

King and Queen County
Board of Supervisors Regular Meeting

Monday, June 14, 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 members Doris Morris and Lawrence Simpkins absent.

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

APPROVAL AND SIGNING OF THE APRIL 26, 2021 AND MAY 10, 2021 MINUTES OF THE BOARD

A motion was made by Mr. Burns and seconded by Mr. Bailey approving the April 26, 2021 and May 10, 2021 minutes as presented.

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

APPROVAL OF JUNE 2021 WARRANTS AND APPROPRIATIONS

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

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

APPROPRIATION OF APRIL 2021 REVENUE IN THE AMOUNT OF \$679,972.51 AND MAY REVENUE IN THE AMOUNT OF \$732,806.85 TO THE SCHOOL FUND

A motion was made by Mr. Bailey and seconded by Mr. Burns to appropriate the April 2021 revenue in the amount of \$679,972.51 and the May revenue in the amount of \$732,806.85 to the School Fund, subject to audit.

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

NAYS: NONE

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

PUBLIC COMMENT PERIOD

No comments were received from the public.

BUDGET AMENDMENT – CLERK OF CIRCUIT COURT

Vanessa Porter advised that the State Compensation Board approved the creation of and funding for a third staff position in her office for the FY22 budget. She is requesting a budget amendment to cover the cost of the position. The state is funding approximately \$34,352 and an additional local share of \$17,683 would be required in order for the position to be filled. This is to cover the benefits associated with the position since the Compensation Board only funds salary and a small portion of benefits.

Ms. Porter is also requesting a salary increase for her current clerk. The newly funded position is considered an entry level clerk and is set at the same rate as her current clerk. She is requesting an additional \$3,807 over the approved 5% increase that goes into effect on July 1st as part of the FY22 budget, bringing her salary to \$36,000. The total cost of this adjustment including benefits would be \$4,477 and is 100% local since this would be above the Compensation Board approved salary for this employee.

Chairman Alsop questioned whether or not the Compensation Board funding is ‘one time’ or would be continued in future years. Tina Ammons, Director of Finance advised that while this has happened in several other offices it has not happened in the Clerk of Circuit Court office.

No action was taken by the Board.

ADOPTION OF FEDERAL FUNDING AND CONFLICT OF INTEREST POLICIES AND UPDATE OF CURRENT REQUISITION/PURCHASING POLICY AND SMALL PURCHASING RESOLUTION

- Federal Funding Policy and Conflict of Interest Policy – Tina Ammons Director of Finance advised that new audit requirements in place require the County to have in place policies to set guidelines for Finance staff to follow for use of federal grant funds. The policies comply with the federal regulations set forth by the Federal Office of Management and Budget.

A motion was made by Ms. Alsop and seconded by Mr. Burns to adopt the Federal Funding Policy as presented.

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

A motion was made by Mr. Burns and seconded by Mr. Bailey to adopt the Conflict of Interest Policy as presented.

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

- Update of Requisition/Purchasing Policy and Small Purchase Resolution – Ms. Ammons advised that the General Assembly has updated the Virginia Public Procurement Act (VPPA) several times since the County adopted its small purchasing policy in 2000. By updating the Small Purchase resolution to the new limits as set forth in the VPPA it changes the related policy as to the process required for purchasing and procurement methods used by the Finance staff. It was noted that these policies do not apply to the School Division and Social Services as they are separate entities and have their own policies that govern their practices.

A motion was made by Mr. Burns and seconded by Mr. Bailey to adopt the following small purchase resolution.

Resolution

WHEREAS, the General Assembly increased the small purchase limits of the Virginia Public Procurement Act to \$200,000 for goods and services and \$80,000 for professional services; and

WHEREAS, the Board of Supervisors of King and Queen County feels it is in the best interests of the County to adopt such limits and to otherwise set forth a policy relative to public procurement and ability of the administration to enter into contracts without prior Board approval.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of King and Queen County that:

1. The County shall follow the Virginia Public Procurement Act, Section 2.2-4303 (G) of the Code of Virginia, in matters relating to public procurement.
2. As authorized by Section 2.2-4303 (G) 1 and 2 of the Virginia Public Procurement Act, the County adopts a small purchase procedure not requiring competitive bids or competitive negotiation for single or term contracts for goods and services, other than professional services if the aggregate or the sum of all phases is not expected to exceed \$200,000. For professional services the limit shall be \$80,000.

Other than professional services, where the purchase price is not expected to exceed \$10,000, the County shall attempt to get at least three oral price quotations before entering into a

contract. Where the purchase price is expected to exceed \$10,000 but not expected to exceed \$50,000, the County shall attempt to get at least three written quotations before entering into a contract. Where the purchase price is expected to exceed \$50,000 but not to exceed \$200,000, the County shall attempt to get at least four written quotations before entering into a contract.

For professional services, where the cost of the service is not expected to exceed \$80,000 the County shall attempt to get at least three written price quotations before entering into a contract.

