

King and Queen County  
Board of Supervisors Meeting

Monday, March 14, 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 meeting to order and provided the invocation, followed by the Pledge of Allegiance to the Flag of the United States.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

**APPROVAL AND SIGNING OF THE JANUARY 24, 2011 AND FEBRUARY 14, 2011 MINUTES OF THE BOARD**

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

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

**APPROVAL AND SIGNING OF MARCH 2011 WARRANTS AND APPROPRIATIONS**

A motion was made by Ms. Alsop and seconded by Mr. Milby to approve the March 2011 Warrants and Appropriations.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

## BUDGET AMENDMENTS

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

- (1) Sheriff's Department – Courtroom Security for January & February 2011.  
Courtroom Security revenue has been posted against the general fund, and will have to pull the amount from the general fund balance.

\$584.28

- (2) Commissioner of the Revenue – DMV expense for vehicle values  
(to come from budget contingencies)

\$2,553.13

**Total budget amendments:                   \$3,137.41**

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

## PUBLIC COMMENT PERIOD

Chairman Simpkins opened the floor for public comments and asked that each one that wished to speak to please come forward, state their name, district that they are from and to limit their comments to three minutes.

**Ron Thompson, St. Stephens Church District**, representing Friends of the Library, was present thanking the Board for their continued support, and offering their assistance in other ways relating to the propose move of the library. Mr. Thompson asked that they be included in future plans whenever possible.

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

## DEPARTMENT HEADS AND SCHOOL BOARD REPORTS

Treasurer Irene Longest was present, asking if there were any questions pertaining to her report that was already included in the Board's packet. Ms. Longest further provided an update on the following:

- Advised that she wanted the Board to be aware that since the last Board Meeting, she has stepped up action in the delinquent tax collection and that Anne DeHaven will be

working in her office all week assisting in sending out personal property and real estate delinquent tax letters.

- Advised that she has been working with the Sheriff's Department in seizing an airplane at the airport, as well as some equipment.
- Advised that her office is in the process of issuing liens
- Reported that 562 state refunds have been captured
- Commented that on April 1<sup>st</sup>, her office will begin implementing DMV stops for all delinquent taxes.

Commissioner of the Revenue Helen Longest was present, reminding everyone that personal property forms are due by May 1<sup>st</sup> and that her office was in the process of taking real estate credit application for disability and elderly with deadline to file being April 1<sup>st</sup>.

Commonwealth's Attorney Charles Adkins was present reporting the following:

- Reported that it has been an extremely busy February and 1<sup>st</sup> part of March
- Advised that his secretary is assisting the Treasurer's Office this week in stuffing envelopes at her desk.
- Advised that there have been two difference crimes that have occurred the last few months, one being they have had 4 or 5 cases dealing with DUI's with minors in the vehicles. For some reason they are carrying children with them. The other crime, of which they have had 5 or 6 in the past couple months, deals with contractor fraud, and not the same people. Seems contractors are signing contracts when they have no license or they collect the money for the job and then do not show up.
- Advised that next Sunday through Wednesday he will be out of town at the Commonwealth's Attorney spring institute seminar.
- Advised that Friday of next week, he will be teaching a 4 hour seminar for the deputies. This will allow them to remain in the County, which was approved by the Department of Justice.
- Advised that his secretary will be attending training in the hearing room Monday through Wednesday to be certified to run VCIN.
- Advised that the Government class from Central, once approved by the Schools, will visit a court session, hopefully on April 14<sup>th</sup>.
- Commented on a positive note, that he and his wife are adopting a dog from the animal shelter and that the facility is 1<sup>st</sup> rate.

Sheriff Charboneau provided the following comments;

- Advised that they held 2 road checks, one in the lower and one in the upper ends of the county. During those road checks, they wrote 46 total summons, 10 with suspended licenses, 1 with the possession of marijuana and 1 hand gun was found.
- Advised for the month of February he had a total of 11 arrest, and served 159 civil papers.
- Under Animal Control: 60 calls were received, 14 follow-up calls, and 24 animal captures, 20 impounded (20 dogs and 4 cats).

