

King and Queen County
Board of Supervisors Regular Meeting

Monday, January 10, 2022
7:00 P.M.

King and Queen County Courts and Administration Building
General District Courtroom

“Minutes of the Meeting”

OPENING OF THE MEETING – THOMAS SWARTZWELDER

County Administrator, Thomas Swartzwelder opened the first meeting of the year of the Board of Supervisors calling the meeting to order. It was noted that all members were present with the exception of Mr. Bailey.

ELECTION OF CHAIRMAN OF THE BOARD OF SUPERVISORS FOR 2022

A motion was made by Mr. Burns and seconded by Ms. Alsop nominating Ms. Morris as Chairman for 2022. No further nominations were made.

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

NAYS: NONE

ABSENT: R. F. BAILEY, JR.

ELECTION OF VICE-CHAIRMAN OF THE BOARD OF SUPERVISORS FOR 2022

A motion was made by Mr. Burns and seconded by Ms. Alsop nominating Mr. Bailey as Vice-Chairman of the Board for 2022. No further nominations were made.

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

NAYS: NONE

ABSENT: R. F. BAILEY, JR.

APPOINTMENT OF CLERK OF THE BOARD FOR 2022

A motion was made by Ms. Alsop and seconded by Mr. Simpkins appointing Mr. Thomas Swartzwelder as Clerk of the Board for 2022.

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

NAYS: NONE

ABSENT: R. F. BAILEY, JR.

RESOLUTION FIXING THE DATE, TIME AND PLACE OF MEETINGS OF THE BOARD OF SUPERVISORS FOR 2022

A motion was made by Mr. Burns and seconded by Mr. Simpkins to approve the Resolution and Meeting dates for 2022.

KING AND QUEEN COUNTY BOARD OF SUPERVISORS' RESOLUTION FIXING THE DATE OF THE REGULAR MEETING AND THE DATE OF THE CONTINUED MEETING IN THE EVENT OF HAZARDOUS WEATHER OR OTHER CONDITIONS AND SETTING DATE FOR THE PURPOSE OF HOLDING WORKSHOPS AND TO HEAR PRESENTATIONS FOR THE BOARD OF SUPERVISORS OF KING AND QUEEN COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of King and Queen County (the "Board") is required by Section 15.2-1416 of the Code of Virginia, as amended, to set the date, time and place of the regular Board Meeting at the annual Meeting of the Board; and

WHEREAS, Section 15.2-1416 also permits the board to fix the date of days to which a regular meeting shall be continued if the Chairman, or Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for Board Members to attend the regular meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF KING AND QUEEN COUNTY:

1. That the regular meeting of the Board shall be held in the King and Queen Courts and Administration Building, General District Courtroom at 7:00 P.M., the 2nd Monday of each month.
2. That upon the finding and declaration by the Chairman or Vice-Chairman, if the Chairman is unable to act, that the weather or other conditions are such that it is hazardous for Board members to attend the regular meeting of the Board, such meeting shall be continued until the seventh day immediately following such previously scheduled regular meeting at the same time and place.
3. That the fourth Monday of each month at 6:00 P.M., in the King and Queen Courts and Administration Building, 2nd Floor Conference Room be set for the purpose of holding workshops and to receive presentations.

This resolution is effective immediately.
January 10, 2022

King and Queen County
Board of Supervisors Meeting Dates

King and Queen County Courts and Administration Building

Regular Meeting – 2nd Monday of each month/General District Courtroom 7:00 P.M.

Presentations/Workshops – 4th Monday of each month/2nd Floor Conference Room 6:00 P.M.

Schedule of Meeting Dates
2022

January 10, 2022	July 11, 2022
January 24, 2022	July 25, 2022
February 14, 2022	August 8, 2022
February 28, 2022	August 22, 2022
March 14, 2022	September 12, 2022
March 28, 2022	September 26, 2022
April 11, 2022	October 11, 2022*
April 25, 2022	October 24, 2022
May 9, 2022	November 14, 2022
May 23, 2022	November 28, 2022
June 13, 2022	December 12, 2022
June 27, 2022	No December Work Session*

NOTES

October Regular meeting falls on Columbus Day, moved to Tuesday, October 11, 2022

Cancel the December work session due to the 4th Monday falling on December 26th which is a designated holiday on the state calendar (observance of Christmas).

