

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF AUGUST 23, 2010

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 23RD DAY OF AUGUST, 2010, BEGINNING AT 7:00 P.M., ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

T. G. SMILEY, CHAIRMAN
C. L. SCHOOLS, VICE-CHAIRMAN
C. T. REDD III
D. L. WRIGHT
O. O. WILLIAMS

WILLIAM C. PORTER, JR., INTERIM COUNTY ADMINISTRATOR
WILLIAM H. HEFTY, INTERIM COUNTY ATTORNEY

INVOCATION – REV. REUBEN S. CARTER - PASTOR, GETHSEMANE

BAPTIST CHURCH

The opening invocation was delivered by Rev. Reuben S. Carter, Pastor of Gethsemane Baptist Church, King William, Virginia.

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board adopted the agenda for this meeting as presented by the Interim County Administrator, with the following changes: Consent Agenda Item 7c – “Approval of Setting Percentage of Tax Relief for 2010” was moved down to become Item 12i under “Administrative Matters”; a new item was added to become Consent Agenda 7c – “Transfer of Surplus Sheriff’s Department Vehicle to the West Point Volunteer Fire Department”; Item 12a – “Adoption of Resolution Approving Adjusting Entries to the School Reserve Fund” was tabled; and Items 13b and 13c under Appointments - “Bay Consortium Local Workforce Investment Board, Inc., One Member, Four Year Term; and Middle Peninsula Broadband Authority, Two Members, One Year Term, Member and Alternate, were deleted.

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

No persons appeared to speak.

RE: CONSENT AGENDA

On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board approved the following items on its Consent Agenda:

a. Minutes of the regular meeting of July 26, 2010, and minutes of the reconvened meeting of August 9, 2010, as presented.

b. Claims against the County for the month of August, 2010, in the amount of \$954,909.47 as follows:

(1) General Fund Warrants #73000-73117 in the amount of \$356,168.07; ACH Direct Payments #349-423 in the amount of \$338,650.83; Manual Check #14218 in FY-11 in the amount of \$431.00; Direct Deposits #14293-14406 in the amount of \$197,927.08; and Electronic Tax Payment in the amount of \$61,732.49

(2) For informational purposes, Social Services expenditures for the month of July, 2010, Warrants #308337-308345 in the amount of \$84,477.18; Direct Deposits #2358-2375 in the amount of \$30,404.58; and Electronic Tax Payment in the amount of \$9,948.64

(3) For informational purposes, Circuit Court expenditures for the month of July, 2010, Warrants #73119-73126 in the amount of \$5,344.01; Direct Deposits #385-387 in the amount of \$8,602.20; and Electronic Tax Payment in the amount of \$2,946.58

(4) For informational purposes, Comprehensive Services Act Fund expenditures for the month of July, 2010, Warrants #72992-72999 in the amount of \$28,161.96; ACH Direct Payments #337-348 in the amount of \$41,848.85

(5) Tax Refunds for the month of July, 2010, in the amount of \$411.61

c. Approved the transfer of a surplus vehicle in the Sheriff's Department to the West Point Volunteer Fire Department

RE: ADOPTION OF RESOLUTION RECOGNIZING BEN OWEN ON THE OCCASION OF HIS RETIREMENT AS DIRECTOR OF KING WILLIAM COUNTY SOCIAL SERVICES

On motion by D. L. Wright, seconded by O. O. Williams and carried unanimously, the Board adopted the following Resolution of Appreciation for Ben P. Owen, IV upon the occasion of his retirement as Director of King William County Social Services.

RESOLUTION OF APPRECIATION

WHEREAS, Benjamin P. Owen, IV was appointed Director of the King William County Department of Social Services on March 1, 1975, at the age of 26, and served with distinction in that capacity for over 35 years; and,

WHEREAS, Mr. Owen worked with local churches in 1993 to begin an outreach program later known as the King William Emergency Ministries to serve individuals with specific needs in the community; and,

WHEREAS, in 1999 Mr. Owen worked closely with administrative staff to plan for the construction of the L. T. McAllister Human Services Building, which also houses the Health Department and the Middle Peninsula-Northern Neck Community Services Board, making access to human services easier for families and children; and,

WHEREAS, Mr. Owen protected the citizens of the County by opening and operating an emergency shelter during Hurricane Isabel in 2003, and coordinated services, food and water distribution, and a disaster food stamp program during the aftermath of the storm; and,

