

King and Queen County Board of Supervisors Meeting

King and Queen County Courts and Administration Building  
General District Courtroom

Monday, June 9, 2014  
7:00 P.M.

“Minutes of the Meeting”

Chairman Bailey called the meeting to order

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

Mr. Simpkins commented that the Supreme Court had a ruling that it was ok for the Board to have prayer, however, there are still a few guidelines and have been advised by Council to not ask everyone to stand, as that singles out those that may wish not to stand. Mr. Simpkins further expressed that he was going to stand and the citizens present can do what they want to do.

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

**APPROVAL AND SIGNING OF THE APRIL 28, 2014 AND MAY 12, 2014 MINUTES OF THE BOARD**

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

AYES: R. F. BAILEY, JR., J. L. SIMPKINS, S. C. ALSOP, D. H. MORRIS  
NAYS: NONE  
ABSTAINED: J. M. MILBY, JR. (Was not present at either of the meetings)

**APPROVAL AND SIGNING OF THE JUNE 2014 WARRANTS AND APPROPRIATIONS**

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to approve the June 2014 Warrants and Appropriations, subject to audit.

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

**PUBLIC COMMENT PERIOD**

Mr. Bailey asked that if anyone was present to speak at the 2 public hearings to hold their comments until that time.

Joshua Pate, Shanghai District and member of Lower King and Queen Fire Department, was present to address some concerns that he had expressing that they were in attendance at the Grand Opening for the Farmers Market and that they did not receive a thank you for being there. Mr. Pate further advised that he has had more than one law enforcement officer tell him that they are having problems paying for their windshield wipers and tires being put on their cars expressing that money needs to be provided to them, as they are providing a safety to the citizens. Mr. Pate asked that in the future that the Board seek to provide more consideration to those that are providing safety to our community.

Mr. Milby questioned as to whom the individuals were that made statements concerning the tires and windshield wipers. Mr. Pate declined to advise.

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

## **SOCIAL SERVICES AND SCHOOL SUPERINTENDANTS REPORTS**

Superintendent Dr. Jones was present providing an update, advising:

- That the School Board adopted the proposed FY15 at its Special Work Session on June 5, 2014.
- Reductions in staffing for FY15 budget include 6 teaching positions, 3 paraprofessional positions, 1 custodial position, retired debt service and reduction in technology subscription services.
- Advised that Central High School Commencement would be on Friday, June 13, 2014 at 6:00 P.M.
- That the School Board would be holding a joint meeting with the Board of Supervisors on June 23, 2014.
- Advised of reimbursement request with the Department of Education and anticipation of receiving funds by June 30, 2014.

Mrs. Morris questioned if all reimbursements have been requested.

County Administrator Thomas Swartzwelder advised that the schools made their 4<sup>th</sup> quarter request and the Board took action on that with about \$700,000 less than the request. At that time they advised that they had overshot their ADM. In just receiving the numbers from the Schools and based on what the Board originally budgeted to the Schools and what has already been appropriated, there is \$263,097 left from our budget to appropriate. Mr. Swartzwelder advised the Board that the Schools adopted a completely different budget. Their budget is saying that there is \$557,720 left to be appropriated and we know that it not correct as the original budget was off by at least \$227,000 as that is the amount the Schools gave that they are going to seek

reimbursement for. Mr. Swartzwelder further commented that they are fairly confident that there is \$263,097 to appropriate which would put the Board at what was budgeted. The Superintendent of Schools feels that they will receive more state funds than what we budgeted, which would be an additional \$294,000. The \$263,097 would be out of final appropriation and the Board has committed to cover the school furlough days if they pulled some weight on their end, which would be another \$120,000 of which would be a budget amendment from the school fund in their budget.

Mr. Swartzwelder advised that there are a couple of options, which is to fund the whole thing or do nothing and hold a joint workshop to work it all out, or the third option would be to appropriate the \$263,097 that we know is still under our budget, appropriate the \$120,000 for the furlough that the Board promised and recess and reconvene on the 23<sup>rd</sup> with a hard figure which that additional amount should be appropriated.