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

NAYS: NONE

ABSENT: R. F. BAILEY, JR.

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

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

APPROVAL AND SIGNING OF THE NOVEMBER 22, 2021 AND DECEMBER 13, 2021 MINUTES

A motion was made by Mr. Burns and seconded by Mr. Simpkins approving the November 22, 2021 and December 13, 2021 minutes as presented.

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

NAYS: NONE

ABSENT: R. F. BAILEY, JR.

RATIFICATION OF THE DECEMBER 2021 RECURRING WARRANTS

A motion was made by Mr. Simpkins and seconded by Mr. Burns ratifying the December 2021 recurring warrants from the cancelled December workshop.

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

NAYS: NONE

ABSENT: R. F. BAILEY, JR.

APPROVAL OF JANUARY 2022 WARRANTS AND APPROPRIATIONS

A motion was made by Ms. Alsop and seconded by Mr. Burns to approve the warrants and payroll for the month of January 2022.

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

NAYS: NONE

ABSENT: R. F. BAILEY, JR.

PUBLIC COMMENT PERIOD

No comments were received from the public.

PUBLIC HEARING – VA SAND AND STONE (CUP21-04 & SP21-09)

Chairman Morris advised that the Board will hold a public hearing on CUP21-04 and SP21-09 submitted by VA Sand & Stone. She asked the Director of Community Development to provide proof of publication and background information on the requests.

Ms. Sprouse advised that public notice ran in the Tidewater Review and Rappahannock Times for 2 consecutive weeks (December 22, 2021 and December 29, 2021). A courtesy copy was posted in the Courtney Courier, December 22, 2021. Adjoining property owners were notified of the public hearing via certified return receipt mail. The Planning and Zoning Department received an application on October of 2020, with payment later received on July 12, 2021 from Wilson Engineers, LLC on behalf of Virginia Sand & Stone, requesting approval of a new Conditional Use and Level 3 Site Plan to operate a surface mining facility. The subject property is located on State Route 628, Spring Cottage Road, in the Newtown Magisterial District, County Tax Map Parcel No. 1632-78R-673. The property owner is Kay Properties, LLC, C/o Robin K. Westman. Virginia Sand & Stone is requesting approval of a conditional use and level 3 site plan to operate a surface mining facility. The mining operation will extract sand with no processing, other than that required to facilitate the hauling of material. Of the 528.06-acre parcel, the applicant wishes to obtain a conditional use permit for 272.05 acres. Of the 272.05 acres outside

of any RPA, RPA buffers, and vegetated screening buffers, the applicant proposes to actively mine 170 acres. The property currently is zoned Agricultural (A). Stormwater and Erosion and Sediment Control is regulated by Department of Mines Mineral and Energy (DMME). Some timber on the property has been cut through a permitted silvicultural operation with Virginia Department of Forestry. Any and all areas that has vegetation removed as part of the permitted silvicultural operation within the 100' RPA buffer, is required to be mitigated through a WQIA process. A wetlands determination has been completed and approved by the US Army Corp of Engineers. The Department of Health has issued a permit for a new septic system and well for the scale house/office trailer. VDOT has issued approval of the site plan only as it relates to the entrance design for the proposed project. Prior to start of operations/construction, a VDOT entrance permit must be obtained, inspected and approved by Virginia Department of Transportation.

During the December 6, 2021 Planning Commission public hearing, a motion was made by Mr. Watkins to recommend approval of CUP21-04 and SP21-09 with modifications to condition #1 and #4 to clarify when the Governor of Virginia has declared a State of Emergency, it is due to a natural disaster. Mr. Watkins motion was seconded by Mr. Burroughs. All present members voted for the motion as presented.

