

King and Queen County Board of Supervisors
Regular Meeting

Monday, December 12, 2011

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 Simpkins called the regular meeting to order, providing the invocation, followed by the Pledge of Allegiance to the Flag of the United States.

APPROVAL AND SIGNING OF THE OCTOBER 24, 2011 AND NOVEMBER 15, 2011 MINUTES OF THE BOARD

A motion was made by Mrs. Morris and seconded by Ms. Alsop to approve the minutes as presented.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF
NAYS: NONE

APPROVAL AND SIGNING OF THE DECEMBER 2011 WARRANTS AND APPROPRIATIONS

A motion was made by Ms. Alsop and seconded by Mr. McDuff to approve the warrants and appropriations, subject to audit.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF
NAYS: NONE

BUDGET AMENDMENTS

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

Sheriff - \$1,343.61– Courtroom security for month of November 2011. Amount to be pulled out of the general fund.

E-911-\$12,545.00 – For the purpose of MSAG Toolbar for VIS mapping system. This amount includes software, licensing and training. Funds will come out of the general fund balance, as it is unbudgeted.

Total Budget Amendments: \$13,888.61

Mr. Milby expressed concern that the system was just purchased last year and if this was overlooked at the time. Mr. Swartzwelder advised that at the time, it was not reported that the toolbar for the addressing feature would not be compatible. Mr. Milby further questioned if there were any other options that were available, as \$12,000 does not sound very cheap for a toolbar. Mr. Swartzwelder responded that this was the best and cheapest option.

AYES: J. L. SIMPKINS, S. C. ALSOP, D. H. MORRIS, M. W. MCDUFF

NAYS: J. M. MILBY, JR.

PUBLIC COMMENT PERIOD

Chairman Simpkins opened the public comment period; asking that those wishing to speak to please come forward, stating their name and district they reside in and to please limit their comments to three minutes.

Anne Marie Voight, Stevensville District, wished Mr. McDuff farewell and good luck in his retirement from the Board. Ms. Voight further expressed concern there is a trash truck still being parked off of Rt. 14 at Frazier Ferry Road and that Republic Service has done nothing to keep the trash trucks off of Rt. 631 and other roads and commented that she supposes that it will be up to the Board to do something about it.

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

PRESENTATION OF CLOCK TO M. W. “PETE” MCDUFF FOR HIS DEDICATION ON THE BOARD OF SUPERVISORS FOR THE PAST FOUR YEARS (2008 – 2011)

Chairman Simpkins presented to Mr. McDuff an engraved clock expressing appreciation for his service on the Board of Supervisors for the past four years.

Mr. McDuff expressed that it has been a pleasure to serve on the Board and believes that the Board has worked together over the past 4 years in making some very good accomplishments, staying within our budget, saving the county lots of money, and making King and Queen County a “has been” to a “Leader of the Pack”. We have taken the County from the bottom to the top.

DEPARTMENT HEADS AND SCHOOL BOARD REPORTS

Treasurer Irene Longest reported that we have had some amazing things happen in regards to collection of taxes within the past month, reporting that we went from \$1,078,000 to \$3,402,000 in real estate and \$ 330,588.00 to \$1,327,000 in personal property. This does not include farm machinery and other small tax revenues.

Ms. Longest further advised that they have mailed out over 2,000 delinquent personal property letters and that real estate letters will be going out this week as well.

Merry Christmas and a Happy Holiday and wished Mr. McDuff farewell as well.

Commissioner of the Revenue Helen Longest

- Advised that Mr. Pearson finished his hearings on Friday and hope that the Board of Equalization will hold their hearings in January. After that the new land values will be turned over to her office for assessment. At the present time they are in the process of reading wills and transfers.
- Wished Mr. McDuff well and everyone a safe and healthy holiday season.

Commonwealths Attorney Charles Adkins

- wished everyone Merry Christmas and his appreciation to Mr. McDuff for his service on the Board
- Advised that the next few months will be very busy in Circuit Court as there have been a number of cases in the lower courts, with 30 indictments.

