

King and Queen County
Board of Supervisors Regular Meeting

Monday, March 11, 2024
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

Mr. Simpkins provided the invocation, followed by the Pledge of Allegiance to the Flag of the United States.

APPROVAL AND SIGNING OF THE JANUARY 22, 2024 AND FEBRUARY 12, 2024 MINUTES

A motion was made by Mr. Berry and seconded by Ms. Billups approving the January 22, 2024 and February 12, 2024 minutes of the Board.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS
NAYS: NONE

APPROVAL AND SIGNING OF FEBRUARY WARRANTS AND APPROPRIATIONS

A motion was made by Ms. Alsop and seconded by Ms. Norman to approve the March County warrants and payroll, subject to audit.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS
NAYS: NONE

A motion was made by Ms. Alsop and seconded by Ms. Billups to approve appropriations to the School Fund in the following amounts, subject to audit:

1. October 2023 Revenue \$656,929.23
2. November 2023 Revenue \$633,622.51
3. December 2023 Revenue \$631,650.24

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS
NAYS: NONE

A motion was made by Ms. Alsop and seconded by Ms. Norman to approve the appropriation of \$74,743 of school construction grant funds to the school division for the reimbursement to the County for KQES modular campus expense. Further, to appropriate \$74,743 to the local transfer to the School Fund to meet the certification to the state.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS

NAYS: NONE

PUBLIC COMMENT PERIOD

Charles Tompson, St. Stephens Church District – Advised that on January 20th he drove past the county library and saw an electric vehicle being charged. He was advised that it was an employee’s vehicle. He asked Deputy Chief Willaford at the Ruritan’s meeting what was going to be done about it and was told that he would get back to him. He has not to date gotten a response. He feels the employee should be fired, that his coworkers should be fired, Deputy Chief Willaford and Chief Hunter should be fired and that the employees in the Sheriff’s office should be put on notice since nothing has been done about the situation.

Sheriff Balderson reminded everyone of the Senior Spring Fling at Central High School on March 16th at 10:00. There will be sessions about scams that target senior citizens as well as vendors and refreshments.

Lisa Chandler, Buena Vista District – Addressed concerns with the postal service and the issues that she has getting her mail since she lives in King and Queen but has a Saluda address.

Jeff Davison, Republic Services – Introduced himself to the new members and advised that if anyone has any questions or concerns related to the landfill to reach out any time.

PRESENTATION OF FY2023 AUDIT

Taylor Stover with Robinson Farmer Cox Associates presented the FY23 audit. He highlighted that the county received an unmodified opinion and there was not a management letter issued. Both of which reflect that the county is in good standing. He thanked staff in the Treasurer, Commissioner, Finance, School and Social Services offices for there assistance and cooperation.

COMMUNITY PROGRAMMING UPDATE & *REGROUP* SUBSCRIPTION REQUEST

Erin Lazar up0dated the Board on activities at the library as well as plans for programs coming up during spring break.

In response to the Board’s concern over “getting the word out” into the community of happening at the library as well as other things in the County she has reached out to *Regroup* and gotten a quote of \$2,500 annually for a service that citizens would sign up for and the County could send notices of county events, weather and disaster updates and many other items. These notices would be sent by phone call to land line or cell phone, text message or email and the citizens can determine how much or how little information they want to receive. If approve tonight, the service could start as early as April 1st.

A motion was made by Ms. Billups and seconded by Ms. Norman to approve the purchase of the subscription for *Regroup* in the amount of \$2,500 annually.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS

NAYS: NONE

ADOPTION OF RESOLUTION TO DISSOLVE THE KING AND QUEEN WIRELESS AUTHORITY

Vivian Seay advised the Board that now that the Fiber to the Home project is complete there is no longer a need for the WSA. Staff have been working with Riverstreet to remove the network equipment from the tower sites throughout the County as well as cancel all expenses related to the wireless network. All customers have been removed from the wireless network and the county received its last revenue sharing in January.

