

King and Queen County
Board of Supervisors Regular Meeting

Monday, April 9, 2012

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 Alsop called the 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 FEBRUARY 27, 2012, MARCH 12TH AND MARCH 19TH, 2012 MINUTES OF THE BOARD

A motion was made by Mrs. Morris and seconded by Mr. Simpkins to approve the February 27th, March 12th and March 19th, 2012 minutes of the Board.

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

APPROVAL AND SIGNING OF THE APRIL 2012 WARRANTS AND APPROPRIATIONS

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to approve the warrants and appropriations for the month of April, 2012, subject to audit.

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

BUDGET AMENDMENTS

Sheriffs Department: Budget Supplement - \$825.00

In the FY 12 Budget, \$12,500 was approved for a federal highway safety grant. The total received was \$13,325. The Sheriff is asking that the additional \$825.00 be reflected in his budget.

A motion was made by Mrs. Morris and seconded by Mr. Simpkins to approve the \$825.00 budget supplement.

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

NAYS: J. M. MILBY, JR.

Sheriffs Department – Budget Transfer - \$2,870.00

The Sheriff is requesting that \$2,870.00 be transferred from Animal Control (Convention & Education, Printing of tags and Advertising) to the Sheriffs fuel budget.

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to approve the \$2,870.00 budget transfer from Animal Control to Sheriff.

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

NAYS: NONE

Rescue Squads – Budget Supplement - \$7,993.61

Four for Life Grant funds were received in June 2011 and have not been disbursed to the Rescue Squads. Since the funds were not expended by June 30, 2011 they were returned back to the General Fund balance.

In order to disburse to the rescue squads, a supplemental appropriation from the fund balance must be made.

A motion was made by Mr. Milby and seconded by Mr. Bailey to approve the budget supplement in the amount of \$7,993.61.

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

NAYS: NONE

PUBLIC COMMENT PERIOD

Chairman Alsop opened the public comment period, asking that each one who wishes to speak to please come forward, stating their name and district they reside in and that they limit their comments to three (3) minutes.

Floor was open for public comment:

Hal Stuart, Newtown District, questioned why Mr. Milby said “no” to a budget amendment that the Sheriff was requesting. Mr. Stuart was advised that Public Comment Period is for comments not for questions. Mr. Stuart replied that he just wanted the Board to say they do not answer questions during this time.

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

DEPARTMENT HEADS AND SCHOOL SUPERINTENDENT’S REPORTS

Treasurer Irene Longest with report already in packet, was present advising of the 2nd set of Real Estate and Personal Property letters going out, that they had 672 DMV stops, and 105 parcels were turned over for possible tax sales. Ms. Longest further advised that wage and tax liens will start May 1st.

Commissioner of the Revenue Helen Longest advised that her office received 87 Real Estate Tax Credit applications and that they will be out in the field next week picking up new construction.

Commonwealth’s Attorney Charles Adkins expressed his appreciation for the Sympathy’s shown by the Board and County Employees in the passing of his father.

- ❖ Mr. Adkins further advised of 43 indictments and that a preliminary hearing is scheduled for May 10th on those to include B & E’s.
- ❖ Advised that he will be in King William County filling in for their Commonwealth’s Attorney for a couple of days and anticipates that the next few months will be very busy.

Sheriff Charboneau advised that his office has processed a lot of paperwork along with another big drug bust. Sheriff Charboneau further advised:

- ❖ That 229 civil papers were processed, 30 arrest were made, a number of traffic summons were issued.
- ❖ Advised that one of the deputies ran off the road due to fatigue .

Mr. Milby questioned if a report has been received from the insurance company advising whether the vehicle was totaled or not and how many miles the vehicle had.

Sheriff Charboneau advised that we have not received anything definite, and that the total mileage was around 13,000 miles.

Ms. Also expressed that she was happy to see police officers up in the Newtown area and that she hopes that the Sheriff will be able to make it without asking for more money for fuel.

Clerk of the Circuit Court Debbie Longest was present, but had no report.

School Superintendent Charles Clare provided the following report:

- ❖ Enrollment as of March 31 was: K – 12, 725 students with 36 in the pre-K program. King and Queen Elementary had 234 students, Lawson Marriott had 213 students and Central High School had 278.
- ❖ Advised that the FY 13 budget was built on 720 students
- ❖ Shared information relating to the Virtual Academy for K- 7th grade in which they are negotiating adding an 8th grade program, and commented on Basic Aid tuition and Instruction involving SOL testing.

Social Services Director Betty Dougherty was not present.

