

**King and Queen County
Board of Supervisors Meeting
Monday, December 14, 2020**

7:00 P.M.

**Regular Meeting
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 Simpkins called the regular meeting to order. Attendance at the meeting by the Board was recorded as follows:

Members in attendance at the Court House: Jim Burns, Lawrence Simpkins and Rusty Bailey. Member Sherrin Alsop in attendance via video due to health concerns related to the COVID19 virus.

Member Doris Morris was not present.

Rusty Bailey provided the Invocation and led the Pledge of Allegiance to the Flag of the United States.

APPROVAL AND SIGNING OF THE OCTOBER 26, 2020 MINUTES AND NOVEMBER 16, 2020 OF THE BOARD

A motion was made by Mr. Burns and seconded by Mr. Bailey to approve the October 26, 2020 and November 16, 2020 minutes of the Board.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

It was noted that the November workshop meeting was cancelled so there were no minutes to approve for that meeting.

APPROVAL AND SIGNING OF THE DECEMBER 2020 WARRANTS AND APPROPRIATIONS

RATIFICATION OF NOVEMBER RECURRING WARRANTS

A motion was made by Mr. Bailey and seconded by Mr. Burns to ratify the November recurring warrants. It was the consensus at the November regular meeting to cancel the November workshop and to pay the recurring warrants on time and ratify at this meeting.

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

NAYS: NONE
NOT PRESENT: D. H. MORRIS

APPROVAL OF COUNTY WARRANTS FOR THE MONTH OF DECMEBER

A motion was made by Mr. Burns and seconded by Ms. Alsop to approve, subject to audit, the County warrants for the month of December.

AYES: S.C. ALSOP, J.L. SIMPKINS, R. F. BAILEY, J.M. BURNS
NAYS: NONE
NOT PRESENT: D. H. MORRIS

APPROPRIATION OF FY21 NOVEMBER REVENUE TO THE SCHOOL FUND IN THE AMOUNT OF \$863,486.32.

A motion was made by Ms. Alsop and seconded by Mr. Burns to approve the appropriations to the School Fund in the amount of \$863,486.32, subject to audit.

AYES: S.C. ALSOP, J.L. SIMPKINS, R. F. BAILEY, J.M. BURNS
NAYS: NONE
NOT PRESENT: D. H. MORRIS

QUARTERLY APPROPRIATION TO SCHOOL FOOD SERVICE FUND IN THE AMOUNT OF \$87,654.25

A motion was made by Mr. Bailey and seconded by Mr. Burns to approve the quarterly appropriation to the School Food Services fund in the amount of \$87,654.25.

AYES: S.C. ALSOP, J.L. SIMPKINS, R. F. BAILEY, J.M. BURNS
NAYS: NONE
NOT PRESENT: D. H. MORRIS

PUBLIC COMMENT PERIOD

No comments were received from the public.

REPORTS FROM THE DIRECTOR OF SOCIAL SERVICES AND SCHOOL SUPERINTENDENT

Social Services Director, Betty Dougherty was not in attendance but had provided her report to the board in advance.

Dr. Carol Carter, School Superintendent provided the following report:

- Advised that holiday cards from the division have been mailed to the supervisors. The design was created by students from CHS.
- The current ADM for the division is 826, the FY21 budget is based on an ADM of 776.

- All winter sports have been cancelled but the Scholastic Bowl will still be held, but will be virtual.
- Right now, fall sports are scheduled to occur in February.
- The division has had several cases of COVID which required quarantine but all cases have been determined to not be school related due to contact tracing.
- The division has been awarded \$64,346 in School Security Grant funds. The School Board has decided that they will not ask the Board for the matching funds this year, they will cover from their own budget. It is the first year that all three schools received funding. They intend to use the funds to replace the communications system for the division (telephone system).
- Winter break begins on December 18th and school will reopen on January 4th. They may extend the break for an additional week due to COVID concerns but have not made a final decision.
- She wished the Board a holiday season full of giving, blessings and hoped they all experienced the joy, peace and happiness of the season. She also thanked them for their support of the school division over the past year.

PUBLIC HEARING/BUDGET AMENDMENT FOR THE PURCHASE OF FIRE TRUCK FOR LOWER KING AND QUEEN VOLUNTEER FIRE DEPARTMENT

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

Mr. Swartzwelder advised that the notice of the public hearing was made in the Rappahannock Times and Tidewater Review on November 25, 2020 and December 2, 2020 and a courtesy copy was also placed in the Country Courier.

This amendment to the County Capital Project Fund in the amount of \$500,000 is to assist Lower King and Queen Fire Department with the purchase of a new fire engine. Of this amount, \$309,500 represents the purchase price of the Shackelfords Volunteer Fire and Rescue building and grounds (County Station 8 located in the Bohannon Business Park) that the County purchased from them. The remaining \$190,500 will be a secured loan to the department for the remaining cost of the apparatus.

Chairman Simpkins opened the floor for public comment. Hearing no comments, the public hearing was closed.