In any procurement under this small purchase policy, the contract shall be awarded to the person or firm which is in the opinion of the County Administrator or Board, as the case may be, makes the best offer, with cost being a consideration but not the only consideration.

3. All protests of procurement decisions shall be made by the County Administrator.
4. The County Administrator shall have the authority to enter into contracts below \$20,000 without approval of the Board of Supervisors as long as there are sufficient funds within the specific line-item budget approved by the Board of Supervisors.

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

NAYS: NONE

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

A motion was made by Mr. Burns and seconded by Mr. Bailey to update the Finance Departments Requisition/Purchasing Policy.

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

NAYS: NONE

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

RIVERSTREET NETWORKS/REQUEST FOR PAYMENT OUTSIDE OF NORMAL WARRANT PROCESS

Mr. Swartzwelder advised that in order to keep the fiber project moving until Riverstreet's federal funding is available, staff is requesting the Board to allow payment of invoices outside of the normal warrant process that the Board follows. Staff's recommendation is for weekly payments to Riverstreet as long and sufficient supporting documentation of work completed is provided.

A motion was made by Mr. Bailey and seconded by Mr. Burns authorizing staff to make the payments per staff's recommendation until federal funding is available.

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

NAYS: NONE

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

COLLECTIVE BARGAINING RESOLUTION

As directed at the May work session meeting, Mr. Swartzwelder has drafted a resolution stating the Board's position relating to collective bargaining with County employees and their representatives.

A motion was made by Mr. Bailey and seconded by Mr. Burns to adopt the following resolution;

A RESOLUTION ELECTING NOT TO RECOGNIZE OR COLLECTIVELY BARGAIN WITH ANY LABOR UNION OR ASSOCIATION

WHEREAS the General Assembly amended § 40.1-57.2 of the Code of Virginia with an effective date of May 1, 2021 to allow the county to recognize labor unions or other employee associations as bargaining agents of public officers or employees for the purpose of collective bargaining by adopting a local ordinance or resolution; and

WHEREAS having considered the matter the King and Queen County Board of Supervisors (the "Board") has elected not to adopt such an ordinance or resolution as it is the express intention of the Board not to recognize or collectively bargain with any labor union or other employee association purporting to be bargaining agents of any public officers or employees; and

IT IS HEREBY RESOLVED BY THE KING AND QUEEN COUNTY BOARD OF SUPERVISORS, that neither the Board, nor any county officers or agents, shall recognize any labor union or other employee association as a bargaining agent of any public officers or employees and as such will not collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment of service.

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

NAYS: NONE

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

TRANSFER OF RETIRED VEHICLES TO SCHOOL DIVISION

The Sheriff's Department has retired 4 vehicles and the school division has expressed interest in adding them to their fleet. Since the County holds title to all vehicles operated by the Sheriff's Office they need to approve their transfer.

The 4 vehicles to be transferred are:

2011 Dodge Charger VIN ending 0714
2012 Chevrolet Impala VIN ending 6604
2012 Chevrolet Impala VIN ending 4231
2008 Ford Crown Victoria VIN Ending 5868

A motion was made by Mr. Burns and seconded by Mr. Bailey to approve the transfer of the 4 vehicles to the school division.

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

NAYS: NONE

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

BUILDING FEE SCHEDULE/DELAY IN IMPLEMENTATION AND SET DATE FOR PUBLIC HEARING

Mr. Swartzwelder advised that staff is requesting the Board to delay the implementation of the new Building Fee Schedule that was adopted at the May board meeting and to set another public hearing to allow for additional changes to be made by staff to the Building Code Ordinance to incorporate and address all revisions made over the last several years and into one definitive document.

A motion was made by Mr. Bailey and seconded by Mr. Burns to delay implementation of the new fees and to set the regular July Board meeting as the date for a new public hearing on the Building Ordinance.

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

NAYS: NONE

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

AUTHORIZATION TO EXECUTE CONTRACT/PURCHASE OF FIRE TRUCK FOR LOWER FIRE

Mr. Swartzwelder reminded the Board that as part of the purchase of the Shacklefords Fire Station, the Board approved the purchase of a fire truck for Lower Fire. Negotiations for this purchase are complete and authorization to execute the contract with the vendor is needed.

A motion was made by Mr. Burns and seconded by Mr. Bailey authorizing the County Administrator to execute the contract for the purchase of the truck for Lower Fire.

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

NAYS: NONE

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

ADOPTION OF THE EMERGENCY OPERATIONS PLAN (EOP)

Mr. Swartzwelder advised that it is time again to adopt the County's EOP. A draft was provided at the May meeting and staff conveyed the raised concerns to Mr. Hunter who has provided a new draft document which incorporates changes as needed to address those concerns. Mr. Hunter was not available to be here tonight so if there are more questions, he will not be able to address them.

Mr. Burns advised that he still has questions related to certain items within the plan.

