

**King and Queen County
Board of Supervisors Meeting
Monday, August 10, 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 Doris Morris. Member Sherrin Alsop in attendance via video due to health concerns related to the COVID19 virus.

Lawrence Simpkins provided the Invocation and led the Pledge of Allegiance to the Flag of the United States.

APPROVAL AND SIGNING OF THE JULY 13, 2020 MINUTES OF THE BOARD

A motion was made by Ms. Morris and seconded by Mr. Burns to approve the July 13, 2020 minutes of the Board.

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

NAYS: NONE

NOT PRESENT: R.F. BAILEY

Chairman Simpkins noted that there were no minutes from the June work session due to lack of a quorum.

APPROVAL AND SIGNING OF THE JULY 2020 WARRANTS AND APPROPRIATIONS

APPROVAL OF COUNTY WARRANTS FOR THE MONTH OF AUGUST

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

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

NAYS: D.H. MORRIS

NOT PRESENT: R.F. BAILEY

APPROPRIATION OF FY21 LOCAL FUND TO THE SCHOOL DIVISION IN THE AMOUNT OF \$3,797,176

A motion was made by Mr. Burns and seconded by Ms. Morris to approve the appropriation to the School Food Fund in the amount of \$3,797,176, subject to audit.

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

NAYS: NONE

NOT PRESENT: R.F. BAILEY

APPROPRIATION OF 1st QUARTER LUMP SUM APPROPRIATION TO THE SCHOOL FOOD SERVICES FUND IN THE AMOUNT OF \$87,654.25

A motion was made by Ms. Alsop and seconded by Ms. Morris to approve the appropriation to the School Food Fund in the amount of \$87,654.25, subject to audit.

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

NAYS: NONE

NOT PRESENT: R.F. BAILEY

APPROPRIATION OF ACCRUED REVENUE TO THE SCHOOL FUND IN THE AMOUNT OF \$126,802.42 AND FY21 JULY REVENUE IN THE AMOUNT OF \$364,591.87.

A motion was made by Mr. Burns and seconded by Ms. Morris to approve the appropriations to the School Fund in the amount of \$126,802.42 and \$364,591.87, subject to audit.

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

NAYS: NONE

NOT PRESENT: R.F. BAILEY

PUBLIC COMMENT PERIOD

No comments from the public both in person and via telephone were received.

PUBLIC HEARINGS

Amend Courthouse Security Ordinance – Changing established court cost in each criminal and traffic case from \$10 to \$20

Chairman Simpkins asked the County Administrator to provide proof of publication and background on the proposed amendment.

Mr. Swartzwelder advised that the public hearing was advertised in the Rappahannock Times and Tidewater Review for two consecutive weeks beginning June 22nd and a courtesy ad was placed in the most recent issue of the Country Courier. During its last session the General Assembly amended the state code allowing for localities to increase the court cost for court security for both General District and Circuit courts. These fees are used to cover the cost of

providing officers on court days as well as equipment needed to provide security in the court room such as the metal detectors that are located at the court room entrance.

Chairman Simpkins opened the public hearing asking those who speak to provide their name, the district they are from and to limit comments to 3 minutes.

Hearing no comments, the public hearing was closed.

A motion was made by Mr. Burns and seconded by Ms. Alsop amend the court security ordinance to change the established court cost from \$10 to \$20 for each court case.

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

NAYS: NONE

NOT PRESENT: R.F. BAILEY

AMEND ELECTIONS ORDINANCE/DISTRICTS & POLLING PLACES – AMEND THE ELECTIONS ORDINANCE TO EXPLAIN THE CENTRAL ABSENTEE VOTING PRECINCT AND TO ESTABLISH ITS PURPOSE, LOCATION AND AVAILABILITY

Chairman Simpkins asked the County Administrator to provide proof of publication and background on the proposed amendment.

Mr. Swartzwelder advised that the public hearing was advertised in the Rappahannock Times and Tidewater Review for two consecutive weeks beginning June 22nd and a courtesy ad was placed in the most recent issue of the Country Courier. Many years ago the Board had to establish a Central Absentee Voting Precinct (CAP) to allow a specific place for voters to come and vote by absentee. This year the General Assembly expanded the CAP to allow for early voting as well. The change allows for early voting at the CAP, at the Registrar's office or both. It is the intention of the Registrar to allow both and she is here to answer any question the Board may have. The CAP is located in the Hearing Room in the Courts and Administration Building and early voting will be available for seven days prior to the November election.