A motion was made by Mr. Burns and seconded by Ms. Alsop to approve the budget amendment and appropriate the \$500,000 to the FY21 County Capital Project budget for the purchase of the fire truck.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

PUBLIC HEARING/ORDINANCE TO PAY ONE-TIME \$500 BONUS FOR LAW ENFORCEMENT OFFICERS

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

Mr. Swartzwelder advised that the notice of the public hearing was made in the Rappahannock Times and Tidewater Review on November 25, 2020 and December 2, 2020 and a courtesy copy was also placed in the Country Courier.

The county has been notified by the State Compensation Board that a one-time bonus in the amount of \$500/officer has been approved for all Compensation Board funded officers. The Sheriff is requesting that the same bonus be provided to County and grant funded positions as well. The total cost will be \$7,535.50 with \$3,767.75 being local funds if the County and grant positions are included. A public hearing is required adopting an ordinance in order to provide bonuses to any County employees regardless of how funded.

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

A motion was made by Mr. Burns and seconded by Ms. Alsop to adopted the ordinance allowing for the one-time \$500 to each law enforcement officer as well as the budget amendment and appropriation of funds to cover such bonus.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

CARES FUNDS/HAZARD PAY FOR PUBLIC SAFETY EMPLOYEES

Mr. Swartzwelder advised that the CARES Act funding allows funds to be used for hazard pay to certain employees. As part of the FFCRA policy adopted by the Board, public safety employees meet this classification. He is asking the Board to allow staff to utilize a portion of the County's remaining CARES funds to provide hazard pay to these employees. This would include fulltime law enforcement officers, emergency services staff. The calculation allows for \$10/shift for 8 to 12 hour shifts and \$20/shift for 24-hour shifts worked from July 1st to December 31st. He also asked to include funds for certain DSS staff that meet the same criteria and that he will work with the DSS Director on the allocation of those funds.

A motion was made by Mr. Burns and seconded by Mr. Bailey to approve the request for hazard pay to be provided to public safety employees and to include \$2,000 to be used to provide hazard pay to DSS employees.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

CARES FUNDS/HAZARD PAY FOR ELECTION WORKERS, ELECTORAL BOARD, REGISTRAR AND STAFF

Chairman Simpkins recognized Diane Klausen, General Registrar to address this request.

Ms. Klausen advised that her office received \$48,891 in CARES funding to be used to assist in additional COVID requirements due to the COVID pandemic. As part of this she has been

advised that she can utilize these funds to provide hazard pay to herself, her part time staff, the electoral board and the 41 election workers. The Electoral Board has approved hazard pay totaling \$10,027.60 (including FICA).

Mr. Swartzwelder reminded the Board that the funds that Ms. Klausen is referring to are not the County's CARES funds, they are funds that her office received directly from the State Office of Elections. The County does not 'control' the use of these funds, they are simply the 'gatekeeper' so to speak. His recommendation, if the Board approved the request, is that you acknowledge in the action that you are simply approving the administrative action of allowing staff to cut the checks for the hazard pay. The Board is not making the determination as required under federal law that this is an allowable, reasonable or necessary expense.

Mr. Burns questioned what happens if the federal government deems that this does not meet the requirements as set forth, does the County have to pay these funds back?

Mr. Swartzwelder advised that he has informed Ms. Klausen that he felt that if there was a 'claw back' at a later date by the federal government that the Board would require her to 'pay back' the funds from within her budget at that time, whatever budget year that may be. He advised, as the County Attorney, that the Board distance themselves from this decision and that that action should be included in whatever motion is made.

Mr. Simpkins questioned where the amounts of the hazard pay per employee came from, did they come from the Electoral Board? Ms. Klausen clarified that since there was not good guidance from the state as to reasonable, registrars from the region decided that half the normal hourly rate/hour per employee for the Registrar and staff would be considered reasonable but decided as a group on \$10/hour which is several dollars less than half her hourly rate and \$5/hour for election workers was a reasonable request.

A motion was made by Ms. Alsop and seconded by Mr. Burns to approve the special warrant requested by the King and Queen County Electoral Board with the notation that the Board of Supervisors is not making the allowable, reasonable or necessary determination as is required by federal law and in the event of a claw back that money would have to come from the Registrar's budget in the fiscal year in which the claw back occurs.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

ADOPTION OF FY2022 BUDGET SCHEDULE

Mr. Swartzwelder advised that the schedule provided is much the same as in prior years. The schedule sets forth dates and times of meetings as well as deadlines for budget submissions and public hearings.