VDOT – JOINT PUBLIC HEARING ON PROPOSED SIX-YEAR SECONDARY ROAD PLAN AND BUDGET

VDOT representatives Joyce McGowan and Susan Gardner were present for the purpose of holding a joint public hearing in accordance with Section 33.1-70.01 of the Code of Virginia. The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2013 through 2018 in King and Queen County and on the Secondary System Construction Budget for Fiscal Year 2012/13.

Board Member Doris Morris expressed concern of Timber Branch Road (Dragonville Bridge) and the need for repair, as vehicles need to come to a complete stop before crossing the bridge.

Chairman Alsop expressed concern of the potholes on Rt. 625 near Moore Foggs Farm, and that the Caroline side has been fixed.

The Board was also advised by VDOT of resurfacing projects in the County and the following paved and unpaved road projects.

Paved roads: Rt. 634 to intersection of Rt. 636

Unpaved roads: Rt. 601 Cherry Row Lane

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

Mrs. Morris expressed that she suggests that Lilly Pond road be placed on the priority list.

Ms. Alsop also expressed that she would like to keep Vessels Road on the list as the 1st priority.

Mr. Milby expressed that he was glad to hear that Rt. 33 was going to be resurfaced and that Cherry Row Lane would be included in the unpaved roads.

After further discussion, a motion was made by Mr. Milby and seconded by Mrs. Morris to accept the following resolution submitted by VDOT for approval:

**RESOLUTION
SECONDARY SIX YEAR ROAD PLAN**

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2012/2013 through 2017/18) as well as the Construction Priority List (2012/13) on April 9, 2012 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Joyce McGowan and Susan Gardner, representatives from the Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2012/13 through 2017/18) and the Construction Priority List (2012/13) for King and Queen County, with the following priority of routes added;

Priority 1, RTE 652 Vessels Road

Priority 2, RTE 612 Lily Pond Rd.

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in King and Queen County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2012/13 through 2017/18) and Construction Priority List (2012/13) are hereby approved as presented at the public hearing.

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

NAYS: NONE

PUBLIC HEARING – MIDDLE PENINSULA REGIONAL AIRPORT (FULCRUM CONCEPTS, LLC) CUP 12-01 AND SP-12-01 LEVEL 3 SITE PLAN AMENDMENTS

County Administrator Thomas Swartzwelder provided a brief synopsis of the request submitted by Fulcrum Concepts, LLC and commented that they would not be conducting flying operations. Mr. Swartzwelder advised that the Planning Commission held a public hearing on March 5th to consider a Conditional Use Permit and Level 3 Site Plan amendment submitted by Fulcrum Concepts, LLC. The proposed request is asking for approval to construct an office building and hangar at the Middle Peninsula Regional Airport on County Tax Map Parcel No. 1623-165R-565. The site is located off of Rt. 643, Airport Road, in the Buena Vista District.

The Planning Commission voted to approve the Conditional Use Permit amendment and Level 3 site plan amendment with the condition that the water and sewage facilities are approved by the Virginia Department of Health prior to the start of construction, and the Planning Commission is requesting that the Board of Supervisors hold a public hearing accepting their recommendation of approval.

Fulcrum Concepts LLC, is a veteran-owned small business that provides a full spectrum of integrated solutions to customers with unique tactical requirements. The company will provide aircraft integration of specialized weaponry and avionics as well as maintenance operations. They will also provide tactical ISR (intelligence, surveillance and reconnaissance) training for both military and civilian special operations personnel.

County Administrator Thomas Swartzwelder provided proof of publication being advertised March 21st and 28th, 2012 in the Rappahannock Times and March 21st in the Country Courier.

Owners and representatives from Fulcrum LLC, Stanley Wood, Scott Richmon, Mike Zianni and Dan Franco were present to answer questions and to thank the staff for great customer service.

Stanley Wood advised that Fulcrum will provide aircraft tactical training/military training, with approximately 32 personnel and was looking forward to breaking ground on 10.5 acres leased from the Airport. Mr. Wood respectfully asked that the Board of Supervisors approve their application.

Chairman Alsop opened the public comment period and asked that each one wishing to speak to please come forward, stating their name and district that they reside and limiting their comments to three (3) minutes.

Hal Stewart, Newtown District, questioned concerns of weapons function and storage, as well as did the Board realize that there is going to be a real estate disclosure.

Steven Imsande, Stevensville District, questioned the actual number of contracts to bring work this way and if they were long term.

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

Mrs. Morris expressed that she was glad that Fulcrum LLC has taken an interest in King and Queen County and would welcome them.

