

King and Queen County
Board of Supervisors Regular Meeting

Monday, January 13, 2020
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.

ELECTION OF CHAIRMAN OF THE BOARD OF SUPERVISORS FOR 2020

A motion was made by Mr. Burns and seconded by Ms. Alsop nominating Mr. Simpkins as Chairman for 2020. No further nominations were made.

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

ELECTION OF VICE-CHAIRMAN OF THE BOARD OF SUPERVISORS FOR 2020

A motion was made by Ms. Morris and seconded by Mr. Burns nominating Ms. Alsop as Vice-Chairman of the Board for 2020. No further nominations were made.

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

APPOINTMENT OF CLERK OF THE BOARD FOR 2020

A motion was made by Ms. Alsop and seconded by Mr. Bailey appointing Mr. Thomas Swartzwelder as Clerk of the Board for 2020.

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

RESOLUTION FIXING THE DATE, TIME AND PLACE OF MEETINGS OF THE BOARD OF SUPERVISORS FOR 2020

A motion was made by Ms. Alsop and seconded by Mr. Burns to approve the Resolution and Meeting dates for 2020.

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, 2d Floor Conference Room be set for the purpose of holding workshops and to receive presentations.**

**This resolution is effective immediately.
January 13, 2020**

**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
2020**

January 13, 2020	July 13, 2020
January 27, 2020	July 27, 2020
February 10, 2020	August 10, 2020
February 24, 2020	August 24, 2020
March 9, 2020	September 14, 2020
March 23, 2020	September 28, 2020
April 13, 2020	October 13, 2020*
April 27, 2020	October 26, 2020
May 11, 2020	November 16, 2020*
May 26, 2020*	November 23, 2020
June 8, 2020	December 14, 2020
June 22, 2020	December 28, 2020

NOTES

May Workshop meeting falls on Memorial Day, moved to Tuesday, May 26th
October Regular meeting falls on Columbus Day, moved to Tuesday, October 13, 2020
November Regular meeting falls during the VACo Annual Conference, moved to Monday, November 16, 2020

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

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 25, 2019 AND DECEMBER 9, 2019 MINUTES

A motion was made by Ms. Alsop and seconded by Ms. Morris approving the November 25th and December 9th, 2019 minutes as presented.

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

APPROVAL AND SIGNING OF THE JANUARY 2020 WARRANTS AND APPROPRIATIONS

A motion was made by Mr. Bailey and seconded by Mr. Burns approving the January 2020 warrants.

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

SCHOOL OPERATING FUND – REVENUE APPROPRIATION FOR MONTH OF NOVEMBER 2019 IN THE AMOUNT OF \$586,043.97

A motion was made by Ms. Alsop and seconded by Ms. Morris approving \$586,043.97 revenue appropriation for the Schools for the month of November 2019.

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

PUBLIC COMMENT PERIOD

Ann Marie Voight, Stevensville District, requested that the Board contact VDOT regarding NO Through Truck signs that are missing on Stevensville Road and Mantua Road. She also asked that the Board consider adding the No Through Truck restriction being placed on Mount Elba Road.

Tommy Adkins, owner of Dragon Run Brewery advised that he has been working with the County Administrator and the Director of Community Development to bring forth a zoning text amendment to create an ordinance that would allow Food Trucks. He has been allowed to have them for special event and feels that expanding the allowed uses would greatly benefit his business and potentially others in the County as well.

PUBLIC HEARINGS

RZ19-01 – Walter C. Via Enterprises, Inc. C/o Walter & Judy Via

Chairman Simpkins asked Donna Sprouse, Director of Community Development to provide proof of publication and background information.

Ms. Sprouse advised that public notice was provided to all adjacent property owners via certified return receipt mail. The public notice ran in the Tidewater Review and the Rappahannock Times for (2) consecutive weeks, December 25th, 2019 and January 1st, 2020. As a courtesy, the public notice was also posted in the Country Courier in their January 8, 2020 publication. The Planning and Zoning Department received an application on October 18, 2019 from Walter & Judy Via of Walter C. Via Enterprises, Inc., requesting approval of a rezoning application. The applicant requests to rezone a 4.526 acre parcel from Agricultural/Residential Single-Family to General Business 2 (GB2). The subject property is identified as county tax map 1623-165X-783, in the name of Walter C. Via Enterprise, Inc. The subject property is located east of the Via Shopping Center, which is addressed as 6574 Lewis B. Puller Memorial Highway, in the Buena Vista Magisterial District, and in the Economic Development Corridor. Other surrounding land uses include agricultural land, residential single-family homes and General Business zoning/use. The plat as provided in your packet (with the parcel highlighted in yellow) is that of a vacant parcel in regards to structures but does have 2 existing parking lot areas and chain link fencing. The parcel is currently being used as a parking lot and pasture/field area. The property is presently zoned Agricultural and Residential Single-Family (split zoning). Mr. & Mrs. Via has requested to rezone the parcel to bring their non-compliant off-site parking lot into compliance while also providing an opportunity for a potential future business use. The owners consolidated multiple parcels and made several pre-existing non-conforming parcels as two conforming parcels. The property is located within the Economic Development Corridor. The owners understand that before a business and/or structure is occupied, a site plan is required which includes approval from appropriate local and state agencies. This request is only for the rezoning of the 4.526 acre parcel and is not an approval of any use or site plan at this time. The owner is also aware that once this parcel is zoned to General Business 2 (GB2), livestock is not permitted on the subject parcel. Approval of the rezoning request will also bring the property owners illegal parking lot areas into compliance with the requirements of the King & Queen County Zoning Ordinance regarding off-site parking. The Planning Commission, during their December 2, 2019 public hearing voted unanimously (with one member being absent from the Commission) to recommend approval of RZ19-01 to the Board of Supervisors.

