

King and Queen County  
Board of Supervisors Meeting

Monday, December 13, 2010  
7:00 P.M.

King and Queen County Courts and Administration Building  
General District Courtroom

“Minutes of the Meeting”

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

Chairman Morris called the December 13<sup>th</sup>, 2010 regular meeting to order. Mr. Simpkins provided the invocation followed by the Pledge of Allegiance to the Flag of the United States.

**APPROVAL AND SIGNING OF THE OCTOBER 25, 2010 AND NOVEMBER 9, 2010 MINUTES OF THE BOARD**

County Administrator Thomas Swartzwelder noted that he had advised at the work session the incorrect number of days earned per year for personal/sick leave and that it is corrected within the minutes.

A motion was made by Mr. Simpkins and seconded by Ms. Alsop to approve the November 22<sup>nd</sup> and November 9<sup>th</sup>, 2010 minutes as corrected.

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

NAYS: NONE

NOT PRESENT: M. W. MCDUFF

**APPROVAL AND SIGNING OF THE DECEMBER 2010 WARRANTS AND APPROPRIATIONS**

A motion was made by Mr. Simpkins and seconded by Ms. Alsop to approve the December 2010 warrants and appropriations, as subject to audit, excluding the Bonus until after the public hearing.

AYES: D. H. MORRIS, J. L. SIMPKINS, J. M. MIBLY, JR., S. C. ALSOP

NAYS: NONE

NOT PRESENT: M. W. MCDUFF

### **PUBLIC COMMENT PERIOD**

Chairman Morris opened the public comment period. After hearing no comments, the public comment period was closed.

### **DEPARTMENT HEADS AND SCHOOL SUPERINTENDENT'S REPORT**

Chairman Morris noted that the Treasurer's report was included in the packet.

Commonwealth's Attorney Charles Adkins advised that they would be holding grand jury tomorrow with 14 cases scheduled.

Sheriff Charboneau provided the following animal control report:

- Had 62 calls for November
- 45 follow-ups
- 15 summons issued
- 1 bite case and 1 pretty severe case the 1<sup>st</sup> week in December on Travelers Road
- Impounded 24 animals

Sheriff's report:

- That the deputies served 59 arrest warrants and 148 civil papers were served

Superintendent of Schools Charles Clare provided the following report:

- Advised that current daily membership is holding steady with 743 K – 12 and with Pre-K the total is 786.
- Advised that the School Board has approved their FY 11 budget
- Provided an update on school grants
- Invited the Board to visit the schools and if anyone was interested to contact him.
- Commented that the School division is dedicated in making positive things happen

Social Services Director Betty Dougherty provided the following report:

- Advised that the mobile food pantry did not visit King and Queen the past month
- Advised that 79 families and 198 citizens were served in the month of December

- Advised that they were still recruiting a CMPT citizen member

## **PUBLIC HEARINGS:**

### **AN ORDINANCE PURSUANT TO SECTION 15.2-1508 OF THE CODE OF VIRGINIA TO PROVIDE FOR PAYMENT OF MONETARY BONUSES TO KING AND QUEEN COUNTY OFFICES AND EMPLOYEES**

Chairman Morris opened the public hearing and verified proof of publication. County Administrator Thomas Swartzwelder provided background information and advised that county employees has not been given any pay increases for the past 3 years. Pursuant to Section 15.2-1508 of the Code of Virginia, it allows Boards to provide for payment of monetary bonuses as they see fit and that bonuses cannot be given without first adopting an ordinance allowing for such.

Mr. Swartzwelder further affirmed what was discussed at last months' meeting, providing \$200 to full-time employees and \$100.00 to part-time employees and felt that in the future we would see more and more localities giving bonuses rather than raises.

The floor was open for public comment. Those speaking were:

Lee Busick, Buena Vista District, expressed that once the Board started giving bonuses, it was hard to stop. Mr. Busick further referenced an article in the newspaper of those localities that were not giving bonuses, as well as those that were. Mr. Busick also commented that the best asset is the children. Mr. Busick after hearing discussion of the Board, expressed that he did not disagree with the ordinance if it is a one time thing.

Mrs. Vernice Dabney, Stevensville District, expressed that she agrees somewhat with Mr. Busick, however, sometimes we need to show appreciation for our employees, if you want to keep good people. Mrs. Dabney further commented to do what needs to be done for the citizens of the County.

Maureen Whited, Newtown District, advised that she has lived in the county for 19 years and has seen her value on her property go from \$26,000 to \$133,000, and did not see her husband getting quadruple in pay. She further advised that King and Queen County is the main employer and that we did fine before the \$4,000,000.00 building. Don't give a bonus, purchase books so that her daughter does not have to share books. Reinstate some of the teachers such as drama and get some new programs.