A motion was made by Ms. Alsop and seconded by Mr. Berry to adopt the following resolution to dissolve the Wireless Authority:

WHEREAS, the King and Queen County Wireless Authority (the “**Authority**”) was established by the King and Queen County Board of Supervisors (the “**Board**”) at its regular meeting on the 13th day of November, 2012; and

WHEREAS, the Authority was established to provide high speed data service and internet access service to local businesses, local government, and the public; and

WHEREAS, for many years, the Authority was successful in providing high speed data service in King and Queen County through an extensive wireless network; and

WHEREAS, in recent years, King and Queen County and RiverStreet Networks collaborated to install fiber optic internet service throughout the County to provide high speed internet access to every home, business, and entity;

WHEREAS, with fiber optic broadband internet service available; the need for the wireless network and governing Authority no longer exists;

WHEREAS, all bonds and other obligations of the Authority have been paid; and

WHEREAS, for the reasons cited herein, the King and Queen County Wireless Authority has this day adopted a resolution requesting the dissolution of the Authority.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of King and Queen County, that (i) the purposes for which the King and Queen County Wireless Authority was created have been substantially fulfilled, (ii) all bonds and other obligations of the Authority have been paid, (iii) the Board does declare and find that the King and Queen County Wireless Authority should be dissolved and staff is instructed to take all steps necessary to effect such dissolution, (iv) appropriate articles of dissolution shall be filed with the Virginia State Corporation Commission, and (v) upon the filing of the articles of dissolution, all funds and

other property owned by the Authority at the time of such filing shall vest in King and Queen County, Virginia.

Adopted this 11th day of March, 2024 upon the following vote:

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS

NAYS: NONE

COMMUNITY SERVICES BOARD (CSB) NAME CHANGE

The County received a request from the Middle Peninsula Northern Neck Community Services Board to change their name to Middle Peninsula Northern Neck Behavioral Health. This is part of the agencies rebranding in celebration of their 50th anniversary of providing services to the community.

A motion was made by Ms. Alsop and seconded by Ms. Norman to adopt the following resolution:

REQUEST TO CHANGE THE NAME OF THE MIDDLE PENINSULA NORTHERN NECK COMMUNITY SERVICES BOARD TO MIDDLE PENINSULA NORTHERN NECK BEHAVIORAL HEALTH

WHEREAS, pursuant to Chapter 5 of Title 37.2 of the Code of Virginia of 1952, as amended, requires the establishment by each city or county, or combination thereof, of a community services board; and

WHEREAS, the several counties of the Middle Peninsula and Northern Neck of Virginia; Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond and Westmoreland counties, formed a community services board with the intent of implementing the provisions of the aforesaid Chapter 5 of 37.2 of the 1950 Code of Virginia, as amended, to provide mental health, developmental, and substance abuse services within the aforesaid counties which, pursuant to the Resolutions of such localities, established the Middle Peninsula-Northern Neck Community Mental Health and Mental Retardation Services, also known as “Middle Peninsula Northern Neck Community Services Board;” and

WHEREAS, on December 19, 2023, the community services board thus established has determined that there is confusion concerning its name, and further, that the name does not adequately describe to the public the services the community services board currently provides, and accordingly, has requested that the name of the community services board be changed from “Middle Peninsula Northern Neck Community Services Board” to the name, “Middle Peninsula Northern Neck Behavioral Health,” effective April 1, 2024, in order to more accurately describe to the public the services the community services board provides.

NOW, THEREFORE, BE IT RESOLVED that upon passing of a Resolution of the Boards of Supervisors of the counties of Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland approving such name change, the name of such community services board shall be

changed from “Middle Peninsula Northern Neck Community Services Board” to Middle Peninsula Northern Neck Behavioral Health.

