

King and Queen County
Board of Supervisors Regular Meeting

Monday, August 9, 2021
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

Chairman Alsop opened the meeting. Roll Call was taken with member Jim Burns being absent.

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

APPROVAL AND SIGNING OF THE JUNE 24, 2021 AND JULY 12, 2021 MINUTES OF THE BOARD

A motion was made by Ms. Morris and seconded by Mr. Bailey approving the June 24, 2021 and July 12, 2021 minutes as presented.

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

RATIFICATION OF JULY 2021 RECURRING WARRANTS

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to ratify the payment of the July 2021 recurring warrants due to the work session meeting being cancelled.

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

APPROVAL OF AUGUST 2021 WARRANTS AND APPROPRIATIONS

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to approve the County warrants and payroll for the month of August 2021, subject to audit.

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

NAYS: D.H. MORRIS

ABSENT: J.M. BURNS

RETRO-ACTIVE APPROPRIATION TO THE FY2021 SCHOOL FUND IN THE AMOUNT OF \$912,513.03

A motion was made by Ms. Alsop and seconded by Mr. Bailey to make the retro-active appropriate in the amount of \$912,513.03 to the School Fund, subject to audit.

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

NAYS: NONE

ABSENT: J.M. BURNS

QUARTERLY APPROPRIATION TO THE SCHOOL FOOD SERVICES FUND

A motion was made by Ms. Morris and seconded by Mr. Simpkins to appropriate \$94,408.00 to the School Food Services fund for first quarter of FY2022.

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

NAYS: NONE

ABSENT: J.M. BURNS

APPROPRIATION TO THE ASSET FORFEITURE FUND/NATIONAL NIGHT OUT

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to appropriate \$285.00 to the Asset Forfeiture Fund to cover expenses incurred for the National Night Out Event.

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

NAYS: NONE

ABSENT: J.M. BURNS

APPROPRIATION TO THE K9 FUND/PURCHASE AND TRAINING OF NEW K9 UNIT

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to appropriate \$8,500 to the K9 Fund to cover the cost of purchase and training of new K9 unit for drug investigations.

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

NAYS: NONE

ABSENT: J.M. BURNS

PUBLIC COMMENT PERIOD

Dennis Gaston, State Forester presented the Board with the annual payment in lieu of taxes for timber sales made from the Dragon Run State Forest.

PUBLIC HEARING/VIRGINIA SAND AND STONE (CUP21-03 & SP21-07)

Chairman Alsop asked the Director of Community Development to provide proof of publication and background information.

Ms. Sprouse stated that public hearing was properly advertised in the Rappahannock Times and Tidewater Review for two consecutive weeks and a courtesy copy was run in the Country Courier.

Ms. Sprouse provided the following background on the applications:

The Planning and Zoning Department received an application on March 12, 2021, from Wilson Engineers, LLC on behalf of Virginia Sand & Stone, requesting approval of a Conditional Use Amendment and Level 3 Site Plan Amendment, to add an additional 17.28 acres for the purpose of surface mining. The subject property is located on State Route 628, Spring Cottage Road, in the Newtown Magisterial District, County Tax Map Parcel No. 1632-78R-687. The property owner is Virginia Sand & Stone Property Company, I. The parcel size, according to the Commissioner of Revenue is 330.5 acres, however the survey as prepared by Mitchell Land Surveying, LLC has the parcel listed as approximately 310.28 acres. The property currently is zoned Agricultural (A). According to Article 4, Permitted Uses, Table 4.1, Permitted Use Table, Surface Mining on at least 5 acres; no processing, is allowed in the Agricultural Zoning District with the approval of a conditional use permit. Special Conditions are as follows: (a) a minimum lot size of five (5) acres shall be required; (b) no such activity shall take place within a required yard; (c) there shall be no processing or manufacturing on the premises other than such activity as may be necessary to facilitate the hauling of materials, specifically, the screening, sifting, separation and washing of the extracted resource on the site of extraction by manual or mechanical means; (d) a plan shall be submitted showing the original and proposed final grades of areas to be disturbed and the means to be taken to facilitate drainage and to avoid erosion and sedimentation; and (e) the area of such use shall have direct access to roads suitably paved and improved to accommodate truck traffic generated by the use. As mentioned in a prior Planning Commission meeting, there is an approved mining operation (approved Rezoning, Conditional Use Permit and Level 3 Site Plan) from December of 2002. The 2002 approved operation is located just south of the Virginia Sand and Stone property a distance of approximately 1.4 miles, located at the intersection of Eastern View Road and Spring Cottage Road. The site consists of approximately 267 acres (with only 5 acres zoned Industrial). Staff has attached a copy of the approved minutes from the Board of Supervisors public hearing, siting the approved conditions for CUP02-10. It is important to know what other facilities exists, or at least be aware of those that have been approved to operate, to better determine how all future/proposed development impacts the area in regards to noise, traffic, environmental concerns and other impacts, if any, to the community.

