

King and Queen County
Board of Supervisors Regular Meeting

Monday, May 9, 2022
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. It was noted that supervisors Sherrin Alsop and R.F. Bailey were absent.

APPROVAL AND SIGNING OF THE MARCH 21, 2022, MARCH 28, 2022 AND APRIL 11, 2022 MINUTES

A motion was made by Mr. Simpkins and seconded by Mr. Burns approving the March 21, 2022, March 28, 2022 and April 11, 2022 minutes as presented.

AYES: J. L. SIMPKINS, J. M. BURNS, D. H. MORRIS

NAYS: NONE

ABSENT: R.F. BAILEY, S. C. ALSOP

APPROVAL OF MAY 2022 WARRANTS AND APPROPRIATIONS

- 1) A motion was made by Mr. Burns and seconded by Mr. Simpkins to approve the County warrants and payroll for the month of May 2022, subject to audit.

AYES: J. L. SIMPKINS, J. M. BURNS, D. H. MORRIS

NAYS: NONE

ABSENT: R.F. BAILEY, S. C. ALSOP

- 2) A motion was made by Mr. Burns and seconded by Mr. Simpkins to amend the FY22 budget appropriate \$12,000 the Sheriff’s budget to cover the increase in fuel costs, subject to audit.

AYES: J. L. SIMPKINS, J. M. BURNS, D. H. MORRIS

NAYS: NONE

ABSENT: R.F. BAILEY, S. C. ALSOP

PUBLIC COMMENT PERIOD

No comments were received from the public.

CITIZEN REQUEST/GUTHRIES GREEN ROAD IMPROVEMENTS

Jim Leary spoke as the representative of the residents of this subdivision. The group is requesting that the County assist them in having VDOT take the private road *Guthries Green* into the VDOT secondary road system. Mr. Leary explained that the residents have spoken with County staff and VDOT staff and feel that the County should be willing to remove them of the burden of maintaining this road by allowing it to be brought in using VDOT's rural addition road program.

Mr. Swartzwelder advised that he as well as Ms. Sprouse have indeed spoken and met with residents of Guthries Green multiple times and that they have tried to work with them by explaining the process and that they have not had any success in getting them to understand.

Lee McKnight, Residency Administrator for Saluda VDOT advised that at the request of the residents, a prior determination was made by VDOT in 2005 that the road in question was not eligible for rural addition funds. This determination was based on how the subdivision was platted at the time of its creation. He has researched the process for this determination and agrees that VDOT's position remains the same; that it cannot put any funds toward the cost of bringing the road up to the standard needed to be brought into the VDOT secondary road system.

Mr. Swartzwelder advised the Board that based on this determination, there are only two ways for this road to be eligible for entry into the VDOT secondary system. The first option would be for the residents on the road to pay for it. The second option would be for the County to pay for the improvements necessary. Mr. Swartzwelder reminded the Board that it is not the Board's policy to use local dollars to bring private roads up to VDOT standards.

The Board agreed that they do not wish to change this policy and are not willing to use local funds on this road. In addition, several board members stated that this would not be fair to citizens who live on roads that have been in the VDOT secondary road system for many years that are still not up to these standards and are likely not to be for many years. It was further advised by the board that if the residents on *Guthries Green* want to have their road taken into the VDOT secondary road system then they will have to pay for the improvement costs as well as any other costs related to the project such as legal fees, survey costs and relocation of Dominion VA Power or other utilities.

PUBLIC HEARING/VDOT SECONDARY SIX YEAR PLAN FY23 TO FY28

Chairman Morris advised that the Board will hold a public hearing on proposed plan as provided in advance by VDOT. She asked Lee McKnight, Residency Administrator to provide background information.

Mr. McKnight updated the Board on the status of projects that are currently on the plan. A list of unpaved secondary roads with the most recent traffic counts was provided. He advised that only roads with traffic counts of 50 vehicles per day are eligible to be added to the plan. There are currently only two roads that meet this criteria; Rt. 614 Clifton Lane and Rt. 617 Exol Road.