Ms. Sprouse further advised that both the applicant and their engineer are present tonight to answer any questions that the Board may have.

Chairman Morris opened the public hearing.

Mr. Blair Wilson, engineer for VSS. He stated that he was present as their engineer, Chris Seymour with VSS and Andrew McRoberts, attorney for VSS, the land owner are also present to answer any questions.

There being no further comments received the public hearing was closed.

Chairman Morris asked if the Board had questions for the applicant or agents.

Ms. Alsop asked which roadway will be used in and out of the site, she asked that they avoid Rt. 625, Poplar Hill because the intersection at Rt. 625 and Rt. 721 is very dangerous as there is no site distance.

Mr. Simpkins asked about water usage and if the Fisher site will be mined first then the Kay site. Mr. Wilson stated that the plans show that there will be a pond that will be used near the portable plant for cleaning of the sand fines. He also explained that they may mine the Kay site first then go back to Fisher, but at no time will material be exported from both sites at the same time. That does not mean that they may not still operate on the Fisher site, digging of stock piling of material for example.

There being no further questions a motion was made by Mr. Burns and seconded by Ms. Alsop to approve both CUP21-04 and SP21-09.

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

NAYS: NONE

ABSENT: R. F. BAILEY, JR.

PUBLIC HEARING – FY2022 BUDGET AMENDMENTS

Chairman Morris asked the County Administrator to provide proof of publication and background on the budget amendments.

Mr. Swartzwelder advised that the amendments were properly advertised in the Rappahannock Times and Tidewater Review with a courtesy copy placed in the Country Courier. He advised that he would provide updates on the individual amendments if the Board had questions after the hearing.

Chairman Morris opened the public hearing. Hearing no comments, the public hearing was closed.

The first amendment is to amend the FY22 budget and re-appropriate funds for the purchase of a new fire truck for Lower King and Queen Volunteer Fire Department. This purchase is part of the real estate transaction for the County's purchase of the EMS station in Shackelfords and a portion of the funds is a loan to Lower Fire for the amount over the purchase price for the station. It includes an additional \$70,000 for equipment to be used on the truck; this equipment will be owned by the County.

A motion was made by Mr. Burns and seconded by Ms. Alsop to amend the FY22 budget and appropriate the \$570,000 for the purchase of the truck and equipment.

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

NAYS: NONE

ABSENT: R. F. BAILEY, JR.

The second amendment is for a restoration project at Central High School for the track facility. Mr. Swartzwelder reminded the Board that this project was brought by Dr. Carter several months ago and that it is coming now because the schools have done procurement and are ready to begin the project if approved. The principal for CHS was present and gave an overview of the project which includes restoration of the existing facilities as well as the addition of facilities for other events.

After brief discussion regarding concerns regarding possible cost overruns due to unknown status of existing facilities, a motion was made by Mr. Burns and seconded by Ms. Alsop to amend the FY2022 budget and appropriate \$460,000 from the school capital projects fund.

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

NAYS: NONE

ABSENT: R. F. BAILEY, JR.

The last amendment is to properly account for the receipt of the first allocation of ARPA/CSLFRF funds received from the federal government as part of the American Rescue

Plan Act. Mr. Swartzwelder advised that since the Board has not chosen what they will use the funds for, they do not need to appropriate them yet.

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to amend the FY2022 budget in the amount of \$682,262 for the ARPA funds received.

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

NAYS: NONE

ABSENT: R. F. BAILEY, JR.

PRESENTATION OF FY2021 AUDIT – ADAM DUNCAN – ROBINSON, FARMER COX

Mr. Swartzwelder advised that Mr. Duncan is here because Anne Wall, who has been the county's lead auditor for many years has retired.

Mr. Duncan advised that the County received an unmodified opinion. This is the 'cleanest' audit standard that can be received. He reviewed exhibits within the audit that reflected the representation of the County's liability for retirement contributions for county and school employees. He further advised that the financial statements reflect a \$183,000 increase in the general fund balance.