Chairman Simpkins opened the public hearing asking those who speak to provide their name, the district they are from and to limit comments to 3 minutes.

Hearing no comments, the public hearing was closed.

A motion was made by Ms. Alsop and seconded by Mr. Burns amend Section 18-31.1 of the County Code to further explain the already existing Central Voting Precinct and sets forth the seven days of early voting prior to each November election.

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

NAYS: NONE

NOT PRESENT: R.F. BAILEY

Ms. Alsop asked the Registrar for clarification of the seven days of early voting. Diane Klausen, General Registrar, explained that absentee voting will still be available for 45 days prior to the election. The seven days is just the addition of a second location where early voting can take place. Currently early voting only takes place in her office and since her office is quite small

there are concerns with folks having to wait outside due to social distancing requirements. There will be a voting machine set up in the hearing room and in the Registrar's Office and it will be handled just like voting at any other precinct on election day.

SCHOOL SUPERINTENDENT AND DIRECTOR OF SOCIAL SERVICES REPORTS

Dr. Carter was present and provided the following report:

- Graduation was held on July 31st in the auditorium due to inclement weather.
- There will be no "Back to School" nights, teacher will be contacting each student and their family by phone
- Convocation 'caravan' will be held on August 28th Dr. Carter, members of central office staff and several school board members will be visiting each school to meet with staff. She invited the Board to participate, they need to contact her so she can let them know the times they will be at each school.
- The School Division has applied for the Safety and Security grant once again. The application was submitted for approximately \$80,000 and requires a 25% match if approved. They have applied for additional surveillance cameras and voice and video internal communications systems.
- Provided an update on the sports schedule that has been approved by the VSHL.
- The School Board decided at their July meeting to move the first day of school back to September 8th. New teachers will report on August 24th and staff will report on August 25th.
- Due to the COVID restrictions in place they sent out 2 options to parents for next school year. The first being 100% virtual and the second being a hybrid option with 2 days in person and 2 days virtual each week. The deadline to sign up for the virtual option was last week. They have had 185 students signed up Virtual Virginia. Approximately 30% chose all virtual and approximately 70% chose face to face learning. The 'ABC' schedule limits the number of students and staff in each school each day. King and Queen is fortunate that the estimated numbers of students that would be in school each day using this schedule. She feels that the small number of students that will be in the schools will allow them to safely meet the social distancing requirements.
- The School Division received from the VA School Board Association a Wellness and Physical Activity Award. The first year PE teacher at LMES, Andrew Balderson, along with Principal Jennifer Perry received the award for a "Virtual Field Day" that was submitted in the spring.
- They were informed today that KQPS will be participating in the Community Eligibility Provision program as part of the Healthy Hunger Free Students Program. Enrolled students will receive a healthy and nutritious breakfast and lunch each day at no charge. Meals will be delivered to each student enrolled in the program regardless of whether they chose the virtual or blended model of attendance.

Sherrin Alsop asked how many teachers had opted not to return to in person learning due to the COVID risk. Dr. Carter responded that there have been two teachers both at KQES. They are working with both teachers to assign them to duties with the Virtual Virginia students.

Report from the Director of Social Services was provided to the Board at their seats.

BUDGET AMENDMENT – CLERK OF CIRCUIT COURT SALARY

The Compensation Board approved a 9% Career Development salary increase for the Clerk of Circuit Court for FY21. The salary of the Clerk is covered 100% by the Compensation Board so this amendment is pass through state funds only, no local funds. The amendment is in the amount of \$8,851.32.

A motion was made by Mr. Burns and seconded by Ms. Alsop to approve the budget amendment for the salary of the Clerk of Circuit Court in the amount of \$8,851.32.

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

NAYS: NONE

NOT PRESENT: R.F. BAILEY

HEALTH INSURANCE COVERAGE – NEW HIRES

Mr. Swartzwelder advised that this item was tabled from the July work session to allow the Board time to consider the options available. He reminded the Board that as part of the budget adoption process for FY2020 the Board decided not to make any changes to the current health insurance options but decided to address it again at the next open enrollment. Based on concerns expressed by the Board regarding the negative impact on current enrollees in the ‘core plan’ (Optima Vantage HMO) it has been suggested that rather than change the basic options for current employees, to only offer the lower premium high deductible plan to new hires. This would phase out the core plan over time.

