

King and Queen County  
Board of Supervisors Regular Meeting

Monday, April 10, 2023  
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 OF AMERICA**

Mr. Bailey provided the invocation, followed by the Pledge of Allegiance to the Flag of the United States. It was noted that all members were present.

**APPROVAL AND SIGNING OF THE FEBRUARY 21, 2023, FEBRUARY 27, 2023 AND MARCH 13, 2023 MINUTES**

A motion was made by Mr. Burns and seconded by Mr. Simpkins approving the February 21, 2023, February 27, 2023 and March 13, 2023 minutes.

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

**APPROVAL OF APRIL 2023 WARRANTS AND APPROPRIATIONS**

A motion was made by Ms. Alsop and seconded by Ms. Morris to approve the county warrants and payroll for the month of April 2023.

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

A motion was made by Ms. Alsop and seconded by Ms. Morris to approve the final FY23 local appropriation to the School Fund in the amount of \$500,000.

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

**VDOT UPDATE**

Ron Peaks with VDOT provided the following update on projects throughout the County:

- Rural Rustic paving has begun on Holmestown Road
- Asphalt Paving on Rt. 621
- Emergency closure of bridge on Rt. 628 Spring Cottage Road has been put in place due to structural issues. The detour for this project may be in place for up to a year.
- An engineering request for signage, signal and incident review is underway for the Rt. 360 and Rt. 14 intersection at St. Stephens Church.
- Slope repair on Rt. 14 and Rt. 609 shoulder maintenance
- Ditching, boom-axing, pothole patching, sign repair and gravel road maintenance countywide

Upcoming Projects include:

- Rt. 661 asphalt patching
- Rt. 614 pipe replacement
- Rt. 617 ditching
- Rt. 14 cross pipe repair near Corbin Mill Pond

Sherrin Alsop reported that the intersection at Rt. 721 and Roundabout Route needs work, there are lots of potholes there. She also reported that there is significant pavement damage on Indian Neck Road near the pond. Mr. Simpkins agreed and said that it was recently patched but it did not last and has come apart again. Ms. Alsop also questioned the feasibility of having litter signs placed along county roads where litter has become a real issue.

Ms. Morris asked what can be done about the rippled pavement on Rt. 14 and also to have gravel added on Mount Olive Bottom Road.

Mr. Burns asked why the orange barrels are still near the intersection of Taylorsville Road and York River Road when he has been advised that the safety concern that necessitated them has been fixed.

## **PUBLIC COMMENT PERIOD**

There were no comments received from the public.

## **PUBLIC SERVICE INITIATIVE/THERESA GLIDEWELL FOR *THE LITTLE FOOD PANTRY***

Ms. Glidewell advised of a national program which places small self-contained food pantries in rural areas to provide shelf stable and nonperishable food items to anyone in need. Her group is not asking for any funding but simply locations in the county for placement. The program is based on neighbors helping neighbors. She has worked with Bay Aging Housing to locate pantries near their facilities. There are also placements in King William and New Kent. She would like to have locations in the upper and lower ends of the county.

It was the consensus of the Board to allow placement at the Marriott School facility in the upper end of the County. It was suggested that the telecenter be a possible location once construction is complete.

## **PUBLIC HEARING – RZ23-01/LOUDON FARM CORP.**

Chairman Bailey asked Donna Sprouse, Director of Community Development to provide background information and proof of publication.

Ms. Sprouse provided the following:

The Planning and Zoning Department received an application on January 25, 2023 from David Mann on behalf of Loudon Farm Corp., requesting approval of a rezoning application. The applicant requests to rezone a 14.1-acre parcel, identified as County Tax Map Parcel No. 162S. 39R-83 from Residential Single-Family and Agricultural (RS/A) to Agricultural (A). The owners wish to apply for rezoning to allow them the proper zoning to seek approval to establish a wedding venue/events facility. The owner understands that before they are able to move forward with their proposal as wedding venue, a level 3 site plan and Conditional Use Permit is required which includes approval from appropriate state/local agencies. This request is only for the rezoning of the 14.1-acre parcel and is not an approval of any use or site plan at this time.

The subject property is located off of State Route 633, Mantua Road, in the Newtown Magisterial District, further identified as County Tax Map Parcel No. 162S-39R-83. The property is addressed as 3467 Mantua Road. Addressable structures on the property includes a single-family residence. There was a second residence on the property, however, unfortunately was destroyed by fire last year. Other surrounding land uses include residential single-family zoning/homes, and farm fields and pastures, zoned Agricultural. The attached plat depicts the current location of existing structures on the site, as well as the total acreage of the parcel presently. The property in question originally consisted of 6.9 acres, through a boundary line adjustment transaction, the parcel is now 14.1 acres in size. The property is accessed by a private easement across other lands owned by Loudon Farm Corp.