## **SOCIAL SERVICES – BETTY DOUGHERTY**

Director of Social Services Betty Dougherty provided a report on the following:

- Advised that a review of the Supplemental Nutrition Assistance Employment and Training or SNAPET program was monitored in May of the financial and program records. All records reviewed were found to be correct and in compliance with Federal Regulations and State policies that govern the grant.
- Advised that they have 3 new foster children, bringing a total of 4 children in care.
- Advised that Cooling Assistance begins June 15 and ends August 15 and shared qualifications required to receive assistance.
- Advised that effective September 2, 2014 the Social Services Board voted to change their office hours from 8:30 a.m. – 4:30 p.m. to 9:00 a.m. – 5:00 a.m.

## **PUBLIC HEARING**

### **(A)ZONING TEXT AMENDMENT ZA-14-01, ARTICLE 4, TABLE 4.11 PERMITTED USES TO ALLOW FOR LIVESTOCK IN THE RESIDENTIAL SINGLE-FAMILY ZONING DISTRICT – REQUEST MADE BY JOSEPH LEE OLD**

Chairman Bailey opened the public hearing.

Jennifer Powell and Joe Old, father of Jennifer, were present to answer any questions of concern and advising that they wanted to put horses on their property.

County Administrator Thomas Swartzwelder commented that the Zoning Text Amendment would allow all livestock, per recommendation of the Planning Commission.

Mr. Simpkins expressed concern of problems that could arise in subdivisions, mentioning Pebble Beach and Rivers Reach, and that if the Board limits it just for horses he could deal with it.

Mr. Milby expressed that King and Queen County was an agricultural county and that he could not support telling citizens that they cannot put chickens or horses on 10 acres of land. If you are going to put 2500 chickens, that is a different issue.

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

A motion was made by Ms. Alsop and seconded by Mrs. Morris to accept the recommendation of the Planning Commission approving the Zoning Text Amendment with a minimum 10 acre lot size requirement and that it be approved by Conditional Use Permit.

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

NAYS: J. L. SIMPKINS

**(B) AN ORDINANCE TO AMEND AND RE-ENACT A PREVIOUSLY ADOPTED ORDINANCE ESTABLISHING AN ANNUAL SALARY OF \$4,000.00 FOR EACH MEMBER OF THE KING AND QUEEN COUNTY BOARD OF SUPERVISORS FOR THE 2014-2015 FISCAL YEAR (NO INCREASE).**

Chairman Bailey opened a public hearing on “An Ordinance to amend and re-enact a previously adopted Ordinance establishing an annual salary of \$4,000 for each Member of the King and Queen County Board of Supervisors for the 2014-2015 Fiscal Year” with no increase.

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

Ms. Alsop commented that in her 15 years on the Board, the Board has received 1 increase and all travel is paid by her and she does not ask for a reimbursement. Ms. Alsop further commented that other Boards are receiving larger salaries and benefits.

A motion was made by Ms. Alsop and seconded by Mrs. Morris to approve the following Ordinance setting the Annual Salary of the Board for 2014-2015 at \$4,000.00 (No Increase).

**AN ORDINANCE TO AMEND AND RE-ENACT A PREVIOUSLY ADOPTED ORDINANCE ESTABLISHING AN ANNUAL SALARY OF \$4,000.00 FOR EACH MEMBER OF THE KING AND QUEEN COUNTY BOARD OF SUPERVISORS FOR THE 2014-2015 FISCAL YEAR**

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

ARTICLE I

In accordance with §15.2-1414.3 of the Code of Virginia, that for the fiscal year 2014-2015, each member of the Board of Supervisors of King and Queen County shall be paid an annual salary of \$4,000.00 as compensation for serving as a member of the Board. A proportionate amount of the salary shall be paid monthly. Any ordinances establishing such salaries for prior years are hereby repealed.

