

**King and Queen County  
Board of Supervisors Meeting  
Monday, December 9, 2019**

**6:00 P.M.**

**The Tavern Museum – Annual Dinner**

**7:00 P.M.**

**Regular Meeting  
King and Queen County Courts and Administration Building  
General District Courtroom**

**Minute of the Meeting**

Chairman Burns opened the meeting at 6:00 P.M., with all members present.

A motion was made by Mr. Bailey and seconded by Ms. Alsop to recess their meeting to the Tavern Museum for the annual dinner hosted by the Museum Council. The Board reconvened at 7:00 P.M. in the Courts and Administration Building, General District Courtroom.

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

NAYS: NONE

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

Chairman Burns called the regular meeting to order with all members present. Mr. Bailey provided the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

**APPROVAL AND SIGNING OF THE OCTOBER 28, 2019 AND NOVEMBER 4, 2019 MINUTES OF THE BOARD**

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to approve the October 28, 2019 and the November 4, 2019 minutes of the Board, as written.

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

NAYS: NONE

**APPROVAL AND SIGNING OF THE DECEMBER 2019 WARRANTS AND APPROPRIATIONS**

A motion was made by Mr. Bailey and seconded by Ms. Alsop to approve the warrants and appropriations, subject to audit, for the month of December 2019.

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

## **SCHOOL REVENUE AND APPROPRIATION FOR THE MONTH OF OCTOBER 2019**

A motion was made by Ms. Alsop and seconded by Ms. Morris to approve School revenue and appropriation in the amount of \$444,022.41 for revenue received in the month of October 2019.

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

## **BUDGET AMENDMENT/SUPPLEMENT/SCHOOL CAPITAL PROJECTS**

Chairman Burns asked the County Administrator to provide background on this request. Mr. Swartzwelder advised that the School applied for and received a grant from the federal government in the amount of \$40,000 to replace two aging school buses with newer more fuel-efficient buses. The total cost of the two buses is \$177,424 and would require \$137,424 in local funds that would be taken from the School Capital Fund. For clarification Mr. Simpkins asked that these would be purchased in place of the buses that are normally budgeted for. Mr. Swartzwelder advised that one bus was budgeted for and this would be one additional bus.

A motion was made by Mr. Bailey and seconded by Ms. Morris to approve the budget amendment and appropriate in the amount of \$177,424 for the purchase of the two buses. The roll call vote was as follows:

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

## **SOCIAL SERVICES AND SCHOOL MONTHLY REPORTS**

Betty Dougherty, Director of Social Services provided the following report:

### **Heating Program, Crisis, and Energy Share**

The application period for the heating program began on October 8 and ended on November 8. Our agency processed 217 applications for heating assistance. On November 1, 2019, the crisis assistance program began and it will run through March 15, 2020.

Throughout the year, we also assisted 28 families with the EnergyShare program. EnergyShare is a year- round program that is funded through Dominion Energy. We accept and process the applications for assistance to families

### **Agency Dashboard**

The Virginia Department of Social Services publishes a dashboard quarterly on each agency's performance. A copy of the dashboard is sent to the Social Services Administrative Board Chair and County Administrator. I have attached a few of the sheets that are provided only to Directors to my report. These sheets are not included on the public report. These sheets are the comparison sheets that let you know how our County ranks among all level one agencies, how we rank in the central region, and then statewide overall.

Dr. Carol Carter, School Superintendent provided the following report:

The current school ADM is 793. The FY20 budget is based on an ADM of 772. They currently have 196 VAVA (Virtual School) students. The winter sports programs will include boys and girls basketball as well as Scholastic Bowl teams. This year they inducted 11 new students into the National Honors Society at CHS. The choirs from the two elementary schools as well as the high school provided songs of the season at the Historical Society Christmas event yesterday at the Tavern Museum. King and Queen School Division was recently recognized by the VA Board School Association with two awards in categories for student population under 5,000 the first was VSBA Green School Challenge for the implantation of environmental policies. This award was an accumulation of several years of initiatives. A huge portion of what allowed the School division to receive the award was the HVAC project at CHS for which the Board provided the funding. The second was an Excellence in Risk Management from VACORP for lowest dollar amount of Worker's Compensation claims. Dr. Carter further thanked the board for all of their support and efforts individually and collectively as well as the joy, peace and happiness of the holiday season.

