

King and Queen County
Board of Supervisors Regular Meeting

Monday, July 12, 2021
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

Chairman Alsop opened the meeting. Roll Call was taken with all members being present.

Mr. Simpkins provided the invocation, followed by the Pledge of Allegiance to the Flag of the United States.

APPROVAL AND SIGNING OF THE MAY 24, 2021 AND JUNE 14, 2021 MINUTES OF THE BOARD

A motion was made by Mr. Bailey and seconded by Mr. Burns approving the May 24, 2021 and June 14, 2021 minutes as presented.

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

NAYS: NONE

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

APPROVAL OF JULY 2021 WARRANTS AND APPROPRIATIONS

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to approve the County warrants and payroll for the month of July 2021, subject to audit.

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

NAYS: D.H. MORRIS

APPROPRIATION OF INITIAL FY2022 LOCAL FUNDS TO THE SCHOOL FUND

A motion was made by Mr. Burns and seconded by Mr. Bailey to appropriate the initial local funds in the amount of \$3,797,176 to the School Fund, subject to audit.

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

PUBLIC COMMENT PERIOD

No comments were received from the public.

QUARTERLY REPORTS

The Board received reports from the following Constitutional Officers, Department Heads and various agencies:

- VDOT – Ron Peaks was present and provided the following updates:
 - Summer paving schedule, surface treatments, rural rustics and mowing
 - Bridge projects, the Rt. 14 (Buena Vista Rd) project is ahead of schedule and should be complete in 3 weeks
 - A traffic study is being done on Route 33
 - Pipe replacement and drainage repair on Carlton’s Corner RoadSherrin Alsop asked for repairs on Rt. 625 Byrd’s Mill Road.
Jim Burns asked for tree trimming to be done on Route 33 between Route 14 and Hummingbird Lane.
- Sheriff Charboneau provided his report in advance but noted that they are having a National Night Out event on August 3rd. He also advised that since the marijuana laws have changed, they have to retire K9 Tyson from certain things due to his training. They have collected approximately \$10,000 to purchase a new K9 unit and officers will be going next week to look at them.
- Commonwealth Attorney Meredith Adkins reported that court schedule is almost back to normal before COVID. The court schedule does not have a significant backlog. There have been a few grand jury cases with 37 felony cases, mostly being drug crimes, with 26 having a least one drug charge. There were several violent felonies with convictions. A drug “hub” was busted that was serving multiple counties. 29 DUI charges with some of them being felony DUI. She has held several trainings for the Sheriff’s office on new law changes. She also advised that the Compensation Board has provided partial funding for the paralegal position in her office.
- Treasurer – Provided her report in advance.
- Commissioner of Revenue – provided her report in advance.
- Clerk of Circuit Court – provided her report in advance but was present to answer any questions.
- Director of Social Services – Director Betty Dougherty was present and introduced Kathryn Scott, Benefits Services Supervisor to provide her report. DSS is still operating on a COVID schedule and will continue to until September 30th. The Cooling Assistance Program is open until August 15th. Due to COVID, no Medicaid cases can be closed. She also gave updates on the Child Care Program, Community Outreach, Family Services Team, Child Tax Credit and the Children’s Ombudsman Program.
- Superintendent of Schools – Dr. Carter reported the following:
 - Graduations at all three schools were held indoors.

- Next school year 7th graders will be at CHS in the middle school wing.
- The school year will begin on August 16th with the return of teachers and Convocation will be at CHS on August 20th.
- The division is using CARES funding to have summer school at CHS for all grades with 118 students attending. The summer food program is serving meals each day to student attending and children in the community.
- Due to COVID, DOE waived accreditation for all schools for last year. The school division has created an Equity Team that will be active in the school division.
- Former King and Queen student and graduate Amber Miller was recognized by the Grow Your Own Teacher Program as a teacher in the division.
- It is estimated that the school division will return approximately \$198,000 at the end of the fiscal year and she has submitted a request to use these funds for the project to make repairs to the track at CHS.
- King and Queen has partnered with Essex County for JROTC, their students are attending the CHS program.

Ms. Morris asked when students are returning for the new school year, Dr. Carter responded that students return on August 24th.

Mr. Burns questioned the move by the state of Child Care to DOE from DSS, Dr. Carter advised that she does not have any information on this yet. Mr. Burns also questioned whether or not the schools did SOL testing last year, Dr. Carter replied that yes they did do SOL testing last year.

