

King and Queen County
Board of Supervisors Meeting

Monday, April 13, 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 with all members present except Mrs. Morris. Mr. Simpkins provided the invocation followed by the Pledge of Allegiance to the Flag of the United States.

APPROVAL AND SIGNING OF THE FEBRUARY 23, 2015 AND MARCH 9, 2015 MINUTES OF THE BOARD

APPROVAL OF THE FEBRUARY 23, 2015 MINUTES

A motion was made by Mr. Bailey and seconded by Mr. Milby to approve the February 23, 2015 workshop/presentation meeting minutes.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

APPROVAL OF THE MARCH 9, 2015 MINUTES

A motion was made by Ms. Alsop and seconded by Mr. Bailey to approve the March 9, 2015 minutes of the Board.

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

NAYS: NONE

ABSTAINED: J. L. SIMPKINS

NOT PRESENT: D. H. MORRIS

APPROVAL AND SIGNING OF THE APRIL 2015 WARRANTS AND APPROPRIATIONS AND SCHOOL FUND APPROPRIATION FOR REVENUE RECEIVED FOR MARCH 2015

A motion was made by Ms. Alsop and seconded by Mr. Bailey to approve the April 2015 warrants and appropriations, subject to audit.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

School Fund Appropriation for Revenue's received in March 2015.

A motion was made by Mr. Milby and seconded by Ms. Alsop to approve a School Fund Appropriation for revenue received for March 2015 in the amount of \$551,284.03. It was noted that the amount has been verified with the Treasurer.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

VIRGINIA COOPERATIVE EXTENSION – CHRIS MERNIN, 4-H ASSOCIATE EXTENSION AGENT

Chris Mernin, 4-H Associate Extension Agent was present per his request to advise the Board of a grant they just received from the National Rifle Association to start an archery group in the county.

During this time Mr. Mernin only advised the Board of a new job opening position within the Virginia Cooperative Extension being Family Consumer Science position. This position would help King and Queen and King William as it offers a lot of in depth programs. In the past they have had 3 extension agents that would cover King and Queen of which 2 are actually housed in other counties and the third opportunity could be the Family Consumer Science position. Mr. Mernin provided information to the Board members of some of the programs that are offered.

Mr. Simpkins questioned if the former Extension Agents job would be filled as it was before or will there be a new job description? Mr. Mernin responded that the position would have the primary duties as the former extension agent had. The new program area would cover the former extension agent, being housed in another county, but we would still have Keith Balderson and David Moore on the Agriculture side.

Mr. Milby asked for Mr. Swartzwelder's opinion on this. Mr. Swartzwelder advised that this was not a decision that they can make without the Board's participation which is a position that

the Board is not obligated to fund. Mr. Swartzwelder further commented that this was the time that he has heard of any changes being made, no one has spoken to him about it at all.

Mr. Milby expressed concern that the Board had gone through a lot of deliberation on whether we were going to have an Agriculture Agent in King William and King and Queen and now someone is coming before the Board and telling us we are not going to have one now.

Mr. Swartzwelder responded that typically he has been contacted by the Regional Director and has been blindsided by this. He thought Mr. Mernin was appearing before the Board to speak about Archery.

Mr. Mernin commented that he was only appearing before the Board to present an opportunity that is out there.

Mr. Milby expressed that Mr. Mernin may have overstepped his bounds and feels the Board should address this pretty quickly, as it is a pretty big item in our budget and was surprised that the Board has been blindsided by this tonight without any information from those in charge.

Mr. Simpkins commented that we need to find out what is going on. Mr. Swartzwelder commented that he would see if he could find out what is going on.

VDOT – UPDATE – JOYCE MCGOWAN AND GREG HENION, ACTING RESIDENT ENGINEER

Greg Henion, Fredericksburg maintenance engineer along with Joyce McGowan were present for the purpose of providing the board an update on VDOT issues.

Mr. Henion advised that Shawn Trapani has retired as resident engineer and he will be the acting Resident Engineer until that position is filled. Mr. Henion further advised:

- That the Public Hearing for the Six-Year plan has been scheduled for May 11, 2015, a copy of the plan and posting will be sent next week. The plan is pretty much identical to last year's plan:
- Vessells Road, Rt. 652 will be improved in July 2017
- Iris Road, Rt. 609 and Rt. 630 Deshazo Road will be coming up in 2018
- Rt. 634 is on the plan as a budget item for spot improvements to include paving as added to the plan previously.
- Provided an update on the 721 Bridge, advising that a temporary bridge is currently under construction and by the end of the week the bridge work will be complete and should be open for 1-way directional traffic.
- They are patching potholes on Rt. 14
- Upcoming paving schedule from Rt. 33 to 614 on Rt. 14 will be paved this year.
- A section of Rt. 721 still needs to be paved from last year.
- Advised that their primary focus will be unpaved roads and get them back to good condition.