- Commented that we have a good animal facility, however, we need more people to come and try to adopt the pets.
- Advised that all next week there will be training classes held for the deputies, which will help with the fuel, since they will not need to go to Fredericksburg. Classes will be taught by Captain Balderson, Deputy Jordan and himself.
- Advised that they will be utilizing some of their part-time men as dispatchers is they lose a dispatcher. They will be trained for certification in VCIN to run records, as well.

Clerk of the Circuit Court, Debbie Longest was present commenting on the following:

- expressing that her office enjoyed the shadowing experience of Central Students and that they look forward to the next group in April.
- Mrs. Longest further commented that Mr. Pollard has invited her office to participate in career day at Central High School on April 8<sup>th</sup>.
- On March 22<sup>nd</sup>, they will hold their first jury trial for the year and that all letters have gone out to the prospective jurors. Should there be a change, they will try to notify all the jurors.

Superintendent of Schools, Charles Claire reported the following:

- Reported that K12 membership is 732, with 41 pre-k students.
- Reported that tomorrow marks the 120<sup>th</sup> day of the school year out of the 180 day calendar. Four days of school were missed and they had three late arrivals, due to inclement weather.
- Advised that in regards to instruction, SOL testing occurs each Spring and that April 11<sup>th</sup> – 15<sup>th</sup> they will be administering simulation bench marks and they will be analyzed at the teacher work day to be held on April 25<sup>th</sup>.
- Reported that they had a visit on February 23<sup>rd</sup> from the US Govt. Accounting Office pertaining to school improvement grants. The visit was not an audit, but to collect information to compare the impact of implementing a grant for small schools vs. large urban schools.

Social Services Director, Betty Dougherty advised the Board that March is Social Workers Month. Ms. Dougherty further advised that she hopes to begin a Resource Council, which would bring all resources in the County together, which can include churches, civic organizations others.

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

### **PLANNING COMMISSION – STEVENSVILLE DISTRICT (TO REPLACE MR. LITCHFIELD)**

Tabled

Chairman Simpkins noted that Mrs. Morris was not present, as she had a procedure done that day, and asked that everyone keep her in their prayers.

**DRAGON RUN STEERING COMMITTEE – CITIZEN MEMBER**

A motion was made by Mr. McDuff and seconded by Ms. Alsop to appoint MR. PHIL EDWARDS, 239 LABRADOR DRIVE, MASCOT, VIRGINIA to serve the unexpired term of Mr. Herrin. Term to expire: January 14, 2012.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

**CMPT PARENT REPRESENTATIVE (TO REPLACE KIMLICKS)**

Ms. Alsop expressed that she has spoken with someone and has not heard back from them.

Tabled

**MIDDLE PENINSULA DISABILITY SERVICES BOARD  
TWO POSITIONS TO REPLACE MS. ALSOP AND DORAIN BANKS**

County Administrator Thomas Swartzwelder advised that the General Assembly has done away with the Disability Services Board, as it does not exist, as a matter of law, anymore.

Mr. Swartzwelder further expressed that he feels that the Board should let this run through the PDC, and as information progresses, either Mr. Milby, Ms. Alsop or himself can keep the Board up to date, as they all serve on the PDC.

**WETLANDS BOARD (TO FILL UNEXPIRED TERM OF ED GRAN) TERM EXPIRES  
FEBRUARY 12, 2010**

Tabled

**MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY–  
ALTERNATE MEMBER.**

A motion was made by Ms. Alsop and seconded by Mr. McDuff to appoint Mr. Swartzwelder as the alternate member for the Middle Peninsula Chesapeake Bay Public Access Authority.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

## **FIRE AND RESCUE PRESENTATION – PAID SERVICES**

Bobby Coggsdale with Lower King and Queen Fire and EMS was present advising that the Fire and Rescue organizations throughout the County have been meeting for the past 6 months and would like to proceed with “fee for service” for fire and rescue services. Mr. Coggsdale advised that almost everyone around are allowing billing for services.