King & Queen County Zoning Ordinance, Article 3, Section 3-68 A states that the purpose of the agricultural (A) district is, " *...designed to protect existing farms, forests, conservation areas and other types or rural uses; to encourage future development only when it promotes the preservation of the rural qualities of the county; and to provide for supportive commercial uses, along with necessary community facilities. The use restrictions and other regulations within the district are intended to reflect the importance of agriculture and forestry to the character and economy of the county and to discourage development of other uses, except where they promote the preservation of the rural qualities of the county. Residential uses are permitted primarily: to accommodate farm families and workers; to provide opportunities for a limited number of independent home sites, while avoiding pressures for major residential subdivisions and strip development along highways.* "

King & Queen County Zoning Ordinance, Article 3, Section 3-68 C states that the purpose of the residential/single-family (RS) district is to, " *... (i) to accommodate residential communities of moderate density where public water and sewage systems are not available or of higher density where such utilities are available; (ii) to provide for the orderly development of the Mattaponi*

*and York Rivers while protecting the waterfront and other environmentally- sensitive areas from the potentially harmful effects of development and, in general, establish a compatible relationship between development and the natural environment; (iii) to promote the clustering of residential development within the County in order to minimize strip development and promote the efficient use of land; (iv) to accommodate affordable housing for county residents; and (v) to permit community facilities such as parks, playgrounds, churches and schools in order to enhance the residential environment. "*

Article 4, Table 4.1, Permitted Uses notes the following: Events Facilities are permitted by approved Conditional Use Permit in the Agricultural zoning district or by right in the General Business 2 (GB2) zoning district. The subject property is currently "split-zoned", meaning it is made up of two separate zoning districts. Each district allows for various permitted uses based on the Table of Uses in Article 4 of the King & Queen County Zoning Ordinance. In order for the property owners to move forward with their request to establish a wedding venue/facility on the subject property, it must be either zoned Agricultural (A) or General Business 2 (GB2). Clearly the more appropriate zoning, that would fit the rural nature of the area, would be the Agricultural zoning district. Setbacks, permitted uses, and other site plan requirements/conditions will be addressed and shall be approved by the Board of Supervisors prior to the operation/construction of the proposed wedding venue/facility.

It is staff's recommendation that the rezoning request be approved.

David Mann, applicant advised that he was present to answer any questions the Board may have.

Mr. Burns asked if the house that is located on the property would still be able to be used as a residence if the rezoning is approved, Ms. Sprouse advised that, yes, it would.

Mr. Simpkins asked for clarification that applications would need to be submitted later for any buildings and that venue related issues such as noise, times and traffic would be addressed with those future applications. Ms. Sprouse advised that he is correct that all of those items would be addressed with site plan applications.

Chairman Bailey opened the public hearing. There being no further comments, the hearing was closed.

A motion was made by Ms. Morris and seconded by Ms. Burns to accept the Planning Commission's recommendation for approval for RZ23-01.

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

## **PUBLIC HEARING – FY24 BUDGET**

Chairman Bailey asked the County Administrator for proof of publication and background.

Ms. Seay stated that the public hearing was properly advertised in the Tidewater Review and Rappahannock Times on March 29<sup>th</sup> and a courtesy copy was published in the Country Courier on March 29<sup>th</sup>.

Ms. Seay further advised that the Board has been working on the proposed budget for several months. The budget includes the cost related to the continuation of current capital projects as well as salary increases that coincide with what is proposed by the state at 7%. Most other portions of the budget reflect level funding or small inflationary increases.

Chairman Bailey opened the public hearing. There being no comments from the public, the hearing was closed.

Chairman Bailey reminded those present that the Board cannot act on the budget for at least seven days after the public hearing. It is the Board intent to vote on the budget at the May 8<sup>th</sup> meeting.

## **QUARTERLY REPORTS**

Constitutional Officers, Department Heads and Agencies provided the following reports:

Sheriff Balderson- Provided detailed reports of the activities of his department during the last quarter. He also advised that dispatcher were recognized during National Dispatcher Week and the ACO was recognized during ACO Week. The Sheriff's office will be participating in the Drug Take Back program again this year with several locations throughout the county. He expressed concern with staffing in his department, he has quite a few vacancies including ACO, deputy, SRO and dispatchers.

Commissioner Kelly Lumpkin – Advised that her office is in the process of valuing all personal property. Building permits are being entered for new construction. She expects notices of change in assessment for real estate to be sent out during the month of June. Personal Property forms have been mailed and are due back by May 1<sup>st</sup>. High mileage forms were included and are also due by May 1<sup>st</sup>. Vehicle license billings have been sent to the Treasurer's office and are due by April 30<sup>th</sup>. Elderly and disabled tax relief applications were due April 1<sup>st</sup>. She reminded everyone that Virginia state taxed can be filed with the Commissioner's office and must be filed by May 1<sup>st</sup>.

Clerk of Circuit Court Vanessa Porter – Ms. Porter provided her report in advance but was available for any questions. Mr. Burns questioned why the report included workload data for comparison between 2021 and 2022 did not include workload data for the first quarter of 2023. Ms. Porter responded that she does not have that data, she tracks by year.

