

King and Queen County  
Board of Supervisors Meeting

Monday, January 14, 2013  
7:00 P.M.

King and Queen County Courts and Administration Building  
General District Courtroom

“Minutes of the Meeting”

**OPENING OF THE MEETING**

County Administrator Thomas Swartzwelder opened the meeting thanking those in attendance for coming. Mr. Swartzwelder advised that this being the organizational meeting of the Board for 2013, he called the January 14, 2013 meeting to order.

**ELECTION OF THE CHAIRMAN OF THE BOARD FOR 2013**

County Administrator Thomas Swartzwelder opened the floor for nominations for Chairman of the Board for 2013.

A motion was made by Ms. Alsop and seconded by Mr. Simpkins nominating Mrs. Morris as Chairman of the Board for 2013. After hearing no further nominations, nominations were closed.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP  
NAYS: NONE

**ELECTION OF THE VICE-CHAIRMAN OF THE BOARD OF SUPERVISORS FOR 2013**

Chairman Morris opened the floor for nominations for Vice-Chairman for 2013. A motion was made by Mr. Simpkins nominating Mr. Bailey. Ms. Alsop moved that the nominations be closed.

AYES: D. H. MORRIS, R. F. BAILEY, JR. J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP  
NAYS: NONE

**APPOINTMENT OF CLERK AND DEPUTY CLERK OF THE BOARD OF SUPERVISORS FOR 2013**

A motion was made by Mr. Simpkins and seconded by Ms. Alsop appointing Thomas J. Swartzwelder as clerk of the Board and Ms. K. Diane Gaber as Deputy Clerk of the Board for 2013.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP  
NAYS: NONE

**RESOLUTION FIXING THE DATE, TIME AND PLACE OF THE REGULAR MEETINGS OF THE BOARD OF SUPERVISORS FOR 2013.**

A motion was made by Ms. Alsop and seconded by Mr. Bailey to adopt the following Resolution and meeting dates, as presented for 2013.

**KING AND QUEEN COUNTY BOARD OF SUPERVISORS' RESOLUTION FIXING THE DATE OF THE REGULAR MEETING AND THE DATE OF THE CONTINUED MEETING IN THE EVENT OF HAZARDOUS WEATHER OR OTHER CONDITIONS AND SETTING THE DATE FOR THE PURPOSE OF HOLDING WORKSHOPS AND TO HEAR PRESENTATIONS FOR THE BOARD OF SUPERVISORS OF KING AND QUEEN COUNTY, VIRGINIA**

WHEREAS, the Board of Supervisors of King and Queen County (the "Board") is required by Section 15.2-1416 of the Code of Virginia, as amended, to set the date, time and place of the regular Board Meeting at the annual Meeting of the Board; and

WHEREAS, Section 15.2-1416 also permits the board to fix the date of days to which a regular meeting shall be continued if the Chairman, or Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for Board Members to attend the regular meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF KING AND QUEEN COUNTY:

1. That the regular meeting of the Board shall be held in the King and Queen Courts and Administration Building, General District Courtroom at 7:00 P.M., the 2<sup>nd</sup> Monday of each month.
2. That upon the finding and declaration by the Chairman or Vice-Chairman, if the Chairman is unable to act, that the weather or other conditions are such that it is hazardous for Board members to attend the regular meeting of the Board, such meeting shall be continued until the seventh day immediately following such previously scheduled regular meeting at the same time and place.
3. That the fourth Monday of each month at 7:00 P.M., in the King and Queen Courts and Administration Building, General District Courtroom be set for the purpose of holding workshops and to receive presentations.

This resolution is effective immediately.  
January 14, 2013

King and Queen County  
Board of Supervisors Meeting Dates  
2013

King and Queen County Courts and Administration Building  
General District Courtroom  
7:00 P.M.