Mr. Simpkins questioned if this would be for paid personnel and was advised by Mr. Coggsdale, that it is not.

County Administrator Thomas Swartzwelder advised that the volunteer organizations have organized and investigated the issue and that he has two versions of the proposed ordinance and can have an Ordinance ready for the Board’s consideration at the next regular meeting of the Board.

Ms. Alsop expressed concern and questioned the “fee for service” and that a large number of citizens in the Newtown district are uninsured. Ms. Alsop further questioned if all of the organizations have reviewed their bylaws, in how it is worded, as when Upper King and Queen Rescue was formed, it is worded that they would provide free services. Ms. Alsop further expressed what the possible cost would be to the organizations, should they need to pay a lawyer to change their bylaws.

After further discussion, Ms. Alsop, commented that she was not sure if she is in favor of or not, speaking as a member of the squad.

## **JOYCE ENGINEERING – REQUEST FOR PUBLIC HEARING – DAHLGREN LANDFILL – REQUEST FOR EXTENSION TO COMPLETE ACM**

County Administrator Thomas Swartzwelder advised the Board that normally, the Board does not need to attend as no Board action is needed, and that in the past it has been Mr. Westerfield and himself.

It is noted that Joyce Engineering forwarded a letter requesting a 90 day extension to complete and submit the Assessment of Corrective Measures for the Dahlgren Landfill, Permit 3354. The reason for the request is based on a delay in gaining off-site access to install a Nature and Extent Study well down-gradient of MW-5. The ACM is due May 26<sup>th</sup> and they would like to schedule a public hearing to be held between May 5<sup>th</sup> and May 12<sup>th</sup>.

## **DEQ–VPA PERMIT–AGRI-SERVICES CORP.**

The Board was advised that a public notice has been received relating to VPA Permit No., VPS00819, Agri-Services Corporation. Per Code the publication will establish a 30 day public comment period for this proposal. If no response is received within the 30 day public notice

period, it will be assumed that there are no objections to the proposed action. Deadline for submitting written Comments is March 18<sup>th</sup>, 2011.

## **PRESENTATIONS FROM OUTSIDE DEPARTMENTS ON FY 12 BUDGET REQUESTS**

The following individuals/agencies were present providing an over-view of the budget request, explaining the services that they provide, thanking the Board for their past support and asking for the Board's consideration and continued support of their budget requests submitted for FY12

- (1) Tom Shipley, Pamunkey Regional Library
- (2) Wortley White, King William Dawn Community Doctors (Central Va. Health Services)
- (3) Kathy Vessley-Massie, Bay Aging
- (4) Chuck Walsh, Middle Peninsula Community Services
- (5) Jerry Walker, Tidewater RC & D
- (6) Keith Balderson, Virginia Cooperative Extension

During this time Mr. Balderson advised the Board that he had an update on the restructuring of the plan that he had discussed earlier with the Board in November and that it has been scrapped, due to some opposition to that plan of which he felt came from a lot of localities, the Virginia Agri-Council and Virginia Farm Bureau. Mr. Balderson further advised that the new Director of Extension will begin on April 1<sup>st</sup> and that they feel that he will go back to drawing board in dealing with the restructuring, and that hopefully will come up with a plan more acceptable. In relation to the budget it looks like there may be an indication that they may be starting to hire a few new folks.

- (7) Robin Vonstolly, Victim Witness Program
- (8) Joe Hirtz, West Point Fire and Rescue
- (9) John Relick, Managing Attorney, Rappahannock Legal Service (handles civil cases)

## **DISCUSSION OF SCHOOL BONDS 1991-1994 (MR. MILBY)**

Mr. Milby asked that this issue be tabled in order for him to review additional information received tonight from Finance Director Mrs. Gunn. Mr. Milby noted that she has found that at least one of the bonds can possibly be paid off early, and if so, it looks like approximately \$15,000 in savings.