A motion was made by Mr. Milby and seconded by Mrs. Morris to accept the recommendation of the Planning Commission approving CU12-01 and SP12-01 with the condition that the water and sewage facilities are approved by the Virginia Department of Health prior to the start of construction.

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

Chairman Alsop welcomed Fulcrum LLC to King and Queen County.

PUBLIC HEARING ON PROPOSED FY13 OVER-ALL COUNTY BUDGET AND TAX RATES FOR 2012

County Administrator Thomas Swartzwelder advised that advertisement of public hearing was made in the Rappahannock Times and Tidewater Review on March 28th, and also in the Country Courier . Mr. Swartzwelder further advised that the proposed budget is based on a six (6 cent) tax increase, and that the Board has to wait at least 7 days before adoption of such.

The floor was open for public comment:

Charles Clare, Superintendent of Schools was present on behalf of the School Board. Mr. Clare commented that State and Federal funding has been cut by more than \$350,000 and their increase is largely due to VRS. Over the past 4 years, they have suffered the loss of 28 positions, with 13 being teachers. Mr. Clare expressed appreciation for whatever the Board can do for the Schools.

Betty Simms, Staff Member at Feed More Central Food Bank and also Pastor of Mizpah Methodist Church in Walkerton was present asking for the Boards support by way of contribution. Ms. Simms advised that 101,640 lbs of food has been distributed with a value of \$162,625. Ms. Simms further expressed that they welcome volunteers and encourages them to help distribute food to King and Queen citizens. The next date will be June 6th from 12:15 – 1:45 P.M. Ms. Simms thanked the Board for their support.

Hal Stuart, Newtown District, expressed that he was against the 3 positions held by Mr. Swartzwelder in an amount of \$225,000.00 for his services, that the Governor, Supreme Court Justice as well as others make less than Mr. Swartzwelder. Mr. Stuart further expressed that there is a loss of trust, authority in the day to day operations. We are not going to be get them from one person. Mr. Stuart further expressed that there are needs in the Sheriffs Department and also referred to those that are requesting tax relief through the Commissioners' Office. Mr. Stuart asked that the Board reconsider Mr. Swartzwelders' position and his day to day authority.

Anne Marie Voight, Stevensville District, expressed her support of Mr. Swartzwelder's position and that it was invaluable in having a County Attorney leading the County. Ms. Voight further expressed that she is very impressed of the ideas and pride that he has brought before the County, and felt that the money is well spent. Mrs. Voight thanked the Board for having Mr. Swartzwelder as the County continues to move forward.

Steven Imsande, Stevensville resident, expressed that he understands the needs of the Schools, but asked that the Board bear in mind that he suffers as well as others in the County due to economic times and asked that the Board consider the citizens.

Cindy Johnson, St. Stephens Church, asked that the Board revisit the Reassessment as she feels that there is a lot of loss revenue, expressing that there is waterfront property with no site value, there is property that reflects homes and without. Ms. Johnson further expressed concern of loss in revenue from BFI/Ingenco and whether a copy has been received of the contract.

Mr. Swartzwelder asked if Ms. Johnson could provide copies of property cards so that they could take a look at it.

After hearing all comments, the public comment period on the proposed FY13 Budget and Tax Rates was closed.

Citizens were advised that it was the Boards intent to adopt the FY13 Budget and set the tax rates for 2012 at the regular schedule workshop meeting of the Board to be held on Monday, April 23, 2012 at 7:00 P.M.

APPOINTMENTS/REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Planning Commission - Newtown District (to replace Donna Thompson. Term expires January 12, 2015)

Tabled

Wetlands Board - Newtown District (to replace Ms. Gaines – term to expire January 12, 2015)

A motion was made by Ms. Alsop and seconded by Mr. Milby to appoint Mr. William Sims, 9848 Newtown Road, Newtown, Virginia 23126 to serve the unexpired term of Ms. Gaines. Term to expire January 12, 2015.

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

COUNTY ADMINISTRATORS' COMMENTS

Thomas Swartzwelder provided the following update:

- ❖ Advised that he was invited by Ms. Dougherty in Social Services to attend the Resource Council meeting, advising that they are a very diverse and energetic group
- ❖ Provided an update on broadband and the continued interest of citizens wanting it to come into the County.
- ❖ Advised that King William is again interested in coming on our system
- ❖ Advised that Lower Rescue is now online 24/7. They are an amazing accomplishment as they have put together one of the largest EMT's in the area. Mr. Swartzwelder further advised that Lower Fire and Rescue expressed their thanks to the Board for all their support.
- ❖ Advised of the budget meeting schedule and asked if the Board felt they needed to meet again before the regular scheduled meeting on April 23rd, since the state has not adopted a budget as of this date.