Regular Meeting – 2<sup>nd</sup> Monday of each month  
Presentations/Workshops – 4<sup>th</sup> Monday of each month

Note: Dates that have been changed/cancelled

Schedule of Meeting Dates  
2013

January 14, 2013	July 8, 2013
January 28, 2013	July 22, 2013
February 11, 2013	August 12, 2013
February 25, 2013	August 26, 2013
March 11, 2013	September 9, 2013
March 25, 2013	September 23, 2013
April 8, 2013	<b>October 15, 2013 (change)</b>
April 22, 2013	October 28, 2013
May 13, 2013	<b>*November 12, 2013 (change)</b>
<b>*May 27, 2013 (Holiday-cancelled)</b>	November 25, 2013
June 10, 2013	December 9, 2013
June 24, 2013	December 23, 2013

**NOTE:**

*May 27, 2013 workshop/presentation date has been cancelled  
due to falling on a legal holiday*  
*October and November 2013 regular meeting dates have been changed to:  
Tuesday, October 15, 2013 and Tuesday, November 12, 2013*

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP  
NAYS: NONE

**INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES**

Mr. Simpkins provided the invocation followed by the Pledge of Allegiance to the Flag of the United States.

## **APPROVAL AND SIGNING OF THE NOVEMBER 26, 2012 AND DECEMBER 10, 2012 MINUTES OF THE BOARD OF SUPERVISORS**

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to approve the November 26<sup>th</sup>, 2012 and December 10<sup>th</sup>, 2012 minutes of the Board, as presented:

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP

NAYS: NONE

## **APPROVAL AND SIGNING OF THE JANUARY 2013 WARRANTS AND APPROPRIATIONS**

A motion was made by Ms. Alsop and seconded by Mr. Bailey to approve the warrants and appropriations for the month of January 2013, as subject to audit.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP

NAYS: NONE

## **PUBLIC COMMENT PERIOD**

Chairman Morris opened the public comment period, asking that anyone that would like to speak on anything other than the public hearing to do so at this time. Mrs. Morris further asked that those wishing to speak to please come forward, stating their name and district that they are from, limiting their comments to 2 minutes.

Citizens commenting:

Anne Marie Voight, Stevensville District, was present, expressing that she was shocked to receive a business license form and bill for their Christmas Tree Business. Per instructions, they say they are exempt from the license fee, but not the \$25.00 administrative fee. Ms. Voight further expressed that the fee was exorbitant for small businesses to pay. Ms. Voight asked that the Board pass an Ordinance eliminating the \$25.00 fee and exempting businesses that are exempt from the business license fee and asked for a reply to her request.

County Administrator Thomas Swartzwelder responded, advising that there was an error in how the bill was sent to her. If you are exempt from the license fee, you are exempt from the administrative fee as well. Mr. Swartzwelder further advised that even if you are exempt you still need to file the form and get the License.

After hearing no further comments, the public comment period was closed.

## **PUBLIC HEARING RZ12-01 & SP12-12 – RONALD VARBONCOEUR AND TAMMY POSTON**

County Administrator Thomas Swartzwelder provided background information on RZ12-01 and SP12-12 and verified proof of publication of public hearing notice.

At the December 3<sup>rd</sup>, 2012 regular meeting of the Planning Commission, a public hearing was held on RE12-01 and SP12-12 which asked that their property consisting of 2.87 acres on Rt. 33, Buena Vista

District, tax map number 1623-165X-794 be rezoned from Agricultural/Residential Single-Family to General Business.

The property is currently operating a retail business “Remember When Antiques” as a pre-existing non-conforming use. The owners would like to incorporate the use of other buildings on the property for retail, as well as bring the existing use of the property into compliance with the County Zoning Ordinance as a legal conforming use. The Planning Commission approved the proposed rezoning and level 2 site plan and is requesting that the Board of Supervisors accept their recommendation for approval.

Mr. Swartzwelder further advised that it is in complete compliance with the Comprehensive Plan.

The floor was open for public hearing:

Mr. Varboncoeur and Ms. Poston were present advising that they have operated the business in question for more than 2 years. They sell retail furniture and collectables. Mr. Varboncoeur expressed that they would like to be a positive business in the community and would like to rezone as business, with hopes of being there for many years.

Mike Redford, Shacklefords – spoke in support of their request, stating that it was good for the county and we need more small businesses to bring in revenue

Nancy Harding, Shacklefords – spoke in support, expressing that she was thrilled to see the business there.

Amy Lazone, Shacklefords – spoke in support, as this is the type of business that is needed. It keeps the dollars in the county.