Sheriff Charboneau

- wished Mr. McDuff a wonderful retirement
- Advised that the Sheriffs Department has been busy with a number of B & E's.
- Reported that they have had 4 DUI's, 126 traffic violations and 128 civil and criminal papers have been served.
- Thanked the Board for being heavy pushers in getting extra deputies.

Ms. Alsop questioned traffic checks at the wooden bridge at the Caroline/King and Queen line and if some traffic checks could be on the King and Queen side. Sheriff Charboneau advised that Caroline County receives many grants, and because of site distance at the bottom, it was not safe.

School Superintendent Charles Clare

- Wished Mr. McDuff the best in his retirement

- Thanked Mr. Simpkins for representing the Board of Supervisors at a reception recognizing the School Board
- Reported School Enrollment being 729 in November, King and Queen Elementary 237, Lawson Marriott 210 and Central High 282.
- Provided a brief update on the drain field at Central High, sharing a memo that will be discussed by the School Board and hopefully would be back at the January Board of Supervisors Meeting
- Advised that the School Board did complete an application for FEMA Assistance

Social Services Director Betty Dougherty

- Provided an update on the mobile food pantry at Mizpah Methodist Church in Walkerton and that because of a cut in funding, the mobile unit will only be there once a month.
- Advised that the Virginia Child Care Management System went live on December 5th.
- Advised that she had good news, that when we go into the new system, there will no longer be a 10% local match required by the County.
- Wished everyone a Merry Christmas and a Happy New Year and the best wishes to Mr. McDuff in his retirement off of the Board of Supervisors.

Ms. Alsop questioned when the fuel assistance program would begin, as she has been receiving calls. Ms. Dougherty advised that it should begin around December 18th, and asked that anyone who ask about the fuel assistance program to please come in or contact them and they will try to see if there are other ways of funding.

Ms. Alsop further questioned how the money was divided up in regards to utilities, mortgages, etc. and the assurance that they are going to King and Queen Residents. Ms. Dougherty commented that there are a large number of documents that are required, with extensive report requirements.

REPUBLIC SERVICES UPDATE AND PHYTO-CAP DESIGN PRESENTATION (TIM LOVELAND, GENERAL MANAGER)

Mr. Tim Loveland, General Manager for Republic Services, was present for the purpose of providing an update to the Board and to present a presentation on the Phyto-Cap System. During his update Mr. Loveland advised that the annual donation to the Fire and Rescue in the County would be delivered by next week. During his presentation, Mr. Loveland advised that it is a better way of handling their leachate. Remediation/treatment through the use of plants or plant life. Geosyntec is assisting with the design of it and Ecolotree are the ones that install these types of systems. Mr. Loveland went over the objectives and goals for this type of project, being a way of using their leachate and irrigating it in the landfill. They plan to use 30 to 35 acres of a closed area and have now trimmed down to 12 acres initially to see how it works and expand from there. Ultimately if they use the 30 to 35 acres, it could use 20 – 30,000 gals a day of leachate. An advantage would be a decrease in trucks taking the leachate to the treatment plant in Richmond.

Mr. Simpkins questioned when a final cap would be put on. Mr. Loveland commented that typically we will put a final cap on side slopes and leave open as long as they can for settlement.

Mrs. Morris questioned if this was in the experimental stages and that there is none in Virginia. Mrs. Morris further question is this doing away with the clay. Mr. Loveland responded that the trees would have to be removed and the final cap be put on. Gas wells would continue to be put in. This would be the first active one in Virginia. Mrs. Morris further responded that it sounds like from what she read that the clay is done away with and trees are used to help with leachate collection.

Mr. Loveland was not sure if the process calls for a hearing with DEQ.

Mr. Milby asked Mr. Loveland for a copy of the presentation.

ADOPTION OF EMERGENCY SERVICES/FIRE AND RESCUE CONTINGENCY FUND GUIDELINES

County Administrator Thomas Swartzwelder advised the board that the guidelines originally drafted have been changed to reflect the wishes of the Board.

It was the consensus of the Board to table until the January meeting to give the Board time to review.