- Republic Services – Jeff Davison provided his report to the Board advising that there was increased tonnage during the 2nd quarter but they are expecting a decrease of approximately 10,000 in the next quarter. They have been working with haulers on keeping truck traffic on the preferred route as well as drivers that have been reported for speeding.
- Cooperative Extension – Christina Murry, 4-H agent provided an update on the following activities:
 - 4-H camp was held June 28th to July 2nd, there was a total of 21 campers from the Middle Peninsula.
 - They have been working with the Health Department promoting COVID vaccination.
 - Provided Watershed Exploration Kits to 70 kids in the Summer Sneakers program.
 - Worked with Farm Bureau women to provide a health eating day during summer camp.
 - Provided an update on trainings and staff development activities as well as upcoming and ongoing programs in the community.
 - They held the biannual well water testing clinic during May and June A total of 12 households participated.
 - They have provided information to local producers on the VDACS Pesticide Disposal program that will be held at Nutrien Ag Solutions on September 1st.
 - The VA Ag Expo will be held at Corbin Hall Farm in Middlesex on August 5th.

- Advised of agent district and state responsibilities that agents have been participating in such as participating in the PACE program, being a judge for the VA State Envirothon Competition and being the VAE4-HYDP award committee chair.

PUBLIC HEARING/TEXT AMENDMENT – COUNTY ORDINANCE, CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE 2, UNIFORM STATEWIDE BUILDING CODE, DIVISION 2 – ADMINISTRATION AND ENFORCEMENT

Chairman Alsop asked the County Administrator to provide proof of publication and background information.

Mr. Swartzwelder stated that public hearing was properly advertised in the Rappahannock Times and Tidewater Review for two consecutive weeks and a courtesy copy was run in the Country Courier. The purpose of the amendment is to revise several sections of the ordinance to consolidate amendments that have been made over the last few years and to update the schedule of fees and rates for permits.

Chairman Alsop opened the public hearing. There being no comments from the public, the hearing was closed.

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to approved the text amendment to the County Ordinance, Building Code Ordinance.

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

DISCUSSION OF STAFFING NEEDS FOR SHERIFF’S OFFICE AND RESCUE SERVICES

Mr. Swartzwelder advised the Board that the spreadsheet provided in their packet reflects the discussion had at the June work session regarding staffing needs for the Sheriff and Rescue Service departments. These issues were originally brought forth during the FY22 budget process and both departments have provided the Board with updates on the challenges facing them and additional staff they feel is necessary to meet these challenges as well as the expectations of the Board and citizens. The spreadsheet also includes a new School Resource Officer (SRO) position that was approved by DCJS that would allow for there to be an SRO at each elementary school rather than sharing one as they do now. The additional positions include 1 dispatcher, 2 deputies, 1 SRO and 5 EMTs. The total cost for all positions is \$624,277 with \$547,885 being local funds and \$76,392 being grant or state funding.

The Board discussed their concerns and questions related to the creation of these positions. Mr. Burns expressed concern of the approximately \$375,000 for EMS staff. Ms. Alsop asked if Mr. Hunter has talked with the captains in the volunteer agencies regarding them being able to offer more assistance. Mr. Burns questioned whether or not the new SRO position is necessary and Ms. Alsop stated that she did not think it is necessary, that she is not in favor of having them in the schools at all.

Sheriff Charboneau addressed the Board advising that he would rather have the deputy positions over the SRO position if a choice had to be made on which ones to fund. He also reminded the Board that effective January 2022, all dispatch centers will be required to provide uninterrupted EMD service so there will have to be 2 dispatchers on at all times at that point. He also expressed on behalf of Mr. Hunter that there was an incident last week at a fire where the paid county staff were the only ones on scene and it required them to act as firefighters and provide EMS service due to the victim needing medical attention.

After all discussion a motion was made by Mr. Bailey and seconded by Ms. Morris to amend the FY22 budget and appropriate the necessary funds to create the county funded deputy position and the Compensation Board funded deputy position.

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

It was the consensus of the Board to direct staff to decline the grant for the 3rd SRO position.

It was the consensus of the Board to have the dispatch position place on the August regular meeting agenda for further discussion.

GRANT ACCEPTANCE/BUDGET AMENDMENTS & APPROPRIATIONS

The Sheriff's Office has obtained a grant to replace existing body worn cameras. The Sheriff's Office has funds within their current budget to cover the local match portion of the grant.

A motion was made by Mr. Burns and seconded by Mr. Bailey to amend the FY22 budget and appropriate \$18,900 in grant funds for the purchase of body worn cameras.

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

SET DATE FOR PUBLIC HEARING – VIRGINIA SAND & STONE PROPERTY COMPANY (CUP21-03 AND SP21-07)

The Planning Commission held a public hearing on the two applications on July 6th. The Commission's action was to accept staff's recommendation to approve both applications. The Board needs to hold a separate public hearing for approval of the applications.

