



Mathews County Board of Supervisors

Regular Meeting
Harry M. Ward Auditorium
Mathews High School
9889 Buckley Hall Road
Mathews, VA 23109

Monday, August 23, 2021 at 6:00 PM

MINUTES

1. CALL TO ORDER

Chairman Rowe called the meeting to order at 6:00 p.m.

2. INVOCATION

A. Rev. Tom Bunting of New Point Friends Church provided the invocation.

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Board of Supervisors Members
Present:

Michael Rowe, Chairman
Melissa Mason, Vice Chair
Paul Hudgins, Supervisor
Jackie Ingram, Supervisor
Amy Dubois, Supervisor

Board of Supervisors Members Absent: None

Staff Present:

Mr. Sanford B. Wanner, Interim County Administrator
Mrs. Julie A. Kaylor, Deputy County Administrator/Clerk
Mr. Thomas D. Jenkins, Planning, Zoning and Wetlands
Director
Ms. Andrea G. Erard, Esq., County Attorney
Mr. Michael Lesniak, IT Director

5. APPROVAL OF AGENDA

MOTION: On Motion of Amy Dubois, seconded by Melissa Mason, the Mathews County Board of Supervisors voted 3-2-0 as follows: Michael Rowe, Melissa Mason, Amy Dubois - aye; Paul Hudgins, Jackie Ingram - nay; to approve the agenda as presented.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye
Melissa Mason, Vice Chair - Aye
Paul Hudgins, Supervisor - Nay
Jackie Ingram, Supervisor - Nay
Amy Dubois, Supervisor – Aye

6. OPPORTUNITY FOR CITIZEN COMMENTS

Mr. Eric Engler, 430 Mill Lane Road, Foster, stated he would like an update on discussions concerning the East River Boat Yard.

Mr. David Jones, 10344 Buckley Hall Road, Mathews, addressed the Hole in the Wall septic system issue. He stated that the proposed NextGen system would not handle any more flow than the current system, noting that this system will not work, and alternative solutions should be considered.

Mr. Les Hall, 279 Horn Harbor Avenue, New Point, addressed a previous public hearing regarding a property development proposal in Cobbs Creek, noting he was not in favor.

Mr. Mike Hammond, 352 Parrish House Lane, Mathews, stated his concerns of trying to attract new people to the County, citing lack of jobs and housing.

7. PUBLIC HEARINGS

A. FY2021-2022 Budget Amendment: Appropriate Grant Funds for Hole in the Wall Dredging Project

Mr. Thomas Jenkins, Planning Director, stated that in 2019 the County contracted with the Middle Peninsula Planning District Commission to provide grant writing services. He noted that funding for this project was made available by the use of unspent gas tax funds which have been earmarked for dredging projects across the Commonwealth. Mr. Jenkins stated that the Virginia Port Authority has appropriated \$1.5 million dollars for this project and that \$45,000 remains from a previous project at Winter Harbor, and that this amount exceeds one percent of the adopted FY22 budget, so a public hearing is required to amend the budget. He noted that there is no local match for this project.

Mr. Jenkins stated that he had been contacted by citizens to amend the proposal to change the spoils site. He stated that if there is any amendment to the proposal, it will take more time, more resources and a new application to the Virginia Port Authority would be required.

Chairman Rowe opened the public hearing for comment.

Speakers in favor:

Mrs. Dee Russell and Mr. Mike Walls. Mr. Walls acknowledged everyone involved in the process thus far.

There being no other speakers, Chairman Rowe closed the public hearing at 6:19 p.m.

MOTION: On Motion of Paul Hudgins, seconded by Jackie Ingram, the Mathews County Board of Supervisors voted 5-0-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Jackie Ingram, Amy Dubois - aye; None - nay; to amend the FY22 Budget and to appropriate the Virginia Port Authority Grant as presented.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye

Melissa Mason, Vice Chair - Aye

Paul Hudgins, Supervisor - Aye

Jackie Ingram, Supervisor - Aye

Amy Dubois, Supervisor - Aye

B. VDOT Transportation Alternatives Program Application: Main Street Phase 2

Mr. Jenkins stated that this project is Phase 2 of the Main Street project and covers the area from Food Lion to Hyco Corner and a small amount on Buckley Hall Road near Hardee's. This project includes widening sidewalks to meet the Americans with Disabilities Act, adding crosswalks with lighting, improving drainage, utility enhancements, and landscaping. Mr. Jenkins stated that there are no drainage inlets in this section at all, noting that Main Street floods in this area. Mr. Jenkins stated that the Virginia Department of Transportation requires a resolution from the County committing to the twenty percent required local match and to provide project oversight. He stated that the Main Street Committee has agreed to provide the required twenty percent match up to the point of construction.

Chairman Rowe opened the public hearing at 6:23 p.m. and called for speakers.

Speakers in favor:

Mrs. Bette Dillehay, 409 Iron Point Lane, Cobb Creek, Chair of Mathews Main Street Committee, assured the Board that the Main Street Committee would provide its fullest support and follow through on this project. She noted that this project would make the area safer for pedestrians and for traffic.

Speakers against:

Mr. Mark Harrell, 121 Lover's Lane, Mathews

Mr. David Jones, 10344 Buckley Hall Road, Mathews, referred to turning radius issues that arose from the first phase of the project, among others.

There being no other speakers, Chairman Rowe closed the hearing at 6:30 p.m.

