

King and Queen County
Board of Supervisors Regular Meeting

Tuesday, October 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 member Jim Burns being absent.

Mr. Bailey 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 13, 2021 minutes as presented.

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

NAYS: NONE

ABSENT: J. M. BURNS

APPROVAL OF OCTOBER 2021 WARRANTS AND APPROPRIATIONS

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

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

NAYS: D.H. MORRIS

ABSENT: J.M. BURNS

RETRO-ACTIVE APPROPRIATION TO THE FY2021 SCHOOL FUND IN THE AMOUNT OF \$160,111.75

A motion was made by Mr. Simpkins and seconded by Ms. Morris to make the retro-active appropriate in the amount of \$160,111.75 for August revenue to the School Fund, subject to audit.

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

NAYS: NONE

ABSENT: J. M. BURNS

RETRO-ACTIVE APPROPRIATION TO THE FY2021 SCHOOL FUND IN THE AMOUNT OF \$139,560.54

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to make the retro-active appropriate in the amount of \$139,560.54 for September revenue to the School Fund, subject to audit.

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

NAYS: NONE

ABSENT: J. M. BURNS

QUARTERLY APPROPRIATION/SCHOOL FOOD SERVICES

A motion was made by Mr. Bailey and seconded by Ms. Morris to appropriate \$94,408.00 to the School Food Services Fund for the 1st quarter of FY2022, subject to audit.

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

NAYS: NONE

ABSENT: J. M. BURNS

PUBLIC COMMENT PERIOD

Jonathon White/Stevensville District – He is having difficulty accessing his property. He has been told that he needs an easement and the adjoining land owner will not give one to him.

**Mr. White was advised to reach out to Legal Aid Works to see if they would be able to assist him.

PUBLIC HEARING/ONE TIME BONUS TO LAW ENFORCEMENT OFFICERS

Chairman Alsop advised that the Board will hold a public hearing on a proposed ordinance allowing for a one-time bonus for law enforcement officers. She asked the County Administrator for proof of publication and background information.

Mr. Swartzwelder advised that the hearing was properly advertised for two consecutive weeks in the Tidewater Review and the Rappahannock Times. He further advised that as part of the state budget, the Compensation Board approved a one time \$3,000 bonus for state funded law enforcement officers. The Sheriff has requested that law enforcement officers in locally funded positions who have been employed with the County for at least one year be included as well.

Chairman Alsop opened the hearing for comments from the public. Hearing no comments from the public, the hearing was closed.

A motion was made by Mr. Simpkins and seconded by Ms. Morris to adopt the ordinance below for a one-time bonus to law enforcement officers.

Sec. 2-33.1 – Sheriff’s Department Bonus

The Virginia Compensation Board approved a onetime \$3,000 bonus to be paid to all Compensation Board funded law enforcement officers effective November 30, 2021.

In accordance with Code of Virginia, § 15.2-1508, the board of supervisors of King and Queen County hereby grants a onetime bonus of \$3,000.00 to all full time Law enforcement officers employed for at least one year as of November 30, 2021.

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

NAYS: NONE

ABSENT: J. M. BURNS

A motion was made by Mr. Simpkins and seconded by Ms. Morris to amend the FY22 budget and appropriate the amount of \$32,296 for a one-time bonus to law enforcement officers.

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

NAYS: NONE

ABSENT: J. M. BURNS

SET DATE FOR PUBLIC HEARING/ORDINANCE AMENDMENTS RELATING TO LOCAL WETLANDS BOARD

Mr. Swartzwelder provided a background on this request.

A motion was made by Mr. Bailey and seconded by Ms. Morris to set November 8, 2021 meeting as the date for the public hearing.

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

NAYS: NONE

ABSENT: J. M. BURNS

QUARTERLY REPORTS

Quarterly Reports were provided by the following Constitutional Officers, Department Heads and Agencies:

- Sheriff – Captain Balderson advised the Deputy Simmons is retiring at the end of October. The Sheriff provided a written report in advance and he was available for any questions. Ms. Morris asked if they had been able to hire any new deputies and also asked that if they had the staff, to please continue working on Rt. 614.
- Commonwealth Attorney – Meredith Adkin provided the following:
 - COVID restrictions have been put back in place due to resurgence, this is causing continuances in some cases.
 - Recently processed 17 felony indictments, most related to illegal drug charges
 - The Sheriff and the courts have been doing a good job moving charges through the system