A motion was made by Mr. Burns and seconded by Mr. Bailey to set the public hearing for the August 9th regular Board meeting.

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

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

- Economic Development Authority/Stevensville – Tabled
- Economic Development Authority/At Large Member – Tabled
- Wetlands Board – Tabled
- Bay Consortium Workforce Development Board – Replacement/Percy Pollard – Tabled

COUNTY ADMINISTRATOR’S COMMENTS

Mr. Swartzwelder made the following comments:

- Thanked the Board for providing funding for the HR consultant position. He has provided the Board with the initial reports from Betty Dougherty.
- He and Betty Dougherty are working on Personnel Policy updates that will be coming to the Board soon. They plan to bring them a section at a time rather than the entire document at once.
- He has received the following resolution relating to the Purdue Pharma Litigation authorizing counsel to participate on the Board’s behalf in support of the bankruptcy plan.

RESOLUTION

**A RESOLUTION OF THE KING AND QUEEN COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE COUNTY’S OUTSIDE COUNSEL TO VOTE ON THE COUNTY’S
BEHALF TO SUPPORT THE PROPOSED PURDUE PHARMA BANKRUPTCY PLAN**

WHEREAS, Purdue Pharma and its corporate affiliates have filed for bankruptcy protection related to the liabilities they face as a result of their involvement in the marketing and sale of opioids; and

WHEREAS, King and Queen County has filed a Proof of Claim form in the Purdue bankruptcy proceeding and is a Creditor in said proceeding; and

WHEREAS, all creditors in the Purdue bankruptcy proceeding are entitled to vote, on or before July 14, 2021, on whether to accept a plan that has been proposed to resolve the Purdue bankruptcy proceeding;

WHEREAS, the County’s outside opioid litigation counsel has recommended that the County approve the proposed bankruptcy plan; and

WHEREAS, the County Attorney has reviewed the available information about the proposed bankruptcy plan and concurs with the recommendation of outside counsel; now, therefore be it

RESOLVED by the King and Queen County Board of Supervisors this 12th day of July, 2021, that that the County Attorney is authorized to direct the County’s outside opioid litigation counsel to cast the vote of King and Queen County in favor of the proposed bankruptcy plan as recommended by outside counsel.

A motion was made by Mr. Burns and seconded by Mr. Bailey to adopt the resolution as presented.

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

NAYS: NONE

- Broadband – Mr. Burns had asked if the information provided to the Board on a weekly basis could be put on the County website for citizens to see so they can know how the project is progressing. As long as the rest of the Board is okay with doing this it can be done.
- Advised that there will be several budget amendments for the FY2022 budget coming soon for projects that either did not get completed prior to the end of the last fiscal year or came in after the budget was adopted. Since the amendments exceed 1% of the total budget a public hearing will be required.
- Advised that he has received award notices on the grants applied for on behalf of the County by Neil Barber. DHCD has awarded \$462,000 and EDA has awarded \$1.599 million. Both grants are for the tele center project.

BOARD OF SUPERVISORS COMMENTS

Mr. Burns had the following comments:

- Thanked everyone for coming and for the reports that were provided.
- Wished everyone a good night.

Mr. Bailey had the following comments:

- Thanked everyone for the reports and for their input.
- Wished everyone a safe trip home and hope to see everyone next month.

Mr. Simpkins had the following comments:

- Echoed what the other members said regarding reports.
- Advised that the school finance committee meeting went very well. Davenport has advised that the Board wait until after the special General Assembly session to see if any funding will become available before making a formal recommendation.
- Wished everyone a safe trip home.

Ms. Morris had the following comments:

- Thanked everyone for their reports.
- Thanked Mr. Simpkins for serving on the school finance committee.
- Wished everyone a safe trip home and see everyone at the work session.

Ms. Alsop had the following comments:

- Thanked everyone for coming.
- Advised that she was very busy last month, she attended the VACO Board meeting and the VACO Region 2 meeting. It seems everyone is looking for answers from the General Assembly special session especially on school funding.
- She will be participating in a NACO call tomorrow with Mark Warner to discuss broadband.
- Advised that she is wearing her mask again because her COVID vaccine did not provide her with the necessary antibodies to protect her from transmission of the virus.

CLOSED SESSION

A motion was made by Mr. Burns and seconded by Mr. Simpkins to enter into closed session pursuant to Section 2.2-3711A1 for a personnel matter within the Building and Zoning Departments.

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

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

IT IS ORDERED THAT THE BOARD BE ADJOURNED:

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to adjourn the meeting at 9:40 p.m.

Sherrin C. Alsop, Chairman

Thomas J. Swartzwelder, Clerk