

King and Queen County
Board of Supervisors Regular Meeting

Monday, February 9, 2015
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. Mr. Bailey provided the invocation, followed by the Pledge of Allegiance to the Flag of the United States.

APPROVAL AND SIGNING OF THE JANUARY 12, 2015 MEETING MINUTES OF THE BOARD

A motion was made by Ms. Alsop and seconded by Mrs. Morris to approve the January 12, 2015 minutes. It is noted that there was no December 2014 workshop.

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

NAYS: NONE

ABSTAINED: J. M. MILBY, JR.

APPROVAL AND SIGNING OF THE FEBRUARY 2015 WARRANTS AND APPROPRIATIONS

A motion was made by Mrs. Morris and seconded by Ms. Alsop to approve the February 2015 Warrants and Appropriations, as subject to audit.

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

NAYS: NONE

APPROVAL OF STATE AND FEDERAL REVENUE RECEIVED DURING JANUARY FOR THE SCHOOL FUND - APPROPRIATION

A motion was made by Ms. Alsop and seconded by Mr. Bailey to approve the January state and federal funds received for the Schools in the total amount of \$527,587.78 (\$494,247.66 State and \$33,340.12 Federal).

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

PUBLIC COMMENT PERIOD

Chairman Simpkins asked that those who wish to speak to please come forward stating their name and district that they are from and to please limit their comments to 3 minutes.

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

PRESENTATION OF RESOLUTION TO THE HONORABLE THOMAS B. HOOVER, RETIRED JUDGE OF THE NINTH JUDICIAL CIRCUIT COURT.

Chairman Simpkins presented a Resolution of Recognition to the Honorable Thomas B. Hoover for his many years of service and commitment to the citizens of King and Queen County, congratulating him on his well-deserved retirement and best wishes in all his future endeavors.

PUBLIC HEARINGS

- (1) Joseph & Judith Old – RZ14-02, SP14-01 & CUP14-02**
- (2) David and Renee' Green – CUP14-01 and SP14-03**

Chairman Simpkins opened the Public Hearing. Thomas Swartzwelder, County Administrator provided background information and proof of publication of advertisement for public hearing, being in the Tidewater Review and Rappahannock Times the weeks of January 21st and 28th, 2015 and in one issue of the Country Courier.

- (1) Joseph & Judith Old – RZ14-02, SP14-01 & CUP14-02**

Joseph and Judith Old are requesting to rezone 15.63 acres from Agricultural (A) to Residential Single-Family (RS). They are also requesting approval of a new conditional use permit (11.65 acres) to allow for horses in the Residential Single-Family zoning district and Level 3 Site Plan (11.365 acre parcel & 3.98 acre parcel). The property is located at 1304 Elsom Mascot Road, in the Buena Vista Magisterial District.

The floor was open for public comment. Mr. Joe Old, and his daughter Jennifer Powell, along with Blair Wilson who did the site plan, were present to answer any questions of concern.

After hearing no comments from the public, the hearing was closed. A motion was made by Mr. Bailey and seconded by Mrs. Morris to accept the recommendation of the Planning Commission approving said requests, RZ14-02, SP14-02 and CUP14-02.

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

(2) David and Renee' Green – CUP14-01 AND SP14-03

David and Renee' Green are requesting approval of a new conditional use permit (6.05 acres) and Level 3 Site Plan (6.05 acres) in order to have horses (livestock) in the Rural Residential zoning district, located at 297 Rivers Edge Road, in the Newtown Magisterial District.

The floor was open for public hearing. County Administrator Thomas Swartzwelder provided background information and provided proof of publication being advertised in the Rappahannock Times and Tidewater Review for two weeks, January 21st and 28th, 2015 and in 1 issue of the Country Courier.

Mr. Robert Rodriguez, 331 Rivers Edge Road, Newtown, a neighbor of the Greene's was present expressing concerns relating to the horses, odor management, fly's and how the manure is going to be handled. Mr. Rodriguez asked that the Board make the best decision for the citizens of King and Queen County.

Mr. and Mrs. Greene were present to answer questions of concern and commented that before they bought the property consisting of 6 acres, they were told by the realtor that they could have horses. When they were approached by the County that they were in violation they immediately contacted the Zoning Office to file for a conditional use permit.

County Administrator Thomas Swartzwelder advised that the subdivision is the only rural zoned subdivision in the County and was not like a regular subdivision.