Chairman Simpkins opened the public hearing asking those who speak to provide their name, the district they are from and to limit comments to 3 minutes.

Hearing no comments, the public hearing was closed.

A motion was made by Mr. Burns and seconded by Mr. Bailey to accept the recommendation of the Planning Commission approving RZ19-01.

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

NAYS: NONE

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

Chairman Simpkins asked Donna Sprouse, Director of Community Development to provide proof of publication and background information.

Ms, Sprouse advised that public notice ran in the Tidewater Review and the Rappahannock Times for (2) consecutive weeks, December 25th, 2019 and January 1st, 2020. As a courtesy, the public notice was also posted in the Country Courier in their January 8, 2020 publication. Zoning Text Amendment ZA19-05 was a staff recommended amendment, 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. All of which are regulated by other governmental agency such as DMME, VDOF or NRCS/SWCD.* This amendment to the fee schedule will allow the county the means for having the developer paying for third party inspections or additional services from those that are certified in the field should there be a large scale land disturbing project in the county, rather than pulling the funds from the general fund, the tax payers. The fees derived from two different financial detail documents. One is the monthly salary, including benefits package for our current Erosion and Sediment Control Officer staff person. The other is a request for fees for such services from a third-party vendor who could provide for such services. They provided figures in the attached email documentation in your packet. The last item of information provided is from Richard Street with Spotsylvania County. Spotsylvania County has already adopted and implemented such a fee structure to help them offset the cost of Erosion and Sediment Control inspections provided by their third-party vendor for the development of SPower’s solar farm. During the Planning Commission’s December 2nd, 2019 public hearing, the Commission recommended approval of ZA19-05 to the Board of Supervisors as presented unanimously (with one member being absent from the Commission).

Chairman Simpkins opened the public hearing asking those who speak to provide their name, the district they are from and to limit comments to 3 minutes.

Arlene Taliaferro, Buena Vista District, supports the amendment and it is a good idea that will protect the rural nature of the county.

Hearing no further comments, the public hearing was closed.

A motion was made by Ms. Alsop and seconded by Mr. Burns to accept the recommendation of the Planning Commission approving ZA19-05.

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

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

Chairman Simpkins asked Donna Sprouse, Director of Community Development to provide proof of publication and background information.

Ms. Sprouse advised that the public notice ran in the Tidewater Review and the Rappahannock Times for (2) consecutive weeks, December 25th, 2019 and January 1st, 2020. As a courtesy, the public notice was also posted in the Country Courier in their January 8, 2020 publication. Zoning Text Amendment ZA19-06 was a request of the Board of Supervisors to consider amending 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. *This amendment would not apply to single-family residences as allowed by state code.* This amendment, if approved, would only allow Energy Generation Facilities (by Natural Resources) in the Industrial zoning district by approved CUP. This amendment will not have an effect on the current applicant, unless however it's denied or withdrawn. During the Planning Commission's December 2nd, 2019 public hearing, the Commission recommended approval of RZ19-06 to the Board of Supervisors as presented unanimously (with one member being absent from the Commission).

Chairman Simpkins opened the public hearing asking those who speak to provide their name, the district they are from and to limit comments to 3 minutes.

Arlene Taliaferro, Buena Vista District, spoke in favor of the proposed amendment.

Hearing no further comments, the public hearing was closed.

Chairman Simpkins asked for clarification on the definition of natural resources.

A motion was made by Mr. Burns and seconded by Mr. Bailey to accept the recommendation of the Planning Commission approving ZA19-06.

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

BUDGET AMENDMENT – E-SUMMONS (SHERIFF)

County Administrator, Thomas Swartzwelder provided background on this request. In 2018 the Board approved adding a fee onto traffic summons that collected fees to support the E-Summons program that would allow the deputy to provide an electronic ticket at the time of a traffic stop. There have been enough funds collected to purchase the software and maintenance contract needed to implement the program. There will be additional items included in next year's budget once the software is in place such as printers and the ticket paper. Since this fund is to be self-sustaining, all purchases must come from revenue generated through fees collected.

A motion was made by Mr. Burns and seconded by Ms. Alsop to approve the budget amendment and appropriate \$16,000 the purchase the E-Summons software.

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

SOCIAL SERVICES AND SCHOOL SUPERINTENDENT REPORTS

County Administrator, Thomas Swartzwelder advised that both the Director of Social Services and School Superintendent would not be present for tonight's meeting. Copies of their reports were provided.

