

King and Queen County  
Board of Supervisors Regular Meeting

Monday, June 13, 2016

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 asking that there be a moment of silence in recognition of those that were shot in the shooting in Orlando, followed by the Pledge of Allegiance to the Flag of the United States.

**APPROVAL AND SIGNING OF THE APRIL 25, 2016 AND THE MAY 9<sup>TH</sup>, 2016 MINUTES OF THE BOARD**

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to approve the April 25, 2016 and the May 9, 2016 minutes of the Board.

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

ABSTAINED: D. H. MORRIS

NAYS: NONE

**APPROVAL AND SIGNING OF THE JUNE 2016 WARRANTS AND APPROPRIATIONS**

A motion was made by Mr. Simpkins and seconded by Mrs. Morris to approve the June 2016 warrants and appropriations, subject to audit.

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

NAYS: NONE

**PUBLIC COMMENT PERIOD**

Chairman Alsop opened the public comment period and asked that those who wish to speak to please come forward, stating their name and district and to limit their comments to three (3) minutes.

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

## **SCHOOL SUPERINTENDENT AND SOCIAL SERVICES REPORTS**

### **School Superintendent –**

School Superintendent Carol Carter was not in attendance as she was attending events at the Schools that evening.

### **Social Services Director –**

Social Services Director Betty Dougherty provided the following report:

- Advised that on April 12<sup>th</sup> and 13<sup>th</sup> their agency had a Title IV E Review which found no errors in the cases reviewed and there was no action required at that time on behalf of their agency.
- Advised as representative for the County on the Quin Rivers Board, she provided an update on the work that they have done and are doing in the County in FY16
- Advised that they had their exit interview with the Auditor of the Office of Children's Services on June 2<sup>nd</sup> and that there were no fiscal issues identified in the exit.

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

**King and Queen County Planning Commission – Stevensville District (to replace Freddy Bryd)**

**Tabled**

**VASAP Member (Mr. Adkins advised at the Jan. meeting that all members had resigned)**

**Tabled**

**Pamunkey Regional Library – replacement for Mr. James Taylor to serve his unexpired term – June 30, 2018.**

**Tabled**

**Social Services Board Member –**

**Shanghai District – Kelly Bailey (term expired 3/12/16)**  
**Newtown District – Celestine Gaines (term expired 6/10/16)**

**Shanghai District –**

A motion was made by Mr. Bailey and seconded by Mrs. Morris to reappoint Kelly Bailey to the Social Services Board representing the Shanghai District. Term expires March 12, 2020.

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

NAYS: NONE

**Newtown District –**

A motion was made by Ms. Alsop and seconded by Mr. Bailey to reappoint Celestine Gaines to the Social Services Board representing the Newtown District. Term expires June 10, 2020.

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

NAYS: NONE

**PUBLIC HEARINGS**

- (1) VDOT – PROPOSED SECONDARY SIX YEAR PLAN AND BUDGET HEARING 2017-2022**
- (2) TEXT AMENDMENT – CHAPTER 30, TAXATION, ARTICLE 2, SOLAR ENERGY EQUIPMENT - REPEAL**
- (3) AN ORDINANCE TO AMEND AND RE-ENACT A PREVIOUSLY ADOPTED ORDINANCE ESTABLISHING AN ANNUA SALARY OF \$4,000 FOR EACH MEMBER**

**(1)VDOT – PROPOSED SECONDARY SIX YEAR PLAN AND BUDGET**

Joyce McGowan, Residency Engineer of the Virginia Department of Transportation was present for the purpose of providing an overview and to conduct a joint public hearing on the proposed Secondary Six-Year Plan for Fiscal Years 2017 through 2022 and on the Construction Budget for Fiscal Year 2016/2017.

Ms. McGowan advised that there is \$320,653.00 available funds over the next 6 years. For unpaved roads there is budgeted \$210,967.00. To qualify for this funding there has to be 50 cars a day. Also in the budget is \$109,967.00 in teller fees which they will be applying to Rt. 634.

Ms. McGowan advised that both DeShazo and Vessels Road are on the plan and suggested that they be flipped, moving Vessels Road, Rt. 652 to 2<sup>nd</sup> priority and DeShazo to 1<sup>st</sup> Priority. Ms. McGowan further advised that Vessels Road is kind of tied into the bridge project and that this was why she wanted to change the priority of the two. The money for the project will not change.