ARTILE II

This ordinance shall take effect on July 1, 2014.

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

NAYS: NONE

**BUDGET AMENDMENTS**

**SCHOOLS – BUDGET AMENDMENT - \$82,640.00 – DEBT SERVICE PAYMENT**

**SCHOOLS – BUDGET AMENDMENT - \$353,507.38 – CARRY OVER MONEY FOR 21<sup>ST</sup> CENTURY GRANTS AND SCHOOL IMPROVEMENT REIMBURSEMENTS SUBMITTED (PASS THRU)**

The Board was advised that the budget amendment in the amount of \$82,640 is the final debt service payment on the last remaining school bond to the current fiscal year from the General Fund rather than the FY15 budget of the School Fund.

A motion was made by Mr. Milby and seconded by Ms. Alsop to approve the budget amendment in the amount of \$82,640.00 paying off the final school debt service payment.

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

NAYS: NONE

A motion was made by Ms. Alsop and seconded by Mr. Milby to approve a budget amendment in the amount of \$353,507.38 (pass-thru) for the 21<sup>st</sup> Century Grant and School Improvement Grant.

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

NAYS: NONE

Mr. Simpkins asked that the “Simpkins Report” be provided before the end of the year.  
SCHOOL FURLOUGH DAYS AND FINAL APPROPRIATION OF \$263,097.00

County Administrator Thomas Swartzwelder advised that the Board would be moving \$120,000 to cover the furlough days from the School Maintenance Fund, amending the schools fund and the \$263,097 would be the final appropriation pending additional information received at the June 23<sup>rd</sup> meeting with the School Board.

A motion was made by Mrs. Morris and seconded by Ms. Alsop that \$120,000 come from the School Maintenance Fund and that \$263,097 be the final appropriation pending additional information received by June 23<sup>rd</sup>.

Mr. Milby expressed concern, advising that this was his 7<sup>th</sup> year on the Board and he has never seen the problems with the school board budget as this year and asked for some type of commitment from the School Board that this is not going to happen again and does not know how the Board is going to get that. Mr. Milby further expressed that the County has just been cut \$2.5 million by our primary and biggest source of revenue and the Board takes it very seriously as it has happened at a bad time. Mr. Milby further expressed that he would like to see a new relationship between our Board and the School Board.

Mr. Milby and Mrs. Morris expressed that the School Board needs to understand what is going on. Mrs. Morris further commented that the School Board needs to show commitment and not leave everything up to the Superintendent. Everyone needs to be held accountable.

Ms. Alsop expressed that at the last meeting she was very upset in the fact that everyone was going to have a field day with this. The Board of Supervisors has worked very hard to make King and Queen creditable to show that this is the way you need to go and then we have someone attend a class and an article is out there concerning an error that the Schools made being used as a teaching mechanism. Ms. Alsop expressed with deep concern that the School Board makes sure that this does not happen anymore, as the rest of the County is working hard to uplift our image. The School Board needs to work closely together and hopes this will help work out the uneasiness. We need to promote the good things in King and Queen and excel.

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

## **VRS RESOLUTION – EMPLOYER CONTRIBUTION RATE BEGINNING JULY 1, 2014**

County Administrator Thomas Swartzwelder advised that the Board needs to adopt a Resolution as supplied by VRS by July 1, 2014. Employer Contribution Rate options for the defined benefit retirement plan in the biennium is: 9.74% - the rate certified by the VRS Board of Trustees for the 2015-2016 biennium, or 8.90%, being the alternate rate, which is the higher of the current rate certified by the VRS Board for FY12 or 80% of the VRS Board – certified rate for 2014-2015.

Mr. Swartzwelder recommended that the Board choose the Certified Rate of 9.74%, like we always have. There is no benefit in rolling dice with the state, when you will have to make it up eventually. Mr. Swartzwelder also advised that the discounted rate (alternate rate) would show as a liability in the audit.