## **COUNTY ADMINISTRATOR'S COMMENTS**

County Administrator Thomas Swartzwelder provided an update to the Board on the following:  
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(1) Advised that the Board needs to set a public hearing on the following for the April 11<sup>th</sup> meeting of the Board:

(A) Redistricting: Advised that posting of the proposed redistricting maps will be posted at the Library, Airport, as well as here at the Courthouse, which is already posted outside the Courtroom doors .

(B) The transfer of 1.13 acres of land to Carroll Lee Walker (Marriott School) 501C3 and during their title work, the schools never surplused it back to school and they have now taken necessary action.

(C) Capital Improvement Plan, last year the Board decided to do it for 1 year, and we need to do that again this year.

(D) Fire and EMS paid services

**REQUEST FOR PUBLIC HEARING ON REDISTRICTING, TRANSFER OF 1.13 ACRES OF LAND – CARROLL LEE WALKER, CAPITAL IMPROVEMENT PLAN AND PROPOSED FIRE AND EMS PAID SERVICES**

A motion was made by Ms. Alsop and seconded by Mr. McDuff to hold a public hearing on the listed items above, at the regular meeting of the Board to be held on Monday, April 11, 2011.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

(2) Advised the Board that the Mattaponi Pamunkey Clean River Day is approaching and that they are requesting a contribution. In the past we have contributed \$1,500.00.

A motion was made by Ms. Alsop and seconded by Mr. McDuff to approve a contribution in the amount of \$1,000.00.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

Mr. Swartzwelder reminded the Board that we need to recess and reconvene from this meeting tonight, until the March 21<sup>st</sup> meeting.

## **BOARD OF SUPERVISORS COMMENTS**

Mr. Milby had the following comments:

- Thanked everyone for coming out, expressed we had some good speakers tonight and hoped everyone would have a safe trip tonight.
- Advised that in looking at his blackberry, there has been another explosion in Japan, please keep those people in your thoughts and prayers.

Ms. Alsop had the following comments:

- Thanked everyone for attending.
- Expressed that she is really enthused about the Resource Council being formed by Social Services
- Reminded and invited everyone that the Rescue Squad in Newtown is having its annual parade the 1<sup>st</sup> Saturday in May, and recognized the Captain of Upper King and Queen Rescue, of whom was in attendance at the meeting.
- Commented that she guesses it is worth a try on the “paid services”. Upper King and Queen Rescue Squad has some of the best EMT’s and Volunteers in the County. They do more than get up in the middle of the night and go on runs. They pay for their uniforms and their training. Ms. Alsop further commented that she hopes that citizens will not lose their willingness to volunteer.

Mr. McDuff had the following comments:

- Commented that he spoke with Mrs. Morris before the meeting today and that she was recovering well. Please keep her in your thoughts and prayers.
- Thanked everyone for coming.

Mr. Simpkins had the following comments;

- Expressed his condolences to Mr. McDuff and his wife in the loss of his father-in-law
- Wished Mr. McDuff well in his scheduled medical issue
- Thanked those that came out
- Advised that he has received information relating to the district of little league and that King and Queen is in King William’s District. A group of citizens play in Essex and because we are in King William’s district, those will not be allowed to play in Essex. Mr. Simpkins further advised that this issue has been repealed and it is interesting to see where this leads.
- Thanked everyone for coming once again and wishes everyone a safe trip home.
- Expressed concern of the closeness of 2 power plants and where citizens will go and to what level we should provide emergency shelter and services, asking that the Board keep this in mind.

**IT IS ORDERED THAT THIS BOARD RECESS AND RECONVENE UNTIL MONDAY,  
MARCH 21, 2011**

A motion was made by Mr. McDuff and seconded by Ms. Alsop to recess and reconvene on Monday, March 21, 2011 at 6:00 P.M., for the purpose of meeting with the Constitutional Officers and at 7:00 P.M., with the Schools relating to their proposed budgets.

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

NAYS: NONE

NOT PRESENT: MRS. MORRIS

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J. Lawrence Simpkins, Chairman

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Thomas J. Swartzwelder, Clerk