After hearing all comments, the public hearing was closed. Ms. Alsop commented that she felt it was a good thing, when departments have worked and saved the county money. No one on the Board is receiving a bonus. Ms. Alsop further expressed that the Schools have received raises when the County employees have not.

Mr. Simpkins expressed that there have been some valid points raised, and that our greatest asset is the employees. The Board has asked the employees to do a lot for less, cutting back on personnel and the employees ended up taking the slack. Mr. Simpkins commented that he knows how tough it is and that the bonus is not a lot of money, but the thought that the Board appreciates what the employees are doing means something. The school board is the one that sees fit of what they want to give.

Mr. Milby commented that this not something that says it will be a yearly thing, but at the Boards discretion.

Mrs. Morris commented that she attended the last School Board Meeting and that they intend to look at providing bonuses to the school employees. Either way, she does not have a problem with a bonus.

County Administration Thomas Swartzwelder advised the Board that he is asking to be exempt from the bonus.

After discussion, a motion was made by Mr. Simpkins and seconded by Ms. Alsop to adopt the following Ordinance as a one time deal for 2010:

**AN ORDINANCE PURSUANT TO SECTION 15.2-1508 OF THE CODE OF VIRGINIA WHEREBY THE BOARD OF SUPERVISORS OF KING AND QUEEN COUNTY MAY PROVIDE FOR PAYMENT OF MONETARY BONUSES TO ITS OFFICERS AND EMPLOYEES**

**BE IT ORDAINED AND ENACTED** by the Board of Supervisors of King and Queen County, Virginia, as follows:

**In Accordance with Section 15.2-1508 of the Code of Virginia, whereby the Board of supervisors of King and Queen County hereby grants a one time bonus of \$200.00 for full-time and \$100.00 for part-time county employees for the calendar year 2010 only.**

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

**NAYS: NONE**

**NOT PRESENT: M. W. MCDUFF**

**APPROVAL OF BONUSES TO COUNTY EMPLOYEES**

**A motion was made by Mr. Simpkins and seconded by Ms. Alsop approving the bonus as presented leaving the County Administrator and Deputy Anderson off as they were initially on the list that was provided to the Board.**

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

**NAYS: NONE**

**NOT PRESENT: M. W. MCDUFF**

**PUBLIC HEARING – CONDITIONAL USE 10-03 AND SP-07, WILLIAM AND VIVIAN SMITH TO ALLOW FOR PLACEMENT OF THREE AMATEUR RADIO TOWERS – NEWTOWN MAGISTERIAL DISTRICT**

Chairman Morris opened the public hearing on CU10-03 and SP10-07, Conditional User and Level 3 Site Plan to allow for the placement of three (3) amateur radio towers (after the fact). Property is located at 13918 Richmond Tappahannock Hwy., in the Newtown Magisterial District, tax map parcel numbers 1632-11R-526A & 1632-11R-5343.

County Administrator Thomas Swartzwelder provided background information and verified proof of publication. It was noted that the Planning Commission has held a public hearing and is recommending approval of the Conditional Use Permit and Level 3 Site Plan with the following conditions:

- ❖ If tax map parcels 1632-11R-526 and 1632-11R-534 are ever transferred in any manner to someone other than Mr. William Smith or Mrs. Vivian Smith, the tower and all other connections such as, but not limited to, its guide wires and anchors associated with such tower shall be removed from such parcel completely. A relocation of such tower will require an amendment to this Conditional Use Permit and Level 3 Site Plan.
- ❖ If for any reasons the antenna or tower is not in operation for a continuous period of twelve months, the antenna and tower shall be considered abandoned and the owner of such antenna or tower shall remove it within 90 days of receipt of notice from the governing authority notifying the owner of such removal requirements. Removal includes the removal of the tower, any and all footers and support structures.

The floor was open for comment. After hearing no comments, the public hearing was closed.

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to accept the recommendation of the Planning Commission approving the Conditional Use request and Level 3 Site Plan along with the above listed conditions.

AYES: S. C. ALSOP, J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP

NAYS: NONE

NOT PRESENT: M. W. MCDUFF

**VDOT UPDATE – JOYCE MCGOWAN**

Ms. Joyce McGowan, VDOT representative was present to provide an update on the following:

- Advised that they will be able to start sooner on the Minter Lane Project
- That Drainage and grading work was done on DeShazo Road and Lilly Pond Road
- The bridges have been swept going through West Point
- All of the mowing has been finished

- That tree trimming will be starting in the next 30 days or so
- Advised that they are working on pot holes
- Advised that the paving schedule for next year will be from the Airport Road to Rt. 14
- Advised that they had some issues with citizens when line painting was done in the County where paint got on their vehicles and if the Board knew of anyone to let her know
- Advised that they are doing a lot of ditching and shoulder pulling in the lower end of the County
- Advised that Shawn Trapani will be the new residency administrator effective December 25<sup>th</sup>, and thanked the Board for working with her during the transition.
- Advised that VDOT has undergone major changes in the number of employees and how they do business. If there are any concerns or assistance needed, to please call 1-800-For-Road.