WHEREAS, Mr. Owen served on the Middle Peninsula-Northern Neck Community Services Board and chaired the Comprehensive Services Act Community Policy and Management Team, which provides services to those with mental illnesses, mental retardation and substance dependencies, and to at-risk families and children, respectively, and,

WHEREAS, Mr. Owen volunteers his time in support of community service organizations by chairing the Camp Fund Committee for St. Paul's Episcopal Church and serving on the Board of Directors for the Bloomfield Corporation; and,

WHEREAS, Mr. Owen has been an active member of the Virginia League of Social Services Executives, including serving on its Board, committees and receiving the Outstanding Service Award.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors expresses its appreciation to Benjamin P. Owen, IV for his career-long contributions to the citizens of the County; and,

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors congratulates Mr. Owen and wishes him well in his retirement; and,

BE IT FINALLY RESOLVED, that a copy of this Resolution expressing the sense of this Board of Supervisors on this matter shall be conveyed to Mr. Owen, and shall be spread upon the meeting minutes of said Board of Supervisors.

Upon adoption, this Resolution was presented to Mr. Owen by Board members, Daniel L. Wright and Otto O. Williams.

Mr. Owen expressed his deep appreciation to the current Board members, as well as past Board members over the years, and to his staff for all their support during his tenure as Director of Social Services.

**RE: VIRGINIA DEPARTMENT OF FORESTRY – DENNIS GASTON,
FORESTER – PRESENTATION OF CHECK IN THE AMOUNT OF \$31,101.84 FOR
25% OF SANDY POINT TIMBERING DURING FY-10**

State Forester, Dennis Gaston, appeared before the Board to present a check to King William County in the amount of \$31,101.84 for 25% of the amount received from the sale of timber from Sandy Point State Forest. He explained that 25% of proceeds from timber sales and hunting permit fees from the two State Forests in King William County, Zoar and Sandy Point, are to be transmitted to the County.

**RE: MIDDLE PENINSULA-NORTHERN NECK COMMUNITY SERVICES
BOARD – CHUCK WALSH, EXECUTIVE DIRECTOR**

Executive Director, Chuck Walsh, thanked the Board for its continued support during the past year and provided an annual update on services provided to King William County residents by the MP-NN Community Services Board.

In addition, Mr. Walsh presented and reviewed the FY-11 Operating Budget and Performance Contract with the Board and asked that the Board adopt a Resolution indicating its approval. He reported that the MP-NN CSB approved these documents at its June 15, 2010, meeting. Mr. Walsh stated that the Performance Contract with the Department of Behavioral Health and Developmental Services stipulates that each locality represented by the CSB must have an opportunity to review and approve the operating budget and contract annually.

Thereupon, on motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board adopted the following Resolution approving the Performance Contract prepared by the MP-NN CSB for Fiscal Year, 2011:

RESOLUTION

**APPROVAL OF PERFORMANCE CONTRACT
PREPARED BY THE MIDDLE PENINSULA-NORTHERN NECK
COMMUNITY SERVICES BOARD FOR FY-2011**

WHEREAS, Section 37.2-508 of the Code of Virginia, 1950, as amended, requires each Community Services Board to submit to the governing body of each political subdivision that established it, an annual Performance Contract for community mental health, intellectual disabilities, and substance use services for its approval prior to submission of the contract to the Virginia Department of Behavioral Health and Developmental Services; and,

WHEREAS, the Middle Peninsula-Northern Neck Community Services Board has put forward its proposed Performance Contract for Fiscal Year 2011, for approval by the Boards of Supervisors of its governing Counties of Essex, Gloucester, King and

Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that the Performance Contract prepared by the Middle Peninsula-Northern Neck Community Services Board for Fiscal Year 2011, and presented to the Board is hereby approved and may be forwarded to the Virginia Department of Behavioral Health and Developmental Services as further required.

RE: PLANNING MATTERS – SCOTT LUCCHESI, DIRECTOR OF COMMUNITY DEVELOPMENT – PRESENTATION OF URBAN DEVELOPMENT AREA (UDA) PLANNING GRANT

Scott Lucchesi, Director of Community Development, advised that in 2007, the Virginia General Assembly passed legislation requiring localities with specific growth rates or populations to incorporate Urban Development Areas (UDA's) into the Comprehensive Plan. He indicated that Urban Development Areas are intended to improve the coordination between transportation and land use. They are areas of reasonably compact development that can accommodate 10 to 20 years of projected growth and incorporate the principles of new urbanism and traditional neighborhood design. Some examples of this would be: a pedestrian friendly road design; the interconnection of new local streets with existing local streets and roads; preservation of natural areas, and mixed-use neighborhoods including mixed-use housing types.

