

King and Queen County
Board of Supervisors Regular Meeting

Monday, April 14, 2025
7:00 P.M.

King and Queen County Courts and Administration Building
General District Courtroom

“Minutes of the Meeting”

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

Mr. Berry called the meeting to order noting that all members were present.

Chairman Berry provided the invocation, followed by the Pledge of Allegiance to the Flag of the United States.

**APPROVAL AND SIGNING OF THE FEBRUARY 18, 2025, FEBRUARY 24, 2025 AND
MARCH 10, 2025 MINUTES**

A motion was made by Mr. Simpkins and seconded by Ms. Billups approving , February 18, 2025 minutes of the Board.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS

NAYS: NONE

ABSTAIN: M.H. NORMAN

A motion was made by Ms. Billups and seconded by Mr. Simpkins to approve the February 24, 2025 minutes of the Board.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN

NAYS: NONE

A motion was made by Ms. Billups and seconded by Ms. Norman to approve the March 10, 2025 minutes of the Board.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN

NAYS: NONE

APPROVAL AND SIGNING OF WARRANTS AND APPROPRIATIONS

A motion as made by Ms. Alsop and seconded by Ms. Norman approving the April 2025 County warrants and payroll.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, S.C. ALSOP, M.H. NORMAN
NAYS: NONE

A motion was made by Mr. Simpkins and seconded by Ms. Billups to approve the final local appropriation to the School Fund in the amount of \$570,000.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, S.C. ALSOP, M.H. NORMAN
NAYS: NONE

A motion was may by Ms. Billups and seconded by Ms. Norman to appropriate the January 2025 revenue to the School Fund in the amount of \$885,497.35.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, S.C. ALSOP, M.H. NORMAN
NAYS: NONE

A motion was made by Mr. Simpkins and seconded by Ms. Billups to approve the use of budgeted grant match funds in the amount of \$10,000 for the outdoor classroom project at the library.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, S.C. ALSOP, M.H. NORMAN
NAYS: NONE

A motion was made by Ms. Billups and seconded by Ms. Norman to approve reimbursement to the school division in the amount of \$4,646.31 for water damage to the interior of the KQES modular buildings due to roof leaks. It was noted to have staff contact the county insurance carrier to see if there is coverage for these costs.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, S.C. ALSOP, M.H. NORMAN
NAYS: NONE

PUBLIC COMMENT PERIOD

Robert Bland, Buena Vista District – Mr. Bland provided an update from the Three Rivers Soil and Water Conservation District activities over the last year. He also advised that he has spoken to staff regarding a recycling event for farming and logging equipment tires. The conservation district has funds that it can contribute to such an event and could also assist with coordination of the event as well.

Bonnie Byrd McDonald – Ms. McDonald state that she is a resident of Arkansas but owns property in the Little Plymouth area. She spoke in favor of getting King and Queen Elementary School repaired and having the students moved back into that facility.

QUARTERLY REPORTS

Quarterly reports were received from the following department heads and agencies:

1. Hattie Robinson, Clerk of Circuit Court
2. Meredith Adkins, Commonwealth Attorney
3. Rob Balderson, Sheriff
4. Monty Willaford, Emergency Services
5. VDOT – report was provided in advance
6. Quentin Mascari, Building Inspections

SET PUBLIC HEARING DATE – SP24-04 – MATTAPONI SAND AND GRAVEL LLC

A motion was made by Ms. Alsop and seconded by Ms. Billups to set Monday, May 12, 2025 as the date for public hearings on SP24-04.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, S.C. ALSOP, M.H. NORMAN

NAYS: NONE

PUBLIC HEARING – ZA24-02

Public Hearing – ZA24-02 – Article 4, Table 4.1, Permitted Uses – Energy Generation Facilities by Natural Resources and Data Processing Centers

Mr. Berry asked the Director of Community Development to provide background information and proof of publication.

Ms. Sprouse advised that the public notice ran in both the Tidewater Review and Rappahannock Times for two consecutive weeks. A courtesy copy was also provided in the Country Courier. Ms. Sprouse provided background information on why the zoning ordinance was changed several years ago to require rezoning to Industrial zoning by conditional use permit for large scale solar facility projects. The Walnut Solar project was going through the approval process at that time and staff recommended the change to place a “pause” on projects until the approval and possibly the construction of that project was complete or well underway in order to have better understanding of the impact of these large-scale projects on the county. By changing the zoning ordinance back to approval in Agricultural zoning by conditional use permit, it will still allow for approval or not where and when appropriate, not based on whether someone likes or does not like or does not want a project.

Mr. Berry opened the public hearing.

Ann Marie Voight, Stevensville District – Ms. Voight appreciated Ms. Sprouse’s explanation of the text amendment but she is not in favor of anything that will allow solar or data center projects. They are noisy and in the case of data centers they require a lot of electricity. She feels that Industrial zoning is appropriate and correct zoning for both types of projects.