The public hearing was called to order and opened for comments. Mr. Steven Sandy, Stevensville District, Carlton's Corner Road, expressed concern of needed repairs to Carlton's Corner Road.

After hearing no further comments the public hearing was closed.

Ms. Alsop expressed that she had no problem in flipping the 1<sup>st</sup> and 2<sup>nd</sup> priorities.

Mr. Bailey questioned paving any additional roads, mentioning Rt. 611. Ms. McGowan expressed that the road requires a lot of work and does not meet the 50 vehicle per day requirement.

Mr. Burns questioned the dirt part of Travelers Road off of Rt. 605 and if something could be done with that road. Ms. McGowan commented that normally in July or August VDOT puts down calcium chloride to help with the dust and would check to see if some more stone could put be down.

Ms. Alsop asked what needs to be done to fix crumbling roads. Mrs. McGowan reponded that if it is surface treated or gravel they can make sure it goes on a cycle. If it is asphalt, they will do patching.

Mr. Swartwelder advised that we have been getting calls concerning the new pavement on Rt. 14 and that there are no ditches in some areas and peoples driveways have a slop now.

Ms. McGowan further suggested to finish up Rt. 612 Lilly Pond Road with the reserved funds.

After further discussion and concerns a motion was made by Mr. Burns and seconded by Mrs. Morris to adopt the following resolution as amended, moving DeShazo Road to priority #1 and Vessels Road to priority #2, and taking the reserved funds to go towards Lilly Pond Road, Rt. 630.

## **RESOLUTION**

**WHEREAS**, Sections 33.2-331 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 (2017 through 2022) as well as the Construction Priority List (2017) on June 13, 2016 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**, the Residency Administrator of the Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan and budget for Secondary Roads (2017 through 2022) and the Construction Priority List (2017) for King and Queen County,

**NOW, THEREFORE, BE IT RESOLVED** that since said Plan and budget 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 (2017 through 2022) and Construction Priority List (2017) are hereby approved as amended at the public hearing flipping priority #1 and #2 with DeShazo Road being priority #1 and Vessels Road being priority #2. The reserved funds will go towards Lilly Pond Road, Rt. 630.

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

NAYS: NONE

**(2) TEXT AMENDMENT – REPEAL OF CHAPTER 30, TAXATION, ARTICLE 2, SOLAR ENERGY**

County Administrator Thomas Swartzwelder advised that an Ordinance was adopted by the Board of Supervisors many years ago that allows for discounts for placement of solar panels, etc., and that the Commissioner of the Revenue has asked that the Board consider removing the current existing article in its entirety as no one has ever applied for it and it seems to cause confusion within her office. The repeal would eliminate solar equipment as a separate class of property and eliminating the exemption/reduction of taxation for solar energy equipment.

Mr. Swartzwelder advised that notice of public hearing was advertised in the May 25<sup>th</sup> and June 1<sup>st</sup> issues of the Rappahannock Times and Tidewater Review and in the Country Courier for 1 issue.

Mrs. Alsop opened the public hearing. After hearing no comments, the public hearing was closed.

Commissioner of the Revenue Kelly Lumpkin was present and advised that she was going to attend a seminar in July to discuss Solar Energy because they think it is going to sky rocket. Mrs. Lumpkin further commented that the tax break is only for five (5) years and they would have to keep track with it.

Mr. Burns commented that he was inclined to wait until they hear back from what was discussed at the seminar.

County Administrator Thomas Swartzwelder commented that he did not feel the seminar would have any bearing on what Mrs. Lumpkin is requesting.

A motion was made by Mrs. Morris and seconded by Mr. Bailey to repeal the current Solar Equipment Ordinance in its entirety.

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

NAYS: NONE

**(4) 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 2016-2017 FISCAL YEAR (NO INCREASE)**

Chairman Alsop opened the 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 of the 2016-2017 Fiscal Year”.

County Administrator Thomas Swartzwelder verified proof of publication that the public hearing was advertised in the May 25<sup>th</sup> and June 1<sup>st</sup> issues of the Rappahannock times and Tidewater Review and in one issue of the Country Courier.

It was noted that there was no salary increase and that the only change was the fiscal year.

After hearing no comments, the public hearing was closed.

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to approve the proposed Ordinance to amend and re-enact the previously adopted Ordinance establishing the annual salary of the Board of Supervisors at \$4,000 for fiscal year 2016-2017.