## **SECOND AMENDMENT SANCTUARY RESOLUTION**

Chairman Burns advised that members of the Board have received many calls relating to this issue and have directed the County Attorney to draft a resolution to reflect the position of the County on the issue. He asked the County Administrator to provide some background information on the proposed resolution. Mr. Swartzwelder stated that the board and staff have been following this issue at the local government attorney level. Based on information released from the Governor's office there is a movement state wide to introduce legislation at the state and federal levels that may infringe on the citizens rights to keep and bear arms. At the unanimous direction of the board at their last workshop, he drafted the resolution expressing King and Queen to be a Second Amendment Sanctuary County. He also spoke to the Sheriff who is also a Second Amendment supporter and wants to see that the rule of law and of citizens rights is followed. The resolution has been provided to the Board in their packet, it has been posted on the County website and circulated to any who have requested it.

Chairman Burns asked Mr. Bailey to read aloud to the audience the following proposed resolution:

### **A RESOLUTION DECLARING KING AND QUEEN COUNTY A SECOND AMENDMENT SANCTUARY COUNTY**

WHEREAS, the Second Amendment to the United States Constitution reads: “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed”; and

WHEREAS, Article I, § 13 of the Virginia Constitution reads: “A well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed”; and

WHEREAS, Article I, § 1 of the Virginia Constitution reads: “That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into the state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety”; and

WHEREAS, Article 1, § 2 of the Virginia Constitution reads: “That all power is vested in, and consequently to be derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them”; and

WHEREAS there is concern that unconstitutional or unlawful legislation, which infringes upon the rights of citizens to keep and bear arms under the Constitutions of the Commonwealth of Virginia and the United States, may be introduced in the legislative sessions of the General Assembly of the Commonwealth of Virginia and/or the United States Congress; and

WHEREAS, the Board is concerned that passage of these bills, imposing unnecessary burdens on law-abiding citizens and inviting further regulations and burdens, and if to be enforced by local officials, will impose on the County unfunded mandates, whether as a formal mandate or as a practical requirement of enforcing the law; and

WHEREAS, the Board has no legislative, regulatory, or enforcement authority related to “the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or components or combination thereof,” as provided by Section 15.2-915 of the Code of Virginia, 1950, as amended, and has no authority over the independent execution of the duties of the constitutional officers involved in law enforcement.

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

1. King and Queen County is hereby declared a Second Amendment Sanctuary County, wherein the rights of law-abiding citizens to keep and bear arms for the purposes of lawful self-defense, community defense, and hunting, as protected by the United States and Virginia Constitutions, is part of the fabric of the community since before the foundation of the Republic, and is and must be respected, celebrated, and upheld; and

2. King and Queen County urges the General Assembly, the United States Congress, and other agencies of State and Federal government not to adopt, accept, or enact any provision, law, or regulation that may infringe, have the tendency to infringe, or place any additional burdens on the right of law-abiding citizens to bear arms; and

3. King and Queen County expresses its commitment to oppose unconstitutional and unlawful legislation that infringes upon the right of its citizens to keep and bear arms and in particular, opposes any provision, law, or regulation that may impose additional regulatory burdens on its citizens or result in mandates, whether mandatory or practical, to expend additional local public funds on enforcement or administration of such laws; and

4. The County Administrator is directed to cause true copies of this resolution to be forwarded to the County's representatives in the General Assembly and the United States Congress and the Governor of Virginia.

Chairman Burns thanked Mr. Bailey for his reading of the resolution. He asked that all citizens in attendance that agree with or support this resolution to please stand. The majority of those present stood. He further asked for anyone who oppose or do not support the resolution to please stand. No one stood.

A motion was made by Mr. Bailey and seconded by Ms. Morris to adopted the resolution as presented. Chairman Burns called for a roll call vote which was as follows:

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

At this point there were applause and a standing ovation from the audience.