PRESENTATION OF FY2019 AUDIT – ANNE WALL – ROBINSON, FARMER COX

Anne Wall, Partner and Auditor with Robinson, Farmer Cox Associates was present to provide an overview of financial report for Fiscal Year 2019. Ms. Wall noted that no audit findings were issued this year. She also noted that items discussed during the exit interview with staff have been addressed with the Board approving the changes within the Finance Department. She also noted that staff in all departments provided all necessary information in a helpful and timely manner. She also directed the Board to the Management Discussion and Analysis (page 4). This shows that the revenues for FY2019 exceeded expenditures by \$1,116,393 and that the unassigned fund balance was \$10,630,452 at year end.

RESOLUTION – LEWIS AND CLARK EASTERN LEGACY TRAIL

County Administrator, Thomas Swartzwelder provided a copy of the resolution of support for the Lewis and Clark Eastern Legacy Trail. Dr. Lewis spoke to the Board at their December meeting requesting that the Board adopt the following resolution of support since a relative of Merriweather Lewis is buried in the southern end of the County near the Poropotank Creek. Mr. Swartzwelder advised that the resolution is part of a grassroots movement that began in the western portion of the state to seek funding from the General Assembly to provide funding for the trail since the Federal funding provided did not include Virginia.

A motion was made by Mr. Burns and seconded by Ms. Morris to support the attached resolution in support of the Virginia's Great Valley Lewis and Clark Eastern Legacy Trail.

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

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Board of Zoning Appeals – Stevensville District

A motion was made by Ms. Morris and seconded by Mr. Burns to reappoint Ann Marie Voight to the Board of Zoning Appeals for a five-year term.

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

Wetlands Board/Alternate Member

This appointment was tabled.

Middle Peninsula Planning District Commission (MPPDC)

Staff has been notified that the following representatives are up for reappointment:

Citizen Representative: Tom Swartzwelder

Elected Official: Sherrin Alsop

Elected Official: Rusty Bailey

A motion was made by Mr. Burns and seconded by Ms. Morris to reappoint all three members to serve on the MPPDC for four-year terms.

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

Social Services Advisory Board

Staff has been advised that the following members terms are expiring and they are not eligible for reappointment:

Kelly Bailey, Shanghai District, term expires in March 2020.

Celestine Gaines, Newtown District, term expires June 2020.

Both appointments were tabled.

COUNTY ADMINISTRATOR'S COMMENTS

County Administrator Thomas Swartzwelder provided the following comments:

- Advised that Tommy Adkins owner of Dragon Run Brewery is working with Ms. Sprouse to submit a Zoning Text Amendment regarding Food Trucks.
- Advised that we have been notified of a USDA grant award in the amount of \$4 million to Riverstreet Networks for the King and Queen Broadband expansion project.
- The Planning Commission has had their public hearings on the Walnut Solar Project. They did not recommend approval. There are to be discussions at the February Board meeting regarding a possible payment agreement and the applicant has requested the Board to have their public hearing in May.
- He has been advised by Republic Services that installation of the new liner is almost complete and the new cell is under construction. The County's engineer will be out next week with David McIntire for an inspection and will be back at the end of the month to train staff for interim inspections in the future.

- Provided a General Assembly update on the following items as they currently stand:
 - SB35 Gun Free Zones
 - SB69 Gun A Month bill
 - SB70 Private Party gun sales
 - SB240 Assault Weapons Ban
 - Various Solar bills pertaining to revenue sharing, removal of SIA process and possible conditional zoning proffers.
 - Hunting with dogs and other hunting related bills

BOARD OF SUPERVISORS COMMENTS

Mr. Bailey had the following comments:

- Thanked everyone for coming.
- Thank you for the reports provided.
- Expressed his concern for the increase in gun and hunting laws and has appreciated the citizen input that has been received.
- See everyone next month and have a safe trip home.

Ms. Morris had the following comments:

- Thanked everyone for coming and that she is going to choose to keep her mouth shut on the proposed gun and hunting regulations.

Mr. Burns had the following comments:

- Thanked Mrs. Sprouse for her hard work on the solar project.
- Thanked everyone for coming out to the meeting.
- Expressed that the Board will continue to do the will of the people in the new year.

Ms. Alsop had the following comments:

- Thanked everyone for coming.
- Thanked the Board members for their confidence in electing her Vice Chairman.
- Reminded everyone of the annual Martin Luther King Jr. event that will be held at Central High School on January 20th.
- She will be attending the following events hosted by VACo at the General Assembly:
 - February 5th Rural Caucus
 - February 6th Legislative Day
 - February 7th Planning District Commission Day
- Wished everyone a safe trip home.

Mr. Simpkins had the following comments:

- Thanked everyone for coming.
- Thanked the Board for electing him Chairman.
- Reminded everyone that there are a lot of projects going on right now. Broadband, solar and King and Queen Elementary School are just a few. The Board relies on citizen input and asked that they keep coming out to the meetings.
- Wished everyone a safe trip home.

IT IS ORDERED THAT THE BOARD BE ADJOURNED:

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

J. Lawrence Simpkins, Chairman

Thomas J. Swarzwelder, Clerk