Doris Morris expressed concern on the accuracy of the traffic count on Clifton Lane since there are only a few houses on it and it is a dead-end road. There was brief discussion related to the progress of existing projects and the affect of adding both of the eligible roads.

Chairman Morris opened the hearing for comments from the public.

There being no comments received, the hearing was closed.

A motion was made by Mr. Burns and seconded by Mr. Simpkins to adopt the following resolution for the VDOT Secondary Six Year Plan for FY23 to FY28. The motion further requested new traffic counts to ensure better accuracy on the roads that may or may not be eligible to be added.

WHEREAS, Sections 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2023 through 2028) as well as the Construction Priority List (2022) on May 9, 2022 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List.

WHEREAS, the Residency Administrator of the Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan and budget for Secondary Roads (2023 through 2028) and the Construction Priority List (2022) for King and Queen County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan and budget appears to be in the best interests of the Secondary Road System in King and Queen County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2023 through 2028) and Construction Priority List (2022) are hereby approved as presented at the public hearing.

AYES: J. L. SIMPKINS, J. M. BURNS, D. H. MORRIS

NAYS: NONE

ABSENT: R.F. BAILEY, S. C. ALSOP

APPROVAL OF RESOLUTION ADOPTING THE MIDDLE PENINSULA ALL HAZARDS MITIGATION PLAN UPDATE

Mr. Swartzwelder advised that the MPPDC staff has been working with county staff of all of the Middle Peninsula counties on the regional plan as required by FEMA. The Board was provided a summary of the changes that have been made and were advised that adoption of the resolution is the final step for final compliance.

Mr. Burns expressed concern that the plan has many aspects that he does not agree with and that do not reflect how things that are truly in place and what would actually happen in the event of an incident.

A motion was made by Mr. Simpkins and seconded by Ms. Morris to adopt the following resolution:

**RESOLUTION TO ADOPT THE MIDDLE PENINSULA REGIONAL ALL HAZARDS
MITIGATION PLAN UPDATE**

WHEREAS, the King and Queen County of Virginia has experience severe damage from a host of hazards such as flooding from hurricanes, nor'easters, wildfires, winter storms, tornadoes and lightning on many occasions in the past century that have resulted in property losses, loss of life, economic hardships, and threats to public health and safety for all community residents, and

WHEREAS, the first Middle Peninsula Regional All Hazards Mitigation Plan ("the Plan") was undertaken as a regional planning project with all nine (9) jurisdictions participating in its development and adoption in 2006, 2011, and 2016, and

WHEREAS, all nine (9) Middle Peninsula jurisdictions and federally recognized Tribes in the region participated in the update of the AHMP within the Federal Emergency Management Agency's required 5-year period, and

WHEREAS, the Plan update recommends many mitigation strategies that will help to protect the residents and their property from the adverse effects of hazards that face the King and Queen County, and

WHEREAS, the Plan update was reviewed at a meeting of the King and Queen County Board of Supervisors held on May 9, 2022 as required by law.

NOW, THEREFORE, BE IT RESOLVED, by the King and Queen County, Virginia, that:

1. The Middle Peninsula Regional All Hazards Mitigation Plan update is hereby adopted as the official Plan for the King and Queen County.
2. The respective officials/staff identified in the implementation section of the Plan update are encouraged to implement the mitigation strategies and report on their activities, accomplishments, and progress to the King and Queen County Board of Supervisors.
3. The County Administrator of King and Queen County will report status updates on mitigation strategies to the Middle Peninsula Planning District Commission and the Federal Emergency Management Agency on an annual basis.