BE IT FURTHER RESOLVED that the Board of Supervisors of King and Queen County hereby approves the change of the name of the community services board to Middle Peninsula Northern Neck Behavioral Health as of April 1, 2024.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS

NAYS: NONE

ADOPTION OF AMENDED AND RESTATED ANIMAL SHELTER AGREEMENT

Vivian Seay advised that several months ago King William reached out to amend the agreement operating the Regional Animal Shelter. She has been working with the King William County Administrator and legal counsel to come up with the draft provided. The main changes are to remove the language regarding the construction of the shelter, to include language regarding capital improvements and to increase the administrative fee that King William receives for managing the shelter.

Mr. Berry questioned the operating costs and the use of capital improvements. Mr. Simpkins asked about a possible change in the operational cost such as a flat per animal fee to each county.

Sheriff Balderson asked to be allowed to speak. He raised many concerns with the operations at the shelter and the frustration that he and his ACO experience with the new shelter manager. He requested that a decision be postponed until after a meeting that is scheduled on March 27th. This meeting will be staff from King and Queen as well as King William to address his concerns.

After brief discussion, a motion was made by Ms Norman and seconded by Ms. Alsop to table until the April 8th meeting.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS

NAYS: NONE

ADOPTION OF POLICY FOR ELECTRONIC MEETING PARTICIPATION

Vivian Seay advised that changes to the VA Code by the General Assembly have made the adoption of this type of ordinance more useful. There are exemptions for reasons that a board member may attend electronically, attendance electronically must be approved and there is a limit to the number of meetings per year that a member may attend electronically.

A motion was made y Ms. Norman and seconded by Ms. Alsop to adopt the following ordinance:

A RESOLUTION TO ADOPT A POLICY GOVERNING PARTICIPATION IN MEETINGS BY MEMBERS OF THE KING AND QUEEN COUNTY, VIRGINIA BOARD OF SUPERVISORS THROUGH ELECTRONIC COMMUNICATION

WHEREAS, pursuant to Va. Code § 2.2-3708.3, a member of a public body may participate in meetings through electronic communication means from a remote location that is

not open to the public when there is no declared state of emergency if the public body has adopted a written policy allowing for such electronic participation; and

WHEREAS, pursuant to Va. Code § 2.2-3708.2, public bodies may hold meetings through electronic communication means in certain emergency situations; and

WHEREAS, the members of the King and Queen County, Virginia Board of Supervisors wish to adopt a policy to allow for those unexpected or emergency situations which may arise and prevent one or more members from attending meetings in person.

NOW, THEREFORE, BE IT RESOLVED that the King and Queen County, Virginia Board of Supervisors on this the ____ day of _____, 2024, does hereby adopt the attached policy, effective immediately, to allow members of the King and Queen County, Virginia Board of Supervisors to participate in meetings through electronic communication in strict accordance with the provisions and requirements of Va. Code §§ 2.2-3708.2 and 2.2-3708.3.

**KING AND QUEEN COUNTY, VIRGINIA
BOARD OF SUPERVISORS**

**POLICY FOR PARTICIPATION IN
PUBLIC MEETING THROUGH
ELECTRONIC COMMUNICATION**

I. No State of Emergency Declared

A. A member of the King and Queen County, Virginia Board of Supervisors (Board member) may participate in a public meeting, both in open meeting and in closed meeting, through electronic communication from a remote location, not open to the public, on the following terms and conditions:

a. Temporary or Permanent Disability or Other Medical Condition

i. The Board member requesting to participate in the meeting through electronic communication must notify the Board Chairman of that he or she will be unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition of the Board member that prevented the Board member's physical attendance at the meeting, or (ii) a medical condition of a member of the Board member's family that requires the Board member to provide care that prevents the Board member's physical attendance at the meeting.

ii. The Board must:

1. Record in its minutes the fact that the Board member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition of the Board member that prevented the Board member's physical attendance at the meeting, or (ii) a medical condition of a member of the Board member's family that requires the Board member to provide care that prevented the Board member's physical attendance at the meeting.
2. Record in its minutes the remote location from which the member participated.