Lisa Amos, Shacklefords – spoke in support expressing that Ms. Poston is her sister and that she was very good at this type of business

Rhonda Walton – spoke in support and expressed that she feels they should be able to open the business legally and the citizens should have a say in it.

Charles Amos, Shacklefords – spoke in support, expressing it offers a lot of unique items and furniture, bringing revenue into the county. It is a good business; it looks good, and had a lot of good comments about it.

After hearing all comments, the public comment period was closed.

Mr. Milby questioned what impact will it have on the business, if the property is not rezoned?

Mr. Swartzwelder responded that the only difference that he is aware of and may not know everything, in operating between a pre-existing non-conforming and operating as a zoned business, is that there are some buildings located on the property that were not found to be pre-existing non-conforming because they had not been used for retail sales and they would like to use these buildings for retail sales. The rezoning of the property would bring the buildings into usage. Beyond that, in terms of just operating the store as they have it now, they can continue to operate as a pre-existing non-conforming business.

Mr. Milby expressed that the Board needs to acknowledge and be aware that once you rezone the property, it could include anything that could go into an area designated general business. We have to

keep that in mind that businesses live and die. Many businesses have been in this community and unfortunately many have not survived. If we rezone this property and their business does not make it, keeping in mind, that they are only open 3 days a week as they have said is only a hobby, and we go through with the zoning, there are a whole list of things that could be on the property, mentioning a Laundromat, a gas station and an automobile dealership.

Mr. Milby commented that back several years ago, where F & M Marine is on Rt. 33, when the owner of that property came to the county and asked to rezone it to general business so that he could place a restaurant. After he had gone through the whole process and it was rezoned, he decided he did not want to put a restaurant there, and that is troublesome, as he had gone through the community and asked for their support. As you know there has never been a restaurant there. There has been a boat dealership, a car dealership, and now we have a boat junkyard and he does not think the county intended that to be and is still very upset with the landowner and the tenant as to what that has turned into. Mr. Milby further commented that, there is a possibility, and he may get the wording incorrect, but they can proffer away these other businesses, as he understands it, which would have no affect on their business. To protect the people in his community, the same thing could happen at this property that happened at F& M Marine. If this were in your community, you would want some protection. There have been some good people to come here to say that Mr. Varboncoeur and Ms. Poston have a good business and they want it to stay here and would probably be a good asset to the Community, but again, as we have seen in the past, businesses live and die. Some last 2 years, some last 5 years and some last for over 50 years. One thing that bothers him is a lot of the businesses that were built on Rt. 33, was when it was a 2 lane road and a lot less traffic than we have now. At times now with a 4 lane road, there is a real problem at times with traffic, with accidents along Rt. 33, and as in the past he has asked that the Board consider lowering the speed limit in that area to make it safer for businesses and the community and has not been successful in getting it beyond this Board. If we are going to continue to encourage businesses to be in that area, he feels that this is one of the things that the Board has to do. Mr. Milby further expressed that it was very troubling to him, when Mr. Swartzwelder tells him that VDOT is losing its backbone, as far as requiring turn lanes. On Rt.33 in front of the Via Center, traveling east at 3 or 4:00 P.M. in the afternoon a turn lane would have been very helpful there.

Mr. Milby further commented that he is not asking that the zoning be denied, but that he was asking that it be re-worded and reconsidered.

Mr. Simpkins commented that Mr. Milby has brought up some valid points that he has never really thought about and looked at Mr. Swartzwelder for guidance, questioning if there was any way that this could be considered under Conditional Use type, or what was the alternative.

Mr. Swartzwelder expressed that one of the discussions that staff has with every applicant is on the issue of other uses of which Mrs. Spouse did discuss with Mr. Varboncoeur. Many applicants agree and are asked what types you think would be problematic. It is important to point out that proffers are voluntary and belong to the applicant as to whether they want to proffer them, we can't demand them. To answer your questions, his proposed zoning does not require a conditional use permit. Down the road a business could go in there that would require a Conditional Use Permit, but as Mr. Milby points out, that under our current ordinance there are a number of things that are by right uses. There is no basis for the Board to restrict his uses. The zoning has to be approved either up or down. Only Mr. Varboncoeur or Ms. Poston can propose to limit their uses. The Board cannot request that they do so.