Mr. Milby questioned when work would be done at the Lord Delaware bridge at West Point Creek. Ms McGowan advised that they were receiving bids and hope to start in the spring and would be under construction for about a year, with 1 lane closed in each direction, but the transition will probably not affect the bridge traffic that much.

Mr. Simpkins questioned whether the county would be receiving any of the extra government money that they have just heard about. Ms. McGowan did not have any idea of who it would affect rural areas.

County Administrator Thomas Swartzwelder questioned who should be called for sludge spills for traffic control. Ms. McGowan advised that we should contact Ed Hudgins. Mr. Swartzwelder further questioned who do we contact to not paint roads on election day.

On a positive note, Mr. Swartzwelder advised that we have had tremendous problems on Travelers' Rest Road and Ms. McGowan was able to get signs posted on that road which gives the Sheriffs Department the power to enforce.

Mrs. Morris asked that the bridges over Timberbranch, crossing Exol and Burgess Swamp be checked as they have become rough again.

### **MIDDLE PENINSULA REGIONAL JAIL – PRESENTATION RELATING TO BUDGET INCREASE IN COUNTY SHARE – TIM DOSS, SUPERINTENDENT**

Mr. Milby member of the Board of Supervisors and representative on the Middle Peninsula Regional Jail, advised that each year the Regional Jail sends out a letter advising of what their needs are. For FY 2011 the amount needed was \$313,077.00. The sheet that he has provided to the Board reflects for the month of October, showing the number of inmates and a percentage of 15%. Last year and the year before the figure was normally around 9%, so we have seen a terrible increase to the point that we are going to run over our budget, possibly to the tune of \$120,000 or more and he felt he this needed to be brought to the Board's attention. Mr. Milby commented that we have asked Superintendent Doss to be present to explain the figures.

Superintendent Doss was present explaining how the revenues come in and how it is divided among the localities. The more inmates there are, the greater the fee. Mr. Milby expressed concern of the calculation method used for each jurisdiction and that revenue is not being counted against the budget. Mr. Doss advised of the budget figures for FY10/11 how much was applied to various areas. Mr. Milby asked that a copy be given to Mrs. Gunn, Finance Director for review.

## **DEBT SERVICE PAYMENT**

Chairman Morris advised that a request has been received from the Finance Director requesting approval to run the debt service payment in the amount of \$39,078.13, outside of the regular warrant cycle, in order for the payment to be received by its due date of January 15<sup>th</sup>, 2011. The next regular meeting will be held on January 10<sup>th</sup>.

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to approve the request authorizing payment outside the regular warrant cycle.

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

NAYS: NONE

NOT PRESENT: M. W. MCDUFF

## **BUDGET AMENDMENTS/TRANSFERS SHERIFFS DEPARTMENT AND EMERGENCY SERVICES**

### Sheriffs Department request:

A motion was made by Ms. Alsop and seconded by Mr. Milby to approve the following budget transfers:

For the purchase of armored vests, transferring from police supplies 6010 to uniforms 6011 in the amount of \$800.00, and moving from the Animal Control Budget to provide vests for the new animal control deputies, \$400.00 from emergency vet services 3110 and \$300.00 from do tag printing 3500, total amount \$700.00. Grand total transfers: \$1,500.00.

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

NAYS: NONE

NOT PRESENT: M. W. MCDUFF

A motion was made by Mr. Simpkins and seconded by Ms. Alsop to approve a budget amendment to cover courtroom training salary costs and equipment to cover the cost of 4 armored vests for the Court Security Officers.

Courtroom Security Training (salary cost while training) \$14,378.00  
Courtroom Security Equipment for the purchase of 4 vests \$ 2,276.00  
Courtroom Security costs for the months of Oct and Nov. \$ 3,638.55

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

NAYS: NONE

NOT PRESENT: M. W. MCDUFF

Emergency Services Budget Amendment:

A motion was made by Mr. Simpkins and seconded by Ms. Alsop to approve a budget amendment in the amount of \$3,700.00 for a grant that was received from the Department of Homeland Security to provide training equipment (computer and projector) for the County's CERT Program.

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

NAYS: NONE

NOT PRESENT: M. W. MCDUFF

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

Planning Commission - Stevensville District – to replace David Litchfield TABLED

Planning Commission (Newtown and Shanghai Districts) Reappointment of Donna Thompson and John Roane

A motion was made by Ms. Alsop and seconded by Mr. Milby to reappoint Donna Thompson and John Roane four (4) year terms beginning January 11, 2011.