Adoption of the plan was tabled.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

- Economic Development Authority/Stevensville – Tabled
- Economic Development Authority/At Large Member/Paul Bennett – Tabled
- Economic Development Authority/At Large Member/Plunard Robinson –
A motion was made by Mr. Bailey and seconded by Mr. Burns to reappoint Ms. Robinson to a 4-year term expiring on June 14, 2025.
AYES: J. M. BURNS, R.F. BAILEY, JR., S.C. ALSOP
NAYS: NONE
ABSENT: D. H. MORRIS, J. L. SIMPKINS
- Economic Development Authority/St. Stephens Member/George Longest – A motion was made by Ms. Alsop and seconded by Mr. Burns to reappoint Mr. Longest to a 4-year term expiring on June 14, 2025.
AYES: J. M. BURNS, R.F. BAILEY, JR., S.C. ALSOP
NAYS: NONE
ABSENT: D. H. MORRIS, J. L. SIMPKINS
- Economic Development Authority Member/Shanghai Member – A motion was made by Mr. Bailey and seconded by Mr. Burns to appoint Tommy Adkins to a 4-year term expiring on June 14, 2025.
AYES: J. M. BURNS, R.F. BAILEY, JR., S.C. ALSOP
NAYS: NONE
ABSENT: D. H. MORRIS, J. L. SIMPKINS
- Wetlands Board – Tabled
- Bay Consortium Workforce Development Board – Replacement/Percy Pollard – Tabled
- Mr. Swartzwelder advised that his term on several boards and commissions will be expiring soon. If the Board wishes him to continue in these roles, he asks that the Board make them all now.
A motion was made by Mr. Bailey and seconded by Mr. Burns to reappoint Mr. Swartzwelder to the Middle Peninsula Planning District Commission, the Middle Peninsula Airport Authority, the Middle Peninsula Regional Security Center, the Public Access Authority and the Virginia Peninsula Public Services Authority.
AYES: J. M. BURNS, R.F. BAILEY, JR., S.C. ALSOP
NAYS: NONE
ABSENT: D. H. MORRIS, J. L. SIMPKINS

COUNTY ADMINISTRATOR'S COMMENTS

Mr. Swartzwelder made the following comments:

- Walnut Solar Project – He is in the process of negotiating with Dominion and there needs to be ratification of the vote taken regarding the substation.

The following motion was made by Mr. Burns and seconded by Mr. Bailey. The King and Queen County Board of Supervisors approved the 149.9-nmegawatt Walnut Solar project, which

included an associated VEPCO-owned substation, after a public hearing held on October 26, 2020, by a vote of 3 to 2, with Alsop, Bailey and Simpkins voting yes, and Burns and Morris voting no. I hereby move that the Board ratify this previous vote approving the Walnut Solar project and the VEPCO-owned substation in Conditional Use Permit CUP18-01, Level 3 Preliminary Site Plan SP18-04, as prepared by Timmons Group, dated October 31, 2019, and Siting Agreement.

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

NAYS: NONE

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

- Cigarette Tax – Advised that King and Queen is the only County in the Middle Peninsula and Northern Neck not working towards adopting this new tax. All other counties are working together regionally to manage the implementation.
- Legalization of Marijuana – The Board will more than likely need to update Drug Use policies for employees. The Board also needs to consider whether or not they want to allow dispensaries in the County once that piece of the legislation becomes effective.
- Internet Update – Reminded the Board to check their weekly updates. There are reports and videos showing the progress of the project.
- Advised the Board of a recent meeting the he and Ed Miller had with Chief Anne Richardson of the Rappahannock Indian Tribe. He feels it was a good meeting and gave an update on the many projects they are considering.

BOARD OF SUPERVISORS COMMENTS

Mr. Burns had the following comments:

- Thanked everyone for coming, it is good to see everyone's smiling faces.
- Reminded everyone of summer storm season, take proper precautions and be prepared.
- Advised that the VDOT bridge project at the Gloucester line on Rt. 14 seems to be moving along well and may be ahead of schedule.
- Hopes everyone has a safe trip home.

Mr. Bailey had the following comments:

- Echoed Mr. Burns' comments on storm season.
- He is concerned about the 'cape sealing' on Rt. 14 from Rt. 614 to Rt. 360. The Board was told it was last a long time and it has already begun to fail in several places.
- Everyone be safe travelling as summer traffic picks up.
- Have a safe trip home and see everyone next month.

Ms. Alsop had the following comments:

- She is glad to see so many people here tonight.
- She is glad to see the COVID numbers are getting better.

- Advised that VACO Regions 1 and 2 are holding a joint meeting on June 29th from 1 to 3 to prepare for the Legislative agenda.
- Advised that she will be attending the Local Government Officials Summit
- Offered kudos to the Board for allowing staff to work with the General Assembly to get things passed that benefit King and Queen.

IT IS ORDERED THAT THE BOARD BE ADJOURNED:

A motion was made by Mr. Bailey and seconded by Mr. Burns to adjourn the meeting at 8:05 p.m.

Sherrin C. Alsop, Chairman

Thomas J. Swartzwelder, Clerk