A motion was made by Mr. Simpkins and seconded by Ms. Alsop to adopt the following resolution adopting the certified rate of 9.74% by the Virginia Retirement System.

## **Resolution**

BE IT RESOLVED, that the County of King and Queen, Employer Code 55149 does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED that the County of King and Queen, Employer Code 55149 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

**(Check only one box)**

The Certified Rate of 9.74%                       The Alternate Rate of \_\_\_\_\_%; and

BE IT ALSO RESOLVED, that the County of King and Queen, Employer Code 55149 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of King and Queen County, Employer Code 55149 are hereby authorized and directed in the name of the County of King and Queen to carry out the provisions of this resolution, and said officers of the County of King and Queen are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the County of King and Queen for this purpose.

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

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

**Board of Zoning Appeals** – (5 year appointment)

**Stevensville District** – TABLED (filling Mr. Wyatt’s place)

**Social Services Board** - (4 year term)

**Buena Vista District** –

A motion was made by Mr. Milby and seconded by Ms. Alsop reappointing Mrs. Cheryl Shine, 2801 Stratton Major Road, Shackelfords, Virginia for a 4 year term on the Social Services Board representing the Buena Vista District. Term expires June 30, 2018.

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

**Planning Commission** –

**Stevensville District** - TABLED (filling Mr. Herrin’s unexpired term 1.12.16)

**Middle Peninsula Juvenile Detention Commission** – (4 year terms)

A motion was made by Ms. Alsop and seconded by Mrs. Morris reappointing Mr. Thomas Swartzwelder and Mr. Charles Adkins to the Middle Peninsula Juvenile Detention Commission for 4 year terms. Term to expire June 30, 2018.

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

**STATE BUDGET ISSUE**

County Administrator Thomas Swartzwelder advised that the State still has not adopted a Budget and feels that they will by the end of the fiscal year; however the Board needs to be prepared in case there is not a state budget. Mr. Swartzwelder advised of possible scenarios that the Board may want to consider should there not be a state budget that involves Social Services, Schools and Constitutional Officer’s offices relating to funding. Mr. Swartzwelder suggested that the Board meet on Monday, June 30<sup>th</sup> at 7:00 P.M. and will cancel if the state adopts a budget.

Mr. Milby expressed the importance of having a fund balance report and the “Simpkins Report” prior to the 30<sup>th</sup>.

After discussion of concerns, a motion was made by Mrs. Morris and seconded by Ms. Alsop to hold a Special Called Meeting on Monday, June 30, 2014 at 7:00 P.M.

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

### **COUNTY ADMINISTRATOR'S COMMENTS**

County Administrator Thomas Swartzwelder provided the following report:

- Advised that in the budget, the Board agreed to go ahead and accelerate the County Debt. The payoff will be the first week of July, and if the Board is thinking differently we need to stop the paperwork. By paying off the debt it will save \$70,000.

It was the consensus of the Board to move forward with payment.

- Advised that the Insurance Company totaled one of the Police Cars. The deputy did not total the car and the mechanic fixed the car based on the insurance adjuster report. The radiator was broken and the adjuster failed to put that on his report. When the deputy picked up the vehicle and drove it, it ruined the vehicle. We will be getting \$10,000 to puts toward a vehicle. The carrier sent the vehicle to the particular dealership.

Mr. Swartzwelder advised that the Sheriff believes that he can do without another vehicle.

- Advised that the Board decided that they wanted to replace the Board's computers and questioned if the Board still wants to do that.
- Advised that in the July Issue of the Virginia Business Magazine there will be an article on King and Queen County Broadband.