Mr. Simpkins suggested that rather than limiting the offering to new hires to only one plan that the Board consider changing the funding method. He stated that by funding the high premium plan at approximately 89% it would match the amount paid by the County toward the lower premium high deductible plan plus the contribution to the Health Savings Account. It was also suggested to set the rate at whatever the lower premium was. This would allow for an employee to have the option to ‘buy up’ if they wanted to opt for the higher premium plan.

Mr. Burns felt that there should only be one plan offered. The Board needs to be frugal with tax payer dollars.

Ms. Morris stated that she liked the ideas that Mr. Simpkins had suggested but would like more time to consider the new options.

It was the consensus of the Board to table until the August work session.

NEW DOLI REGULATIONS AND CARES EXEMPTION OPTIONS

As discussed at the July work session, the Board can opt to exempt employees classified as first responders from several of the categories as provided in the FFCRA documents. The Emergency Services and Sheriff offices have raised concern over their ability to function if this exemption is not taken.

A motion was made by Ms. Alsop and seconded by Mr. Burns to approve exemptions 4, 5 and 6 as designated on the FFCRA poster from DOLI for first responders only effective immediately.

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

NAYS: NONE
NOT PRESENT: R.F. BAILEY

ISSUANCE OF SUBPOENAS BY COUNTY STAFF

As discussed at the July work session, staff has provided a draft policy and procedure for the issuance of subpoenas as allowed by state code effective in July 2020.

A motion was made by Mr. Burns and seconded by Ms. Alsop to approve the policy and procedures and authorize the Zoning Administrator to issue subpoenas for Zoning and E & S violations in accordance with the policy.

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

ADOPTION OF FY2021 FUND BALANCE POLICY RECOMMENDATIONS

An overview of the draft recommendations was provided at the July work session. The Board tabled for review and consideration at that time.

Mr. Burns questioned whether or not the Board should raise the minimum unassigned balance from \$3 million. After brief discussion it was decided to have this issue addressed as part of the FY2022 budget process.

A motion was made by Ms. Alsop and seconded by Mr. Burns to adopt the FY2021 Fund Balance Policy recommendations as presented.

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

ROOF REPLACEMENT BIDS/COURTHOUSE COMPLEX BUILDINGS

Mr. Swartzwelder provided the bid tabulation received from Garland on the replacement of roofs on three buildings within the court house complex (Administration Building, Health Department and Registrar's office). The bids are for complete re-roof of all three buildings with the health Department being changed from metal to shingle. Replacement of the roof on the Administration Building was included in the FY2020 budget as a spring project but was delayed due to COVID restrictions. The total for all three buildings is \$304,848 which will require a public hearing since it is greater than 1% of the total adopted budget for FY2021.

A motion was made by Mr. Burns and seconded by Ms. Alsop to advertise the public hearing for the September meeting.

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

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Wetlands Board/Alternate member – Table
Economic Development Authority/Stevensville District – Table

UPDATE ON WALNUT SOLAR

Chip Dicks was present and provided additional highlights surrounding some of the discussion points that have been brought up so far. He hopes that by further discussion on these items that there can be a balance made between the conditions of the CUP and the economic and fiscal impact that will be beneficial to the County. These items being:

- The possible change in megawatt capacity from 110 megawatts to 149.9 megawatts
- The change in revenue sharing based on the above from approximately \$6 million to approximately \$8 million.
- The conditions listed in the proposed CUP that are still of concern being project phasing, stabilization and landscaping and decommissioning.
- Additional items from the CUP that are considered ‘non-controversial’.

Mr. Dicks advised that on behalf of the applicant he would ask that the Board consider providing direction to the County Administrator to begin negotiations on the siting agreement. The project has been ongoing for some time and since many of the new regulations just came into place in July it has been good that the Board has taken the time to review and consider the possible benefits. However, Dominion Energy has an RFP going out in September for power generation facilities that they would be able to respond to if there was direction in place. In addition, if the project was approved then the fiscal benefits to the County could be in place before the beginning of the FY2022 budget as well as be available for the ongoing financial obligations of the broadband project.