Donna Jennings with Hometown Realty was present, advising that she had reviewed the covenants and restrictions stating that horse trailers/buildings were allowed and the only restriction was swine, so she thought horses were allowed based on that.

Ms. Alsop comment that there is a problem relating to covenants, as it does not always meet what the County has in place. Ms. Alsop further commented that she felt that maybe Planning and Zoning needs to revisit to see the impact and effect on the environment.

Mr. Bailey commented that he does not see an issue with 3 horses on 6 acres.

After a lengthy discussion, a motion was made by Ms. Alsop and seconded by Mr. Bailey to accept the recommendation of the Planning Commission with suggested conditions, approving CUP14-01 and SP14-03. The following conditions are as follows:

- There shall be no more than 3 horses on the parcel
- 10 chickens may be permitted, as the applicant has requested, however they must be kept in an enclosed chicken coop and there shall be no roosters, geese, guinea fowls, turkeys and peafowl on said 6 acre parcel.

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

YORK RIVER STEWARDSHIP PROJECT – MICHAEL STEEN PRESENTATION

Michael Steen, Director of the Waterman’s Museum was present for the purpose of providing a presentation on the York River Stewardship Project, a regional eco-heritage education initiative of which the Stewardship program is taking responsibility for preserving our shared waterways. The project is primarily education driven. The goal is to raise awareness of regional history, cultural arts and ecology by working with students and the communities along the York River to promote stewardship of our shared Chesapeake Bay.

Mr. Steen further commented that they are asking representatives from the 5 counties and West Point to sign a request letter asking DCR to conduct a study. The Waterman’s Museum will cover the costs for conducting the study.

Chairman Simpkins thanked Mr. Steen for his presentation and that if the Board so chooses after further review, then the item can be put on the March agenda to be addressed.

SOCIAL SERVICES AND SCHOOL SUPERINTENDENT REPORTS

Dr. Stanley Jones, Superintendent of Schools, provided the following report:

- **The ADM as of January 31st, 2015 was 861, with the ADA being 825**
- **Advised of cafeteria staffing changes at the schools**
- **Advised that King and Queen Schools held its Kick-off meeting for their anticipated Energy Performance Contract on Monday, February 2, 2015. The goal is to significantly reduce energy costs through energy conservation or operational efficiency measures.**
- **Advised that it is anticipated that the state will provide additional revenue to KQCPS for FY15 as a result of the anticipated growth in the ADM. The FY15 budget was based on 790 students. It is anticipated that the ADM for March 31st will be 825 resulting in additional revenue of \$230,624.00 and additional expenses of**

\$202,133. The change in revenue and expenditures is due to enrollment in the virtual school program.

Betty Dougherty, Director of Social Services provided the following report:

- Provided highlighted areas that have increased or decreased since the FY13 report, with SNAP applications rising from 305 in FY13 to 333 in FY14,
- Their department processed 27 fewer TANF applications but the expenditures by family went up from \$184 in FY13 to \$454 in FY14. The average case loads remained stable. There was an increase in Medicaid from 221 to 382.
- They tripled the number of clients employed in the VIEW program and almost doubled the daycare expenditures for this program
- The number of CPS referrals decreased from 65 in FY13 to 54 in FY14
- Adult protective services referrals also decreased from 18 to 14, but the number of adult service cases went up from 27 to 42.
- Social Services served their highest number ever in the Christmas program this year, serving 85 families and 200 children in FY13, to 127 families with 287 children.
- Advised that beginning March 1st women over age 21 and enrolled in Medicaid or FAMIS MOMS will be eligible for dental coverage as a result of Governor McAuliffe's 10 step plan to increase healthcare services to over 200,000 Virginians
- Applications will still be accepted through March 15 for Crisis Assistance

APPOINTMENTS/REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Board of Zoning Appeals – Stevensville District (Mr. Wyatt's place) 5 year term Appointment of Ann Marie Voight, Stevensville District Representative

A motion was made by Mrs. Morris and seconded by Mr. Bailey to appoint Mrs. Ann Marie Voight to the Board of Zoning Appeals for a five (5) year term beginning February 9, 2015.

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

Wetlands Board – Buena Vista District – Tabled (Kirk Havens term expired November 2014)

TABLED

Economic Development/IDA Committee – Stevensville District (to fill Bill Henley's term, expiring August 2017.

TABLED

Board of Building Appeals – St. Stephens Church District

Mr. Simpkins advised that he has been in contact with Mr. Melvin Martin and because of health reasons; he does not wish to serve again. He has contacted someone but has not heard back from him.