b. Principal Residence More Than 60 Miles

- i.** The Board member requesting to participate in the meeting through electronic communication must notify the Board Chairman that his or her principal residence is more than 60 miles from the meeting location identified in the required notice for the meeting.
- ii.** The Board must:
 1. Record in its minutes the fact that the Board member participated through electronic communication means due to the distance between the Board member's principal residence and the meeting location.
 2. Record in its minutes the remote location from which the member participated.

c. Personal Matter

- i.** The Board member requesting to participate in the meeting through electronic communication must:
 1. Notify the Board Chairman that he or she will be unable to attend the meeting due to a personal matter.
 2. Identify to the Chairman the nature of the personal matter.
- ii.** The Board of Supervisors must:
 1. Record in its minutes the nature of the Board member's personal matter; and
 2. Record in its minutes the remote location from which the Board member participated.
 3. Confirm and record in its minutes that the Board member has not used remote participation due to personal matters more than two meetings in the current calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

- B.** Electronic participation by a Board member as provided in Section A above shall be approved by the Chair unless such participation would violate this policy. The determination of the Chair as to the Board member's participation from a remote location shall be recorded in the Board's minutes. When the Board member who wishes to participate in a public meeting through electronic communication is the Board Chair, then all notifications required under this policy to be provided to the Board Chair shall be provided by the Board Chair making the request to the Board Vice-Chair. Electronic participation of the Chair shall be approved by the Vice-Chair unless such participation would violate this policy. The determination of the Vice-Chair as to the Chair's participation from a remote location shall be recorded in the Board's minutes.

II. State of Emergency Declared

- A.** The King and Queen County Board of Supervisors (the Board) may meet, in open meeting and in closed meeting, by electronic communication means without a quorum physically assembled at one location when the Governor of the Commonwealth of Virginia has declared a state of emergency in accordance with Va. Code § 44-146.17 or King and Queen County has declared a state of emergency pursuant to Va. Code § 44-146.21 on the following terms and conditions:

- a. The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
- b. The purpose of the meeting is to provide for the continuity of operations of King and Queen County or the discharge of its lawful purposes, duties, and responsibilities.

- B.** If a meeting is held pursuant to paragraph A. above, the Board shall:

- a. Provide public notice using the best available method given the nature of the emergency contemporaneously with the notice provided the members of the Board;
- b. Make arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the public body;
- c. Provide the public with the opportunity to comment when public comment is customarily received;
- d. Make available to the public at all locations at which public access will be provided, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the Board in sufficient time for duplication and forwarding, as best as practicable given the emergency;

- e. Record minutes of the meeting, which minutes shall include:
 - i. the date, time, and location of the meeting;
 - ii. the members of the public body recorded as present and absent;
 - iii. a summary of the discussion on matters proposed, deliberated, or decided;
 - iv. a record of any votes taken;
 - v. the identity of the members of the public body who participated in the meeting through electronic communication means;
 - vi. the identity of the members of the public body who were physically assembled at one physical location;
 - vii. the identity of the members of the public body who were not present at the meeting location but who monitored such meeting through electronic communication means;
 - viii. the nature of the emergency;
 - ix. the fact that the meeting was held by electronic communication means, and
 - x. the type of electronic communication means by which the meeting was held.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS
NAYS: NONE

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Economic Development Authority/Shanghai District – A motion was made by Ms. Norman and seconded by Ms. Alsop to appoint Shawn Lazar to fill the unexpired term of Thomas Adkins expiring 12/31/2025.

Social Services Advisory Board/Shanghai District – Table.

Board of Zoning Appeals/Shanghai District to fill the unexpired term of Thomas Adkins – A motion was made to recommend Kim Sadler for appointment to the Board of Zoning Appeals for the Shanghai District.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS
NAYS: NONE

Planning Commission/St. Stephens Church District to replace Milton Watkins term expiring December 31, 2024.