Continuing, Mr. Lucchesi advised that the Comprehensive Plan for the County is currently being revised, as is required to be done every five years. With the recent budget cuts, specifically for this task, Mr. Lucchesi sought funding from additional sources. He applied for Grant funding through the State Office of Intermodal Planning and Investment, and received notification on August 12, 2010 that funds have been awarded to King William County in the amount of \$50,000.00, pending a signed Agreement for the expenditure of the funds. It also stipulates that the County must incorporate one UDA into its Comprehensive Plan, which is now being updated.

Thereupon, on motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board adopted the following Resolution authorizing signature of the Agreement for the expenditure of these funds in the amount of \$50,000.00, with no matching dollar amount to be required of King William County, for the revisions to the Comprehensive Plan.

RESOLUTION

Urban Development Area Grant Program

WHEREAS, The 2007 General Assembly added 15.2-2223.1 to the Code of Virginia requiring localities that meet certain growth and population criteria to designate Urban Development Areas (UDAs) in their comprehensive plans; and

WHEREAS, UDAs are intended to improve the coordination between transportation and land use. They are areas of reasonably compact development that can accommodate 10 to 20 years of projected growth and incorporate the principles of new urbanism and traditional neighborhood design: and

WHEREAS, The Commonwealth's Office of Intermodal Planning and Investment published a Grant Application in the amount of Fifty Thousand Dollars for assistance with Commonwealth's mandate and local comprehensive plan revisions; and

WHEREAS, The Division of Community Development, with assistance from the Finance Division, completed the required application with the appropriate supporting documents; and

WHEREAS, The Division of Community Development received notification on August 12, 2010 that the funds have been awarded to King William County pending a signed Agreement for the expenditure of funds.

NOW, THEREFORE, BE IT RESOLVED; that the Board of Supervisors of King William County, Virginia, does hereby authorize the signature of the above mentioned agreement of expenditure of State Funds with no matching dollar amount to be required of King William County, Virginia for the revisions to the comprehensive plan.

RE: ADMINISTRATIVE MATTERS – WILLIAM C. PORTER, JR., INTERIM

COUNTY ADMINISTRATOR

a. Adoption of Resolution Approving Adjusting Entries to the School Reserve Fund - Action on this matter was tabled by the Board.

b. Adoption of Resolution Authorizing the Use of Extension Office Space by Quin Rivers – Information was presented by the Interim County Administrator on the request from Quin Rivers to use office space in the County Extension Office to expand their services provided in King William County. The request is for use of two upstairs offices in the Extension Building to house domestic violence counselors and to begin a homeless intervention program to provide temporary rent or mortgage assistance for those who expect to be re-employed. It was indicated that the Executive Director of Quin Rivers, Mr. Chuck Emmons, has received approval of this use from the Facilities Manager for the Extension Office. Quin Rivers is requesting to upgrade the existing computers in the Extension Office and install a security system, building-wide, in place of paying Extension or the County rent.

The Board discussed this request, and a motion was made by C. T. Redd III, seconded by O. O. Williams to have the County Attorney prepare a contract between King William County and Quin Rivers for this proposed use of office space in the Extension Building. This motion failed with the following vote:

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

c. Adoption of Resolution Amending the Random Screening for Alcohol and Substance Abuse Policy - Interim County Administrator, William C. Porter, Jr., reviewed a proposed amendment to the County policy on drug and alcohol abuse, which was adopted in the early 1990's, and amended in February, 2010. This proposed addition includes a process for a confirming test at an employee's expense if a positive test result is received. The amendment is proposed to be added in two places in the policy; the pre-employment screening and follow-up screening. In addition, it is proposed to add substance abuse to the random screening Section 4 of the policy, which was inadvertently left out of the original policy.

The Board discussed this issue and by general consensus, tabled action on these proposed amendments until the Board's September meeting.

d. Public Hearing – Consideration of Adoption of Ordinance Allowing the Collection of a Local Recordation and Probate Tax - William C. Porter, Jr., stated that since before 1990, the Clerks of the Circuit Court have been collecting the State permitted local taxes on the Probate of Wills and Recordation. In June, new State auditors assigned to King William County requested to see the County Ordinances instituting the two taxes. After a detailed search, staff, including staff of the Clerk of Circuit Court, has not found any documentation that any ordinance or resolution was ever adopted for either tax. There is actually a question as to whether or not the Board needed to adopt a resolution or ordinance to institute either tax, since neither Section 58.1-1718 nor Section 58.1-3800 of the Code of Virginia set forth any action that local governing bodies needed to take before instituting the tax.