Chairman Burns made the following statement:

I served 20 years in the Navy. With that service to this County I took an oath to defend the Constitution against enemies both foreign and domestic. I have never surrendered this oath and still live by it. In my mind this action is my way of defending against domestic people trying to stop people from having the rights of the Constitution of the United States. I was there for the Oklahoma City bombing. Many people think weapons kill. Weapons don't kill, people kill. A truck load of fertilizer destroyed an entire city block in downtown Oklahoma City. I was 5 miles away at Tinker Air Force Base and felt the ground shake when that happened. I know and have seen the devastation that man can do when man wants to do devastation. It doesn't take a small weapon like a handgun or a rifle. I was in Okinawa and have seen Japan and Hiroshima and seen what happened when we decided to drop a nuclear weapons and the results of what that can do. It is not the weapon that we choose that causes the devastation, it is the person that causes the devastation. So, we as a society stand up and look our neighbors in the eye and lend a helping hand when they need it. When we stop and get off the phone and start looking at our neighbors as people rather than things and that they are not the enemy, they are our neighbors. I am a firm believer that we are to help our neighbors and be a good neighbor and I thank you for coming out and showing your passion and support for this and any time you need assistance you all have my phone number, its on the website, so you can go back on the phone to find it. I am sure that every supervisor here would take any phone calls you have. I thank you for your participation tonight. If you wish you may remain, we do have other business to take care of tonight. Again, thank you.

There was a brief pause in the meeting as many citizens expressed their thanks to the Board before leaving.

## **PUBLIC COMMENT PERIOD**

Dr. A.W. Lewis (Stevensville District) came to the Board requesting support for a resolution of support for the “Lewis and Clark Legacy Trail”. There is a site in King and Queen County related to this, the grave of the Great-Great-Great Grandfather of Merriweather Lewis is located in the Lewis cemetery here in the County. The King and Queen Historical Society is supporting this effort and has done some upkeep on the cemetery as well. He will provide the information to Mr. Swartzwelder and it will be brought back to the Board for action.

Tommy Adkins (Shanghai District) thanked the Board, the County Administrator and his team for their support in the opening of his new venture Dragon Run Brewery. He also thanked Mr. Simpkins for coming to the Grand Opening last week.

Charles Adkins (Shanghai District) echoed the comments of his son regarding their support of his new business in the County. He also thanked the Board for passing the Second Amendment Sanctuary resolution.

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

### **Wetlands Board/Alternate member – Table**

**Planning Commission/Buena Vista District** – Mr. Burns advised that he would rather not continue to serve on this commission but to focus on the Board of Supervisors. He has asked several people but does not have a commitment from anyone. Mr. Swartzwelder asked that the Board reappoint Mr. Burns in light of the pending hearing in January on the solar issue, that it is important that the Planning Commission have a full board for this meeting. Mr. Burns agreed to continue to serve for that reason.

A motion was made by Ms. Alsop and seconded by Ms. Morris to reappoint Mr. Burns pending him finding someone to replace himself.

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

Ms. Morris asked if the EDA had addressed the request to move their meeting time from morning to night in order to accommodate the member from her district who is no longer able to attend morning meetings. Staff advised that at the last EDA meeting the request was tabled until their annual meeting in January when they will set their meeting times for 2020.

## **KING AND QUEEN COUNTY PLANNING COMMISSION REQUEST FOR PUBLIC HEARING**

At the December 2, 2019 Planning Commission meeting public hearings were held on the following applications:

**RZ19-01 – Rezoning – 1623-165X-783, Walter Via Enterprises, Inc., C/o Walter & Judy Via**

Rezoning of a 4.526 acre parcel from Agricultural/Residential Single Family to General Business 2. The parcel is located adjacent to 6574 Lewis B Puller Memorial Highway, in the Buena Vista Magisterial District, in the Economic Development Corridor.

**ZA19-05 – Zoning Text Amendment – Article 21, Section 3-496, Fees**

Requesting to amend Article 21, Section 3-496, Fees, to include an after the fact erosion and sediment control fee, an erosion and sediment control re-inspection fee and to establish a monthly land disturbance permit fee for large scale projects. *This does not apply to projects exempt by law such as mining, timber harvesting/silviculture and farming.*

**ZA19-06 – Zoning Text Amendment – Article 4, Table 4.1, Permitted Use Table**

Zoning Text Amendment to amend Article 4, Table 4.1, Permitted Use Table by removing Energy Generation Facility (by Natural Resources) in the Agricultural zoning district by approved Conditional Use Permit and setting additional restrictions on such proposals. *Note this does not apply to single family residences as slowed by state code.*

The Planning Commission is requesting the Board of Supervisors to set a public hearing and to accept their recommendation of approval for the three applications.