APPOINTMENTS/REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

PLANNING COMMISSION

Stevensville District – tabled until the January meeting (to replace Mr. Litchfield)

St. Stephens Church District – (reappointment of Milton Watkins)

A motion was made by Mr. Simpkins and seconded by Mrs. Morris to reappoint Mr. Milton Watkins to serve another four (4) year term on the Planning Commission representing the St. Stephens Church District. Term expires January 11, 2016.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF
NAYS: NONE

BOARD OF EQUALIZATION

Chairman Simpkins advised that Mr. Woodrow Kellum, Mr. Robert Gibson and Mr. Donnie Sears have all agreed to serve if asked. Mr. Swartzwelder advised that Mr. Robert Harvey has been contacted and is willing to represent the Newtown District.

At the November meeting staff was directed to contact Mr. Shields, Mrs. Kim Williams and Mr. David Williams, however all declined from serving.

Mr. Milby commented that a number of people from the Buena Vista District have been contacted, but declined for multiple reasons.

Mr. Swartzwelder further commented that Mr. Tim Hayes has been contacted and is interested in serving; however he needs to check with his employer to see if there would be any conflict in doing so.

A motion was made by Ms. Alsop and seconded by Mr. McDuff to recommend to Circuit Court Judge Hoover the appointment of Mr. Woodrow Kellem, Mr. Robert Gibson, Mr. Donnie Sears, Mr. Robert Harvey and also the appointment of Mr. Tim Hayes depending on Mr. Hayes acceptance should he be eligible.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF
NAYS: NONE

Mr. Swartzwelder advised that he would take care of scheduling the class.

MIDDLE PENINSULA PLANNING DISTRICT COMMISSION CITIZEN REPRESENTATIVE EFFECTIVE JANUARY 1, 2012

A motion was made by Ms. Alsop and seconded by Mr. Milby to appoint Mr. Thomas Swartzwelder as citizen member representing King and Queen County on the Middle Peninsula Planning District Commission.

AS AN FYI – The Board Members were reminded that there is still an appointment to be made for the Shanghai District, of which the Board has tabled until January, to take Mrs. Laura Willis' place on the **Social Services Board**.

Also, the Board was reminded that the terms of Mr. Jerry Walker and Mr. Charles T. Smith expire February 10, 2012 on the **Board of Building Appeals**

COUNTY ADMINISTRATOR'S COMMENTS

Mr. Swartzwelder provided the following update:

- Advised that the Board of Building Appeals only meets if an appeal is made in regards to the Building Officials opinion which has not met in about 7 years.
- Provided an update on the RFP for Broadband and by the end of year, should be out to bid with a lot of technical data, with one proposal that a suggestion was made by a citizen that we solicit suggestions by way of a special phone line for comments.

- Provided an update on the T21 grant having a minority placing a bid. VDOT disqualified the low bidder due to the individual was a Mattaponi Native American and the state deemed it not a minority, so we have to go back out to bid, which minor changes have been made to include additional updates and improvements from what had originally been specified.
- Advised that Tina Ammons passed her test on internal controls and is on her way in getting her certification and that Diane Gaber received another certificate relating to getting Master Clerk Certification. County Staff continues to educate themselves to better serve the public.
- Advised that Greg Hunter has received a grant for 144 smoke detectors and will be meeting with the fire and rescue to determine distribution of detectors. Mr. Swartzwelder also asked that citizens contact Mr. Hunter for more information on receiving a smoke detector.
- Advised that as the Board is aware a consultant has been retained to study the application relating to Republic Services Request to DEQ for modifications to their permit, and wanted to know if the Board was interested in expanding its scope to add Phylo-Cap review.

It was the consensus of the Board to expand the scope of work.

FY 2013 PROPOSED BUDGET SCHEDULE (APPROVAL)

County Administrator Thomas Swartzwelder advised the Board that the FY2013 proposed budget schedule is basically the same. Dates that had normally been set for Wednesday's have been changed to Mondays due to Mr. Bailey not being able to attend on Wednesday's due to other obligations.