Ms. Sprouse further advised that the Planning Commission held a public hearing on the applications on July 6, 2021 and took action accepting staff's recommendation to approve CUP21-03 and SP21-07.

Chairman Alsop opened the public hearing.

Blair Wilson of Wilson Engineers spoke on behalf of the applicant, advising that himself and Chris Seymour, Operations Manager for the VA Sand and Stone were present to answer any questions the Board may have.

Ms. Morris asked Chairman Alsop if she had any issues with the project since it was in here district. She advised that she did not.

Mr. Simpkins asked for clarification on why this area was not included in the original site plan approval. Mr. Wilson advised that this area was wooded at that time but since it does have mineable sand the applicant wants to move forward with use of it.

A motion was made by Mr. Simpkins and seconded by Ms. Morris to accept the Planning Commission recommendation and approve CUP21-03 and SP21-07 including conditions as presented.

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

NAYS: NONE

ABSENT: J.M. BURNS

SET DATE FOR PUBLIC HEARING/FLOOD PLAIN OVERLAY DISTRICT AND FIRM MAPS

Ms. Sprouse provided a background on this request.

It was the consensus of the Board to set September 13, 2021 meeting as the date for the public hearing.

OPIOID LITIGATION MEMORANDUM OF UNDERSTANDING

Chairman Alsop asked the County Attorney to provide background.

Mr. Swartzwelder advised that this MOU is a result of the ongoing litigation between opioid manufactures and state and local governments across the country. The Board approved the settlement agreement several months ago. The MOU is part of that and the ultimate settlement will be approximately \$20 billion. As part of the settlement all state and local governments must approve the MOU in order to reach “global peace” to prevent further lawsuits. General counsel has asked that all parties sign of first. Since the Board entered as a party to the suit they have been asked to sign off by the end of August.

A motion was made by Mr. Bailey and seconded by Ms. Morris to approve the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding.

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

NAYS: NONE

ABSENT: J.M. BURNS

DISCUSSION OF STAFFING NEEDS FOR SHERIFF'S OFFICE AND RESCUE SERVICES

Mr. Swartzwelder advised the Board that this item is before the Board again as directed at the July meeting. He provided an update on call volumes for Emergency Services and advised that unfortunately the hourly pay rate increase that the Board approved for EMT staff has not helped with adding more people to the labor pool. Mr. Hunter is still unable to staff the center area of the County more than a couple of days each week. Ms. Morris expressed her concern again that her district does not have sufficient coverage.

The Board also discussed their continued concerns with adding additional dispatch staff when the Sheriff's office is still unable to fill the vacant positions they have even with the salary scale adjustment that was approved several months ago.

It was further discussed that hiring in both departments is a state wide problem that most counties are struggling with.