Mr. Milby questioned when the paving would begin on the Rt. 14 project and when VDOT plans to begin. Mr. Henion commented that it was hard to say, that they have not received their detailed schedule for the summer.

Ms. Alsop expressed concerns since the bridge has been closed and having to go on different roads and going on Roundabout to get to Caroline, the roads were terrible. There were potholes and drop offs off the side of the road. On Salvia Road to Byrds Road, the road is awful; you can hardly drive on it at all.

PUBLIC COMMENT PERIOD

Chairman Simpkins opened the Public Comment Period, asking that those wishing to speak to come forward, stating their name and district that they are from, limiting your comments to 3 minutes. Mr. Simpkins asked that citizens address issues that are not related to Public Hearings that are scheduled.

Ann Marie Voight, Stevensville District- had the following comments

- Expressed concern relating to know what the workload would be for Mr. Balderson and Mr. Moore to add King and Queen to their area.
- Thanked Mr. Swartzwelder for following up on her concerns relating to the leaks at Central High School and questioned if the Board has a way to keep an eye on the buildings. Mr. Swartzwelder commented that it is a County Asset operated by the Schools. Ms. Voight commented that there was no excuse for the buildings to be in this condition.
- Expressed concern and requested thru truck restrictions from Poorhouse and DeShazo Roads and also Mount Elba Road, expressing that the road is not wide enough for trucks and cars. Mrs. Voight asked that the Board would look into thru truck restrictions on Mt. Elba and Mantua Roads. Forty ton trucks have no business on some of our secondary roads.

Mr. Simpkins questioned the type of truck that she was following. Mrs. Voight responded that it was a logging truck, C. E. Longest logging truck.

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

PUBLIC HEARINGS:

OVER-ALL COUNTY BUDGET FOR FY ENDING JUNE 30, 2016 TO INCLUDE THE SCHOOLS

Chairman Simpkins opened the public hearing, asking that the County Administrator verify proof of publication of notice of public hearing. Mr. Swartzwelder verified that the Budget Synopsis Notice was advised per state requirements.

Publication date of notice of public hearing was in the Rappahannock Times, Tidewater Review and Country Courier in the April 1, 2015 issue.

The floor was open for public comments:

Ann Marie Voight, Stevensville District, thanked the Board for not raising taxes. Ms. Voight further commented that it is a hardship on county offices and employees do need raises.

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

Those in attendance were advised that the budget would not be approved tonight, as per state law; the Board needs to wait at least 7 days following public hearing before adoption.

**PUBLIC HEARING
PROPOSED LOCAL TAX RATES FOR CALENDAR YEAR 2015 – NO INCREASE**

Chairman Simpkins opened the public hearing on the Local Tax Rates advising that there is no tax increase proposed. Publication dates of Notice of Public Hearing were advertised in the Rappahannock Times and Tidewater Review in the April 1, 2015 issue and also the Country Courier.

Chairman Simpkins advised that there were no increases proposed in the tax rates:

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

Rates will be considered for adoption at the April 27, 2015 meeting.

**PUBLIC HEARING
PROPOSED AMENDMENT TO THE VEHICLE LICENSE FEE ORDINANCE TO
CHANGE THE DUE DATE FROM DECEMBER 5TH OF THE PRECEDING YEAR TO
APRIL 30TH, OF THE ACTUAL CALENDAR/TAX YEAR IN WHICH THE VEHICLE
IS GARAGED, STORED OR PARKED IN KING AND QUEEN COUNTY AND THE
INCLUSION OF ENFORCEMENT REMEDIES AS PRESCRIBED IN THE CODE OF
VIRIGNIA. THERE IS NO INCREASE IN THE FEE**

Chairman Simpkins opened the public hearing on the above proposed amendment to the Vehicle License Fee Ordinance. Advertisement was made in the Rappahannock Times, Tidewater Review and Country Courier in the April 1st and 8th, 2015 issues.

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

Chairman Simpkins commented that the Board could vote on this issue tonight, however, the County Administrator advised that it may be cleaner if the Board votes on all three of the issues (Proposed Budget and Tax Rates along with this proposed amendment to Chapter 30, Vehicle License Fee Ordinance changing the due date.

Ms. Alsop thanked the Department Heads with coming in with budgets that have already been cut.

Mr. Simpkins commented that Staff has worked extremely hard in staying within their budgets and thanked them for that.