**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 2016-2017 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 2015-2016, 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.

## **ARTICLE II**

This ordinance shall take effect on July 1, 2016.

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

NAYS: NONE

### **BUDGET AMENDMENTS**

- (1) Budget Amendment: E-911 \$2,000.00**
- (2) Budget Amendment: E-911 \$129,461.00**
- (3) Budget Amendment: Emergency Services \$3,500.00**

#### **1. E-911 \$2,000.00**

Pass through (no local match) funds have been received from the Virginia Department of Emergency Management for the purpose of 911 training for dispatchers and other staff.

#### **2. E-911 \$129,461.00**

Pass through (no local match) funds have been received from the Virginia Department of Emergency Management for the purpose of Phase 1 of the shared services/regional dispatch project.

#### **3. Emergency Services - \$3,500.00**

Pass through funds have been received from the Virginia Department of Emergency Management for purchase of radiological related equipment from the Ingestion Pathways funding.

A motion was made by Mrs. Morris and seconded by Mr. Bailey to approve the three (3) budget amendments as listed above.

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

**SHERIFFS REQUEST FOR PAYMENT OF FUNDS OUTSIDE NORMAL WARRANT PROCESS**

The Sheriff is requesting that funds in the amount of \$6,000.00 be approved and available for drug investigation outside the normal warrant process, as the Board will not meet again until July 11<sup>th</sup>.

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to approve the request of \$6,000.00 outside of the normal warrant cycle.

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

**MIDDLE PENINSULA ECONOMIC DEVELOPMENT ORGANIZATION – RESOLUTION**

County Administrator Thomas Swartzwelder commented that this item has been on the prior Board of Supervisors agendas for discussion and tabled from the May 9<sup>th</sup> meeting in order to provide Mr. Burns more time to review for consideration.

After further discussion, a motion was made by Mr. Burns and seconded by Mrs. Morris to accept the Middle Peninsula Economic Development Organization Resolution for approval and that Mr. Lawrence Simpkins serve as the representative from the County.

**A RESOLUTION ON MIDDLE PENINSULA ECONOMIC DEVELOPMENT RESOURCE ORGANIZATION**

To support amendment of the articles of incorporation and bylaws of the Tidewater R C & D Council, Incorporated to facilitate its repurposing into the Middle Peninsula Economic Development Resource Organization, and to appoint a representative to serve on the board of directors of the Middle Peninsula Economic Development Resource Organization, and to appropriate \$5,000 to the Middle Peninsula Economic Development Resource Organization.

**WHEREAS**, Tidewater R C & D Council, Incorporated has prepared articles of amendment and restatement and amended bylaws in order to repurpose it as the Middle Peninsula Economic Development Resource Organization ("MPEDRO"); and

**WHEREAS**, King and Queen County is a member jurisdiction of the MPEDRO; and

**WHEREAS**, the bylaws of the MPEDRO permit each member jurisdiction to appoint one natural person to serve on the board of directors; and

**WHEREAS**, the MPEDRO will continue to be operated exclusively for charitable, religious, educational, and scientific purposes as described in Section 501(c)(3) of the Internal Revenue Code of 1986; and, specifically, to (a) secure technical, educational, monetary, and other services necessary in carrying out a plan of action for the orderly development and full utilization of the area's human and natural resources; (b) develop and carry out such a plan of work for the area in an effort to improve economic conditions; (c) cooperate and assist in implementation of plans of other similar organizations and agencies; and (d) create a general awareness of need for improvement of the environment by consideration and orderly development of resources for the area; and

**WHEREAS**, King and Queen County desires to continue to support the charitable purpose of the MPEDRO;

**NOW, THEREFORE, BE IT RESOLVED**, that King and Queen County supports amendment of the articles of incorporation and bylaws of the Tidewater R C & D Council, Incorporated to facilitate its repurposing into the Middle Peninsula Economic Development Resource Organization, and appoints Mr. James Lawrence Simpkins as its representative to serve on the board of directors of the Middle Peninsula Economic Development Resource Organization, and appropriates \$5,000 to the Middle Peninsula Economic Development Resource Organization.

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

NAYS: NONE

## **HAZARDS MITIGATION PLAN – ADOPTION OF RESOLUTION**

A motion was made by Mrs. Morris and seconded by Mr. Bailey to adopt the following Resolution.