It was the consensus to put this item on the agenda again for the August work session and to ask that Mr. Hunter be present.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

- Economic Development Authority/Stevensville – Tabled
- Economic Development Authority/At Large Member – Tabled
- Wetlands Board – Kerry Basehore was recently appointed as an alternate to this board. He has expressed interest in being appointed as the Buena Vista District member. A motion was made by Mr. Simpkins and seconded by Mr. Bailey to appoint Mr. Basehore to a 4-year term expiring August 9, 2025.
- Bay Consortium Workforce Development Board – Replacement/Percy Pollard – Tabled
- Pamunkey Regional Library – Mr. David Litchfield is no longer able to serve – Tabled with the request to reach out to Mr. Shepley to see if he has any suggestions.

COUNTY ADMINISTRATOR'S COMMENTS

Mr. Swartzwelder made the following comments:

- Asked the Board for direction on vaccination and mask mandates for County employees. It was the consensus of the Board not to mandate vaccinations and to follow CDC and Health Department guidelines regarding masks.
- Provided an update to the Board from the weekly briefing with the Health Department regarding COVID-19.
- Advised the Board of the issues that have arisen with the CDBG Rehab board that approves home repair projects using CDBG Program Income from the Cauthornville and Snow Hill DHCD projects. Ms. Also has volunteered to be the permanent member of this Board and Donna Sprouse has volunteered to be the permanent citizen representative.

A motion was made by Mr. Simpkins and seconded by Mr. Bailey appointing them to these positions. Motion was approved unanimously.

Ms. Morris asked that members still be advised when projects are requested in their district.

- The fiber project is still moving along and is still on schedule.
- The federal EDA grant for the Telecenter was approved in the amount of \$1.6 million. Staff is working through obtaining requested letters of support and answering questions from the final approval. He also advised that the DHCD grant is approved. There is no set start date on this project yet.
- The General Assembly is considering a \$5,000 bonus for Compensation Board funded law enforcement officers. There is current language that would also provide some funding to locally funds positions as well. He will provide an update once the General Assembly has taken final action on legislation.
- Advised the Board that he will be on vacation August 24 – 27.

BOARD OF SUPERVISORS COMMENTS

Mr. Bailey had the following comments:

- He is happy to see the fiber project is making good progress.
- Thanked everyone for coming and hoped to see everyone next month.

Mr. Simpkins had the following comments:

- Thanked everyone for coming.
- Echoed Mr. Bailey's comments on the fiber project because Verizon service in the County is the only thing available and its coverage is terrible.
- Wished everyone a safe trip home.

Ms. Morris had the following comments:

- Thanked everyone for coming.
- Expressed that she is also glad the fiber project is moving along and expressed concern with people speeding past the installers while they are working.
- Hoped to see everyone next month.

Ms. Alsop had the following comments:

- Thanked everyone for coming.
- Advised that she did not receive any calls about the mining project that was approved tonight.
- She will be attending the Virginia County Officials Summit next week for 2 ½ days.
- She is also excited about the fiber project and thanked Mr. Swartzwelder for his hard work in getting the issues resolved in the upper end of the County so that all districts are able to benefit.

CLOSED SESSION

A motion was made by Mr. Simpkins and seconded by Ms. Morris to enter into closed session pursuant to Section 2.2-3711A7 for consultation with legal counsel pertaining to actual or probable litigation, Section 2.2-3711A8 for consultation with legal counsel regarding specific legal matter requiring the provision of legal advice by such counsel and Section 2.2-3711A1 for a personnel matter.

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

A motion was made by Ms. Morris and seconded by Mr. Bailey to enter into open session with all members certifying by individual vote that only those public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act were heard, discussed or considered in closed session. Motion included clarification of the motion to enter into closed session to advise that matters discussed pursuant to Section 2.2-3711A1 were for a personnel matter involving appointees of various Board and Commissions of the County.

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

IT IS ORDERED THAT THE BOARD BE ADJOURNED:

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to adjourn the meeting at 8:50 p.m.

Sherrin C. Alsop, Chairman

Thomas J. Swartzwelder, Clerk