

**King and Queen County  
Board of Supervisors Meeting**

**Monday, September 9, 2019  
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**

Chairman of the Board of Supervisors James M. Burns call the meeting to order followed by the with all members present except Mrs. Morris. Mr. Simpkins provided the invocation followed by the Pledge of Allegiance to the Flag of the United States.

**APPROVAL AND SIGNING OF THE AUGUST 12, 2019 MINUTES (NO JULY WORKSHOP)**

A motion was made by Ms. Alsop and seconded by Mr. Bailey to approve the August 12, 2019 minutes of the Board of Supervisors.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

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

**A) COUNTY WARRANTS AND APPROPRIATIONS**

**B) SCHOOL FOOD SERVICES – REQUEST FOR LUMP SUM**

**APPROPRIATION THROUGH SEPTEMBER 2019 - \$89,841.00**

**COUNTY WARRANTS AND APPROPRIATIONS**

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to approve the September 2019 warrants and appropriations, subject to audit.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

**SCHOOL FOOD SERVICES REQUEST FOR LUM SUM APPROPRIATION THROUGH SEPTEMBER 2019 - \$89,841.00**

A motion was made by Ms. Alsop and seconded by Mr. Bailey to approve the School Food Services lump sum appropriation through September 2019 in the amount of \$89,841.00, subject to audit.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

**PUBLIC COMMENT PERIOD**

Chairman Burns opened the public comment period for items not on the agenda asking that those who wish to speak to come forward stating their name and to limit their comments to three (3) minutes.

After hearing no comments, the public comment period was closed.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

**DEPARTMENT OF FORESTRY PRESENTATION – DENNIS GASTON**

Mr. Dennis Gaston was present for the purpose of presenting a check from the Department of Forestry in the amount of \$18,820.05. Mr. Gaston advised that the amount was much smaller this year, than in the past and that the amount represents 25% of sales.

**VIRGINIA CAREER WORK BAY CONSORTIUM – PRESENTATION BY JACKIE DAVIS**

Ms. Jacke Davis, Executive Director of the Virginia Career Work Bay Consortium was present, presenting the Board with a packet of information pertaining to the Consortium and providing a presentation on services that they provide.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

**PUBLIC HEARING**

**ZA19-01, ARTICLE 4, TABLE 4.1 HOME OCCUPATIONS IN RURAL RESIDENTIAL ZONING, AND  
ZA19-03, ARTICLE 17, NON-CONFORMING USES – AMENDING ARTICLE 17 IN ITS ENTIRETY FOR CLARITY**

**ZA19-01, ARTICLE 4, TABLE 4.1 HOME OCCUPATIONS IN RURAL RESIDENTIAL ZONING**

County Administrator Thomas Swartzwelder verified proof of publication and background information on **ZA19-01, Article 4, Table 4.1** to allow for home occupations in the Rural Residential (RR) zoning districts. Advertisement was made in the Rappahannock Times and Tidewater Review on August 21<sup>st</sup> and 28<sup>th</sup> and in one issue of the Country Courier.

Chairman Burns open the floor for public comment.

After hearing no comments, the public hearing was closed.

The Board was advised that the Planning Commission is recommending approval of the Zoning Text Amendment.

A motion was made by Ms. Alsop and seconded by Mr. Bailey to accept the recommendation of the Planning Commission to approve ZA19-01-Article 4, Table 4.1 Home Occupations in Rural Residential Zoning.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

**ZA19-03, ARTICLE 17, NON-CONFORMING USES – AMENDING ARTICLE 17 IN ITS ENTIRETY FOR CLARITY.**

County Administrator Thomas Swartzwelder verified proof of publication of Notice in the Rappahannock Times and Tidewater Review in their August 21<sup>st</sup> and August 28<sup>th</sup> issues and in one issue of the Country Courier, and provided background information on **ZA19-03, Article 17, Non-Conforming Uses, Amending Article 17 in its entirety for clarity.**

Chairman Burns opened the public hearing. After hearing no comments, the public hearing was closed.

The Planning Commission are recommending approval of ZA19-03, however, to have both section 3-386 and section 3-387 to have the language mirrored for consistency.

