

King and Queen County
Board of Supervisors Regular Meeting

Monday, November 8, 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 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 A MINUTES OF THE BOARD

A motion was made by Mr. Bailey and seconded by Ms. Morris approving the September 27, 2021 and October 12, 2021 minutes with the correction to motion approving school appropriation in the October 12th minutes.

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

APPROVAL OF NOVEMBER 2021 WARRANTS AND APPROPRIATIONS

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

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

PUBLIC COMMENT PERIOD

Hearing no comments from the public, public comment period was closed.

PUBLIC HEARING/TEXT AMENDMENTS/WETLANDS BOARD

Chairman Alsop advised that the Board will hold a public hearing on proposed text amendments to repeal the local Wetlands Board ordinance and remove Wetlands Permit fees from the Zoning Fee Schedule.

Mr. Swartzwelder advised that the hearing was properly advertised for two consecutive weeks in the Tidewater Review and the Rappahannock Times as well as a courtesy copy in the Country Courier for one issue.

Donna Sprouse, Director of Community Development provided background information on the staff recommendation to repeal the ordinance. She provided information on the number of permits issued since the Wetlands Board was created, the current circumstances regarding issues with quorums at meetings, and addressed concerns about the distance required for citizens to travel to Hampton for VRMC hearings rather than local hearings.

Chairman Alsop opened the hearing for comments from the public.

Kirk Havens, Buena Vista District resident and Chairman of the Wetlands Board spoke in favor of keeping the local board. He feels it is unfair to make the citizens travel to Hampton and those meetings are held during the day rather than at night which is inconvenient. He also expressed his concern regarding giving the state control over the local shoreline. He also advised that the local wetlands board has waived expenses to citizens in the event of hardships and this would not be possible if VRMC was the deciding body.

Delegate Keith Hodges, property owner in Buena Vista District spoke in favor of repealing the local Wetlands ordinance. He provided an example of his and his father's project that was heard by the board and the decision they made was contrary to the plan that they had provided. The plan they presented met the regulations and is a recommended solution for the type of bulkhead failure that occurred. The change that was approved increased the cost of the project by \$5,600. He feels that the VRMC board has the knowledge and expertise to make these decisions because it is their job and they deal with it every day. He respectfully asked that the Board repeal the local Wetlands Board and allow VMRC to have the approval authority for Wetlands projects.

There being no further comments Chairman Alsop closed the public hearing.

Mr. Simpkins expressed that he agrees with the comments made regarding the conflict of interest for certain members that frequently creates a quorum problem as well as with the statement that VRMC has the expertise in these matters, not the local board.

Mr. Burns agreed with Mr. Simpkins comments and felt that unfortunately the poor decisions may result in long term issues that won't be seen for a long time. He feels the decisions should be made by people who do this for a living.

Ms. Morris stated that she felt that the state overreaches on many things and that this would just be us handing them something that we are allowed to do and may not be able to get back if it doesn't go well. She has not received any complaints regarding how the process is done now.

Ms. Alsop questioned the number of cases heard each year. Ms. Sprouse advised that there is an average of three or four each year.

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to approve the text amendment and to remove the fee from the Zoning fee schedule.

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

REVIEW AND APPROVAL OF NEW HR POLICIES

Betty Dougherty presented the latest policies that are part of the overall revision to the current personnel policies for the County employees. Policies presented included the following:

- Social Networking Policy
- Punctuality and Attendance Policy
- Progressive Discipline Policy
- Use of Communications and Computer Systems Policy
- Workplace Conduct Policy
- Internal and External Customer Service Policy

There was general discussion and concerns expressed regarding the Social Networking Policy. Several Board members felt that the County should not infringe on an employee's personal social media unless there is something criminal which would be the job of the Sheriff. It was noted that the policy is not designed to 'police' employee's personal information but does allow for discipline of that employee, if appropriate, in the event of a complaint.

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to approve the policies as presented.

