

King and Queen County
Board of Supervisors Meeting

Monday, May 13, 2013

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 Morris called the meeting to order. Mr. Simpkins provided the invocation followed by the Pledge of Allegiance to the Flag of the United States.

APPROVAL AND SIGNING OF THE MARCH 18, MARCH 25 AND APRIL 8, 2013 MINUTES OF THE BOARD

MARCH 18TH, 2013 MINUTES

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to approve the March 18, 2013 minutes of the Board.

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

MARCH 25TH, 2013 MINUTES

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to approve the March 25, 2013 minutes of the Board.

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

APRIL 8, 2013 MINUTES OF THE BOARD

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to approve the April 8, 2013 minutes of the Board.

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

NAYS: NONE

ABSTAIN: J. M. MILBY, JR.

APPROVAL AND SIGNING OF THE MAY 2013 WARRANTS AND APPROPRIATIONS

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to approve the May 2013 warrants and appropriations as presented, subject to audit.

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

NAYS: NONE

PUBLIC COMMENT PERIOD

Chairman Morris opened the public comment period, asking that those that wish to speak to please come forward stating their name and district that they reside in, limiting their comments to 2 minutes. Mrs. Morris further advised that anyone wishing to speak relating to the advertised public hearings, to please do so at that time.

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

SHERIFF'S SALE

Sheriff Charboneau was present thanking the Treasurer and staff for their assistance in the Sheriff's sale. Sheriff Charboneau advised that the sale went very well. Several vehicles were sold, stereo equipment and several other items, making over \$6,000.00 of which was turned over to the Treasurer. Some of the funds will go back to the State.

Sheriff Charboneau further advised that at the last meeting, he had advised that he had 2 full-time positions that were not filled and a couple part-time positions, as well, and would like not to fill the full-time positions until they go to the academy, giving him more time to research and observe which are the better candidates for the positions, leaving the positions open until December. Sheriff Charboneau expressed that he will need to use more part-time funds and has spoken with the County Administrator and Mrs. Ammons and he has some money on the court security side that he can take from.

SCHOOL SUPERINTENDENT AND SOCIAL SERVICES REPORTS

School Superintendent Charles Clare was present providing the following report:

- March 31 count marks what their ADM is for the year.
- A total of 835.53 students, with approximately 120 of these Virtual School Students
- As of April 30, 2013, 706 students were enrolled with 115 Virtual School Students, making a total of 821 students.

He reported that the School Board held a work session last week on the FY 13 budget and they do not anticipate a deficit, but a small balance at the end of the year.

In terms of the FY 14 Budget, the School Board did go back and amend the School Budget on April 30, 2013. In order to accommodate for the budget reduction based on the School Boards earlier approved budget there were several things that needed to take place. One, there were 2 positions that were eliminated and 1 position reclassified at a much lower level. There have been some program reductions and with the recent re-negotiations with the Virtual School Program this has provided an opportunity to limit the reductions that would have otherwise been in place. The change for Virtual School for next year will be a K – 2 only program, which means we will not have any 3 – 8th students which are SOL tested grades.

DIRECTOR OF SOCIAL SERVICES – BETTY DOUGHERTY

Director of Social Services Betty Dougherty advised the following:

- Cooling Assistance applications will be accepted from June 15 through August 15, the component helps with cooling equipment purchases or repairs and also with the electric bill. The applicant must have or be in need of cooling equipment and there must be an elderly person, a person with a disability or a child under the age of 6 living in the home.
- Ms. Dougherty advised that their office will be closed on June 21 for all employees to participate in a day of learning activities at an off-site location. Notices will be provided and posted of this closing. They will have a plan in place to cover their emergency mandated programs such as APS and CPS. Citizens will be able to drop off benefits applications.
- Advised that she attended the 2nd meeting of the Regional Resource Council held in Warsaw on May 2, 2013. During this time the council decided to work regionally on the following: create an electronic master resource directory and calendar; work on the development of resources and pursue regional grants especially in the areas of transportation and housing; and work together to effect systematic change by working with state officials and local legislators.
- Advised that she attended an Incident Management meeting with the Tree Rivers Health District in Tappahannock on April 29, 2013. The meeting was for the counties served by the Health District. The next meeting will be held on June 20, at 1:00 in the same location
- Advised that May was both Adult Abuse Prevention and Foster Care Month.
- Advised that there will be a Resource Fair for the Counties of King and Queen, Gloucester, and Middlesex on May 18, 2013 from 10:00 – 1:00 P.M., at New Hope United Methodist Church.