- She has been providing training to deputies on new law changes
 - Her paralegal has resigned and she is in the process of hiring a new one.
- Treasurer- Provided her report in advance.
- Commissioner of Revenue – Kelly Lumpkin provided the following report:
 - Personal property and business property for 2021 have been reviewed and assessed.
 - Real estate bills were submitted to the Treasurer’s office on August 30th.
 - Personal Property bills were submitted to the Treasurer’s office on August 27th.
 - 56 applicants were qualified for Elderly and Disabled credits this year totaling \$16,040.84 and real estate credit for veterans is \$22,437.27 and personal property for veterans is \$14,878.56
 - Vehicle values have increased due to COVID, she provided a letter explaining.
 - Taxes are due December 5th; her office is happy to assist anyone with questions.
 - 2022 Business Licenses will be processed to the Treasurer’s office by October 29th and are due by March 1st.
 - Vehicle licenses exemptions have been sent to volunteer fire and rescue agencies and are due back by January 31st.
- Clerk of Circuit Court – Vanessa Porter provided her report in advance and was present to answer any questions.
- Director of Social Services – Betty Dougherty provide an FY2021 CSA report to the Board in advance and provided an overview of the program.
- School Superintendent – Dr. Carter provided a written report in advance but also had the following updates:
 - School began with in person instruction of August 24th
 - The current ADM is 818 with 636 ‘brick and mortar’ students
 - The division has received a technology grant in the amount of \$104,000
 - Division wide COVID protocols are in place. There have been 29 cases between staff and students.
 - Homecoming has been postponed due to a football player testing positive for COVID.
 - October 29th will be Senior Night.
 - They have one elementary teacher vacancy and have been struggling getting substitutes.
 - The volleyball team is doing well.
 - CHS received a 21st Century Grant in the amount of \$148,000 for after school programs and the division is using CARES Learning Loss funds to provide after school programs at the elementary schools.
- Republic Services – Jeff Davison provided a written report in advance and also gave the following updates:
 - Q3 tonnage is about the same as Q2.
 - Host fee payments have been made and the contingency fund payments have been adjusted based on CPI.
 - Annual donations to fire and rescue agencies will be delivered in December.
 - Their most recent DEQ inspection went very well.
 - He heard Ms. Morris’ comments on truck traffic and will make a few calls to remind drivers.

- VDOT- Ron Peaks provided a written report in advance and went over the items contained in the report. Ms. Alsop questioned the repairs reported to have been made on Rt. 625, that it is still in very bad shape. He will look into the matter.
- Cooperative Extension – A report was provided in advance.

MPNNCSB PRESENTATION AND APPROVAL OF ANNUAL PERFORMANCE CONTRACT

CSB Executive Director Linda Hodges updated the Board on services provided by the CSB as well as the financial and service delivery affects from COVID. She reviewed the annual performance contract and accepted questions and comments from the Board.

A motion was made by Mr. Simpkins and seconded by Ms. Morris to adopt the following resolution approving the annual performance contract.

RESOLUTION

APPROVAL OF PERFORMANCE CONTRACT

WHEREAS, §37.2-508 OF THE *Code of Virginia* [1950] as amended, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, a biennium Performance Contract for community mental health, intellectual disabilities, and substance use services for its approval prior to submission of the contract to the Virginia Department of Behavioral Health and Developmental Services, and

WHEREAS, the Middle Peninsula Northern Neck Community Services Board has put forward its proposed FY 22/23 Biennium Performance Contract for approval by the Boards of Supervisors of its governing counties of Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Supervisors of King and Queen County, Virginia, that the FY 22/23 Biennium Performance Contract prepared by the Middle Peninsula Northern Neck Community Services Board presented to the Board is hereby approved and may be forwarded to the Virginia Department of Behavioral Health and Developmental Services as further required.

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

APPROVAL OF ZA21-01 FEMA FLOOD MAPS AND ORDINANCE

The Board held a public hearing at their September meeting and reviewed additional documentation provided at their September work session.

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to approve the zoning text amendment ZA21-01 and to adopt the new FEMA flood maps.

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

NAYS: NONE

ABSENT: J. M. BURNS

APPROVAL OF FUND BALANCE POLICY AND FY22 RECOMMENDATIONS

Copies of the policy and recommendations were provided and reviewed at the September work session. The amended policy includes raising the minimum unassigned fund balance from \$3 million to \$7.5 million. Staff recommendations are based on estimates from the FY21 year end and FY22 adopted budget.

A motion was made by Mr. Simpkins and seconded by Ms. Morris to adopt the amended fund balance policy and accept the fund balance recommendations.