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

SCHOOL FINANCING PRESENTATION

David Rose with Davenport and Associates provided a detailed presentation on the plan for funding of the KQES project through a mix of financing and increasing local tax base through a structured tax rate increase plan over the next five years. The plan incorporates and attempts to address fiscal needs outside of the project as well such as the continued expansion of emergency services as well as county capital projects including the fiber project and the tele center. It also included recommendations on implementation of policies that have recently been updated (Fund Balance Policy) and the adoption of new policies such as a Debt Service Policy that would be beneficial for this project as well as provide a frame work for future Boards as more projects come along.

After general discussion of the recommendations made, a motion was made by Ms. Alsop and seconded by Mr. Bailey to move forward with the schedule Davenport has laid out to explore funding options and to have staff begin drafting the necessary policies.

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

RIVERSTREET NETWORKS PRESENTATION

Robert Taylor with Riverstreet Networks provided an overview of the progress of the fiber to the home project and answered questions from the Board. Several members expressed concern over the length of time for citizens to see the benefit of the project. Members requested the fee structure; it will be provided to Mr. Swartzwelder and he will send out to the Board.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

- Economic Development Authority/Stevensville – Tabled
- Economic Development Authority/At Large Member – A motion was made by Ms. Morris and seconded by Mr. Bailey to appoint Pam Ashley to a four-year term expiring November 8, 2025. Motion was approved unanimously.
- Board of Zoning Appeals/Shanghai – A motion was made by Mr. Bailey and seconded by Mr. Burns to recommend appointment of Thomas Adkins to Judge Bondurant. This would be a five-year term expiring November 8, 2026. Motion was approved unanimously.
- Bay Consortium Workforce Development Board – Replacement/Percy Pollard – Tabled
- Pamunkey Regional Library – Mr. David Litchfield is no longer able to serve – Tabled
- Planning Commission – Shanghai District – A motion was made by Mr. Bailey and seconded by Mr. Burns to reappoint Mr. David Campbell to a four-year term expiring November 8, 2025. Motion was approved unanimously.

COUNTY ADMINISTRATOR'S COMMENTS

Mr. Swartzwelder made the following comments:

- Advised the Board that the County now exceeds 100 employees and will be subject to the COVID vaccinate mandate. He and Betty Dougherty are working on policy and procedures to have in place prior to the implementation date. He asked for approval to have the county pay for COVID testing of employees who opt not to get vaccinated. No action was taken.
- Requested that the Board authorize retaining outside counsel for the school project contracts. It was the consensus to have him get an estimate of the cost of retaining outside counsel.
- Advised the Board that the County will need to hire a Clerk of the Works for the school project. Staff will have an RFP out after the first of the year.
- An IRT Team is being set up for the school project that will include members from county staff as well as school personnel.

BOARD OF SUPERVISORS COMMENTS

Mr. Bailey had the following comments:

- Apologized to Ms. Morris for his previous comment during HR policy discussion.
- Thanked everyone for coming and for their input.
- He is glad to see the school project and the fiber project really moving forward.
- Wished everyone a safe trip home.

Mr. Burns had the following comments:

- Thanked everyone for coming and for the comments and reports.
- Requested a listing of ‘soft costs’ for the school project.
- Expressed his opinion that he is very antigovernment involvement in the personal lives of citizens and employees. Government is of the people by the people not people for power hungry government.

Mr. Simpkins had the following comments:

- Thanked everyone for coming.
- He is glad to see many of the projects moving along.
- Wished everyone a safe trip home.

Ms. Morris had the following comments:

- Wished everyone a safe trip home.

Ms. Alsop had the following comments:

- Advised that she will be attending the VACo conference next week virtually.
- Expressed her thanks to the Board for working together despite differences, that they have fun but also argue sometime too. It is how they are able to make progress by always trying to do the best for the citizens.
- Reminded everyone of the Fiber project groundbreaking tomorrow at the Farmer’s Market.

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 9:15 p.m.

Sherrin C. Alsop, Chairman

Thomas J. Swartzwelder, Clerk