Mr. Milby commented, that if that is the case, then he would suggest that the Board table this and give Mr. Varboncoeur and Ms. Poston the opportunity to amend their request and the Board take it up again as soon as the work is completed, questioning whether there was a time factor in that.

Mr. Swartzwelder responded that if the Board tables a rezoning request, the timeframe that applies to the County is 60 days. If the Board does not make a decision within 60 days, and the applicant does not agree to an extension, it really does not do much, but the law says that you have to decide within the 60 days. It doesn't give the applicant any strong rights, but gives them an augment, if they wanted to litigate an appeal that the Board did not act within the 60 days. As an Attorney, he would prefer that the applicant agree that they would prefer that discussion to take place, vs. an up or down vote. If it is the Board's desire, they can table. It does convey some issues, but are not heart shattering.

Mrs. Morris questioned if the applicants were aware of this. Mr. Swartzwelder advised that Mrs. Sprouse met with Mr. Varboncoeur and discussed whether or not they would be interested in volunteering to remove some uses from their application, and it was his understanding that they did not feel this was something that they wanted to do.

Mrs. Morris further noted that she did not see anything in the Planning Commission minutes where anything was brought up. Mr. Swartzwelder expressed that he did not think it even came up before them.

Mr. Milby questioned whether it was appropriate to ask the applicant if they are willing to do that. Mr. Swartzwelder responded that the Board could ask them. Mr. Swartzwelder asked Mr. Varboncoeur if they had any objection to tabling this.

Mr. Varboncoeur expressed that he has spent 2 years working on this. They have been complying with everything, we have made some mistakes along the way and they have corrected those. Everything that the County has asked them to do, they have done to be compliant. They have not tried to operate under the radar like some businesses have in the past and everything they have done has been up front. There have been a few instances where the County Administrator and he have bumped heads, as it was a misunderstanding, they worked through it and there is no problem. Now to throw this to them is kind of like coming out of left field and does not feel it is fair. Mr. Varboncoeur further commented that he was not the one that said that Rt. 33 should be a business corridor. The Board is the one that said that this is where they would like to see business proffer. Now the Board is coming back and one person has a problem with every business there, he guesses. Maybe we should plow everything under, and go back to farmland. People are here tonight requesting that we try to establish a better tax base, so that we can have things in King and Queen County.

Mr. Milby responded advising Mr. Varboncoeur that the only thing the Board is asking is to reconsider of what he would be reconsidering, asking that Mr. Swartzwelder correct him if he is wrong, in that the zoning would apply to the business that they have there.

Mr. Varboncoeur responded "that is not the way the zoning is written Mr. Milby."

Mr. Milby further responded that we can do an up or down vote tonight, you get what you get.

Mr. Varboncoeur responded that it is what it is.

Mr. Milby reminded the Board that the Zoning Article Section 3.1, Code of King and Queen says that one of things that we need to do is reduce and prevent congestion in public streets.

Mr. Varboncoeur responded that he felt that was the job of VDOT.

Mr. Milby advised Mr. Varboncoeur that he could sit down now.

Mr. Milby expressed that the Board has the responsibility of not just one group, but the entire community. If this is rezoned and the property is sold and you have another gas station in there or some type of auto business, we have a real problem there. Mr. Milby further commented that we are getting new businesses at the airport of which is going to make more traffic on Airport Road, Rt. 605 and Rt. 33. All he is asking the Board to do is to protect the community from another large business that will create more traffic and bigger headaches. Mr. Milby further commented that all he is asking is that he offers to proffer that this zoning goes for just that one business, and he is not willing to do that. The Board needs to ask themselves why he is not willing to do that. If the business is that important to him, I think he would go along with the proffers, but there must be something else that would make him not want to agree to that, and that concerns him.

Mr. Simpkins questioned that just suppose that the scenario happens and someone buys the property and wants to put in a gas station, the entrance would have to be approved with the size of the clientele and flow of traffic that they expect to have, with accommodating parking places and turn lanes, is this correct? Mr. Swartzwelder responded that this is correct. The new business would have to submit a new site plan and submit it to all state agencies.