A motion was made by Ms. Alsop and seconded by Ms. Morris to hold the public hearings at the January 13, 2020 regular Board meeting at 7:00 P.M.

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

NAYS: NONE

**COUNTY ADMINISTRATOR’S COMMENTS**

Thomas Swartzwelder, County Administrator, had the following comments:

- Staff discovered a typographical error in the FY2020 budget schedule that was approved last month. Is asking that the Board adopt the revised schedule with the correct meeting date in April.

A motion was made by Ms. Alsop and seconded by Mr. Bailey to adopt the revised FY2020 budget schedule.

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

NAYS: NONE

- At the October workshop the Board discussed hiring the MPPDC to apply for the Go Virginia grant for the Telework Center. He asked that the Board ratify this action and approve the use of the budget funds for preparation of the application. A motion was made by Ms. Alsop and seconded by Mr. Bailey to approve this application and funding and authorized the County Administrator to execute the contract with the MPPDC.

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

NAYS: NONE

- Advised that the General Registrar has been inundated with requests from the State Board of Elections on Cyber Security plans, policies and procedures. Neither the Registrar nor the IT staff have the ability to keep up with the needs of these requests and there may be the need for a consultant in the future to make sure that that office is fully compliant.
- Provided an update on the status of the Walnut Solar application as it moves through the process at the Planning Commission level. The first item addressed was action on the Substantially in Accord which the Planning Commission determined that the application is not Substantially in Accord with the Comprehensive Plan. The second item was a request for waiver on several large items within the site plan requirements. Specifically, erosion and sediment control, stormwater and easements. The applicant demonstrated to the Planning Commission that these were an undue burden on the applicant and on the landowners so the waiver was approved. A decision on the Conditional Use Permit and Site Plan was tabled until their January meeting.

## **BOARD OF SUPERVISOR'S COMMENTS**

Ms. Alsop had the following comments:

- Thanked everyone for coming, she received numerous calls and emails. It was nice to hear from so many citizens.
- Congratulations to colleagues for re-election.
- This Thursday at 2:00 is the 'Light Up' ceremony for the Atlantic Broadband project.
- Advised that VACo will be taking up the Second Amendment issue at their next meeting.
- VACo Legislative Day will be in January.

Ms. Morris had the following comments:

- Thanked everyone who came out. When people show interest the numbers speak.
- Congratulations to the Schools on the recognitions.
- Wished everyone a Happy Christmas and a Blessed New Year.

Mr. Bailey had the following comments:

- He is glad that he was able to be the first one to reach out to the County Administrator on the Second Amendment issue. The County Administrator jumped in with both feet as usual and prepared a resolution that reflected the Board's view.
- Thanked everyone for coming out.
- Thanked Ms. Dougherty and Dr. Carter for their reports.
- Wished everyone a Merry Christmas and a Happy New Year.

Mr. Simpkins had the following comments:



- Thanked everyone for coming.
- Thanks to the Museum Council for the delicious meal, wouldn't mind having it every month.
- He attended the Grand Opening of the new brewery and discussed with the owner some of the issues that he may have with future growth of the business.
- Wished everyone a Merry Christmas, Happy New Year and to have a safe trip home.

Mr. Burns had the following comments:

- He enjoyed the meal at the Tavern Museum, it is a very special event each year.
- He loved to see the passion of the people who came out tonight. Whether you agree with them or not, they came out to be a part of the process. When we allow others to speak for us we are no longer a part of the process.
- Thanked everyone for coming out and speaking up.
- Thanks to the County staff and the Schools for all they do.
- Wished everyone a safe trip home.

**IT IS ORDERED THAT THIS BOARD BE ADJOURNED**

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

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James M. Burns, Sr., Chairman

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Clerk of the Board