

King and Queen County  
Board of Supervisors Regular Meeting

Monday, September 18, 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. Simpkins provided the invocation, followed by the Pledge of Allegiance to the Flag of the United States.

Mr. Bailey stated that the meeting tonight is the rescheduled meeting from September 11, 2023 that was postponed due to a lack of quorum and noted that all members were present except Ms. Morris.

**APPROVAL AND SIGNING OF THE JULY 24, 2023 AND AUGUST 14, 2023 MINUTES**

A motion was made by Mr. Burns and seconded by Mr. Simpkins approving the July 24, 2023, and August 14, 2023 minutes of the Board.

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

NAYS: NONE

ABSENT: D. H. MORRIS

**APPROVAL AND SIGNING OF SEPTEMBER 2023 WARRANTS AND APPROPRIATIONS**

A motion was made by Ms. Alsop and seconded by Mr. Burns to approve the county warrants and payroll for the month of September 2023 subject to audit.

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

NAYS: NONE

ABSENT: D. H. MORRIS

A motion was made by Mr. Simpkins and seconded by Ms. Alsop to approve the purchase of a replacement UPS (uninterrupted power supply) for the dispatch center in the amount of \$51,300.00.

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

**PUBLIC COMMENT PERIOD**

Carol Holmes, Stevensville District – She attended the Planning Commission meeting where the proposed mining project on Devils Three Jump Road was discussed. She is opposed to the project and asked the Board to please not approve it.

Marcelus Dungee, Stevensville District – Asked if the Board would be setting the date for the public hearing on the mining project tonight. He is opposed to the project and asked the Board not to approve it.

Julia Redd, Stevensville District – She is opposed to the mining project. The county already has enough trouble with trucks on the road in that area with ‘all their foolishness’ and making the roads ‘all bumped up’. The citizens do not need any more trucks on the roads.

Sandra Burrell, Stevensville District – Expressed that the citizens do not want the mining operation in the Little Plymouth area. There are elderly people and children who attend the church near the site. Please do not approve the mining project.

**VDOT UPDATE**

No representative was present, but it was noted that they had provided a written report in advance.

**SET PUBLIC HEARING DATE – CUP21-02 AND SP21-05 LIESFELD MINING**

County Administrator Vivina Seay advised that the applicant has requested a deferral of the public hearing at this time. The Board can still hold the public hearing but delay a decision if they choose to. Mr. Simpkins asked if they gave a reason for the deferral and Ms. Seay responded that she believes that they wish to re-evaluate the proposal based on the outcome at the Planning Commission meeting, but the applicant did not express this in the request. There was discussion regarding the citizens who have come out and are concerned that they deserve to know what is taking place and when.

A motion was made by Mr. Burns and seconded by Ms. Alsop to set October 10, 2023 as the date for the public hearing on CUP21-02 and SP21-05.

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

**KQES PROJECT UPDATE**

Richard Corner with Hudson Associates presented the Board with new proposed plans for the KQES project. He advised the Board that they have basically been ‘sitting on them’ since February. Submission was made to DEQ in early February and did not receive comments back until mid-June. This response required significant changes by the civil engineer (TRC) and a new submission was made on August 25<sup>th</sup>. He has been advised that they have been given an expedited review and are now in the que to be reviewed again. DEQ is aware of the urgency of this project. He has been provided with a letter from DEQ to TRC that was received on Friday the 15<sup>th</sup> of September with an additional two pages of comments. In response to this Mel Hopkins., project manager with TRC has advised that they may be able to turn around changes to the plan in three weeks as long as they receive comments from Donna Sprouse, Director of Community Development for King and Queen, since receiving comments from the county is part of the requirement for DEQ approval. They will reach out to her tomorrow to see what she needs and what comments she may have. He has provided a link to full sets of plans to the County Administrator as well as the contacts at Skanska. He also has full paper sets available here for members to review if they like. This project has been sitting idle in his office since June due to the civil engineering piece. It has been painstakingly drawn out because of it. He hopes to have a complete document by the end of the month for bidding. They do have a permit in hand for the wastewater/sewer portion, but they do not have well permits because it will be designed post bid. The county can obtain those permits once they have a contract in place. The well will need to be drilled and sampled first in order to determine how the water system will be designed. He has been told it will take approximately four weeks for this design. They will also request costs for drilling the well and they have an estimate of \$80,000.

Earlier in the year, they provided a total project estimate of \$25 to \$26 million. Several things have happened that makes him confident that the project will not deviate from this price. Supply chain concerns are improving, contractors are running out of work. The only concern is with subcontractors. Due to location, the county may have to pay premium contract prices to get good subcontractors. It will be key to get the word out early that the project is coming.

He has reached out to several general contractors and they are interested. The county needs to get the project out to bid and get past DEQ designing the project so it can get started.

Mr. Burns asked if we had biddable documents. Mr. Corner advised that the plans that he has can go out to bid but they are not complete because they do not contain the civil engineering portion. That work would need to be negotiated post bid. In response to another question from Mr. Burns he advised that there is a \$400,000 bid allowance for the water system since it has not been designed yet. That cannot be put out to bid until the well is completed and the system is designed. He has been working with the county administrator on reviewing actual contract documents. There have been some revisions that need to be discussed.

Ms. Seay explained this was tier 1 review and that counsel had been engaged prior to her arrival and she has been in contact with them to do a tier 2 review. It is her intention to review that with the board in a closed meeting.