A motion was made by Mr. Simpkins and seconded by Ms. Alsop to accept recommendation of the Planning Commission to approve ZA19-03, Article 17, Non-Conforming Uses, Amending Article 17 in its entirety for clarity.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

## **QUARTERLY REPORTS – CONSTITUTIONAL OFFICERS, SOCIAL SERVICES, SCHOOLS, DEPARTMENT HEADS, VDOT**

### **VDOT –**

**Mr. David Beale was present to provide an update on activities within VDOT providing an update on:**

- **Construction Projects Completed and Underway**
- **Listing bridge projects within the next 24 months**
- **Traffic Engineer Request that have been completed**
- **Maintenance Operation Highlights that have been completed and what were upcoming**
- **Land Use highlights**

**Ms. Alsop questioned Indian Neck Road Closure, Vessels Road study and commented on the disappearance of speed limit signs and that buses are now on the road.**

**Mr. Simpkins expressed concern that Smithfield School Road that runs into Essex, that when the right of ways are mowed they never go down that road, and it is a narrow road with trees/bushes now encroaching the road, and asked that this be put on VDOTS radar to check on.**

**Mr. Bailey commented on Centerville and Poroporone Roads and that there is a serious drop off, mainly due to tractor trailers running off the road on Rt. 14.**

**Mr. Beale advised that the best way to get concerns addressed is to call the 800 number.**

### **SCHOOLS**

**Superintendent of Schools, Carol Carter was present, advising:**

- **Sports have begun**
- **Friday, October 13, 2019 is Homecoming**
- **Advised that the Schools were affected with Ransomware and are installing additional preventive measures to prevent this**
- **Advised that they have 803 students enrolled with VAVA, with 772 budgeted**
- **Advised that she should have an update next month on the Security Safety Grant and the 25% local match**
- **Reported that they were able to retain staff this year, with only 7 new teachers for the entire division**

## **SOCIAL SERVICES**

**Betty Dougherty, Director of Social Services provided an update on:**

- **Employment and Training Services**
- **Childcare Subsidy Program (they are currently serving 24 children in this program and have the capacity to serve at least 24 more children with their current budget**
- **Childrens' Services Act Audit (advised that it is almost completed)**
- **Update on the Yoots and Coots event with over 40 children and about the same number of volunteers**

## **COMMISSIONER OF THE REVENUE**

**Kelly Norman Lumpkin, Commissioner was present providing an update advising:**

- **Her office has reviewed and assessed all personal property and business personal property for 2019 tax year**
- **Real Estate bills were submitted to the Treasurers Office on August 29, 2019 and Personal Property bills were submitted to the Treasurer on August 30<sup>th</sup>, 2019.**
- **Advised that 64 applications who qualified for credit for the Elderly and Disabled this year were received with a credit total of \$19,134.28. There were 26 Veterans who qualified for relief in the total amount of \$22,969.67.**
- **Advised that taxes are due by December 5<sup>th</sup>**
- **Advised that her office will be in the process of preparing the billing of the 2019 Business License fees during the month of October and are due by January 31, 2020.**
- **Reported that from January 1 through August 31, 2019, there have been 146 new businesses registered.\**
- **Advised that in November her office will be mailing out Vehicle License Fee Exemption Applications for the Volunteer Fire Department and Rescue Squads and are due by January 31<sup>st</sup>. Applications for Exemption of Real Estate for the Elderly and Disable in January are due by April 1<sup>st</sup>.**

## **TREASURER**

**Irene Longest, Treasurer was not present, however, her report was included within the Boards packet.**

## **COMMONWEALTHS ATTORNEY**

**Charles Adkins, Commonwealths Attorney was present with an update:**

- **Provided an update on the case management system and that it should be installed in the next couple of months**
- **Advised that there are no plans for a legal assistant at the current time and will start advertising in November or December.**
- **Provided an update on Juvenile Domestic Relations , and General District Court dockets and that they have been fairly low**
- **Reported on the number of DUI's**

## **SHERIFF**

**John Charboneau, Sheriff was present with an update:**

- **Provided a report on the 32 dogs from one residence that had been seized, and that it was one of the worse cases that he has seen**
- **Reported on the back to school officers were at the school zones and reported on the areas that vehicles are to stop – bus runners.**

#### **CLERK OF THE CIRCUIT COURT**

**Vanessa Porter, Clerk of the Circuit Court was present providing an update on the following:**

- **Reported that all of the marriage licenses are now scanned into their database from present back to 1858 and are accessible and ready to print at the touch of a button**
- **Advised that they are working with C. W. Warthen to scan oversized plats into their system for easier viewing and copying**
- **Reported on a program called DocuSign**
- **Advised that Mrs. Robinson has taken 4 of the 6 classes needed for her master deputy clerk's certification and is schedule to take her 5<sup>th</sup> and 6<sup>th</sup> class in October and November**

#### **VIRGINIA COOPERATIVE EXTENSION**

**Christina Ruszczyk-Murry, Extension Agent provided the following report:**

- **Update on 4-H Camp (new community club starting in St. Stephens Church)**
- **Working on schedule for in-school enrichment for this year**
- **Advised of workshops that were held in July and August**
- **Advised that she received the Extension Agent Scholarship for the Virginia Natural Resources Leadership Institute through UVA and was selected as one of the two agents for the Positive Youth Development in Agriculture Program and will be going to Africa in December as an educator/evaluator**
- **Provided an update on Agriculture and Natural Resources workshops and programs and advised that they would be holding a program at the Library on September 18<sup>th</sup> on how to start a small farm**

