department of Justice contacted him a couple of weeks ago, asked for additional information and he expects to hear back from them shortly. The Department of Justice recognizes there is a potential primary for August 23<sup>rd</sup>; he will update the Board when approval is confirmed.

The County Attorney reminded the Board at the first meeting of the year it is customary to adopt By-Laws, Rules and Procedures, he explained he compiled the information from several documents into one draft document for the Board's review and consideration.

Continuing, he is preparing a draft Personnel Policy and purchase order procedures. The County Administrator researched and provided an ordinance adopted by the Board in 1985, and this ordinance will be updated and presented to the Board for consideration.

Finally, Mr. Stuck reported on the cluster zoning provision, Mr. Lucchesi provided him with information he felt needed to be addressed in the ordinance. Mr. Stuck is organizing this and stated this is a longer and more complicated project than some of the other projects reported on this evening; he is continuing work on this.

The Vice Chairman asked if any of the Board members had questions for the County Attorney.

Mr. Williams mentioned he noticed at the development site on Venter Road an auction sign is posted and wondered if there are going to be any issues with erosion problems since the project is shut down. Mr. Smiley asked Mr. Williams if it is a foreclosure sale; Mr. Williams said that is what it looks like. The County Administrator stated he would be talking to the Auctioneer in the near future and will ask some development questions.

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

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

**HEARING MATTERS**

Peter Glubiak, Attorney at 19840 King William Road, commented on the cluster zoning ordinance; he applauds the County Attorney's efforts on this project and would like to see a decision made on this sooner than later.

There being no other persons to appear the Vice-Chairman closed the Second Public Comments Period.

**RE: BOARD OF SUPERVISORS COMMENTS**

Mr. Smiley thanked everyone for coming out and for citizen's participation. He asked for clarification from the County Administrator on the reassessment and what

work is being performed on the issues brought up tonight. Mr. Funkhouser stated the County has identified two primary types of errors; missing bathrooms and similar features, and instances where some of the tax bills had higher values than assessment notices. The County has been working with the Commissioner's office and the part time employee who is the clerk for the Board of Equalization to review records. Based on research the assessments have proven correct so citizens are advised to pay on tax bill notice.

Mr. Smiley asked if interest will be included in tax bill refunds to citizens. The County Attorney answered most County codes do provide for the payment of interest on taxes that are refunded. Continuing he stated the County Administrator reviewed a couple of notices with him recently, there was a difference in the assessment notices sent out and the tax bill in terms of the valuations that were shown on them because of an improper computer error or something of that nature. When there was a difference between them a number of differences were generated, so we prepared a couple of different notices that would go out to provide proper notice and explain the difference in the two numbers, in both instances the County Administrator mentions the situation where the assessment notices and the tax bill did not match or omitted items.

Further, he explained that once the assessment is filed in the Circuit Court, the Board does not control the assessment process, they hire someone to do it or they may have a staff member do it, once the process begins the Board does not interfere, they are not really legally able to interfere. The Board had a contract with an outside appraiser; the work was done, submitted and filed. The next step is any tax payer that does not agree with the assessment, or has an issue with it, has the right to appeal before the Board of Equalization or to the Circuit Court. They do not have to go to the Board of Equalization if they choose to go to court; most choose to go before the Board of Equalization first because usually that is a lot less effort.

Continuing Mr. Stuck explained the Board of Equalization is not appointed by the Board they are appointed by the Circuit Court, the members serve a one year term and have the ability to change the assessment. If there is an error on the card they are deemed to be clerical errors; the Commissioner of Revenue has the authority in

Virginia to make those corrections, this does not have to go before the Board of Equalization.

Finally, Mr. Stuck said he understands the process is confusing, the Board's role is limited to hiring the person who performs the assessment and then deciding whether they have done an adequate job to meet the terms of the contract. The Board approved the payment to the assessor two months ago, in April; all of the payment had been made except for 10% on a \$125,000 contract, so the contractor had already received all but \$12,500. The Board made a determination it was not enough in the way of discrepancy to not pay the remaining amount and move on; the Board does not have the ability to throw out the assessment.

Mr. Redd also thanked citizens for attending and participating in the meeting. He also announced his candidacy for re-election.

Mr. Williams wished every a happy and safe 4<sup>th</sup> of July and thanked everyone for coming. He also announced he is planning on running for re-election.

Vice Chairman Wright asked for clarification on when the Board of Equalization will be holding meetings. The County Administrator said dates will be published in the Tidewater Review, the County paper of record; dates are expected to begin in September. Mr. Wright also thanked everyone for attending and wished everyone a safe and happy 4<sup>th</sup> of July.

**RE: ADJOURNMENT OF MEETING**

There being no further business to come before this Board, the meeting was adjourned at 7:50 p.m. on motion by C. T. Redd III, seconded by T. G. Smiley, and carried unanimously.

COPY TESTE:

D. L. Wright, Vice-Chairman  
Board of Supervisors

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