BUDGET AMENDMENT – CSA PROGRAM – BETTY DOUGHERTY, DIRECTOR OF SOCIAL SERVICES

Chairman Simpkins advised that the Social Services CSA Program is requesting \$30,000 to ensure that they have adequate funding to complete the budget year. The local share of this request is \$9,300 and the state share is \$20,700.00.

Currently they have \$736,000 encumbered and there are 2 new children that have been added to their budget.

A motion was made by Ms. Alsop and seconded by Mr. Bailey approving the budget amendment in the amount of \$30,000.00.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

APPOINTMENTS/REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

ECONOMIC DEVELOPMENT COMMITTEE/IDA

Stevensville District – Resignation of Bill Henley effective December 17, 2014. Term expires August 2017.

TABLED

BOARD OF BUILDING APPEALS-

St. Stephens Church District – To replace Mr. Melvin Martin. Term Expired January 31, 2015.

TABLED

WETLANDS BOARD

Newtown District - Mr. Sims Term Expired April 12, 2015

TABLED

ARTS ALIVE

Mr. Simpkins asked if there were any Board Members that would like to represent the County on the Arts Alive Board of which Mr. Milby volunteered.

A motion was made by Ms. Alsop and seconded by Mr. Bailey appointing Mr. James M. Milby, Jr., as county representative on the Arts Alive Board.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

KING AND QUEEN COUNTY PLANNING COMMISSION – REQUEST FOR BOARD OF SUPERVISORS TO SET PUBLIC HEARING ON ZONING TEXT AMENDMENTS ZA15-01 AND ZA15-02, TABLE 4.1, PERMITTED USE TABLE

A motion was made by Ms. Alsop and seconded by Mr. Milby to hold a public hearing on Zoning Text Amendments ZA15-01 – Table 4.1, Permitted Use Table and ZA15-02 – Table 4.1, Permitted Use Table, at the Boards regular meeting to be held on Monday, May 11, 2015 at 7:00 P.M.

ZA15-01 would allow for laying birds/chickens with some restrictions and conditions as a by right use in Agricultural and Residential Single-Family zoning districts.

ZA15-02 would amend the “Aquaculture” use classification with no processing on site by approved Conditional Use Permit in the Agricultural, General Business 1, General Business 2, Light Industrial and Industrial zoning districts. To amend the Aquaculture use classification with processing on site by approved Conditional Use Permit in the Agricultural, Light Industrial and Industrial zoning districts.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

REQUEST FOR PUBLIC HEARING ON AMENDMENT TO CHAPTER 6, ARTICLE 1, SECTION 6-5 – HUNTING REGULATIONS – LAWRENCE SIMPKINS

Mr. Simpkins commented that he asked that this be on the agenda, further commenting that in the past couple of years he has had a request from one particular individual asking to extend the hunting season on the length of time that you can shoot groundhogs with a high powered rifle. Currently it ends August 30th and the individual was wishing to hunt them up until frost. Under our current ordinance farmers are not allowed to shoot groundhogs during their harvest season with a high powered rifle. An informal partition has been circulated in the past with a haft dozen signatures and he has spoken with farmers in the area and they are in support of it. Another part of this would be to add that they would be able to shoot coyotes with a high powered rifle. Coyotes are hard to get close to and being able to hunt them with a high powered rifle would be an advantage of controlling them.

The proposed change would allow hunters to use a rifle up until deer season, normally around the 2nd week of November.

The individual that had asked to be allowed to extend the time of using a rifle requested year around, however, after speaking with the Game Warden, he had concern as we do not allow deer hunting with a high powered rifle, and suggested that we not extend it any further than the opening of deer season.

Motion was made by Mr. Simpkins and seconded by Ms. Alsop to set a public hearing for the May 11, 2015 meeting.

Mr. Milby expressed that his concern with this, is that he lives in a rural community and agricultural area, but he also lives in close proximity to a residential area and thinks that a lot of King and Queen is the same way. High powered rifles and depending on what you are shooting can go as far as a mile and a haft to two miles away and some of the neighbors that we have are less than a half a mile away. Mr. Milby further expressed that he just had an incident in Shackelfords where someone was shooting his high powered rifle or pistol, and sent bullets through someone's door. We cannot regulate who comes in King and Queen County and hunts and not everyone is cautious of where they are shooting, with this, he would not be able to support the change.

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

NAYS: J. M. MILBY, JR.

NOT PRESENT: D. H. MORRIS

COUNTY ADMINISTRATOR'S COMMENTS

County Administrator Thomas Swartzwelder provided the following comments:

- Advised that Mrs. Sprouse applied for a GIS grant through the State to update our GIS in the amount of \$20,000 and it was awarded to the County.