LEGISLATIVE UPDATE – THE HONARABLE DELEGATE KEITH HODGES

The Honorable Delegate Keith Hodges was present, thanking the Board for what they do locally. Delegate Hodges advised that it was fairly quiet for local issues compared to last year in the General Assembly. This year they were not dealing with the budget, VRS, but they did however have 2,575 pieces of legislation along with budget amendments in a short 45 day session. A lot of discussion was heard on uranium in this district, along with the number 1 issue that he hears about, Sunday hunting.

Delegate provided an overview of the areas of discussion that pertained to Transportation, Education, Health, Healthcare and then the Economy and jobs.

Thanked the Board again for all they have done and for being a forward thinking group that he brags about quite frequently, with some of the things that the Board has done is unbelievable.

GAME WARDEN – TYLER BUMGARNER

Game Warden Tyler Bumgarner was present advising that he has been in King and Queen for about 2 years and here to answer questions of concern.

Mr. Milby commented that several deer hunters in his community have expressed concern that it appears that some people in other areas are getting tickets for running their dogs. These hunters do not want to not comply with the law, but would like to know what can be done to exercise their dogs.

Mr. Bumgarner advised that at the current time there is no chase/exercise season for deer hounds. This issue has been brought up to the General Assembly several times to establish a chase season but the General Assembly has yet to do this. Several years ago their agency did a Hound hunting study through the assistance of Virginia Tech and they studied the issues extensively and the conclusion was that they did not want any more laws on the books. What they want is for the laws that are on the books to be enforced. The agency went back and started looking at the code. When he came to King and Queen he started receiving complaints from citizens that hunters were running their hounds and did the same approach as in the Northern Neck and contacted individuals, issued written warnings with no fines. You do not have to come to court, notifying that they were in violation of the law. The complaints went down after that. Again hunters were still running their dogs and warnings were issued.

Mr. Bumgarner further advised that the only legal way to exercise their dogs would be at the two fox pens located in the County. Until the General Assembly takes the next step to create a training season for the deer hounds there is no chase season.

Mr. Milby understands that a lot of these guys have been hunting for years and they know when their dogs need exercise. They are very concerned.

Mr. Bailey expressed that he went on line and read every regulation there is and there is nothing in there about a deer hound. A dog needs exercise. He has friends that have deer hounds and they get upset that they can't run their dogs, when their neighbor has fox hounds and they can run their dogs out of season.

Mr. Bumgarner's Supervisor was present as well, and advised that everything he has said is correct in what he was saying about the laws. They work for their constituents. They are looking for feedback from the public. They like dog hunting and are not trying to stifle dog hunting.

Mrs. Morris questioned what if you let your deer hounds out of the pen Mr. Bumgarner's Supervisor advised that if you let your dog out of the pen to exercise and he takes off running, he is hunting, whether the owner is with the dog or not.

Mr. Bailey expressed that a lot of people move in the county, buy a couple of acres of land and they think they own 50 and being a hunter he deals with it all the time. Mr. Bailey further expressed that he was not picking on them, but it was upsetting to him.

Mrs. Morris expressed that every year, the first day of deer season she gets complaints from the same citizens. Mrs. Morris further asked if they received a lot of complaints from King and Queen about this, because a lot of citizens are getting written warnings. Mr. Bumgarner responded of maybe 2 summons and 5 warnings.

Mr. Simpkins questioned 2 local ordinances relating to muzzle loading guns and rifles and their usage, as they pertain to ground hogs, coyotes and differences in rim fires/calibers. Mr. Simpkins questioned how the Board finds out about getting a law on coyotes. State Officials present advised that typically the timeframe for adoption is typically May 1st. It would be too late this year to submit, but the Board could act on the issue and submit to them for the following year.