### **BOARD OF SUPERVISORS COMMENTS**

Mrs. Morris had the following comments:

- Thanked everyone for coming out and staying for the meeting
- Provided an update on Quinn Rivers issue and where they stand, that the forensic audit is still taking place
- Expressed that she looks forward to seeing everyone at the next meeting

Ms. Alsop had the following comments:

- Thanked everyone for coming
- The State does not have a budget yet, and it is going to be hard, but we are going to get thru it
- Advised that this month is her last month as Chairman of the MPPDC. Vice-Chairman Bud Smith will be the Chairman and OJ Coles will be Treasurer.

- Advised that the Library Board will be coming to the Board for a person to be placed on that Board and hopes that we will find a citizen to serve. Ms. Alsop advised that she has been serving, but asked that the Board start looking for someone to replace her.
- Expressed to the EMS person that spoke during public comment period, commenting that she was in attendance at the Farmer's Market and knows how important EMS is and expressed that we are thankful for our fire and rescue people and apologized for not saying something. Ms. Alsop further expressed the need and asked that citizens volunteer for both fire and rescue.
- Wished everyone a safe trip home

Mr. Milby had the following comments:

- Wished everyone a safe trip home and watch out for the deer
- Commented on an article relating to Closed Sessions, advising that it was interesting to read if you could get a copy of it.
- Congratulated the Track Team,
- Reminded everyone that Graduation was Friday at 6:00 P.M.
- Advised that there was a primary this week, and to go out and vote
- Expressed concern with a disconnect between the Planning Commission and the Board. He would have like to have had more time to study the issues before coming to the Board
- Thanked Mr. Swartzwelder and Mrs. Ammons for their hard work on the budget.
- Advised that a citizen was present tonight complaining that deputies need windshield wipers and tires and he would like for Mr. Swartzwelder to have a personal conversation with Sheriff Charboneau and find out who those deputies are, making sure they are identified, as he would like to know tomorrow, as it is important.
- Thanked for everyone for coming out and see everyone next month

Mr. Simpkins had the following comments:

- Advised that he attended the Grand Opening of the Farmers Market. It was a great day and thinks everyone that came enjoyed it and asking that citizens support the market. Mr. Simpkins further commented that he did not get an opportunity to get around and thank everyone that was there, but he did speak with the vendors and they were happy with the sales that they had that day.
- Attended a meeting with Middlesex about a Regional Communication Authority which will carry emergency radios and broadband. Mr. Simpkins was adamant that on the broadband side of things that each county should be able to make their own decisions and keep their own finances separate. As far as being able to get grants and helping offset some of our expenses, such as upgrading equipment, going the regional way would definitely be a benefit for us.
- Commented that he saw where there is a video on the fracking process and asked if the Board would be able to see it sometime. Mr. Swartzwelder commented he did not think they had actually sent them out yet.
- Wished everyone a safe trip home and see everyone next month.

- Welcomed the lady who was requesting the Zoning Text Amendment with open arms to King and Queen County, and that his comments were not meant for her personally and hopes her project is a success and works out for her.

Mr. Bailey had the following comments:

- Commented that he was also in attendance at the Farmers Market Grand Opening and thanked Mr. Simpkins and all those involved and Mr. Swartzwelder for putting on a great day.
- Advised that Graduation was this coming Friday and congratulations to all the graduates.
- Congratulated the Track Team, it was great, as King and Queen has struggled with athletics.
- Commented that he has had the benefit of getting a radio and listening to the deputies. The number of traffic stops that are made is unbelievable. Listening, he knows that EMS is responding and if you can volunteer to please do so, if you can do it.
- Commented that our staff works hard in everything they do and without staff the Board would be lost.
- Wished everyone a safe trip home.

**IT IS ORDERED THAT THE BOARD RECESS TO RECONVENE ON JUNE 23, 2014 WITH THE SCHOOLS**

A motion was made by Ms. Alsop and seconded by Mrs. Morris to recess and reconvene on Monday, June 23, 2014 at 7:00 P.M., for the purpose of meeting with the schools.

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

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R. F. Bailey, Jr., Chairman

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K. Diane Gaber, CMC, Deputy Clerk