Consensus of the Board to meet on the 16th as approved in the meeting schedule for further budget discussions at 7:00 P.M.

BOARD OF SUPERVISORS COMMENTS

Mr. Bailey had the following comments:

- ❖ Thanked everyone for attending and for opinions and comments made, that they do matter to the Board.
- ❖ Expressed appreciation to Lower Rescue Squad for their establishment of a 1st class operation, that he was very impressed when meeting with them.
- ❖ Expressed wishes that everyone have a safe trip home.

Mrs. Morris had the following comments:

- ❖ Thanked everyone for coming out to the meeting, and that the Board appreciates comments received
- ❖ Expressed her appreciation to Lower Rescue and what they have done to get coverage in the County.

Mr. Simpkins had the following comments:

- ❖ Thanked everyone for coming out to the meeting
- ❖ Advised that the Grand Opening of the Pamunkey Regional Library would be held on Saturday April 14th at 10:00 a.m., and hoped that everyone could attend
- ❖ Expressed that raising taxes is not something that the Board wants to do, but there are core responsibilities that are needed that require some increase which was unavoidable and he hopes they can come in with less than a six (6) cent increase.

- ❖ Wished everyone a safe trip home

Mr. Milby had the following comments:

- ❖ Thanked everyone for coming out
- ❖ Expressed that there are differences of opinion on issues, where everyone does not agree.
- ❖ Advised that the budget increase is basically due do to VRS being shifted to the localities.
- ❖ Welcomed Fulcrum Concepts into the County
- ❖ Expressed his appreciation to Lower Fire and Rescue
- ❖ Expressed his appreciation for all Mr. Swartzwelder does and for all the committees that he serves on.
- ❖ Advised that there was a boating accident on the York River
- ❖ Advised that Easter Weekend he received several phone calls about ITI shooting and provided a copy of original condition use permit which reflects what the hours of shooting are being weekdays from 9:00 a.m. – 5:00 p.m. Mr. Milby commented that the phones calls were advising of shooting on Saturday.

Ms. Alsop had the following comments:

- ❖ Noted that Saturday, April 14th was the Grand Opening of the new library and thanked Carroll Lee Walker for what he has done in the renovation of old Marriott School. The building is fantastic, a real show piece, a building that all King and Queen will be able to use.
- ❖ Expressed that she was happy about Lower King and Queen Rescue. As someone who serves on EMS, she felt it was great. Volunteers are needed. Newtown is seeing a very aging population and that anything that can be done in the way of volunteering, to please do so.
- ❖ Expressed that the Board tries to give time to everyone to speak and express their concerns. If citizens have a question, to give it to the County Administrator and he will try to answer. As far as copies of documents, if there are a lot of pages you will have to pay for them.

INTERNATIONAL TRAINING (ITI) DISCUSSION

Mr. Milby advised that the County has worked with ITI for 18 months and were told repeatedly that they would abide by what was approved. Mr. Milby expressed that they are not showing respect for the County and that the County needs to draw the line and that some action at this point should be taken, asking the County Attorney as to what course the Board should take.

Mr. Swartzwelder commented that there are several options that the Board could take. The Board could send another letter to ITI, of which ITI has received 5 or 6 notifications from the Planning Department already on violations, send a 10 day compliance letter, apply an injunction with Circuit Court Judge Hoover, and the Board could hold a public hearing to revoke the conditional use permit.

Ms. Alsop expressed that she did not see the need for another letter to be sent and felt that legal action should be taken, suggesting filing an injunction.

Mr. Milby expressed that he also felt that a court injunction should be made in the strongest terms or hold a public hearing next month to revoke the conditional use permit.

County Attorney Thomas Swartzwelder expressed that he felt the way to do it would be to go thru the Courts insisting that they come into compliance. Revoking their conditional use permit was a drastic move.

Commonwealths' Attorney Charles Adkins agreed that the right way would be going through the courts seeking an injunction. If the County Attorney can get the Court order ready, that he believes the next Circuit Court would be on May 17th at which time he could step in.

A motion was made by Mr. Milby and seconded by Mr. Bailey asking that the County Attorney work on a court injunction against ITI relating to weekend and night firing.

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

IT IS ORDERED THAT THE BOARD RECESS TO RECONVENE ON MONDAY, APRIL 16TH, 2012 AT 7:00 P.M. FOR CONTINUED WORKSHOP ON THE PROPOSED FY 13 BUDGET.

Sherrin C. Alsop, Chairman

K. Diane Gaber, Deputy Clerk