JOINT PUBLIC HEARING – SIX YEAR PLAN AND BUDGET

Chairman Morris opened the public hearing. Mr. Sean Trapani, VDOT representative provided a brief overview advising that the Code of Virginia requires a joint public hearing on the plan and priority plan. The hearing is being conducted for the 2014-2019 plans and 2014 Fiscal Year budget. The following priorities were established last year:

- Paved roads: Rt. 634
- Unpaved roads: Rt. 609 Iris Road, Rt. 652 Vessels Road and Rt. 612 Lilly Pond Road.

At the previous work session, it was discussed about adding Rt. 630 DeShazo Road.

Mr. Greg Hoffman and Mr. James Brent were present providing a brief overview on the Rt. 634 project, Canterbury Road.

It was explained that the project is mainly setup as a drainage project where there had been some flooding, with the idea of getting the water out as quickly as possible.

The design is to in the future when the road is expanded that the existing storm sewer systems installed at that time, would not have to be moved. At the citizens information meeting there was some discussion about the flow across the fields and were originally going to have 2 locations where they were going to take pipes out to the river. Also, in the plan is to build an overlay of the existing road.

Mr. Simpkins advised that the citizens that he has spoken to, feel that the issue starts at Minter Lane and goes back to Walkerton. That is where they are seeing the water stand. Would a right-of-way be needed for the whole length of the field? VDOT representatives advised that it is so flat, water sits in the channels. It is hard to get a ditch that is deep or wide enough to carry the water. One part of the issue is slope. You have 15 feet from the center of the road. Nothing has been done on the project since December. They do not want to spend undue money that could go to another project. Mr. Simpkins further expressed that as far as his feelings and the citizens, we do not need to go past Minter Lane.

Mrs. Morris questioned if it is possible to correct the problem without going past Minter Lane? Representatives responded that some corrections could be made, but there was a low spot that would not be touched.

Mr. Simpkins asked if we could just say we will come back and deal with it when it happens because the people in the area that have lived there all their life don't think that it is a problem.

Mr. Trapani commented that if you want to change the scope and the termini of the project this is the time to do it.

Mrs. Morris opened the floor for public comment:

Peter Glubiak, Walkerton - It is not a problem, and does not need a solution. The people don't want the project and they don't want to spend the money. It can be used more wisely on other projects in the county.

Bette Albert, St. Stephens Church District, 4056 Canterbury Road – Advised that there was never a time that there was any water in the ditch and across the road even during hurricanes. There is water on the road further down near Walkerton near Minter Lane. There is no ditch in most of that area. Cleaning the ditches and culverts would suffice.

Anne Glubiak, Walkerton – commented that at Whitehall there is no ditch and that is the area that the water collects. There is no water where the project is proposed.

Matthew Villanueva, 4438 Canterbury Road, expressed that he felt if the ditches were dug out a little deeper, it would take care of the problem.

After hearing no further comments, the public hearing was closed.

Mr. Trapani, VDOT Representative, advised that he wanted to address one issue. When they had a public information meeting, not a public hearing, of which they do before they expend a lot of funds for engineering, they get citizens comments. Basically, they are still in the design stage.

After a lengthy discussion of questions and concerns, a motion was made by Ms. Alsop and seconded by Mr. Bailey to adopt the following resolution with changes made relating to Rt. 634 Canterbury Road.

**RESOLUTION
6 YEAR ROAD PLAN AND BUDGET**

WHEREAS, Sections 33.1-23 and 33.1-23.4 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 (2013/14 through 2018/19) as well as the Construction Priority List (2013/14) on May 13, 2013 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, Sean Trapani, Residency Administrator, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2013/14 through 2017/18) and the Construction Priority List (2013/14) for King and Queen County, with the following change; RTE 634 Canterbury Rd, change termini description to .85MI North of RTE 629 to RTE 636.

NOW, THEREFORE, BE IT RESOLVED that since said Plan 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 (2013/14 through 2018/19) and Construction Priority List (2013/14) are hereby approved as presented at the public hearing.

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

Mr. Milby questioned when the grass cutting would begin. Mr. Trapani advised that it would begin May 20th on primary and secondary roads in Buena Vista area first.

APPOINTMENTS/REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Planning Commission – Buena Vista and Newtown Districts (Tabled)

Pamunkey Regional Library –

The Board was advised that the term of Grace Rhinesmith expires on June 30, 2013. Mrs. Rhinesmith is eligible for reappointment and is willing to serve.