Mr. Milby pointed out that the piece of property that the County is going to purchase for a farmers market on Rt.33 and thinks everyone would agree that a turning lane would be required there. A VDOT representative advised Mr. Swartzwelder that we would probably not need a turning lane. That is why I said that VDOT has lost its spine. We cannot count on VDOT to correct something, to put a turning lane or anything else in there.

Mr. Simpkins questioned if the Board could require a turning lane. Mr. Swartzwelder responded that the Board needs to be very careful about requirements that are made on anyone and remember that we have limited authority in the zoning. The Board could suggest it, but if VDOT approves a project, for example a gas station comes in and VDOT determines that a turn lane is not necessary, the Board could deny if it was Conditional Use type thing, but the problem is, it isn't. Once it is rezoned and a gas station is a by right, it does not come back to the Board of Supervisors. County Staff would strongly push, but the applicant has the right to say that they do not want to give up any uses, they are asking to rezone as the zoning ordinance is currently written. Again, we can certainly ask an applicant to consider, as we have limited ability to demand, if it falls within the zoning ordinance.

Mr. Simpkins further expressed, that the Board does have to point out that in our Comprehensive Plan, Rt. 33 is an Economic Development Corridor and you have a business already operating there, that originally started as something else.

Mr. Swartzwelder commented, as further background when they first approached the County about opening their shop research was done, tracing back probably before the Zoning Ordinance that businesses have been there, as it is a pre-existing non-conforming use. Any of them could be considered as grand-fathered uses.

Mr. Milby commented that what bothers him is the grand-fathered clause. On Rt. 33, a lot of those businesses were built when Rt. 33 was a 2 lane road and there were very few cars going in either direction.

Mr. Bailey responded that when he was a child there were a lot of mom and pop businesses, and when they put the 4 lane road in, a lot have died. I can't say if it was because of less or more traffic or what. I am all for businesses in the right mode and place.

Ms. Alsop expressed that the business is where the Board has said that they want business and she is having a problem, when we say this is where we want business, and this is where it is. When she first looked at this, it is a no brainer.

A motion was made by Ms. Alsop and seconded by Mr. Bailey to accept the recommendation of the Planning Commission to rezone the property.

AYES: D. H. MORRIS, R. F. BAILEY, J. L. SIMPKINS, S. C. ALSOP

NAYS: J. M. MILBY, JR.

## **CONSTITUTIONAL OFFICERS, SOCIAL SERVICES DIRECTOR AND SCHOOLS REPORTS**

Commissioner of the Revenue –

Commissioner of the Revenue Helen Longest was not present. Susan Balderson, Deputy was present advising that Mrs. Longest had injured her back over the weekend.

Mrs. Balderson provided the following report:

- Advised that on December 28<sup>th</sup>, Applications for the Business Licenses were sent out. As of this date they have processed close to 100 applications and they are steadily coming in.

Mr. Simpkins questioned the number of notices that have been sent out. Mrs. Balderson expressed that she thought it was around 670.

- Advised that they plan on sending out the personal property notices in mid February, giving them time to process the Business License. A lot of calls have been received, and with the help of the County Attorney and the Zoning Office, they have been able to resolve a lot of issues.

Treasurer, Irene Longest was present to provide the following quarterly report:

- Advised that in the Board's Packet, there was included payment from Republic Services in the amount of \$1,311,004.35 of which was received on December 14, 2012.
- Advised that there will be a Rabies Vaccination Clinic on January 26<sup>th</sup> at 3 locations. At those locations, dog tags will be sold. The locations are the Pamunkey Regional Library, St. Stephens, Church from 9:00 – 10:00 a.m., King and Queen Courthouse from 11:00 – 12:00 noon, and at the Middle Peninsula Regional Airport from 1:00 – 2:00 P.M.
- Advised that Saturday, December 1<sup>st</sup>, the office was open, and only 2 people came in to pay their taxes on that day, and would evaluate it again next December.
- Provided an over-view of taxes received:  
Personal Property for 2011 taxes received was \$2,741,045.14, taxes for 2012 received for Personal Property was \$2,911,347.91, which was an increase of \$170,302.77.

Real Estate Tax for 2011 received was \$ 3,767,892.21, taxes for 2012 \$4,335,201.89 which was an increase of .13%

- Considering the Economy, the taxes received speaks highly of the citizens in payment of their taxes.