A motion was made by Mr. Milby and seconded by Ms. Alsop to adopt the following budget schedule and if needed, workshop dates can be changed at a later date:

FY2013 PROPOSED BUDGET SCHEDULE

- | | |
|---------------------------------|--|
| <u>December 29, 2011</u> | Send out Budget Request packets to County Departments, Constitutional Offices and outside agencies. |
| <u>January 18, 2012</u> | Budget requests due back from all departments, offices and agencies |
| <u>February 13, 2012</u> | 7:00 P.M. - Regular Meeting – County Administrator provides Draft Budget to the Board |
| <u>February 27, 2012</u> | 7:00 P.M. – Regular Workshop/Presentation Meeting – Board Budget Workshop |
| <u>March 12, 2012</u> | 7:00 P.M. – Regular Meeting – Meet with outside departments |

March 19, 2012 **6:00 or 7:00 P.M. – Special Meeting – Meet with School Board and Constitutional Officers**

March 26, 2012 **7:00 P.M. – Regular Workshop/Presentation Meeting – Board Budget Work Session**

**March 23rd – Deadline for submission of Budget synopsis to newspapers
**March 28th Budget Synopsis advertised in Tidewater Review, Rappahannock Times and Country Courier

April 9, 2012 **7:00 P.M. Regular Meeting – Public Hearing**

April 16, 2012 **6:00 or 7:00 P.M. – Special Meeting (OPTIONAL) Board Budget Work Session/Adopt Budget**

April 23, 2012 **7:00 P.M. – Regular Workshop – Adopt FY 2013 Budget**

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF
NAYS: NONE

BOARD OF SUPERVISORS COMMENTS

Ms. Alsop had the following comments:

- Thanked everyone for coming
- Expressed that it was nice having Mr. McDuff sitting next to her. At the end they started seeing eye to eye, and that it does not matter what party you are, it is looking out for what is best for the citizens of the County.
- Commented on devolution and what the State is trying to do. Ms. Alsop further expressed that we need to contact our State Officials at the General Assembly and tell them that there is no way that we can take over our own roadways.
- Wished everyone a Merry Christmas and a Happy New Year.

Mr. Milby had the following comments:

- Asked if Senator Norment would be at the January meeting
- Expressed that it has been a pleasure working on the Board with Mr. McDuff and wishes him well.
- Wished everyone a Merry Christmas and a Safe and Happy New Year

Mrs. Morris had the following comments:

- Thanked everyone for coming
- Expressed that she was sorry to see Mr. McDuff go, that he was a real asset to the Board

- Wished everyone a Merry Christmas and Happy New Year

Mr. McDuff had the following comments:

- Expressed that the past 4 years have been some of the best 4 years of his life
- Thanked everyone for their comments
- Wished everyone a Merry Christmas and a Happy New Year.

Mr. Simpkins had the following comments:

- Advised that Mr. Gary Ball passed away last week after a lengthy battle with cancer.
- Advised that he attended the School Board reception for the outgoing members and expressed that even though there have been some rocky times, he always had respect for them and expressed his appreciation for their efforts.
- Thanked the Board for their help over the past year as he served as Chairman. We have had a pretty good year, with challenges with the budget; we came through a Hurricane and even an earthquake. When he came on in 2000, people did not pay any attention to King and Queen and now they are calling us asking how we are doing it.
- Commented that he has enjoyed serving with Mr. McDuff the past 4 years and has always respected Mr. McDuffs comments that he never had to guess how he would feel about an issue, and wishes him well in his retirement.
- Wished everyone a Merry Christmas and a Happy New Year

CLOSED SESSION PURSUANT TO SECTION 2.2-3711 (A) 5 OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSING A POTENTIAL BUSINESS THAT HAS NOT MADE AN ANNOUNCEMENT TO LOCATE IN KING AND QUEEN

A motion was made by Ms. Alsop and seconded by Mrs. Morris to enter into closed session pursuant to Section 22.2-3711 (A) 5 of the Code of Virginia for the purpose of discussing a potential business who has not made any announcement to locate in King and Queen County.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF
NAYS: NONE

A motion was made by Mr. McDuff and seconded by Ms. Alsop to come out of closed session with each member certifying 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 and considered in closed session.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF
NAYS: NONE

No action was taken.

IT IS ORDERED THAT THE BOARD ADJOURN:

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

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

NAYS: NONE

J. Lawrence Simpkins, Chairman

K. Diane Gaber, Deputy Clerk of the Board