TABLED

Pamunkey Regional Library – Appointment of Mrs. Gwynn Litchfield

The Board was advised that a letter has been received from Mr. Tom Shepley, Director of the Pamunkey Regional Library, advising the Board of a vacancy on the Board of Trustees. Mrs. Rhinesmith who was the appointment to the Board representing the County recently passed away. The Library Board is asking that the Board appoint another trustee to serve the remaining term of Mrs. Rhinesmith with Term expiring June 30, 2017.

A motion was made by Mr. Simpkins and seconded by Ms. Alsop to appoint Ms. Gwynn Litchfield, 8335 The Trail, Bruington, Va. to serve the unexpired term, expiring June 30, 2017.

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

Quin Rivers – County Representative

A motion was made by Ms. Alsop and seconded by Mr. Bailey to appoint Ms. Betty Dougherty, Director of Social Services, to the Quin Rivers Board, replacing Mrs. Doris Morris.

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

Upcoming term expiration:

Wetlands Board – Newtown District – term of William Sims expires April 12, 2015

BUDGET AMENDMENTS

- (1) Budget Amendment – Economic Development - \$150,000.00**
- (2) Budget Amendment – Economic Development - \$14,329.98**

The Board was advised that this is for transfer of additional \$150,000 to be used for the purchase of property, coming from the General Fund Balance. Amount is already allocated to the IDA/EDA as part of the fund balance policy. The \$14,329.98 is the local match for the IDA/EDA to reimburse the airport for the local share of the access road grant from the Department of Aviation. This in ONLY the design and bidding phase, which has been completed. The balance for the remaining grants for construction will be requested at a later date.

A motion was made by Ms. Alsop and seconded by Mr. Milby to approve the above amendments as listed.

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

(3) Budget Amendment – School Capital Projects - \$134,683.00

Per budget agreement, any appropriated local funds that remained unspent at the end of FY14 are to be transferred to the School Capital Projects Fund. Per report given by Anne Wall, Auditor with Robinson, Farmer Cox Associates, \$134,683.00 was remaining at the end of FY14.

A motion was made by Mr. Bailey and seconded by Mrs. Morris approving the budget amendment in the amount of \$134,683.00.

Mr. Milby questioned who has in control of the fund. Mr. Swartzwelder responded that the Board of Supervisors does.

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

SET PUBLIC HEARING – AMENDMENT TO POLLING PLACE ORDINANCE – CLARK PRECINCT

County Administrator Thomas Swartzwelder advised the Board that the amendment would be changing the St. Stephens Church, Clark's Precinct from Lawson's Elementary School, 1599 Newtown Road, St. Stephens Church, Va., to the Pamunkey Regional Library, King and Queen County Branch, Old Marriott School, 396 Newtown Road, St. Stephens Church, Virginia.

The amendment will also add the CAP (Central Absentee Precinct) to the list of polling places being King and Queen County Courts and Administrative Building, Room 124, Hearing Room, 242 Allens Circle, King and Queen Courthouse, Virginia.

A motion was made by Mr. Bailey and seconded by Mrs. Morris to hold a public hearing at the Boards regular meeting to be held on March 9, 2015 at 7:00 P.M.

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

DISCUSSION AND SET HEARING DATE – CAPITAL IMPROVEMENT PLAN AND PROFFERS

Mr. Swartzwelder advised that Ms. Alsop has requested that the Capital Improvement Plan be done on an annual basis rather than every 5 years.

A motion was made by Mrs. Morris and seconded by Ms. Alsop to set a hearing date for the March 9, 2015 regular meeting of the Board on the Capital Improvement plan for 2015-2020.

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

COUNTY ADMINISTRATOR'S COMMENTS

County Administrator Thomas Swartzwelder provided the following comments:

- Provided an update on the Regional Assessment Issue, Middlesex and Essex County have determined that given the time frame it would take to move forward, they are going to go ahead and send out an RFP for a Traditional Conventional Reassessment to begin next year and have asked if we would like to participate and needs guidance from the Board as to what they want to do, otherwise we can do our own or whatever the Board determines.

Ms. Alsop commented that she and Mr. Simpkins have been meeting with Middlesex looking at various options. We get the same person every year of which she felt did not do a good job. A lot have the same opinion. By doing the reassessment with someone else we will be able to pick some different people. In her opinion if we go ahead and bid with them we can hope for a better and cheaper assessment.