- Provided an over-view of the Debt set off, for 2010 \$97,121.3 was utilized, 2011, \$73,239.92, and for 2012, 201.60/
- Administrative Fees placed for January 1 – December 31<sup>st</sup>, for 2012: Real Estate \$41,190, Personal Property \$20,520.00. For January 2013, \$51,480.00 Adm. Fees and \$24,081 on Real Estate.

Commonwealth’s Attorney Charles Adkins provided the following report:

- Advised that from October through December were a combination of a year and a half long drug operation conducted by the Sheriff’s Office and prosecuted by the Commonwealth Attorney’s Office, with a number of convictions. They had approximately 20 with the distribution of mostly cocaine and a couple with distribution of pills. Of the 20, they have convicted 19 and still have one gentleman who comes up for trial in March.
- On December 12<sup>th</sup> they convicted one gentleman on 7 counts of 3<sup>rd</sup> offence of distribution of cocaine. He will be sentenced February 12<sup>th</sup>, looking at a mandatory sentence of 70 years. The Sheriff’s Department has done a great job, giving him good cases.
- Advised that a year or so ago, he mentioned that they were looking into starting a multi-jurisdictional Investigative Grand Jury and has now succeeded in doing that. It has been Ok’d by the Attorney General’s office. The jurisdictions involved are: King and Queen, King William, New Kent, Charles City, Gloucester, Middlesex and Mathews. Judge Hoover has agreed to over-see this meeting in King William County, meeting every other month.

Sheriff Charboneau provided the following report:

- Presented the Board with a packet relating to his comments
- Advised that the dates and times of the Rabies Clinic are included within the packet
- Advised that the animal control report is included within the packet
- Advised of number of papers that were served October - December
- Advised of types of crimes, offenses, number of murders, violent crimes (1 murder, suicide)
- Advised of breakdown by zones, breaking down incidents within each district.
- Advised that a report of general investigations were included as well

Superintendent of Schools, Charles Clare provided the following report

- Advised of the enrollment at the close of December, where enrollment dropped by 2 or 3 students at each of their schools. The two elementary schools are still higher than projected, with enrollment as follows:

King and Queen Elementary School	239 students
Lawson Elementary School	225 students
Central High School	250 students
Total	714 students

- At the end of December they have enrolled 128 virtual school students, making their total enrollment 842, and pre-school with two schools combined is now at 38.
- Advised that about a year ago, the Superintendent’s Parent Advisory Plan began. Two sub-committees have been formed, one being the budget/finance committee and the other

Communication Sub-Committee. Mr. Clare shared that the Budget/Finance Committee met, and two main items surfaced, those being the teacher salary scale and their security camera surveillance. These are being shared with the School Board. The second sub-committee met and discussed a division wide newsletter, and improving electronic telephone, instant alert. Mr. Clare shared a copy of the newsletter.

- Advised that the School Board over the past 3 – 4 work sessions have had a lot of discussions regarding 6 main items. The School Board did agree to utilize the same Auditing Services Office, Robinson, Farmer Cox Associates, the Richmond Office to align them with the County Government. Second, their Finance Director is in the process of securing more information of companies to purchase an electronic software system for their schools. The third relates to security at each of the schools and buses, providing a greater focus. Last year the funds were not directly budgeted for the Virtual Program. Finally, performance contracting for energy efficiency and for maintenance services. At this time they are at the point of educating the Board.

Mr. Simpkins questioned if there was any new development on the roof at Central High. Mr. Clare responded that they have not done anything at this time.

Circuit Court Clerk, Debbie Longest provided the following report:

- Advised that 2012 was a busy year as they recorded 1071 documents as land records, opposed to 1018 in 2011. These totals not only include deeds, but deeds of trust etc,
- Advised that there were 364 judgments documented in 2012, compared to 287 in 2011.
- Advised that in 2012 they received 112 applicants for concealed handgun permits, compared to 65 in 2011.
- Expressed that they were glad to be back in their building, after being in the Administration Building Courtroom for several months, expressing appreciation for all the work that has been done to make their building beautiful and secure.
- Advised that they will hold their 1<sup>st</sup> jury trial on January 17<sup>th</sup>
- Advised that in June she and Ms. Porter participated in webinars in learning to back scan their deed books and is proud that Vanessa can do this and does not involve hiring anyone.
- Advised that they are attempting to use both sides of the copy paper to help save on paper costs.