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to reappoint Mrs. Rhinesmith for a 4 year term expiring June 30, 2017.

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

NAYS: NONE

DIRECT ADVERTISEMENT FOR PUBLIC HEARING ON “AN ORDINANCE TO AMEND AND RE-ENACT AN ORDINANCE ESTABLISHING AN ANNUAL SALARY OF \$4,000 FOR THE BOARD OF SUPERVISORS FOR FY2013/2014” NO INCREASE

A motion was made by Ms. Alsop and seconded by Mr. Milby to hold a public hearing at the June 10, 2013 regular meeting of the Board on “An Ordinance to Amend and Re-enact An Ordinance establishing an annual salary of \$4,000 for the Board of Supervisors for FY2013/2014.

OLDER AMERICANS MONTH 2013 – RESOLUTION

A motion was made by Mr. Milby and seconded by Mr. Bailey to adopt the following resolution recognizing Older Americans Month.

RESOLUTION

WHEREAS, King and Queen County’s Bay Aging program can include over 1,900 King and Queen citizens ages 60 and older; and

WHEREAS, King and Queen County’s Bay Aging program is committed to valuing all individuals and recognizing their ongoing life achievements; and

WHEREAS, the older adults in King and Queen County play an important role by continuing to contribute experience, knowledge, wisdom, and accomplishments; and

WHEREAS, our older adults are active community members involved in volunteering, mentorship, arts and culture, and civic engagement; and

WHEREAS, recognizing the successes of community elders encourages their ongoing participation and further accomplishments; and

WHEREAS, our community can provide opportunities to allow older citizens to continue to flourish by:

Emphasizing the importance of elders and their leadership by publicly recognizing their continued achievements

Presenting opportunities for older adults to share their wisdom, experience and skills

Recognizing older adults as a valuable asset in strengthening American communities

NOW THEREFORE, we the King and Queen County Board of Supervisors do hereby proclaim May 2013 to be Older Americans Month. The Board of Supervisors urges citizens to take time this month to recognize older adults and the people who serve and support them as powerfully and vital citizens who greatly contribute to the community.

Adopted this 13th day of May, 2013

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

BUDGET AMENDMENTS/SUPPLEMENTS

ECONOMIC DEVELOPMENT – FARMERS MARKET PROJECT - \$50,000

A motion was made by Mr. Milby and seconded by Mr. Bailey to approve \$50,000 to provide the initial funding to the EDA/IDA to begin the construction of the Farmer's Market project.

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

REGIONAL JAIL

A motion was made by Mr. Bailey and seconded by Mr. Milby to approve a budget amendment in the amount of \$77,638.33.

It was explained that due to higher percentage of usage than estimated during the budget process, an additional \$77,638.33 is needed. The average percentage for FY12 was 12.86%, which is the number used for budgeting purposes for FY13, however, our average percentage for FY13 has been 16.26%.

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

AUTHORIZATION OF APPROPRIATION OUTSIDE OF WARRANT PROCESS – EDA DESIGN AND ENGINEERING

A motion was made by Mr. Milby and seconded by Ms. Alsop authorizing approval of appropriations outside of the warrant process.

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

COUNTY ADMINISTRATOR'S REPORT

County Administrator Thomas Swartzwelder provided the following report:

- Advised that the County has received an award from the Virginia Institute of Government, EVIS program, top 10 counties for providing assistance to other counties. It is a e-mail data base program with a different classification for county employees.
- Presented a new Convenience Center Schedule beginning July 1
- Advised that Charles City County wants to use our online Environmental Documents that Donna Sprouse created.
- Advised that the July workshop is on the 22nd and with the Boards pleasure he will not be in town. Please let him know if the Board wants to change to another date or cancel.
- Asked that the Board look around the grounds as all of the flower beds, etc., has been placed around the grounds. The Sheriffs Department has taken a real leadership in that project.
- Asked that the Board create a program, proposing to develop a project for the local CDBG Board to evaluate and use that money for citizens with no septic or failed septic systems. It is a legitimate and proper use of CDBG funds, solving one of our big problems with the environmental and storm water regulations. DEQ will recognize this as a better management program and would be able to take 100% nutrient credits that are attributable to those failed septic systems back against our portion that we are assigned. We currently have \$65,000 to help with this program.

