

**King and Queen County
Board of Supervisors Meeting
Monday, April 27, 2020**

7:00 P.M.

**Regular Meeting
King and Queen County Courts and Administration Building
General District Courtroom**

Minutes of the Meeting

CALL TO ORDER AND ROLL CALL

Chairman Simpkins called the meeting to order. Roll call was taken with all five members being present with Supervisor Sherrin Alsop in attendance using remote access.

Chairman Simpkins announced that the meeting was also using GoToMeeting to allow the public to participate via telephone. He asked that the public attending mute their phones until asked to unmute them during public comment period.

APPROVAL AND SIGNING OF APRIL RECURRING WARRANTS

A motion was made by Sherrin Alsop and seconded by James Burns to approve the April recurring warrants subject to audit.

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

NAYS: NONE

PUBLIC HEARING/CALENDAR YEAR 2020 TAX RATE

Chairman Simpkins asked the County Administrator to provide background and proof of publication. Mr. Swartzwelder stated that the notice of public hearing ran in the Tidewater Review and Rappahannock Times on April 8, 2020 and April 15, 2020. A courtesy copy was run in the Country Courier on April 15, 2020.

Chairman Simpkins opened the public hearing and asked anyone wishing to speak to state their name, district they are from and to keep their comments to three minutes.

There was no public present at the meeting but Chairman Simpkins recognized the five callers and asked if anyone participating via telephone if they wished to speak.

Arlene Taliaferro, Buena Vista District, stated that she was very concerned during these uncertain times due to the virus that now was not the right time to raise taxes. She knows that the budget needs to be adopted but could the Board wait another month.

Hearing no further comments Chairman Simpkins close the public hearing. He advised that the tax rate cannot be adopted until at least seven days after the public hearing.

PUBLIC HEARING/FY2021 PROPOSED BUDGET

Chairman Simpkins asked the County Administrator to provide background and proof of publication. Mr. Swartzwelder stated that the notice of public hearing ran in the Tidewater Review and Rappahannock Times on April 15, 2020. A courtesy copy was also run in the Country Courier on April 15, 2020.

Chairman Simpkins opened the public hearing and asked anyone wishing to speak to state their name, district they are from and to keep their comments to three minutes.

There was no public present at the meeting but Chairman Simpkins recognized the four callers and asked if anyone participating via telephone if they wished to speak.

Arlene Taliaferro, Buena Vista District, expressed that she had the same concerns regarding the budget as she did with the tax rates.

Hearing no further comments Chairman Simpkins closed the public hearing. He reminded everyone that the budget will not be adopted tonight, that is cannot be adopted until at least seven days after the public hearing.

AT THIS POINT IT WAS THE CONSENSUS TO MOVE ITEM #5 TO THE END OF THE MEETING SINCE IT MAY NECESSITATE THE BOARD TO GO INTO CLOSED SESSION

APPROVAL OF TELEWORK CENTER ARCHITECT/ENGINEER CONTRACT FOR DESIGN AND MONITORING

The County Administrator advised that the selection committee had met with three firms that responded to the RFP for this project. The committee recommended Commonwealth Architects and he has been working with the firm on the draft contract that was provided to the Board in their packet. The cost of the contract is \$199,510.

A motion was made by Sherrin Alsop and seconded by Rusty Bailey to award the contract to Commonwealth Architects and authorize the County Administrator to execute it.

Sherrin Alsop expressed her support of the contract and the project, she feels that a lot of people could use something like this right now and feels that we should move forward.

Rusty Bailey stated that as a member of the selection committee that he feels that the firm was asked to pack a lot into this building and the committee was impressed with the ideas that they came up with to accomplish the project.

Jim Burns questioned the cost of the design being nearly \$200,000 to design a 6,000 square foot building, this seems high and would be almost a quarter of the project budget. There was brief discussion on the fact that there are grant opportunities that staff is working on that could be used if awarded.

Doris Morris expressed concern that the project will go over budget.