Mr. Simpkins asked how well the County did in budget versus actual. The difference was \$687,840 in revenue over budget and \$2,448,838 less expenditures than budgeted.

KQES FINANCING RFP RESULTS AND RECOMMENDATIONS - DAVENPORT

David Rose and Kyle Laux with Davenport Associates presented to the Board the results of the recent RFP. Their recommendation, based on responses, is Atlantic Union Bank with a fixed rate of 2.04% for a 20-year bond in the amount of \$20 million. They also provided the best prepayment option in the event that the Board desires to pay off the debt early.

After brief discussion, a motion was made by Mr. Burns and seconded by Ms. Alsop authorizing Davenport and county staff to move forward with necessary documents for bond issuance.

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

NAYS: NONE

ABSENT: R. F. BAILEY, JR.

RESOLUTION – DESIGNATION OF GREEN CHAMBERS ROAD (RT. 642) AS A RURAL RUSTIC ROAD

Mr. Swartzwelder advised that the Board made this designation as part of the Six Year Road Plan and VDOT is following up with the resolution as part of the process in order for work to begin in making improvements to the road.

A motion was made by Mr. Burns and seconded by Mr. Simpkins to adopt the following resolution designating Green Chamber Road.

RESOLUTION

WHEREAS, Section 33.2-332 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of King and Queen County, Virginia (“Board”) desires to consider whether Green Chambers Road, Route 642, 0.30 mile, From: Route 360 To: Route 628 be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

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

NAYS: NONE

ABSENT: R. F. BAILEY, JR.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Economic Development Authority/Stevensville – Tabled
Bay Consortium workforce Development Board - Tabled
Pamunkey Regional Library Board – Tabled
Planning Commission/ Stevensville – Tabled
Planning Commission/Newtown – Tabled
Planning Commission/Newtown - Tabled

COUNTY ADMINISTRATOR’S COMMENTS

County Administrator Thomas Swartzwelder provided the following comments:

- Advised that the Historical Society has submitted their finding related to the monument located at the courthouse. He will provide the Board with copies at their work session.
- Commented that Broadband is still moving along. Progress is slow in the bottom areas of the County is moving more quickly in the Stevensville District area.

BOARD OF SUPERVISORS COMMENTS

Mr. Simpkins had the following comments:

- Thanked everyone for coming.
- Commented on how nice the new chairs are, they were much needed.
- Stated that most of the county lucked out on the most recent snow storm related to power outages.
- Wished everyone a safe trip home.

Ms. Alsop had the following comments:

- Thanked everyone for coming.
- Advised that her district did have a good number of citizens without power during the recent storm and it brought to mind how to help people in these instances in the COVID world.
- She will be attending Legislative Day at the General Assembly to ensure that King and Queen's views and needs are heard by the new governor.
- Thanked the County Administrator for providing the new redistricting maps. They reflect changes in the Newtown and St. Stephens districts that put them back almost like they were prior to the last census.
- Asked everyone to continue to be safe, COVID is running rampant. People are getting it whether vaccinated or not but still advised people to get vaccinated because it may help lessen the symptoms.
- Be safe going home and watch out for deer.

Mr. Burns had the following comments:

- Thanked everyone for coming.
- Thanked the Director of Finance for her work in making sure the County received a clean audit report.
- He is proud that the school project is moving forward and he is thankful to be a part of the Board and a part of the things they are doing to move the County into the 22nd century. The County is moving in a positive direction in many ways.
- Wished everyone a safe trip home.

Ms. Morris had the following comments:

- Thanked Ms. Alsop for doing a great job as Chairman last year.
- Congratulated Mr. Bailey on being appointed as Vice Chair.
- She agrees with Mr. Burns comments about the County moving forward, it has been a long time in coming but the County is on steady ground.
- Thanked everyone for coming, have a safe trip home and see all next month.

IT IS ORDERED THAT THE BOARD BE ADJOURNED:

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

Doris H. Morris, Chairman

Thomas J. Swartzwelder, Clerk