Sam Hart, Bunea Vista District – Mr. Hart stated that his family has been farming the same land for more than 150 years. He feels that solar projects should stay in Industrial zoned areas. Opening of agricultural land for solar is wrong, 97% of the county is zoned agricultural and could be covered by solar panels. He does not feel that the gates should be opened for this type of development, and that having to rezone for it may slow it down and be an accurate description

of what will be happening on the property. There is much more money for the landowners in solar facilities and farmers in the community cannot compete with the going rate for leases. The approved solar farm is giving landowners \$11,000/acre. This is an issue not only for farmers but for the timber industry as well. He understands that the county needs money to operate but solar development will change the land in a negative way and it will likely never be able to be used for anything else.

Peter Cinq Mars, Shanghai District – Mr. Cinq Mars asked the Board to reject the Planning Commission recommendation and send it back to them for further review. The currently approved facility is creating issues that need to be assessed before approving more projects. The proposed uses are incompatible with agricultural uses and open the county up to costly lawsuits like ones in other counties. He presented seven reasons why the Board should not make this zoning change now:

1. Inappropriate use of agricultural land
2. Circumvention of proper land use planning
3. Economic impact concerns
4. Environmental review inadequacies
5. Precedent setting problems
6. Impact on neighboring properties
7. Procedural and legal vulnerabilities

He also asked that before doing their deliberations that the board please review the information he has provided on <https://kingandqueensmartdevelopment.com>.

Charles Maloney, Buena Vista District – He is opposed to the text amendment for the same reasons that have already been spoken. If the Board has any doubt that these projects are anything other than Industrial then they need to drive down Pear Tree Road and Buena Vista Road. Particularly the pond on Buena Vista Road where the water is normally beautiful and clear it is now brown and has flowed across the road during recent rains. This has only happened once before and that was during a hurricane and the water receded quickly. There has been lots of vegetation removed and it is very sad to see this happening. He is not completely opposed to solar but feels the county needs to look at what has happened with the existing project before making decisions. The county needs economic development but needs to be very careful as it moves ahead.

Robert Shackleford, Newtown District – He is opposed to the amendment. There is no way that these projects can be considered agricultural in nature. The impervious cover they create are more like large warehouses. The board needs to look at neighboring counties and the issues they have had with projects as well as the issues with the current project. They are an industrial use that does not belong in the middle of God's country. Please ponder the comments made before making a decision.

Martha Hart, Buena Vista District – She shares the concerns raised by the speakers before her. A conditional use permit can be a slippery slope in development. She also shares the concern regarding the damage to the pond on Buena Vista Road and its surrounding wetlands. Please consider the comments made and study further before making a decision. If a project looks industrial, it should be zoned that way. Companies coming here think we are country bumpkins

they can take advantage of. She is delighted to see citizens come out and voice their opinions and asks the Board to keep the county clean.

There being no further comments, the public hearing was closed.

Mr. Berry asked for discussion from the Board.

Ms. Alsop voice concern about spot zoning related to the current requirement for Industrial zoning for these projects but is also concerned about the conditional use permit process. She has received a lot of calls on this matter and is still trying to understand the best direction. The Board changed the zoning ordinance to require the rezoning for these projects to “buy time” to better understand the impact of these large-scale projects. She also stated that the state is not doing their part. They pass down mandates like the Clean Energy Act without thinking of the impact on counties. She hopes that the citizens who spoke out tonight will help the county if needed to hold the state accountable for issues like these.

Mr. Simpkins agreed with Ms. Alsop’s comments. The Board “dropped the ball” so to speak by not using the time bought by the change to educate themselves on how to move forward. He feels that more time is needed to study the issues.

Ms. Billups agreed with both Ms. Alsop and Mr. Simpkins and that if they need more time, with their greater experience, then she certainly needs time to catch up. She thanked the citizens from the Buena Vista District for showing up and sharing their thoughts.

Ms. Norman thanked everyone for the information and opinions. She feels that the board needs more time to review before deciding. The last thing the county needs and wants is to have issues like what happened with the large project in Essex County.

Mr. Berry stated that this is a very complicated and complex matter. One thought to consider is that the board cannot mandate downzoning once a property is zoned Industrial. Even if a project is finished or doesn’t happen, the zoning classification would still exist. He rode through the Walnut Solar project area to see the pond mentioned and it was indeed very brown with sediment. He also had the opportunity to see a pond in Lancaster County near a project that was the same way. It is ironic that the project developers are not fixing these problems. He is an advocate of property owner rights but when they negatively impact neighbors and the community it needs to be looked at. It is his feeling that all Board members agree that they don’t need to be rushed and it is an issue not to be taken lightly. The Board has up to a year to decide. They can even have another public hearing and public input meetings if needed. He also expressed concern over recent proposed legislation that would bypass county authority to approve solar facilities. He also feels that companies come because we are small and will take things that are not appealing to other counties because of need.

