

**King and Queen County  
Board of Supervisors Meeting  
Monday, June 8, 2020**

**7:00 P.M.**

**Regular Meeting  
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 Simpkins called the regular meeting to order. Attendance at the meeting by the Board was recorded as follows:

Members in attendance at the Court House: Jim Burns, Lawrence Simpkins and Rusty Bailey  
Member Sherrin Alsop in attendance via video due to health concerns related to the COVID19 virus.

Chairman Simpkins provided the Invocation and led the Pledge of Allegiance to the Flag of the United States.

**APPROVAL AND SIGNING OF THE APRIL 27, 2020 AND MAY 11, 2020 MINUTES OF THE BOARD**

A motion was made by Mr. Burns and seconded by Mr. Bailey to approve the April 27, 2020, and May 11, 2020 minutes of the Board.

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

NAYS: NONE

NOT PRESENT: D.H. MORRIS

**APPROVAL AND SIGNING OF THE JUNE 2020 WARRANTS AND APPROPRIATIONS**

**APPROVAL OF COUNTY WARRANTS FOR THE MONTH OF JUNE**

A motion was made by Mr. Burns and seconded by Mr. Bailey to approve, subject to audit, the County warrants for the month of June.

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

NAYS: NONE

NOT PRESENT: D.H. MORRIS

**APPROPRIATION OF APRIL REVENUE TO THE SCHOOL FUND IN THE AMOUNT OF \$496,628.68**

A motion was made by Mr. Bailey and seconded by Mr. Burns to approve the appropriation to the School Food Fund in the amount of \$496,628.68, subject to audit.

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

NAYS: NONE

NOT PRESENT: D.H. MORRIS

Mr. Swartzwelder advised that an additional item had been provided to members at the places. It is an invoice from AE Samuel Construction for improvements in the County buildings that are being made as precautions for COVID19. Mr. Swartzwelder asked that payment be made outside of the regular warrant process for this invoice as well as future invoices for this project.

A motion was made by Ms. Alsop and seconded by Mr. Burns to allow for payments to AE Samuel Construction for the COVID19 building improvement project outside of the warrant process, not to exceed \$15,000.

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

NAYS: NONE

NOT PRESENT: D.H. MORRIS

### **PUBLIC COMMENT PERIOD**

Hearing no comments from the public, comment period was closed.

### **SCHOOL SUPERINTENDENT AND DIRECTOR OF SOCIAL SERVICES REPORTS**

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

- Last Friday was the reverse senior parade at Central High School, it was a very successful even and well attended by the community.
- On Friday, June 10<sup>th</sup> there will be a graduation ceremony for senior Jeremiah Morris who will be joining the military at will be in boot camp at the time of the rescheduled graduation on July 24<sup>th</sup>.
- 7<sup>th</sup> grade promotion events for both elementary schools are planned in the coming weeks.
- There were no SOL testing this year, accreditation will be received based on last year's results.
- They currently have one staff position open at KQES, none at LMES and three at CHS.
- There will be no summer school this year but there will be virtual extended school year for students with special needs.
- Recently received a grant for \$15,000 through the "No Kids Hungry" program for meal distributions.
- Thanked Mr. Swartzwelder for reaching out to the School Division for use of some of the County's CARES funds to support their needs.