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

**WETLANDS BOARD – 5 YEAR TERM (ALTERNATE MEMBER TO FILL UNEXPIRED TERM OF MR. ROBERT GIBSON – TERM TO EXTIRE DECEMBER 20, 2020)**

**TABLED**

**BAY AGING BOARD OF DIRECTORS  
REAPPOINTMENT OF MR. CHARLES ADKINS**

A motion was made by Mr. Simpkins and seconded by Ms. Alsop to reappoint Mr. Charles Adkins to the Bay Aging Board of Directors for a five (5) year term beginning October 1, 2019 and expiring September 30, 2024.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

### **COUNTY ADMINISTRATORS COMMENTS**

County Administrator Thomas Swartzwelder had the following updates:

- Commented that the past couple of weeks have been interesting, as we have not had any air conditioning on the second floor
- Advised that bids came in today for the unit, which is about 11 years old. Cost to replace entire Unite is around \$21,226.00 and will need a budget amendment.
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Mr. Simpkins questioned if there was a discount for the new unit, since James River provided a discount on the condensers.

### **BUDGET AMENDMENT – AC – ADMINISTRATION BUILDING – 2<sup>ND</sup> FLOOR**

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to approve a budget amendment and appropriation in the amount of \$21,226.00 to replace the entire AC unit.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

- Advised that we have been trying to be supportive of the schools, advising of their issues relating to hacking of the school system, and further advised that they have been using the small portion of the conference room to handle their finances.
- Reported on leaks at the Schools and that the bid is slightly higher being \$55,636 rather than \$50,000, which an additional \$5,626 is needed to complete the project.

### **BUDGET APPROPRIATION – SCHOOLS – ROOF LEAKS**

A motion was made by Ms. Alsop and seconded by Mr. Bailey to approve an appropriation for additional **\$5,626.00** to add to the existing \$50,0000, to fix leaks. Amount is to come from the School Capital Fund.

If was also noted that Mr. Cobbsmith will manage the roof issues and bids.

Ms. Alsop questioned insurance for schools relating to the computer issues and was advised that they have coverage like the county does.

**AYES; J. M. BURNS, J. L. SIMPKINS, S. C. ALSOP, R. F. BAILEY**

**NAYS: NONE**

**NOT PRESENT: D. H. MORRIS**

- **Provided an update on the Solar Project, advising that staff continues to meet with citizens and felt that the issues will be in the Boards lap in January.**

### **BOARD OF SUPERVISORS COMMENTS**

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

- **Thanked everyone for coming out and for the reports that were provided**
- **Expressed that everyone be safe going home as there are a plenty of animals to be hit.**

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

- **Thanked everyone for coming and asked that everyone do the transportation study through the Middle Peninsula Planning District Commission pertaining to telecommunications center on Rt. 33**

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

- **Thanked everyone for their reports and that they keep the Board abreast of what is going on.**
- **Advised that the Planning Commission had a light agenda for the month, and commented on the amount of work that they do**
- **Commented that it was good to hear a positive report of the teacher retention with a light turnover and that the average daily attendance was good.**
- **Advised that for the past couple of weeks his father in law has been in the hospital and that he was very impressed with the Rescue staff in how quickly they arrived and kept the family advised as to what was being done. They were very appreciative and thanked the Rescue Squad.**
- **Wished everyone a safe trip home**

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

- **Thanked everyone for their reports**
- **Expressed that he had a great time being involved in the Yoots and Coots event at Tuckers Beach.**
- **Wished everyone a safe trip home**



**CLOSED SESSION PURSUANT TO SECTION 2.2-3711 (a)(1) OF THE CODE OF VIRGINIA TO ENTER INTO CLOSED SESSION PERTAINING TO THE PERFORMANCE OF COUNTY ADMINISTRATOR'S OFFICE.**

**A motion was made by Mr. Bailey and seconded by Ms. Alsop to enter into Closed Session pursuant to Section 2.2-37aa (a) (1) of the Code of Virginia for the purpose of discussing the performance of employee in the County Administrator's Office.**

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

**NAYS: NONE**

**NOT PRESENT: D. H. MORRIS**

**A motion was made by Ms. Alsop and seconded by Mr. Bailey to come out of closed session with each member 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 closed session.**

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

**NAYS: NONE**

**NOT PRESENT: D. H. MORRIS**

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

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

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

**NAYS: NONE**

**NOT PRESENT: D. H. MORRIS**

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**James. M. Burns, Chairman**

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**K. Diane Gaber, CMC, Deputy Clerk**