Ms. Alsop expressed that she felt it was a good idea.

Mrs. Morris expressed she felt it was a great idea as well, as it would apply to all our districts.

The Board was in consensus of supporting the new program.

BOARD OF SUPERVISORS COMMENTS

Mr. Milby had the following comments:

- Expressed that he did notice the grounds and it looks very nice.
- Commented that EPA hits us hard on nutrients, yet VDOT wants to put them back in the river
- Expressed his appreciation to Delegate Hodges for being here
- Have a safe trip home and see everyone next month

Mr. Bailey had the following comments:

- Expressed his apologies for being so vocal relating to the hunting issues in the county
- Expressed his appreciation for the job in cleaning up Rt. 605 to the Sheriffs Department
- Expressed his appreciation for all comments tonight. We don't always agree with each other but that is what it is all about. We are trying to do our best.
- Thanked everyone for coming and to watch out for the deer when going home

Mr. Simpkins had the following comments:

- Expressed his appreciation and thanks for Delegate Hodges coming and giving the Board a report
- Thanked Mr. Clare as he is leaving, expressing his appreciation for being upfront and with respect to the Board on whatever the issue may be, as that has not always been like that in the past. Mr. Simpkins further expressed that he always believes that what Mr. Clare told the Board was the truth and from the heart and that was all he knew.
- Asked if anything has been received from Mrs. Thompson about use of the Marriott School Building, as she told him that she sent it in with dates that they want to use the building. The first date is May 19th.

Mr. Swartzwelder commented that we have already told the Friends of the Library what the policy is for use of the building. They sent in another letter saying that they want to do it anyway. It is an EDA issue, they discussed it again and they do not want to amend or alter their existing policy as it relates to non-profits.

Mr. Simpkins advised that he told her we would look at it again, and as long as someone has addressed it, he can tell her that.

- Wished everyone a safe trip home.

Ms. Alsop had the following comments:

- Thanked everyone for coming out
- Expressed how great it was to see Delegate Hodges

- Expressed her apologies to the other members of the Board in missing a couple of meetings. With almost 14 years on the Board, she usually does not miss, but with her illness and other things going on, she apologizes.
- Advised that the CEDS Committee has been holding regional meetings and will be held soon at the Woman's Club. She would like to make sure our thoughts are in the plan.
- Advised that there is a Community Health Care assessment going on and that a panel with Riverside is putting it together. Ms. Alsop expressed that they are looking at needs for healthcare in our locality and will be meeting on Thursday.
- Advised that a Region 2 Meeting will be held on Friday, June 14, at the old Beale Church in Tappahannock and hopes the Board Members can attend.
- Advised that she received her Doctorate in Religious Studies and is very pleased in receiving it as it was very hard in getting it.
- Expressed that they are sorry to see Mr. Clare go and wished him the best in his endeavors.
- Wished everyone a safe trip home.

Mrs. Morris had the following comments:

- In looking over offices that are audited, she is of the opinion that we now include the Commissioner of Revenue's Office as they are now receiving money's for the business tax. There would be no additional fee, it would just be a part of the regular financial audit.

Mr. Simpkins questioned if they are not already included. Mr. Swartzwelder advised that they are not, as they did not have a direct financial audit, but now they should be included.

AUDIT – TO INCLUDE THE COMMISSIONER OF REVENUES OFFICE IN THE ANNUAL FINANCIAL AUDIT

A motion was made by Mrs. Morris and seconded by Mr. Milby that the Commissioner of the Revenues Office be included in the annual financial audit as they are now receiving funds for the Business License Tax.

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

NAYS: NONE

- Expressed her appreciation to Delegate Hodges for providing an update to the Board and for all that he does
- Expressed her well wishes to Mr. Clare
- Expressed her appreciation to the Sheriff in getting working to get the grounds looking nice.
- Thanked everyone who attended the meeting and look forward to seeing everyone next month.

IT IS ORDERED THAT THE BOARD ADJOURN:

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

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

Doris H. Morris, Chairman

K. Diane Gaber, CMC, Deputy Clerk