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

NAYS: NONE

NOT PRESENT: M. W. MCDUFF

Dragon Run Steering Committee – Citizen Member – (to replace Mr. Herring) TABLED

CMPT Parent Child Representative (to replace the Kimlicks) TABLED

Board of Building Appeals – FYI – Term of Lewis Norman expires January 31, 2011

## **COUNTY ADMINISTRATOR'S COMMENTS**

County Administrator Thomas Swartzwelder provided an update to the Board on the following:

- Advised that it is time for the next round of Septic Pump Out Letters to go out.
- Advised that the Governor has given an extra day off for Christmas, being the 23<sup>rd</sup>, of which the County typically follows the State. Mr. Swartzwelder further advised that the Circuit Court office will also be off on Thursday, December 30<sup>th</sup>, while County offices will be open.
- Advised that the Registrar's Office now has her own site on the County's Website
- The Minutes of the Board of Supervisors are not being posted on the website beginning with October 2010 minutes.
- Emergency Services also has a site on the County Website.
- Advised again of DCR commending King and Queen for coming into compliance
- Provided an update on the radio system, explaining about packet loss of which is a software problem. We anticipate system finished in January.

## **BOARD OF SUPERVISORS COMMENTS**

Mr. Milby had the following comments:

- ❖ Thanked everyone for coming out to the meeting and wished everyone a safe trip home and a Merry Christmas.
- ❖ Commented that he was concerned about the Jail Budget and the fact that we are out of wack of about \$130,000.
- ❖ Advised that the Airport Authority has a new Airport Manager, Bill Dale, who will begin on December 8<sup>th</sup>.
- ❖ Advised that Ed Miller will be retiring at the end of the year.
- ❖ Asked that his alternate on the Jail Authority, Mr. Swartzwelder plan to attend the next Jail Board meeting, as he will not be able to attend.

Mr. Simpkins had the following comments:

- ❖ Thanked everyone for coming out to the meeting and wished everyone a Merry Christmas and a Happy New Year.
- ❖ Advised that they had a death in the community. Philip Minor passed away and will be greatly missed. Mr. Simpkins commented that Mr. Minor was someone you could go to for advice when you needed it.
- ❖ Hoped everyone will have a safe trip home.

Ms. Alsop had the following comments:

- ❖ Wished everyone Happy Holidays

- ❖ Asked that everyone be extremely careful, as a number of homes in the Newtown area have caught on fire from fireplaces and candles.
- ❖ Expressed that she goes along with Mr. Simpkins in his comments relating to Mr. Minor, that he was a person that you could to go.
- ❖ Asked that the Board keep in their prayers Board of Supervisor Members Jack Miller from Middlesex County and Cedell Brooks from King George County as they have both had health issues.
- ❖ Expressed that she was disturbed to hear of the need for books in the schools and would like to know if, in deed there was a problem and if so, why it has not been put on the schedule from the Schools.
- ❖ Commented that she was now a caregiver for her uncle and to keep her in our prayers also.
- ❖ Advised that if anyone needs to contact her, that the best way is on her County cellphone

Mrs. Morris had the following comments:

- ❖ Thanked everyone for coming out to the meeting and for their comments and concerns.
- ❖ Advised that Carroll Lee Walker has now replaced the flat part of the roof at the old Marriott School Building
- ❖ Wished everyone a Merry Christmas and a Happy New Year

**CLOSED SESSION PURSUANT TO SECTIONS 2.2-3711 (A) (1) and (A) (4) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSING PERSONNEL MATTERS RELATING TO AN EMPLOYEE IN THE COUNTY ADMINISTRATOR'S OFFICE AND AN ISSUE TO PROTECT THE PRIVACY OF AN INDIVIDUAL IN A PERSONAL MATTER NOT RELATING TO COUNTY BUSINESS**

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to enter into closed session pursuant to Sections 2.2-3711 (a) (1) of the Code of Virginia for the purpose of discussing a personnel matter of an employee in the County Administrator's Office and 2-2-3711 (a) (4) to protect the privacy of an individual in a personal matter not relating to county business.

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

**NAYS: NONE**

**NOT PRESENT: M. W. MCDUFF**

After coming out of closed session, each member certified by individual vote that only those public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act, were heard, discussed or considered in the closed session.

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

**NAYS: NAYS**

**NOT PRESENT: M. W. MCDUFF**

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to adjourn the meeting.

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

NAYS: NAYS

NOT PRESENT: M. W. MCDUFF

IT IS ORDERED THAT THE BOARD ADJOURN:

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Doris H. Morris, Chairman

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Thomas J. Swartzwelder, Clerk