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

NAYS: J.M. BURNS

WALNUT SOLAR LLC REQUEST TO DISCUSS SITING AGREEMENT

The County Administrator advised that the General Assembly approved and the Governor has signed Delegate Hodges' siting bill for solar and it will be in effect on July 1st. This bill will allow a locality and a solar developer of a certain size to attempt to negotiate a siting agreement. The siting agreement would allow the county to receive compensation including land and other things of value to offset the development including broadband which itself is a separately named category in the code section. Mr. Chip Dix, representative for Walnut Solar, has reached out that they would like to start this conversation with the Board. This does not mean that the Board is approving the project, just the beginning of a discussion as to whether they can negotiate and reach an agreement on a siting agreement that is satisfactory to the two parties. If the Board did approve a siting agreement the project would move forward under the terms of that agreement as well as whatever land use controls were put into place as part of that public hearing process.

The request is that the Board begin to have these conversations, it can be done through himself, the Board could appoint a subcommittee, they can do it any way that they want. The idea is to see if there is a financial arrangement that is suitable to the County and the solar applicant. This agreement is not just financial it can also include conditions such as buffering and such that would normally be a part of a CUP. This is a 'wide open' process, the County would be the first in the Commonwealth to do so.

Mr. Burns questioned whether or not any conditions included would go back to the Planning Commission. Mr. Swartzwelder advised that this would be outside of the land use process. For example, if buffering is included in the agreement it could be more or less restrictive than the recommendation from the Planning Commission and this would be outside of the land use process. It was compared to the agreement that exists with the landfill contract but without many of the environmental challenges.

The other piece of solar legislation is Revenue Sharing. Under the new framework, the Board could accept the Revenue Sharing and still negotiate a siting agreement. The Revenue Sharing agreement would be calculated so that the annual amount paid would be greater than the taxes that would have been projected. These two pieces of legislation allows for some "extra tools in the toolbox" for negotiations should the Board choose to go down this path. A siting agreement would have to go through the public hearing process in order to be approved by the Board so the public would have the opportunity to participate and give input.

It was the consensus that the Board tackle this project as a whole board. To have the developer make a proposal and have the Board provide their feedback and comments to the County Administrator then set up face to face meetings after that.

Mr. Burns questioned that the Board has not even decided whether or not this is something that will be approved. Chairman Simpkins expressed that what could be in the agreement would be a part of determining whether or not it is something that would be approved.

A motion was made by Mr. Burns and seconded by Ms. Morris to begin discussions with Walnut Solar for a possible siting agreement.

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

NAYS: NONE

ITEMS BROUGHT FORTH BY BOARD MEMBERS

Ms. Alsop had the following comments:

- Reminded members of the VACO Region 2 virtual meeting on April 30th from 1 p.m. to 3 p.m.
- She thanked everyone who ‘tuned in’ for the budget hearings, that she is concerned about the proposed tax increase at this time.

Ms. Morris had the following comments:

- She agrees with Sherrin regarding the tax increase that she has heard from a lot of her constituents and also possibly the raises to look at bonuses versus raises or that type of thing with so many people being out of work and no assurance on how the economy is going to go.

Mr. Burns had the following comments:

- Thanked everyone who called in and hopes everyone stays safe.
- Hopes that we get someone in the state capital that can keep us from being shut down for two years.
- He feels that it is his personal opinion that the shutdown is ridiculous that you can go to Wal-Mart but you can’t go to church.

Mr. Bailey had the following comments:

- Mr. Bailey had no comments.

Mr. Simpkins had the following comments:

- Thanked everyone who called in, the Board wanted to make sure the citizens still had the opportunity to participate and also stay home and be safe.

CLOSED SESSION

The County Administrator advised the public in attendance via telephone that they are welcome to stay on the line while the Board goes into closed session, that the Board will return to the meeting when they return to open session.

A motion was made by Mr. Burns and seconded by Mr. Bailey to enter into closed session pursuant to Section 2.2-3711A6 for the consideration of investment of public funds where bargaining is involved and where as if such bargaining were made public the negotiating position of the County would be adversely affected and 2.23711A7 for consultation with counsel for the purpose of obtaining legal advice in regards to a contract. Both items are in reference to the possible broadband contract with Riverstreet Networks for the fiber to the home project.

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

NAYS: NONE

A motion was made by Mr. Burns and seconded by Mr. Morris 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 close session.

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

NAYS: NONE

RIVERSTREET CONTRACT FOR FIBER TO THE HOME PROJECT (ITEM #5)

The Board instructs the County Administrator to continue negotiations with Riverstreet Networks as discusses during closed session.

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