Continuing, Mr. Porter advised that revenues from the tax on probate of wills or grants of administration and recordation tax have been included in the County's

operating budgets for a number of years, and that these taxes represented revenues of \$202,938.00 in the Fiscal Year 2009-2010 operating budget.

In addition, Mr. Porter indicated that in order to ensure there are no questions associated with the collection of the tax on the probate of wills and grants of administration and recordation tax, the staff recommends the adoption of an Ordinance to amend and re-ordain Chapter 70, Taxation, Article IX, Tax on Probate of Wills or Grants of Administration, by adding Section 70-340, and by adding Section 70-341, Recordation Tax, to the Code of King William County, Virginia.

Thereupon, the public hearing was declared open by the Chairman to receive comments for or against these proposed ordinance amendments.

No persons appeared to speak for or against the proposals.

Whereupon, the public hearing was declared closed by the Chairman.

e. Consideration of Adoption of Proposed Ordinances Allowing the Collection of a Local Recordation Tax and Probate Tax - On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board adopted the following two Ordinances allowing for the Collection of a County Recordation Tax and a Probate Tax, as presented in public hearing:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 70, TAXATION, ARTICLE IX – TAX ON PROBATE OF WILLS OR GRANTS OF ADMINISTRATION - OF THE CODE OF KING WILLIAM COUNTY, VIRGINIA

BE IT ORDAINED by the Board of Supervisors of the County of King William, Virginia, that Chapter 70, Taxation, Article IX, is hereby amended and re-ordained by adding Section 70-340 Imposed.

Chapter 70. Taxation

**Article IX
Section 70-340**

Section 70-340. Imposed

Pursuant to Section 58.1-1718 of the Code of Virginia, there is hereby imposed, on the probate of every Will or Grant of Administration not exempt by law, a County tax in the amount of one-third of the State tax on such probate of a Will or Grant of Administration, as set forth in Section 58.1-1712.

**AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 70, TAXATION,
ARTICLE IX – RECORDATION TAX, OF THE CODE OF KING WILLIAM
COUNTY, VIRGINIA**

BE IT ORDAINED by the Board of Supervisors of the County of King William, Virginia that Chapter 70, Taxation, Article IX, is hereby amended and re-ordained by adding Section 70-341 Imposed.

Chapter 70, Taxation

**Article IX
Section 70-341**

Section 70-341. Imposed

Pursuant to Section 58.1-3800 of the Code of Virginia, there is hereby imposed a Recordation Tax, in an amount equal to one-third of the amount of the State Recordation Tax collectible for the Commonwealth as set forth in Section 58.1-814

f. Discussion of Cessation of Burning at the Route 30 Landfill (Permit #505) - Interim County Administrator, William C. Porter, Jr., asked the Board to consider the possibility of ceasing the burning at the closed landfill, Permit #505, on Route 30. This request is being made in an effort to reduce landfill monitoring cost and to improve the chances of ending post closure monitoring at the closed landfill. Mr. Porter explained that staff and Joyce Engineering believe that ceasing burning at the closed landfill will increase the County's chances to end post closure in the next year, because cobalt and arsenic have been detected in the groundwater monitoring well at the site where open burning takes place. Cobalt and arsenic are taken up by trees and plants and remains in the ash when burned. The increased detection of cobalt and arsenic could extend the County's post closure groundwater monitoring.

Further, it was explained by Mr. Porter that currently the annual post closure groundwater monitoring cost is \$26,410.00 and will continue on an annual basis until the Department of Environmental Quality (DEQ) allows the County to end post closure groundwater monitoring. He advised that any hope of ending post closure groundwater monitoring on time, the second quarter of 2011, will depend on holding the cobalt and arsenic levels where they are, or ending detection by removing the ash.

King William County is the only County in the Middle Peninsula that conducts open burning, all other counties have stopped.