- Advised that the Building Official has advised that there has been a rise in new homes this spring compared to last year.
- Provided an update on the school roof issue, advising that many of the problems at the schools were related to general maintenance items that had not been performed. One of main issues being the roof, and roof drains were completely clogged. They have started work on those issues. At the current time, he is working on 2 different proposals to bring before the Board after the budget is complete, whereby the county would assume some of the responsibility for maintenance items like this. Mr. Swartzwelder is looking at some pricing and also at bids for annual inspections.

Mr. Milby questioned what the schools were doing to address this issue and don't they have an individual that handles the maintenance issues. Mr. Swartzwelder responded that he did not know whether the School Board has had an opportunity to address any of the issues. As far as a Maintenance person, they use to have a Director of Operations, which that position has been eliminated after the individual retired. The individual that is handling this now worked under the Director of Operations, and his supervisor is the Principle at Lawson Elementary School.

Mr. Milby further commented that the work is just not getting done. Ms. Brenda Lee, Member of the School Board, was present, advising that she could take this back to the Board and ask them, that she was in the same dilemma that the Board of Supervisors is in. Mr. Milby expressed concern that the individual is getting paid and not getting things done.

Ms. Lee further expressed that she is an alumni of the school and was upset to see the condition that it is in. Ms. Lee further responded that she came as a citizens and not a School Board Member.

BOARD OF SUPERVISORS COMMENTS

Mr. Bailey had the following comments:

- Thanked everyone for coming out to the meeting
- Expressed that he hopes everything will fly smoothly in regards to the passage of another Budget
- In response to the hunting of groundhogs and coyotes, we can shoot a rifle in King and Queen; we just can't hunt with one. There are less than intelligent subjects that shoot rifles on a regular basis and he doubts that they know what is behind where they shoot and what the back stop is. Mr. Bailey further responded that he agrees with some of Mr. Milby's points and the person that the bullet went through her door, he is just looking at the coyotes mainly. If this is passed, by all means call and complain if you have a problem with someone shooting near you, call the Game and Inland Fisheries.
- Wished everyone a safe trip home

Ms. Alsop had the following comments:

- Thanked everyone for coming out
- Advised that she has attended several meetings of a group of counties looking at a regional assessment and perhaps we could find someone who understands the land and area that we live in. An RFP was issued to look for an assessor for our counties. A group was found that has done several counties over the Middle Peninsula, and would like to move that the County participate in the Assessment with the group Wampler and Eanes and authorize the County Administrator or Attorney to continue negotiations for us in the region and acquiring them to do these regional assessments.

REASSESSMENT PARTICIPATION – REGIONAL ASSESSMENT

A motion was made by Ms. Alsop and seconded by Mr. Milby that the County participate in the Regional Assessment, authorizing the County Administrator or Attorney to continue negotiations on behalf of King and Queen County in the region acquiring Wampler and Eanes to do the regional assessments.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

- Advised that on the 1st of May the Virginia Association of Counties will be holding their Spring Meeting and would be attending that.
- Commented that the Budget Process was not quite as painful as what she had expected. Everyone tightened their belt and hopes everyone will stick with it. Ms. Alsop further thanked the other Board Members and staff for keeping the expenses down.
- Expressed that she was glad to hear her bridge will be open.

Mr. Milby had the following comments:

- Thanked everyone for coming
- Expressed that he was troubled with the situation with the schools roofs and buildings. The County has spent a lot of money trying to improve them and we are not getting any information back from the school system, as to what we can do to address those issues.
- Expressed that he agrees with everyone in the budget being easier this year, but he is a little surprised that there is not more interest in King and Queen and the budget process. In 8 years he has never seen less participation.
- Commented that in reading in the Tidewater Review, it mentions Farmers Markets in the area and mentions the Walkerton Farmers Market and no mention of the Farmers Market on Rt. 33. Mr. Milby expressed that he feels we need to contact them, and also expressed concern that the Farmers Market is not open yet.
- Wished everyone a safe trip home

Mr. Simpkins had the following comments:

- Commented that he also noticed the article relating to the Farmers Market and does not know if it was a slight on purpose or they just got mixed up with the Walkerton Market.
- Advised that he saw where King William was planning to make some drastic changes in the Animal Shelter and making it a pound, which ruffled a lot of feathers and understands this option has been taken off the table. The hours and operation will continue on as in the past.
- Expressed that he feels we share a little responsibility with the schools issues, as well as the County, that things are being put off and hopes the revenues will return. We can't keep putting it off.
- Thanked everyone for coming and hopes they will come back to the next meeting.
- Wished everyone a safe trip home

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., R. F. BAILEY, JR.

NAYS: NONE

NOT PRESENT: D. H. MORRIS

J. L. Simpkins, Chairman

K. Diane Gaber, CMC, Deputy Clerk