Director of Social Services, Betty Dougherty had the following report:

- Provided an update on Energy Assistance and Energy Share. Since the last meeting of the Board they had 5 people to apply for crisis and will be in the crisis mode until March 15<sup>th</sup>. Three individuals applied for heating equipment and those applications were approved for a total cost of \$1,754.00. Three applied for repair of heating equipment and were approved at a total cost of \$915.00. Two families applied for energy share at a total of \$312.00.
- Advised that they heard from the Family Emergency Food Program and King and Queen has been awarded \$3,500.00 and is currently doing the paper work to bring the money into the county that citizens can be assisted with paying rent, utilities, etc.
- Advised that SNAP (food stamp) participation rate continues to increase. This past November it was 107.6% compared to this November 105.4%.

## **APPOINTMENTS/REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**

## **Planning Commission**

**Buena Vista District** (to replace Bob Taylor – term expires 1/12/16)      TABLED

**Buena Vista District** (term of Hunter Richardson expires February 23, 2013)

A motion was made by Mr. Milby and seconded by Ms. Alsop reappointing Mr. Hunter Richardson to a four (4) year term on the Planning Commission representing the Buena Vista District. Term expires: February 23, 2017.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP

NAYS: NONE

**St. Stephens Church District** (term of Jimmy Guess expired January 12, 2013)

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to reappoint Mr. Jimmy Guess to a four (4) year term expiring January 14, 2017.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP

NAYS: NONE

**Industrial Development Authority** – Stevensville and Shanghai Districts      TABLED  
(Replacing Joe Schumacher and Connie Prince)

## **BUDGET AMENDMENTS**

Chairman Morris advised that a grant has been awarded to the County in the amount of \$150,000.00 from the Virginia Wireless E-911 Services Board for funding of a CPE replacement for the 911 center. There are no matching funds required for this grant.

County Administrator Thomas Swartzwelder advised that this is the last stage in bringing the County up to speed, and noted that King and Queen is the 1<sup>st</sup> to have this type of system. The Budget Amendment is a pass through.

A motion was made by Mr. Simpkins and seconded by Ms. Alsop to approve the \$150,000 budget amendment/supplement.

AYES: D. H. MORRIS, R. F. BAILEY, JR., R. F. BAILEY, JR., J. M. MILBY, JR., S. C. ALSOP

NAYS: NONE

## **BUSINESS LICENSE TAX – CHANGE WORDING – DELETING SECTION 30-209B**

County Administrator Thomas Swartzwelder advised the Board that in review of the Business License Tax wording, the version that was published contained a sentence and a statement that basically needs to be removed. The Board did not attempt to or want anyone that was exempt to pay any fee, although they

still had to have a business license of which is in Section 30-207, subsection 3 to say that. An older version had 30-209B stated whether you were exempt or not you still had to pay the administrative fee.

Mr. Swartzwelder is asking that the Board give permission to strike Section 30-209B from the Business License Tax Ordinance

A motion was made by Ms. Alsop and seconded by Mr. Bailey authorizing the County Administrator to remove Section 30-209B from the Business License Tax Ordinance.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP

NAYS: NONE

## COUNTY ADMINISTRATORS COMMENTS

County Administrator Thomas Swartzwelder provided the following update:

- Expressed that he has found that the new quarterly reporting system is very good
- Commented that he was very proud of our team here at the courthouse, all of the departments have done an outstanding job the last quarter.
- Advised that a handout from Synagro has been placed at their seats, and asked that the Board review them for any comment.
- Advised that Monday is Martin Luther King Day and every year they ask someone from the local government to attend the ceremony and hopes someone will volunteer as he will be out of town.

Ms. Alsop expressed that she would volunteer to speak on behalf of the county.