COUNTY ADMINISTRATOR'S COMMENTS

Ms. Seay provided the following updates:

- Requested that staff be allowed to utilize funds from the Landfill Contingency Fund to audit the accuracy of payments received from Ingenco.

- Advised that Skanska has recommended that staff put out an RFP for A&E contract for future projects.
- Advised that the approved *Regroup* expense will be handled with an internal transfer in next years budget rather than an addition to the budget. Also advised that a revised request was received from Cooperative Extension after budget had been prepared. They are requesting a small increase that she feels will also be able to be handled with a transfer rather than needing a budget amendment. The proposed budget that has been distributed tonight includes a .03 tax increase on real estate and not the .05 that was recommended by Davenport.

BOARD OF SUPERVISORS COMMENTS

Mr. Berry had the following comments:

- It is nice to see people here and to hear their comments.
- He will be hosting a town hall meeting on March 21st. The Stevensville School Board and Planning commission members and the Sheriff are participating as well.
- He is glad to see the *Regroup* option to help get the word out and keep citizens informed.

Ms. Alsop had the following comments:

- Thanked everyone for coming.
- Advised that she has a community meeting for Black History month. Joy Davis spoke on the importance of mental health. It was so well attended that they have decided to meet monthly (via Zoom). She will bring the ideas and information to the Board from these meetings.
- Wished everyone a safe trip home and reminded citizens to call her with concerns that the Board will try to find solutions when they can.
- Thanked the Board for adopting the electronic attendance policy.

Ms. Norman had the following comments:

- Thanked everyone for coming.
- Also thanked the Board for approving the *Regroup* subscription, it will be a big help in getting information out to citizens.
- Advised that she has received complaints from residents on Tastine Road stating that it is in very poor condition. There are many potholes, the ditches need to be cleaned and that there needs to be a sign in one curve about water on the road.
- She is hosting a town hall meeting in the auditorium at Central High School on March 28th at 7:00. The focus will be on the KQES project. Dr. Carter and Harwood Hall will be there also.
- On March 16th she, Dr. Carter and Harwood Hall will be going to see the Wilmot building in Maryland to see the example of modular construction.
- Thanked the Sheriff for holding the event for senior citizens, she is seeing a lot of them targeting customers at the credit union where she works.

- Thanked Ms. Chandler for her comments on the mail service. She is right, the service is not good, but the Board doesn't control it.

Ms. Billups had the following comments:

- Thanked everyone for coming, it has been a long day and a long meeting. The new Board members have received an "information dump" since January 1st and thank citizens for their patience and grace as members learn.
- She will be having a town hall meeting on March 28th at 6:00 at the Thrive CARE Center. She will take concerns related to the postal service issues and provide updates on the county projects that are going on.
- Thanked prior board members and wants to let the citizens know what they went through to get the county where we are today.
- Wished everyone a safe trip home.

Mr. Simpkins had the following comments:

- Thanked everyone for coming.
- Asked staff to begin looking into the electric car charging issue because it will not go away so we need to start getting ready.
- Stated that he has experience the same issues with the postal service in his area. It took 2 years for a citizen to get their address concern corrected. The system is broken and there is no quick or easy fix.
- Advised that he has been contacted by members of Central Fire Department regarding the fire station project. This has been going on for 10 years and the estimated \$3.8 million cost is not feasible. The members said that they have been left out of the process and have not been allowed to have input. He thinks maybe the project needs to go back to square one and then make a decision.
- He has had people calling and wanting to serve on the Planning Commission, that is a good thing, but he is going to talk to Milton first before appointing anyone.
- Wished everyone a safe trip home and hope to see everyone next month.

IT IS ORDERED THAT THE BOARD BE ADJOURNED:

A motion was made by Ms. Alsop and seconded by Ms. Billups to adjourn the meeting at 8:50 p.m.

Chairman

Clerk of the Board