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

NAYS: NONE

ABSENT: J. M. BURNS

ADOPTION OF RESOLUTION PERTAINING TO THE SETTLEMENT WITH OPIOID DISTRIBUTORS

Mr. Swartzwelder advised that this resolution is the next step in the litigation process for the opioid lawsuit. A motion was made by Mr. Bailey and seconded by Ms. Morris to adopt the following resolution:

RESOLUTION

A RESOLUTION OF THE KING AND QUEEN COUNTY BOARD OF SUPERVISORS APPROVING OF THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY AND/OR THE COUNTY'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts King and Queen County by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by King and Queen County's various departments and agencies; and

WHEREAS, King and Queen County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage

the opioid epidemic has caused and continues to cause the citizens of King and Queen County; and

WHEREAS, King and Queen County has filed suit against McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, along with certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed King and Queen County; and

WHEREAS, The County's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them; and

WHEREAS, King and Queen County outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel;

NOW THEREFORE BE IT RESOLVED that the King and Queen County Board of Supervisors , this 12th day of October, 2021, approves of the County's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the County Attorney and/or the County's outside counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

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

NAYS: NONE

ABSENT: J. M. BURNS

VOTING CREDENTIALS/ANNUAL VACO CONFERENCE

A motion was made by Mr. Bailey and seconded by Mr. Simpkins authorizing Ms. Alsop to cast votes on behalf of King and Queen County at the annual VACo conference.

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

NAYS: NONE

ABSENT: J. M. BURNS

POSSIBLE EXTENSION OF THE FILING DEADLINE FOR 2021 ELDERLY AND DISABLED TAX CREDIT EXEMPTION

Mr. Swartzwelder advised that this item was brought forth by a board member. Mr. Simpkins stated that he had been notified by a citizen that they submitted their paperwork prior to the deadline but it was never received by the Commissioner's office. The citizen did not realize this until they received their tax bill without the reduction. He asked that the board do something due to the circumstances at the time relating to COVID and mail service delays.

Mr. Swartzwelder provided the following emergency ordinance that would be allowable due to the circumstances:

Emergency Ordinance pursuant to 15.2-1427 (F)

Due to issues created by the Covid 19 pandemic along with significant delays and other problems with the US Mail, the deadline for filing the application for the Elderly/Disabled Tax Credit Exemption of April 1, 2020, as set forth in Chapter 30, Article II, Sec.30-46 of the County Code is hereby extended until Friday November, 3 2021.

This Emergency Ordinance is not enforceable for more than 60 days following adoption.

A motion was made by Mr. Bailey and seconded by Ms. Morris to adopt the emergency ordinance.

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

NAYS: NONE

ABSENT: J. M. BURNS

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

- Economic Development Authority/Stevensville – Tabled
- Economic Development Authority/At Large Member – Tabled
- Board of Zoning Appeals/Shanghai - Tabled
- Bay Consortium Workforce Development Board – Replacement/Percy Pollard – Tabled
- Pamunkey Regional Library – Mr. David Litchfield is no longer able to serve – Tabled

COUNTY ADMINISTRATOR'S COMMENTS

Mr. Swartzwelder made the following comments:

- The county has approximately \$32,000 in CARES funds remaining that must be expended by December 31st. Staff has several ideas including HVAC upgrade at the Health Department and making some available to the school division. The final option would be to provide premium pay to first responders like the board did before for another time period during the pandemic. The board agreed that if the HVAC project or a school project qualify to mover forward but staff would come back to the board for approval on premium pay.
- The most recent update from the Health Department shows a downturn in cases for the last two weeks and King and Queen is second in the state for lowest number of cases.

- The federal funding for the fiber project has been released so the project can continue to move forward.

BOARD OF SUPERVISORS COMMENTS

Mr. Bailey had the following comments:

- Thanked everyone for coming and for sharing their reports.
- It was nice to see some new faces at the meeting tonight.
- Everyone be safe going home.

Mr. Simpkins had the following comments:

- Thanked everyone for coming and for sharing their reports.
- Thanked the Board members for taking action on the elderly tax credit and thanks to Mr. Swartzwelder for coming up with a way to help the citizens.
- Reminded everyone that there are plenty of job openings at the county and everywhere, if you know someone looking for a job let them know.
- Wished everyone a safe trip home and see them next month.

Ms. Morris had the following comments:

- Thanked everyone for coming and for sharing their reports. These reports help the Board plan and know what is going on in the offices.
- Everyone be safe and watch out for farm equipment on the roads.

Ms. Alsop had the following comments:

- Thanked everyone for coming.
- She has been attending many Zoom meetings and WebEx calls that even though not able to go out much, she has been able to keep up and be involved.
- Thanked everyone for their reports.
Advised that she will be attending the VACo conference in November.

IT IS ORDERED THAT THE BOARD BE ADJOURNED:

A motion was made by Mr. Bailey and seconded by Ms. Morris to adjourn the meeting at 8:30 p.m.

Sherrin C. Alsop, Chairman

Thomas J. Swartzwelder, Clerk