Mr. Simpkins asked for additional clarification on what documents are missing in the biddable documents. Mr. Corner advised that in addition to the water system, DEQ is holding up the process in obtaining a stormwater permit. The review comments from last week do not contain any ‘show stoppers’ but they do have items that will affect cost and they don’t have county comments. Donna Sprouse has been included in the correspondence and as far as he knows she has what she needs. Having those will enabled a better estimate and a big amendment to the proposal and contractors won’t need to reprice. They want to put out the best civil package they can for this project.

Mr. Simpkins asked for clarification on the process of what Ms. Sprouse needs in order to issue her comments.

Ms. Seay clarified that DEQ is the stormwater reviewer and is in charge of stormwater on this project, the county is not. The only involvement the county would have would be erosion and sediment control. It seems odd to her that DEQ would be waiting for comments from the county when they are the authority on this project. Mr. Corner stated that he has seen the comments received from DEQ and they are painfully thorough. Perhaps Ms. Sprouse is waiting to get approval from DEQ before she agrees that the county is okay with things. There are no zoning issues.

For final clarification, Mr. Burns asked if the two-page comment letter had been responded to yet. Mr. Corner advised that it had not. There is approximately two weeks’ worth of work to be done in order to respond and then possibly more time if DEQ has more comments. But he is hopeful that it would be turned around quickly.

Mr. Burns expressed concern that it would be done quickly since the last submission took from June to August. With an even bigger delay from February to June.

Mr. Bailey stated that it is a shame that it has taken DEQ this long to approve this project, but they can approve the liner for the landfill in 30 days.

Board members made the suggestion that maybe the county needs to get their delegates and senators involved to help move things along.

Mr. Corner closed his comments with the statement that he is confident that the project is moving forward now and is hopeful that it will continue to do so. He left full scale copies of the plans and specs for board members and staff.

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

Bay Consortium workforce Development Board – Tabled

Planning Commission/Buena Vista – A motion was made by Mr. Burns and seconded by Ms. Alsop to appoint Jonathan Massey to the Planning Commission to fill the unexpired term of Ryan Burroughs.

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

NAYS: NONE

ABSENT: D. H. MORRIS

## **COUNTY ADMINISTRATOR'S COMMENTS**

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

- Advised that the state budget has been approved and the remaining 2% of the proposed 7% is a part of it. Staff is awaiting direction from the Compensation Board as to how this will be applied.
- Advised the Board that due to some of the capital projects underway as well as other operating expenses that have come up that were not budgeted for, a public hearing may need to be held later for a budget amendment.
- The EDA approved the engagement of the Timmons Group to do a site analysis of potential economic development throughout the county. This will include the sites held by the EDA as well as privately held properties. This will assist economic development staff in targeting appropriate businesses and areas.
- Provided the Board with Riverstreet brochures to promote to citizens. Construction of the fiber infrastructure is complete, and they are now hooking up customers throughout the county. Mr. Burns commented that the crews that are doing hook ups are 'Johnny on the spot' doing the install and even if there is damage. They provide very good customer service.
- The new website will be live soon. There will be meetings with department heads for making final tweaks to content and layout.

## **BOARD OF SUPERVISORS COMMENTS**

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

- Thanked everyone for coming, she is very glad to see people speaking out about the mining and encouraged them to come back in October.
- She apologized for causing the meeting to be postponed due to medical reasons.
- Next Thursday she will be teaching a leadership course in the VACo Supervisors Class.
- Reminded everyone of Community Pride Day on October 14<sup>th</sup>. The parade has been moved to 9:00.
- Wished everyone a safe trip home.

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

- Thanked everyone for coming.

- He had the opportunity to look at the new temporary classrooms. They look good but he does have a few concerns with fire safety and suppression. They are great facilities and the board did the right thing by getting them in and set up. Hopefully a permanent school will begin soon.
- Wished everyone a safe trip home.

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

- Thanked everyone for coming and speaking out.
- Reminded everyone that the elections are coming soon. Voters need to do their homework on candidates. There have already been several events to meet the candidates and there are more coming up.
- Wished everyone a safe trip home.

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

- Thank everyone for coming and speaking up. The Board does listen to the citizens.
- Apologized for having to cancel the meeting at the last minute. This has never happened before that he can remember since he has been serving on the Board.
- Wished everyone a safe trip home and reminded all to watch out for animals.
- Hope to see everyone next month.

**CLOSED MEETING**

A motion was made by Mr. Burns and seconded by Ms. Alsop to enter into closed meeting for the following purposes:

**Pursuant to Va. Code § 2.2-3711(A)(8)** for consultation with legal counsel employed or retained by the Board of Supervisors regarding a matter requiring the provision of legal advice, the subject being one or more contracts for the construction of King and Queen Elementary School.

And

**Pursuant to Va. Code § 2.2-3711(A)(1)** regarding consideration of prospective candidates for employment, the subject being the Director of Community Programming and Tourism.

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

NAYS: NONE

ABSENT: D. H. MORRIS

A motion was made by Mr. Burns and seconded by Mr. Simpkins 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.

Certification:

Alsop – Certified  
Simpkins – Certified  
Bailey – Certified  
Burns - Certified

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

A motion was made by Mr. Burns and seconded by Mr. Simpkins to adjourn the meeting at 8:10 p.m.

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**Chairman**

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**Clerk of the Board**