No action taken; this item will be carried over to a future meeting.

COURT REPORTING EQUIPMENT AND SPACE UTILIZATION STUDY

Ms. Seay advised that after the discussion at the last workshop the estimates provided were obtained by Ms. Robinson to accommodate the lack of court reporters in the area and address the needs of the courts using both courtrooms. It was noted that the estimates are only for the court reporting equipment and not the renovations needed to the courtroom to adequately accommodate Circuit Court.

A motion was made by Ms. Billups and seconded by Ms. Norman to approve the purchase and installation of the court reporting equipment at a cost not to exceed \$90,000.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, S.C. ALSOP, M.H. NORMAN
NAYS: NONE

Further discussion related to the relocation of Circuit Court into the Administration Building due to security and ADA compliance issues with the entire circuit court building. Staff requested that the Board revisit the space utilization study to see if ideas that have been brought forth by staff would be feasible and to get cost estimates on construction of new space and renovation of repurposed space.

A motion was made by Ms. Norman and seconded by Ms. Billups to approve the contract for the space utilization study to include the addition of budget estimates on any improvements.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, S.C. ALSOP, M.H. NORMAN
NAYS: NONE

APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS

A motion was made by Ms. Alsop and seconded by Ms. Billups to appoint Stephen Hendrickson to the Planning Commission as the Newtown representative for a term expiring July 10, 2027.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, S.C. ALSOP, M.H. NORMAN
NAYS: NONE

COUNTY ADMINISTRATOR'S COMMENTS

Ms. Seay provided the following comments:

- Advised that she has received a request from the West Point Rotary Club to do a community service project at the Mattaponi Pier. The project is proposed as supplying water safety equipment. It was the consensus of the Board to approve it if they advise what they will do prior to beginning the project.
- Asked if the Board would like to have representatives from Davenport come back for a review of financial matters. It was suggested that it be after the budget is finalized, either the July or August workshop meeting.

BOARD MEMBER COMMENTS

Ms. Alsop had the following comments:

- Advised that it is good to be back, she is feeling much healthier now. She also thanked the Board for covering for her and looking out for the Newtown District in her absence.
- Stated that the Board needs a plan regarding the solar text amendment. Also, the Board needs to keep up with what the state is doing to change legislation that could take away the Board's authority on approval of them.
- Wished everyone a safe trip home, thanks for coming and hope they come out again next month.

Mr. Simpkins had the following comments:

- Thanked the citizens for coming and for their input on the text amendment. The Board needs to study things and get them right. Hopefully it will result in a happy outcome for everyone.
- Noted that the county cannot be compared to VA Beach and Chesterfield when it comes to salaries and crime rates. Unfortunately, smaller counties may always be a training ground for larger ones, it is that way in business as well. Someone is always chasing salaries. He noted that the state comparative report shows that we are in the top 5 in terms of pay for Sheriff deputies in our region. He can remember when Sheriff Longest the Sheriff and there was just him and one deputy.
- Related to the budget, there are many issues and the Board will do what they can with what we have.
- Wished everyone a safe trip home and hope to see everyone next time.

Ms. Billups had the following comments:

- Thanked everyone for coming.
- Stated that it was a long meeting but every minute was valuable.
- Thanked the citizens from the Buena Vista District again for coming out and speaking up.
- Wished everyone a safe trip home and watch out for deer.

Ms. Norman had the following comments:

- Thanked everyone for coming and speaking. The comments are heard and valued.
- She is very concerned about the "muddy pond" that was mentioned several times by folks speaking about the Walnut Solar project.
- Thanked county staff for all their work.
- Wished everyone a safe trip home.

Mr. Berry had the following comments:

- Thanked everyone for their participation in the meeting tonight, it is an example of the democratic process in action. The zoning text amendment issue warrants a great deal of consideration before a decision is made.
- Commented that there are a lot of needs in the budget and that most of the revenue comes from real estate and personal property taxes. The county needs smart growth and to bring the right businesses. The Board is cognizant of the needs and impacts on citizens. There has been .11 increase in the real estate tax rate over the last few years. That is significant and there are even more needs to be met.

- Reminded everyone that all Board meetings are public and to please come out and participate.
- Thanked everyone for the thoughts and prayers when his mother passed away last week, they are appreciated from the bottom of his heart.

IT IS ORDERED THAT THE BOARD BE ADJOURNED:

A motion was made by Ms. Billups and seconded by Ms. Alsop to adjourn the meeting at 10:15 p.m.

Chairman

Clerk of the Board