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

- **COVID-19 Pandemic- Social Services Response** - Social Services is continuing to provide all of our mandated and many non-mandated services to the citizens of King and Queen including the administration of the Children's Services Act. Programs are continuing to evolve to provide additional assistance during this time. We are all attending several virtual meetings and trainings every week to stay abreast.
- **Supplemental Nutrition Assistance Program "SNAP"** - One of the most recent additions to the SNAP program is the ability of Virginia SNAP recipients to purchase food online. This became effective May 29, 2020, SNAP recipients in Virginia may now purchase food from approved online retailers using their EBT card. Currently, the approved online retailers are Amazon and Walmart. Both retailers provide information on their website about using EBT for online purchases. SNAP benefits may only be used to purchase eligible food. Delivery fees and other associated charges may not be paid for with SNAP benefits. SNAP recipients will continue to receive emergency allotments throughout the month of June. The next emergency allotment is June 17. In the month of May, 303 households received the additional emergency allotment. That is up from 264 in the prior month. As I reported in my May report to you, Virginia applied for a USDA waiver to provide additional assistance to households that have school- aged children that receive free and reduced breakfast and lunch at school called Pandemic EBT (P-EBT). This benefit will be for both SNAP and Non-SNAP households. Each child will receive a one-time benefit of \$376. P-EBT has begun to be issued. It will not be received at the same time for all households, rather they are staggering the issuances. Two issuances have gone out so far. VDSS has launched a dedicated website [www.pebtva.com](http://www.pebtva.com), where information and resources specific to the program may be accessed to assist families and community partners.
- **Cooling Assistance** - Cooling Assistance begins on June 15. We have some information that leads us to believe that we will be able to serve more households this year due to a proposed change in the guidelines. All of my Benefits Team will be attending a virtual training on the program and the new guidelines.
- **Elder Abuse Awareness Month** - June is World Elder Abuse Awareness Month and June 15 is World Elder Abuse Awareness Day. Nearly 1 in 10 American Senior Citizens are victims of abuse, or neglected each year, but only 1 in 14 are brought to the attention of authorities. If you suspect that an elder is being abused or neglected, please call us and make a report.

## **PUBLIC HEARINGS**

### **ZA20-01 Zoning Text Amendment – Mobile Food Vending Vehicles**

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

Mrs. Sprouse stated that public notice ran in the Tidewater Review and the Rappahannock Times for two consecutive weeks (May 27<sup>th</sup> and June 3<sup>rd</sup>) and as a courtesy in the Country Courier on May 27<sup>th</sup>. The King & Queen County Planning Commission held a public hearing on March 2,

2020, all members that were present voted in favor of the ordinance as presented. It was a staff introduced text amendment because of public interest, interest that has been expressed to both the PC and Board either during public comment period or at some other point outside of a meeting setting. Historically, with food trucks there has been a public safety and public health concern with allowing them without any set rules or guidelines. Staff feels that we have introduced a way that is not too restrictive for a food truck vendor who is properly licensed and inspected to have an opportunity to provide a food service to our citizens and to help promote or expand foot traffic for our existing businesses. Some of the guidelines for a mobile food vending vehicle (including carts) includes:

- **Health Department Approval**
- **Owner's Permission**
- **Verification of Site Plan Compliance**
- **Commissary Facility**
- **Ordinance Compliance**
- **Valid Business License**

There will be an application process that will be received and reviewed by the Zoning and Planning Department. Staff will review for ordinance compliance and issue approval of the application to both the land owner(s) and the mobile food vending vehicle applicant. Currently, staff is not proposing a review or application fee at this time.

The ordinance also addresses areas of concerns such as signage, trash disposal, lighting, noise, and parking. Mobile Food Vending Vehicles are only permitted on occupied commercial or industrial zoned property and only during operating hours of the business located on the property. It is our belief that having this rule in place helps to monitor the mobile food vending vehicle operations.

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.

Tommy Adkins, Shanghai District – He is the owner of Dragon Run Brewery his business has used food trucks for several events in the past and feels that the ordinance will be a benefit to businesses and citizens. He thanked Mrs. Sprouse and her staff for their work in making this ordinance happen.

Arlene Taliaferro, Buena Vista District – She supports the adoption of this ordinance.

Hearing no further 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 and adopt ZA20-01 Mobile Food Vending Vehicle Ordinance.

Ms. Alsop expressed that she supports the ordinance but has concerns that this will not be available in the Newtown area since several of the businesses are preexisting nonconforming uses and as such do not meet the zoning district requirement.

Ms. Sprouse responded to the questions that as far as the nonconforming uses that the reason they were not included is because when the issue of food bending vehicles came before the Board previously it was because of a specific location that was a nonconforming and the Board was opposed to it. It was also felt that there are not many locations in the County that are still operating in this manner.

Mr. Simpkins asked for clarification Item #13 in the ordinance relating to things that are not permitted.

Ms. Sprouse advised that the goal of the ordinance was designed to not encourage people to stay and eat as a dining in option. It is more for a 'take out' type service. This is intended to avoid health department violations as well as parking and safety issues.