Adopted the 9th day of May, 2022

AYES: J. L. SIMPKINS, D. H. MORRIS

NAYS: J. M. BURNS

ABSENT: R.F. BAILEY, S. C. ALSOP

REQUEST FROM SHERIFF TO INCREASE THE VRS RETIREMENT MULTIPLIER FOR LAW ENFORCEMENT OFFICERS

Sheriff Charboneau was present to answer any questions on this request. Mr. Swartzwelder advised that VRS (Virginia Retirement System) allows localities to adopt a higher retirement multiplier for law enforcement and EMS staff. The current multiplier is 1.7% and the request is for it to be increased to 1.85%. If the Board wishes to pursue this option, a request for actuarial must be made to VRS to calculate the new monthly contribution rate that would be incurred in order to offer this option. There is a cost for the actuarial. The last one done was approximately \$1,200, which was done when the current rate was set to add EMS staff for hazardous duty retirement benefits. If the Board decides to proceed, there is funding available to cover this cost.

A motion was made by Mr. Burns and seconded by Mr. Simpkins to authorize staff to request the actuarial from VRS to determine rate for the increased retirement multiplier for law enforcement and to include EMS staff.

AYES: J. L. SIMPKINS, J. M. BURNS, D. H. MORRIS

NAYS: NONE

ABSENT: R.F. BAILEY, S. C. ALSOP

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Economic Development Authority/Stevensville – Tabled

Bay Consortium Workforce Development Board - Tabled

Planning Commission/ Stevensville –

A motion was made by Ms. Morris and seconded by Mr. Burns to appoint Mr. Mark Berry to fill the unexpired term of William Herrin (Term expires December 8, 2022).

AYES: J. L. SIMPKINS, J. M. BURNS, D. H. MORRIS

NAYS: NONE

ABSENT: R.F. BAILEY, S. C. ALSOP

Planning Commission/Newtown – Tabled

Planning Commission/Newtown – Tabled

Social Services Advisory Board/Stevensville District - Tabled

COUNTY ADMINISTRATOR'S COMMENTS

Mr. Swartzwelder had the following comments:

- Advised that the broadband project is still moving along, they are now hooking up customers in the Stevensville, Shanghai and Buena Vista districts. Ms. Morris commented that the wireless internet has not been working very well lately. He will check with Riverstreet for an update. Mr. Burns advised that he has been hearing very positive comments on contractors and the good customer services from folks who have been hooked up.

- Asked for authorization to have outside counsel review the Skanska contract. Since this will be a multi-year and multi project contract as the Owner's Representative he feels it should be reviewed by someone with that area of expertise. It was the consensus to have it reviewed by Terry Murphy with Kaufman and Canoles.

BOARD OF SUPERVISORS COMMENTS

Mr. Burns had the following comments:

- Thanked everyone for coming and reminded everyone that the Board does not always have all the answers and that sometimes you cannot get what you want.
- Advised that he may be at the June meeting but he cannot be sure.
- Wished everyone a safe trip home.

Mr. Simpkins had the following comments:

- Thanked everyone for coming and agreed with Mr. Burns that citizens cannot always get what they want from the Board.
- Wished everyone a safe trip home.

Ms. Morris had the following comments:

- Agreed that the Board does not always have the answers and that people cannot always get what they want but the Board does appreciate people coming and for their input in meetings.
- Thanked the Sheriff for coming. Even though the Board doesn't always like to see him ask for more money, they appreciate it when he does it before its needed rather than after.

CLOSED SESSION

A motion was made by Mr. Burns and seconded by Mr. Simpkins to enter into closed session pursuant to Section 2.2-3711A(1) to discuss a personnel matter regarding the County Administrator.

AYES: J. L. SIMPKINS, J. M. BURNS, D. H. MORRIS

NAYS: NONE

ABSENT: R.F. BAILEY, S. C. ALSOP

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

AYES: J. L. SIMPKINS, J. M. BURNS, D. H. MORRIS

NAYS: NONE

ABSENT: R.F. BAILEY, S. C. ALSOP

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 9:10 p.m.

Doris H. Morris, Chairman

Thomas J. Swartzwelder, Clerk