- Advised that it is legislative time, and our elected officials in Richmond are up to no good. Mr. Swartzwelder advised that he wanted to bring to their attention House Bill 1428 which would require every jurisdiction to have a full-time registrar and the state is not funding the position and King and Queen County cannot afford to absorb a position that we do not have to, and asked that the Board contact Delegate Hodges and express to him your feelings.
- Advised that “DMV To Go” has forwarded an e-mail and wanted to get the Boards blessing in holding some “DMV To Go” events here at the Courthouse. It is a RV that goes to various sites where you can get a photo ID, get your license renewed, etc. If it is ok with the Board, he would like to line up some events for here at the County. Mr. Swartzwelder further commented that he has checked with the Commissioner and Treasurers Office, and Ms. Balderson has expressed that this is not an issue for them.

Ms. Alsop questioned if it was only going to be here at the Courthouse, as when she first heard about this, she was thinking about it possibly being at the old Marriott School. Mr. Swartzwelder commented that he can check about possibly doing one here at the Courthouse and one at Marriott Library Building.

The Board was in consensus to proceed.

- Advised that construction has begun across the street at the Circuit Court Building. Branscome has started work on the paved parking and entrances and street lighting, with a 90 day completion schedule. The last thing at the Circuit Court Building that needs to be done is to paint the interior.

- Advised that engineering and field work has started on the Mattaponi Pier Project which is the remainder of the T21 grant. Hopefully construction will be completed this spring.
- Provided an update on the Anderson Neck Oyster Project, advising that the Planning Commission voted unanimously to support this project and to let him get started with at least one oyster plex which is all that he plans to do and can be reevaluated as he grows, and wanted to make sure that the Board is still in support of this project. He now has all of his VMRC approvals. Under our current Zoning Ordinance this is not included as we never thought Aquaculture would happen here. The Planning Commission has asked that we draft a new ordinance which allows these types of structures for Aquaculture only and only in designed areas. Mr. Swartzwelder is asking for general direction in support of this project. It was the consensus that the Gentleman move forward and that staff continue to work with him to get it done and a new ordinance drafted.
- Advised that Bright is now changing their entire system going to something that is akin to Windows and can purchase it now at an earlier rate. Mr. Swartzwelder further commented that they believe that there are enough funds in the IT budget to cover this. This will involve replacing our server. Ours is presently at 85% capacity, which to IBM, it is maxed out.
- Advised the Board of his meeting with Commissioner of the Revenue Helen Longest relating to the Business License Tax and she has advised that after the 1<sup>st</sup> initial week, it has been well received by businesses, as the license tax is cheaper than BPOL. A large amount of money is being collected from out of county businesses. Mr. Swartzwelder further commented that Ms. Balderson has advised that they have found a large amount of taxpayers who have been overpaying on personal property tax, as they have been listing their personal tractors under their business.

## **BOARD OF SUPERVISORS COMMENTS**

Ms. Alsop had the following comments:

- Thanked everyone for coming out
- Congratulated Mrs. Morris and Mr. Bailey in their nominations in serving as Chairman and Vice Chairman for 2013.
- Expressed that she had a beautiful holiday and is glad to get back to work again.
- Advised that she would be in contact with the Board on a legislative platform in getting the Boards thoughts to Delegate Hodges.

Mr. Simpkins had the following comments:

- Expressed that he was glad to see everyone come out to the meeting and being a part of the public hearing
- Expressed that he too has been in the Holiday mode, and looking forward into getting back into the swing of things.
- Advised that he has been receiving a number of calls relating to the Business License Tax, which is a good thing as it is something new and feels that as time goes on and the general public learns things will get better.
- Expressed to be careful in going home and look out for the deer.

Mr. Bailey had the following comments:

- Thanked everyone for coming out and participating in the process of local government.
- Expressed his appreciation for all the reports given tonight, some were very eye opening.

- Be safe in going home

Mr. Milby had no comments.

Mrs. Morris had the following comments:

- Thanked the Board for their nomination in electing her as Chairman for 2013
- Congratulated Mr. Bailey on his nomination as Vice-Chair.
- Thanked all the officers for their reports, in doing it this way, it is not a waste of the officers or the Board's time.
- Expressed appreciation to everyone for the good job that they are doing.
- Be safe and see everyone next month.

**IT IS ORDERED THAT THIS BOARD ADJOURN:**

A motion was made by Ms. Alsop and seconded by Mr. Bailey to adjourn.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP

NAYS: NONE

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Doris H. Morris, Chairman

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K. Diane Gaber, CMC, Deputy Clerk