Mr. Burns asked if they would be allowed at construction sites.

Ms. Sprouse advised that they would not be allowed.

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

NAYS: NONE

NOT PRESENT: D.H. MORRIS

### **ZA20-02 Zoning Text Amendment – Tiered Water Quantity Control**

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

Mrs. Sprouse stated that public notice ran in the Tidewater Review and the Rappahannock Times for two consecutive weeks (May 27th and June 3rd) and as a courtesy in the Country Courier on May 27th. The King & Queen County Planning Commission held a public hearing on March 2, 2020, all members that were present voted in favor of the ordinance as presented. House bill 1307, during the 2108 Session was passed, for Stormwater management in rural Tidewater areas, a tiered approach to water quantity technical criteria. The bill allows any rural Tidewater locality, as defined in the bill, to comply with water quantity technical criteria for certain land-disturbing activities based on the percentage of impervious cover in the watershed. The bill provides that any eligible locality electing to use certain control standards shall, by ordinance, adopt an official map that indicates the percentage of impervious cover in each watershed within the locality and shall update the map at least annually. The bill allows any such locality to apply one of the following three standards for managing water quantity to any new development project: (i) if the site, as indicated on the map, has less than 5.0 percent impervious cover, the standard shall be a particular State Water Control Board regulation; (ii) if the watershed has 5.0 percent or more but less than 7.5 percent impervious cover, the standard shall be the one-year, 24-hour release method; and (iii) if the watershed has 7.5 percent or more impervious cover, the standard shall be the energy balance method. The bill provides that any project whose construction would cause the watershed in which it is located to step up to the next higher tier shall be evaluated under the energy balance method or a more stringent alternative. The bill also directs the Department of Environmental Quality to use an appropriate new or existing Regulatory Advisory Panel to assist in clarifying the interpretation and application of the MS-19 standard. What this means for King & Queen County, if adopted, is that when we have development (separate from single family dwellings) that proposes between 2,500 sq. ft. and 1 acre of land disturbance, this method provides substantial cost savings for developers when addressing stormwater in our County. It also allows staff to accept signed and sealed plans by a licensed professional in lieu of local review of the stormwater management plan for any land disturbing activity of 2,500 sq. ft. or more but less than 1 acre. The watershed map was created by VIMS using VGIN (Virginia Geographic Information Network) data and has been approved by DEQ for use. The map will be updated at least once a year by the GIS department and provided online for public access in the online GIS Mapping. Once the ordinance is adopted, the County must record the watershed map in the King & Queen County Clerk's Office within 30 days of the date of adoption of the ordinance.

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 from the public, the hearing was closed.

A motion was made by Ms. Alsop and seconded by Mr. Burns to accept the recommendation of the Planning Commission and approve ZA20-02 Tiered Water Quantity Control Ordinance.

Mr. Burns asked if a citizen could submit their own plans in lieu of sealed plans done by an engineer.

Mr. Swartzwelder advised that if a citizen has the knowledge and ability to prepare a plan that would meet the requirements of the ordinance that the County would accept it.

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

NAYS: NONE

NOT PRESENT: D.H. MORRIS

### **WALNUT SOLAR LLC PRESENTATION**

Chip Dix, representative of Walnut Solar provided a project overview presentation to the Board. The presentation included discussion of the overall project area, economic development impact, conditions and land use concerns to be addressed in the CUP application, potential revenue scenarios.

### **DISCUSSION OF CARES FUNDING AND APPROPRIATION**

The county has received \$612,904 in CARES funding and \$6,061.55 in HHS Relief funding. Funds must be expended by December 31, 2020. Mr. Swartzwelder advised that he is working with County departments and agencies on items and programs to provide assistance to citizens affected by COVID19. Funds expended prior to June 30, 2020 need to be appropriated to the FY2020 budget. Funds expended after June 30, 2020 will need to be appropriated at a later date to the FY2021 budget. Tina Ammons, Director of Finance provided a breakdown of the proposed budget amendment and appropriation that is estimated to be needed to fund expenditures that have already been made as well as additional items that staff feels will occur prior to June 30<sup>th</sup>. After the end of June, another budget amendment and appropriation will be needed to provide proper accounting of the revenue and expenditures occurring in FY2021.