A motion was made by Ms. Alsop and seconded by Mr. Bailey to adopt the FY2022 budget schedule as presented.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

CUSTODIAL SERVICES – COURTHOUSE COMPLEX

Mr. Swartzwelder advised that the current custodian is retiring at the end of December. There has been discussion for quite some time that utilizing a contracted service would alleviate some of the issues that have been seen by having a single fulltime employee handling the cleaning for the complex. For example, when the custodian has taken vacation, been out for medical or other personal leave it is difficult for staff to cover. He is asking that the Board allow him to utilize the remaining budgeted salary and benefits funds for the fulltime position plus an additional \$5,000 in contingency funds to be used to cover the cost of the service through the end of the fiscal year. In addition, he advised that he has already authorized a ‘deep clean’ for the entire complex since county staff have been cleaning their own office suites since the onset of the COVID pandemic. He is utilizing regular maintenance funds to cover this.

A motion was made by Mr. Burns and seconded by Mr. Bailey authorizing the County Administrator to move forward with the custodial services as requested through the end of the fiscal year.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Economic Development Authority/Stevensville District – Table

Wetlands Board/Buena Vista District – A motion was made by Mr. Burns and seconded by Mr. Bailey to reappoint Kerry Basehore for a five-year term expiring December 14, 2025.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

Board of Zoning Appeals/St. Stephens Church District – A motion was made by Mr. Simpkins and seconded by Mr. Burns to recommend reappointment of Bruce Taylor to the Board of Zoning Appeals for a four-year term expiring December 14, 2024.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

Planning Commission/St. Stephens Church District – A motion was made by Mr. Simpkins and seconded by Mr. Bailey to reappoint Milton Watkins for a four-year term expiring on December 14, 2024.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

Wetlands Board – Member Jason Lacks has expressed that he does not wish to be reappointed. **Tabled**

Pamunkey Regional Library Board – **Tabled**

Middle Peninsula Northern Neck Community Services Board – A motion was made by Ms. Alsop and seconded by Mr. Burns to reappoint Rosalyn Trent as the King and Queen County representative to the MPNNCSB.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

COUNTY ADMINISTRATOR'S COMMENTS

Thomas Swartzwelder, County Administrator, provided the following comments:

- Advised that the Fiber project that is utilizing CARES funds to connect the three schools is behind schedule but they may still get the schools online in the beginning of January.
- The telehealth study is complete and the committee is moving forward with having the architect begin the full design of the space as part of the telework center design.
- Advised that he does not have any items to bring to the Board at the December workshop and asked if the Board decides to cancel that meeting that staff be allowed to move forward with paying the recurring warrants as well as payments utilizing CARES funds and the telehealth grant in order to meet the deadlines for both funding sources.

A motion was made by Mr. Burns and seconded by Mr. Bailey to cancel the December workshop and authorize staff to pay the recurring warrants, CARES invoices and telehealth project invoices and to ratify the expenses at the January meeting.

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

NAYS: NONE

NOT PRESENT: D. H. MORRIS

- Advised members that the CDBG Program Income program is moving along well and that staff will have projects in the Newtown and Buena Vista districts coming forward soon. Board members from those districts need to pick a community representative to serve on that committee.
- In response to a question from Mr. Burns, Mr. Swartzwelder advised that the discussion of the KQES project will be on the January workshop agenda.

BOARD OF SUPERVISOR'S COMMENTS

Mr. Burns had the following comments:

- Thanked everyone for the reports and for coming out to the meeting.

- Advised that he is very leery of the hazardous duty pay that was approved tonight. He feels that in some cases it is a misuse of government funds. There are medical personnel that are not behind plexiglass like county employees. It is a disgrace for teachers to receive hazard pay to teach our children. Soldiers die for our county every day and receive less.
- Wished everyone a Merry Christmas, Happy New Year and stay safe.

Mr. Bailey had the following comments:

- Stated that 2020 has been a weird year. He applauded staff for continuing to work despite the changes and conditions.
- Thanked everyone who attended and wished everyone a Merry Christmas and Happy New Year.

Ms. Alsop had the following comments:

- Thanked everyone for coming.
- Advised that she is still spending a lot of time getting educated on things going on through Zoom meetings, webinars and other virtual means. As part of this she has learned about services, especially through Bay Aging, that are available and hopes that by being more involved that they can be expanded to the upper end of the County.
- Advised that she attended the VACo annual meeting and the session were very good, that it being virtual was a good change because she was able to attend more sessions than in person.
- Thanked all of the front-line workers for their dedication during the pandemic.
- Wished everyone a Merry Christmas and to have a safe drive home.

Mr. Simpkins has the following comments:

- Read a thank you note from Julia Redd, the first client served by the CDBG Program Income program. Ms. Redd had her roof replaced.
- Thanked everyone who came out to the meeting.
- Wished everyone a Merry Christmas and Happy New Year.
- Agreed with Mr. Bailey that it has been a weird year and is glad it is behind us but feels that next year will start with more of the same.
- Expressed appreciation for everyone's willingness to work together during this difficult time.
- Reminded Sherrin Alsop to be thinking about her moving into the Chairman seat for 2021 and how that will work if she is still unable to attend meetings in person.
- Hopes everyone has a safe trip home and see you next year.

IT IS ORDERED THAT THIS BOARD BE ADJOURNED

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

J. Lawrence Simpkins, Chairman

Clerk of the Board