School Superintendent Dr. Carol Carter – Advised the Board that the current ADM is 801 and their budget was based on 805 which means a revenue loss of approximately \$54,000 in state funding. All three schools held Science Fairs. The JROTC Military Ball will be held in May. May 19<sup>th</sup> is CHS graduation. May 15<sup>th</sup> is KQES Promotion and May 18<sup>th</sup> is LMES Promotion. May 23<sup>rd</sup> will be the last day of school for students and May 24<sup>th</sup> will be the last day for staff. Dr. Carter advised the Board that state accreditation includes a scoring for attendance. During the pandemic divisions received a waiver for this if meeting certain criteria and divisions are working with the state to see if additional time can be allowed for this exemption due to ongoing concerns. All three schools participated in National School Breakfast Week by offering new and different items that were selected by the children. The Lady Tigers basketball team was the Tidewater District

Champion. The high school will have spring sports including wrestling, baseball, softball and track.

Mr. Simpkins requested updates on the virtual student counts, the lights on the football field and the number of staff openings in the division.

Jeff Davison, Republic Services – Reported that daily tonnage is down this quarter from 1945/day to 1650/day. The landfill has assisted the community by sponsoring spring and fall sports promotional t-shirts at CHS. They have two landfill projects scheduled in 2023 including outbound scale replacement and seeding of 8 to 10 acres. He reported that all compliance inspections by DEQ have gone well with no deficiencies found. As an update on traffic, they have been notified of complaints regarding speeding on Rt. 614 as well as failure to follow approved routes. They have sent out reminders to all customers and drivers.

Ms. Morris questioned the increase in independent haulers and the decrease in Lucky Dog trucks.

Ms. Seay advised the Board that there has been an issue raised by VPPSA regarding the disposal of mattresses. Due to the cost of disposal of them at the landfill, VPPSA is considering several options to keep accepting them. No decisions have been made at this time.

## **SET PUBLIC HEARING DATES**

A motion was made by Mr. Burns and seconded by Ms. Morris to set the May 8, 2023 meeting as the date for public hearings on the following items:

- Planning Commission Items Related to Mining
- EDA Name Change
- Lease at Farmer's Market/Riverstreet

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

NAYS: NONE

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

Economic Development Authority/Stevensville – Tabled

Bay Consortium workforce Development Board - Tabled

Planning Commission/ Newtown – Tabled

Planning Commission/Buena Vista – Tabled

Pamunkey Regional Library Board – Tabled

Arts Alive – A motion was made by Mr. Bailey and seconded by Ms. Aslop to appoint Nita Bunting to the Arts Alive Board.

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

ALSOP

NAYS: NONE

Mr. Bailey advised that since he will not be seeking re-election someone will need to be appointed to replace him no the MPPDC.

## **COUNTY ADMINISTRATOR'S COMMENTS**

### **County Administrator Vivian Seay provided the following comments:**

- Advised that a request for service by Riverstreet has been received from Aylett County Day School. It was the consensus of the Board to allow them to hook up as long as it was done at their own expense.
- Asked the Board to cancel the April 24<sup>th</sup> work session so she and the Chairman can attend the King William board meeting regarding the Pamunkey Library request.
- Advised that the EDA is holding a planning session on May 4<sup>th</sup> on the Strategic Action Plan.
- A request was received from the Sheriff to allow him to purchase items for a litter pickup event to be held on Earth Day. It was the consensus to allow him to purchase items needed as long as they qualified under the grant.
- Provided the Board an update on the tax relief items received from the Commissioner of the Revenue so they can be provided to citizens.

## **BOARD OF SUPERVISORS COMMENTS**

### **Ms. Alsop had the following comments:**

- Thanked everyone for coming.
- Expressed appreciation for thoughts during recent illness, she is feeling much better.
- She will be attending the Spring VACo board meeting but it will be her last one as she will be rotating off that Board at the end of the year.
- Wished everyone a Happy Easter and blessed rest of the month.

### **Ms. Morris had the following comments:**

- Commented that she is glad to see Sherrin back and feeling better.
- Thanked everyone for their reports and thanks to the County Administrator for her updates as well.
- Thanked everyone for coming and hope to see next month.

### **Mr. Burns had the following comments:**

- Thanked everyone for coming and for the reports.

### **Mr. Simpkins had the following comments:**

- Thanked everyone for the reports and the level of detail provided on the activities in their offices.

- Commented that he knows that not everyone will get what they want and, in some cases, may need in the budget.
- Thanked everyone for coming and hope to see them next month.

**Mr. Bailey had the following comments:**

- Thanked everyone for coming and for the reports.
- Commented on the litter and trash pickup in the county.
- Advised that his Riverstreet internet bill went up last month and he will check into it.
- He sent a letter to the editor of the Country Courier advising the community that he and Mr. Burns will not be seeking re-election and for interested citizens to get involved and run.
- Thanked everyone for coming, be safe going home and see you next month.

**CLOSED SESSION**

A motion was made by Mr. Burns and seconded by Ms. Morris to enter into closed session pursuant to VA Code section 2.2-3711(A)(8) consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

A motion was made by Ms. Alsop and seconded by Mr. Burns to come out of closed session with each member of the Board certifying by individual vote that only those public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act were heard, discussed, and considered in the closed session.

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

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

A motion was made by Ms. Alsop and seconded by Mr. Burns to adjourn the meeting at 8:54 p.m.

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**Chairman**

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**Clerk of the Board**