A motion was made by MR. Burns and seconded by Mr. Bailey to amend the FY2020 budget and appropriate \$94,618.41 in CARES funds.

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

NAYS: NONE

NOT PRESENT: D.H. MORRIS

Mr. Swartzwelder advised that subsequent to the creation of the CAP program there is the potential for at least one Middle Peninsula county to not participate. If this occurs, the initial cost to set up the program will increase. He also advised that Bay Aging has come forward with an addition food program that works with local restaurants to provide hot meals to eligible citizens. Both of these changes would still be eligible to be included in uses for CARES funding.

A motion was made by Mr. Burns and seconded by Ms. Alsop to approve the programs presented and outlined by Mr. Swartzwelder to utilize CARES funding and authorized the County Administrator to move forward with implementation.

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

NAYS: NONE

NOT PRESENT: D.H. MORRIS

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

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

**Social Services Advisory Board/Newtown District** – A motion was made by Sherrin Alsop and seconded by Mr. Bailey to appoint Linda Mae Robinson as the Newtown representative on the Social Services Advisory Board.

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

NAYS: NONE

NOT PRESENT: D.H. MORRIS

## **COUNTY ADMINISTRATOR'S COMMENTS**

Thomas Swartzwelder, County Administrator, provided the following comments:

- Phase I of the Fiber to the Home project in the amount of \$5.8 million exceeds 1% of the total budget and the budget amendment will require a public hearing. Staff is preparing advertisement for this public hearing at the July meeting.
- The County Leadership Team continues to meet (virtually) on a regular basis and are working together on future plans regarding COVID19.
- The Emergency Ordinance that was adopted on April 13, 2020 will be expiring soon. It was the consensus of the Board not to readopt the emergency ordinance, but to discontinue the allowance of virtual participation in meetings when County buildings reopen to the public.

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

Ms. Alsop had the following comments:

- Thanked everyone for coming out and for phoning in.
- Advised that she has been in quarantine for 91 days but has been participating in Zoom meeting and calls to stay in touch.
- She participated in a VACO/VML Task Force meeting on using CARES funding.
- Everyone stay safe and wear your mask.

Mr. Bailey had the following comments:

- Thanked everyone for coming and for the presentations.
- Asked everyone to pray for the County, State and Country regarding divisions that have occurred in recent weeks on racial issues.
- Everyone have a safe evening and trip home.

Mr. Burns had the following comments:

- Thanked everyone for coming and for the informative reports.
- Everyone have a safe trip home.

Mr. Simpkins had the following comments:

- Thanked everyone for coming and thanks to staff for all their hard work.
- Updated the Board that at the last Middle Peninsula Alliance meeting that the Executive Director was asked to step down and that the Chairman had resigned as of today. There have been some financial issues that have arisen regarding Tax Exempt Status of the organization that they will have to start working through. He feels that the organization is moving in the right direction and that the County should be able to stay involved.
- He asked the Sheriff if his office had anything to report in relation to recent events. The Sheriff responded that the issues that are currently facing the nation do not exist in his department. His deputies respect the citizens and if issues do arise, they are addressed right away. He listens to the citizens and try to accommodate them as much as they can. He does not feel that his department is perfect, that there is always work to be done and improvements that can be made and that as a nation we all need to work together.

## **CLOSED SESSION**

A motion was made by Mr. Burns and seconded by Mr. Bailey to enter into closed session pursuant to Section 2.2-3711A(8) of the Code of Virginia for the purpose of consultation with counsel for the purpose of obtaining legal advice regarding proposed negotiations with Walnut Solar specifically in regards to what will be Section 2.2-231.6 siting agreements for a solar facility.

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

NAYS: NONE

NOT PRESENT: D.H. MORRIS

A motion was made by Mr. Bailey and seconded by Mr. Burns to enter into open session with all members certifying by individual vote that only matters lawfully exempt from the open meeting requirements of the Freedom of Information Act were heard, discussed or considered in the closed session.

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

NAYS: NONE

NOT PRESENT: D.H. MORRIS

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

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



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J. Lawrence Simpkins, Chairman

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Clerk of the Board