Mr. Porter indicated that he will place the matter of stopping of open burning at the Landfill, Permit #505, on the Board's September 27, 2010, meeting agenda for action.

g. Adoption of Resolution Authorizing a Transfer of \$13,247.00 from Contingency to Pay the FY-11 Aid to the Commonwealth Over the Adopted Budget Amount - The Board was informed of the need to transfer the amount of \$13,247.00 from its contingency fund for payment to the Commonwealth. It was noted that the 2010 Appropriation Act includes a \$60 million reduction in State aid to local governments in FY-11, and that for the last two fiscal years, the County has refunded \$55,923.00 and \$56,034.00 to the Commonwealth. The County's current budget includes \$56,000.00 for this payment. However, notification has been received from the Virginia Department of Planning and Budget that the FY-11 payment will be \$69,247.00.

Thereupon, on motion by C. L. Schools, seconded by D. L. Wright and carried unanimously, the Board adopted the following Resolution authorizing a transfer of \$13,247.00 from the Contingency Fund.

State Reduction in Aid to Localities

WHEREAS, the Commonwealth of Virginia continues to reduce aid to localities; and

WHEREAS, the FY11 adopted budget includes \$56,000 for this payment; and

WHEREAS, the Commonwealth has notified the County that the FY11 payment to the state is \$69,247

NOW, THEREFORE, BE IT RESOLVED; that the Board of Supervisors of King William County, Virginia, does hereby authorize a budget transfer of \$13,247 from contingency to make this payment, leaving \$89,375 in contingency.

h. Discussion of Request from St. James Church for Acquisition of Land – Interim County Administrator, William C. Porter, Jr., reported that a request has been received from St. James Presbyterian Church for acquisition of approximately .42 acre of land in back of the St. James' existing property line from King William County. This acquisition is being proposed to provide additional cemetery space.

On motion by D. L. Wright, seconded by O. O. Williams and carried unanimously, the Board authorized advertisement of a public hearing to be held during

its regular monthly meeting of September 27, 2010, beginning at 7:00 p.m. in the Board Room of the County Administration Building to consider this request.

i. Approval of Resolution Setting the 2010 Personal Property Tax Relief Percentage Rate (PPTRA)

Commissioner of the Revenue, Sally Pearson, addressed the Board requesting that the 2010 Personal Property Tax Relief Percentage Rate (PPTRA) be set at 45%. She stated that Section 70-149 of the King William County Code entitled "Method of computing and reflecting tax relief" requests the Board of Supervisors to set the rate of Tax Relief reimbursement annually. She reported that the tax relief rate set for the past three years has been 43%, and the requested change is due to the fact that the relief given over the past three years is \$130,000.00 less than the relief received from the State for PPTRA purposes.

Thereupon, on motion by C. L. Schools, seconded by D. L. Wright and carried unanimously, the Board adopted the following Resolution setting the 2010 Personal Property Tax Relief Percentage:

RESOLUTION

**THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998
RESOLUTION SETTING THE 2010 PERSONAL PROPERTY TAX
RELIEF PERCENTAGE**

WHEREAS, the County of King William adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due, but, for personal property tax relief and the reporting of such specific dollar relief on the tax bill; and,

WHEREAS, the Board shall, by Resolution, set the percentage of tax relief at such a level that it is anticipated fully to exhaust Personal Property Tax Relief Act relief funds in the amount of \$1,204,130.73 provided to the County of King William by the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that the Personal Property Tax Relief Percentage be set at 45% of the first \$20,000 of market value for qualifying vehicles with an assessed value of over \$1,000.

RE: APPOINTMENTS

a. Recreation Commission – One Member, Three Year Term, (Election District #5) - On motion by O. O. Williams, seconded by C. T. Redd III and carried unanimously, the Board appointed Stacy Lantz to serve a three year term on the King William County Recreation Commission. Said term will expire June 30, 2013.

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

No persons appeared to speak.

RE: BOARD OF SUPERVISORS' COMMENTS

Various Board members thanked citizens for their interest and participation at this meeting, and expressed their appreciation to William C. Porter, Jr. for the great job he has been doing as Interim County Administrator.

D. L. Wright thanked Rev. Reuben Carter for his presence at this meeting and for delivering the opening Invocation.

RE: RECESS OF MEETING

There being no further business to come before this Board, on motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, this meeting was recessed to be reconvened on Wednesday, September 8, 2010, at 1:00 P.M. in the Board Meeting Room of the County Administration Building at King William Court House.

COPY TESTE:

William C. Porter, Jr.
Clerk to the Board
Interim County Administrator

T. G. Smiley, Chairman