**RESOLUTION  
ADOPTION OF HAZARD MITIGATION PLAN**

**WHEREAS**, King and Queen County has experienced severe damage from hurricanes, flooding and tornadoes on many occasions in the past century, resulting in property loss, economic hardship and threats to the public health and safety;

**WHEREAS**, a Hazard Mitigation Plan (the plan) has been developed after research and work by County staff and the Middle Peninsula Planning District Commission for risk reduction and the people living within the counties of the Middle Peninsula;

**WHEREAS**, the Plan recommends many hazard mitigation actions that will protect the people and property affected by the natural hazards that face King and Queen County;

**WHEREAS**, a regional public meeting was held to review the Plan as required by law;

**NOW, THEREFORE, BE IT RESOLVED** by the King and Queen County Board of Supervisors that the Middle Peninsula Natural Hazard Mitigation Plan is hereby adopted as an official plan of King and Queen County.

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

**COUNTY ADMINISTRATOR'S COMMENTS**

County Administrator Thomas Swartzwelder had the following comments:

- 1) Mr. Swartzwelder advised that the Superintendent of Schools stopped by to see him and would like to re-carpet 3 rooms at Central High Schools that are old and musty, and they believe that there is asbestos tile under the carpet, so this would require remediation but they would like funding from the school capital plan. They do not have a budget or estimate and wanted him to ask if the Board would approve funding so that the carpet could be placed while the children are not there between June 30<sup>th</sup> and July 1<sup>st</sup>.

Mr. Burns commented that when he was on the School Board they did an asbestos abatement and they replaced carpet at Central around 2005 at which time all the asbestos was to be removed before carpet was replaced.

Ms. Alsop questioned why this concern did not come up at their retreat the past Saturday. Ms. Alsop questioned what the cost would be for something like that. Mr. Swartzwelder commented that he had no clue what it would be to pull the carpet out and replace with floor tiles and do the asbestos remediation.

After discussion and questions of concern in relation to cost and procurement no action was taken by the Board. It was suggested that the Superintendent attend the June workshop the end of June and the Board can take action at the July regular meeting.

- Advised that there are a couple of law changes where they have changed FOIA, where all localities have to have a FOIA officer and policy listed of which needs to be put on the County Website.
- The Registrar effective July 1 will become full-time per the state, although she has always been treated as a full-time employee, the office will now be open 5 days a week and will be some fiscal impact on that.
- Commended Company 4 (Lower King and Queen County Fire/Rescue) as they have been covering a lot of the County and responded to a call on Walkerton Landing Road, thanking Chief 4 for stepping up.

## **BOARD OF SUPERVISORS COMMENTS**

Mr. Burns had the following comments:

- Thanked everyone for coming
- Advised that 3 of Central High students came to his church last evening for a Christian Graduation. This is second time that this has been held since the 70's.
- Thanked everyone for their reports

Mr. Bailey had the following comments:

- Thanked everyone for coming and for reports that were given
- Expressed his appreciation to VDOT for explaining the process in adding roads
- Expressed his appreciation for our local law enforcement

Mrs. Morris had the following comments:

- Thanked everyone for coming and for reports given

Mr. Simpkins had the following comments:

- Commented that he had been working for about 6 months on getting a dead tree on Owen's Mill road cut down and trying to get VDOT to come out, but after some phone calls and contacting Rappahannock Electric, they took care of it. Mr. Simpkins thanked Mr. Williams with Rappahannock Electric for getting it done.

Ms. Alsop had the following comments:

- Thanked everyone for coming out to the meeting

- Expressed her thanks to the Board for coming out the past Saturday which a retreat was held. A lot of discussion was made on what the Board wants to do this year and in the future. It was a good time to work out items that we talk about but never get to come up with solutions.
- Expressed her appreciation to Company 4, we are thankful that they stepped up to run calls even in the Newtown District. Ms. Alsop expressed that she hopes to see our volunteers come back.
- Thanked everyone for coming out and a safe trip home.

**IT IS ORDERED THAT THE BOARD BE ADJOURNED:**

A motion was made by Mr. Bailey and seconded by Mrs. Morris to adjourn the meeting.

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

NAYS: NONE

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**Sherrin C. Alsop, Chairman**

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**K. Diane Gaber, CMC, Deputy Clerk**