Mr. Milby expressed that he agrees with Ms. Alsop that maybe by going with Middlesex we will have an opportunity to get a different assessor.

REGIONAL ASSESSMENT RFP – MIDDLESEX AND ESSEX COUNTIES

A motion was made by Mr. Milby to go with Middlesex and Essex County on a regional assessment RFP.

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

- Provided an update on the Pier Project with the highest percentage of funding, with VMRC paying 2/3rds of the project and DGIF paying another \$15,000 for the recreational canoe and kayak launch to go along side the pier. We are still waiting on the paper work from VMRC and then we go out to bid with goal to have it up and running by spring. We are getting a lot of positive feedback on this.
- Provided an update relating to Social Services. Multiple meetings have been held with the staff. Thinks we have a good group of folks and hope we can get things back on the ball.
- The General Assembly continues to flop around relating to Sludge, with 2 resolutions being circulated around, one brought out by Senator Norment (self funding) and the other by Delegate Ware which would be calling for a study.
- Advised that he would be out tomorrow with other representatives from the Jail to visit a site pertaining to a flash freeze program to see how it works. As the Board is aware, we received a large USDA Grant and this would be a tremendous revenue source for the Jail, reducing the overall budget to the localities. The Jail Authority is carrying a fund balance of about \$800,000 which is good and is needed to help with projects that need to be completed.
- The Airport Authority is requesting level funding. Advised that Gloucester is saying they want to quit participating with the Middle Peninsula, however, to do that the agreement says that you can only get out with a unanimous vote of all the other participating members.

Mr. Simpkins commented that there was a gentleman in Essex that was doing the flash freeze, and if the Jail Authority gets to the point where they want to proceed he would try to get his contact information.

BOARD OF SUPERVISORS COMMENTS

Mr. Milby had the following comments:

- Thanked everyone for coming out
- Congratulated Judge Hoover on his retirement
- Wished Superintendent Jones the best in his new endeavor
- Was glad to hear the Gloucester County's Board has decided to hear they told their County Administrator to handle the budget, the leadership is overwhelming.
- Wished everyone a safe trip home and see you next month.

Mrs. Morris had the following comments:

- Thanked everyone for coming
- Thanked Mrs. Voight for agreeing to serve on the BZA Board
- Wished everyone a safe trip home

Ms. Alsop had the following comments:

- Thanked everyone for coming out to the meeting

- Commented that it was interesting to hear that there is a Subdivision in her district that is Rural Residential. Ms. Alsop expressed that she felt for the gentleman that spoke, as he has a huge house on the water, and is concerned regarding his comments and wants to send back to the Planning Commission to look at the issue relating to horses. While she loves people to have the animals they want, there are some people that have these large homes that have the fear as to how it is going to affect their property.
- Last week was a busy week, attending the VACO Board of Directors Meeting representing Region 2, commenting that the reports provided were scary pertaining to the Ethics Committee. It is going to be interesting.
- Commented on how Secondary Funding would be handled, begin Economic driven. King and Queen is going to be in a lot of trouble if this proposal goes through.
- Last week was legislative day and would provide information to the Board of things we should be aware of
- Advised that NACO has cards that help you with prescriptions. Now they have cards available for dental assistance.
- This Friday she plans to attend the Governor's Emergency Services Board meeting. Volunteerism is something of the past and it saves our citizens a lot of money. If you know of anyone that has some free time, to please join their local rescue squad.

Mr. Bailey had the following comments:

- Thanked everyone for coming out
- Expressed that he feels that people that were on the DEQ and State Water Control Board lived here, these new laws might not have passed. They want studies, let them pay for it. They are the ones that passed it.
- Commented that some people did not know what to do about the horses. Unfortunately that it was on paper that the people could do what they were doing. There are laws and rules that the County adopts which citizens will have to abide by.
- Be careful going home tonight and see everyone at the next meeting

Mr. Simpkins had the following comments:

- Thanked everyone for coming out
- Commented that as we mentioned before, they have been meeting with Middlesex on the regional assessment.
- Commented that he went to the General Assembly and met with Senator Norment and Delegate Hodges and was advised not to expect any new money from the State.
- On the issue of Ethics, they have signs up at the General Assembly where they can take no gifts pertaining to what has happened to McDonald.
- Wished everyone a safe trip home and see everyone back next month.

IT IS ORDERED THAT THE BOARD BE ADJOURNED:

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

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

NAYS: NONE

J. Lawrence Simpkins, Chairman

K. Diane Gaber, CMC, Deputy Clerk