COUNTY ADMINISTRATOR’S COMMENTS

Thomas Swartzwelder, County Administrator, provided the following comments:

- He will have the new COVID policies out next week for action at the August work session.
- Code and Compliance Officer David McIntire has turned in his resignation. He is moving on to a new career outside of government. He has done a very good job and been an asset to the department. The Building Official and Director of Community Development will be sharing duties until a replacement is found.
- There will be a budget amendment on the September agenda for acceptance of the CARES funding.
- Asked for direction on the policy to allow remote participation by the public at the Board’s meetings. After brief discussion, it was the consensus to continue allowing the public to participate remotely for now. This discussion led to concerns about citizens not knowing about the programs that are being offered using the CARES funding. The Board directed that an ad be placed in all of the local papers showing the CARES programs that are being done through DSS and the B2B program.
- Advised that Riverstreet has provided a plan that if approved would extend the fiber connections along Rt. 14 from King and Queen Elementary School to Lawson Marriott Elementary School by December 31st. He would like to be given direction on whether or not the Board would be willing to authorize him to use the CARES

funding to undertake this project. The cost would be approximately \$682,000 and if it ended up not being allowable as a CARES expenditure it is funds that would be spent anyway, it just moves this part of the project to the forefront. It would not slow down the connections already underway for Phase 1, Riverstreet is going to have additional crews here to complete. There was discussion regarding the fact that even though this would get high speed internet to the schools, it does not get it directly to the students.

A motion was made by Mr. Burns and seconded by Ms. Morris to move forward with the proposal from Riverstreet to add the additional areas along Route 14 as part of Phase 1.

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

NAYS: NONE

NOT PRESENT: R.F. BAILEY

BOARD OF SUPERVISOR'S COMMENTS

Ms. Alsop had the following comments:

- Thanked the Board for allowing her to continue to participate remotely. She is staying involved through virtual appointments, Zoom meetings and audio meetings.
- The December 31st deadline to use the CARES funding is making it very difficult for many folks to spend the money. She is proud of the programs that King and Queen is doing and feels that getting the word out is very important because people just don't know about all of the good things that are being offered.
- She has had 10 friends and family who have passed away and 15 who have been sick. The COVID virus is serious and need to be cognizant of it.
- Asked everyone to wear their masks, wash their hands and stay safe.

Ms. Morris had the following comments:

- Thanked everyone for coming.
- Expressed thanks to Donna Sprouse for the letter that she received regarding the response to a large brush fire across the road from her home. She agrees with the letter that we have a very good group of first responders both County staff and volunteers.
- Voiced concern over the recent power outages in her area of the County. Feels that VA Power is not being responsive enough in getting power restored quickly.
- Asked everyone to practice social distancing and stay safe.

Mr. Burns had the following comments:

- Thanked everyone for the reports as well as those who came out and called in to participate.
- Expressed his feeling that the fiber project will be the saving grace to the county. The service in the County is terrible and the County is stepping up to fix it.
- He is very concerned about the schools, the students and the parents. What is happening to the education process bothers him terribly.
- Everyone have a safe trip home.

Mr. Simpkins had the following comments:

- Thanked everyone for coming and phoning in.
- In regards to the schools, people are really struggling with the situation. Right now doing everything has become more difficult and there does not seem to be changes coming soon.
- Everyone be careful going home.

CLOSED SESSION

A motion was made by Mr. Burns and seconded by Ms. Morris to enter into closed session pursuant to section 2.2-3711A8 for consultation with legal counsel for the purposes of obtaining legal advice as it relates to the solar farm siting agreement and zoning related issues.

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

NAYS: NONE

NOT PRESENT: R.F. BAILEY

A motion was made by Mr. Burns and seconded by Ms. Morris to enter into open session with each member certifying by individual vote that only matters lawfully exempt from the open meeting requirements of the Freedom of Information Act were heard, discussed or considered in the closed session.

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

NAYS: NONE

NOT PRESENT: R.F. BAILEY

IT IS ORDERED THAT THIS BOARD BE ADJOURNED

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

J. Lawrence Simpkins, Chairman

Clerk of the Board