Vice Chair Mason asked if Mr. Jenkins had considered concerns raised during the first phase of the project. Mr. Jenkins stated that the two areas in question are quite different, especially in regard to the parking and street alignment. He stated that none of the angled parking will be addressed in the second phase and that staff did learn from the first phase.

Vice Chair Mason asked that once completed, would staff look into applying for a Main Street designation. Mr. Jenkins deferred to the Main Street Committee. He mentioned that there are other programs available where schools could be incorporated, such as the "Safe Route to Schools" program. Mrs. Dillehay stated she would discuss this with Vice Chair Mason at a later time.

Supervisor Hudgins asked if the Board could have more time to consider this before voting. Mr. Jenkins stated that a decision would be needed at the September meeting in order to meet the deadline. Supervisor Dubois asked if the design can be revisited after submitting the resolution and application package. Mr. Jenkins stated that the current plan is conceptual and noted that an engineered plan would need to be developed before the project could move forward.

MOTION: On Motion of Amy Dubois, seconded by Melissa Mason, the Mathews County Board

of Supervisors voted 5-0-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Jackie Ingram, Amy Dubois - aye; None - nay; to approve the Resolution as presented.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye
Melissa Mason, Vice Chair - Aye
Paul Hudgins, Supervisor - Aye
Jackie Ingram, Supervisor - Aye
Amy Dubois, Supervisor - Aye

8. RECOGNITION OF EMPLOYEES AND COMMUNITY SERVICE

The Board of Supervisors recognized the following employees for years of service.

- A. Treasurer's Office: Virginia Evans 5 Years of Service
- B. Sheriff's Office: Lolita Morgan 15 Years of Service

9. CONSENT AGENDA

MOTION: On Motion of Paul Hudgins, seconded by Amy Dubois, the Mathews County Board of Supervisors voted 5-0-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Jackie Ingram, Amy Dubois - aye; None - nay; to approve the Consent Agenda as presented.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye
Melissa Mason, Vice Chair - Aye
Paul Hudgins, Supervisor - Aye
Jackie Ingram, Supervisor - Aye
Amy Dubois, Supervisor – Aye

10. REPORTS AND REQUESTS OF BOARDS, DEPARTMENTS, COMMISSIONS AND AGENCIES

A. Mathews County Department of Planning and Zoning: Mr. Thomas D. Jenkins, Director

• East River Boatyard Update

Mr. Jenkins provided background and stated that there is \$12,000 available on the Vanasse Hangen Brustlin, Inc.(VHB) contract and noted that the next steps would to finalize design elements, submit joint application permit, and identify additional funding sources should the final amount of the project exceed that available on the VHB, Inc. contract. He stated that there are other grant opportunities, and that staff would meet with VHB, Inc. to discuss design elements.

Supervisor Dubois stated that she thought the Board had already given authorization to move ahead on design. Chairman Rowe agreed. Chairman Rowe stated that changes included bulkhead design and placement of rip rap around the point, noting that otherwise everything else was the same. He further stated that he would like to see a few more parking spaces.

Supervisor Hudgins asked if the bulkhead could be backfilled to regain what was lost. Mr. Jenkins said he would have to check on that but he thought that was allowed. Chairman Rowe asked that Mr. Jenkins move forward with design and have VHB, Inc. bring something back to the Board. He asked that plans also show possible commercial activity, thinking there may be a possibility to generate income.

Vice Chair Mason suggested Mr. Jenkins reach out to interested citizens and include some Board

members on a committee to further explore options. Chairman Rowe stated that he will form a committee to study this at the next meeting.

- **Hampton Roads Sanitation District Request for Service District Expansion**

Mr. Jenkins stated that staff is working with HRSD to expand the Service District to the property in Cobbs Creek that was recently rezoned, and that staff reached out to other property owners to gauge interest in connecting as well. He noted that this is just advisement at this point that this matter will be coming before the Board at the September meeting. He noted that there is interest from a property owner on Church Street and Gleebe Road in connecting to the service.

Supervisor Hudgins asked if both parcels adjoin on that corner. Mr. Jenkins confirmed and noted that this property is just past the school.

- **Aid To Navigation Purchase Contract**

Mr. Jenkins presented the Private Aids to Navigation (PATON's) Contract for consideration. He noted that the purchase cost is \$1.00. Mr. Jenkins stated that the County had been operating under an out grant license since 2020, and that this agreement would formally turn the Aids to Navigation (ATON's) over to the County. The County will be responsible for maintaining these markers as PATON's going forward.

MOTION: On Motion of Amy Dubois, seconded by Paul Hudgins, the Mathews County Board of Supervisors voted 5-0-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Jackie Ingram, Amy Dubois - aye; None - nay; to approve the agreement as presented to accept responsibility and ownership of the Coast Guard ATONs for the cost of \$1.00.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye
Melissa Mason, Vice Chair - Aye
Paul Hudgins, Supervisor - Aye
Jackie Ingram, Supervisor - Aye
Amy Dubois, Supervisor – Aye

- **Water System Planning Grant Authorization and Appropriation \$5,000**

Mr. Jenkins stated that he was approached by the Virginia Department of Health with a grant opportunity to study the potential feasibility of a water system that would serve the immediate courthouse area. He stated that there would be no match required and that this grant is \$5,000. Mr. Jenkins stated that the last time this was done was in the late 1990's, noting that things have changed and that he thinks it is worth revisiting. Mr. Jenkins asked the Board to appropriate the \$5,000 grant and for approval to procure an engineer or consultant to perform the study.

Supervisor Hudgins asked that after the study is complete, that it be brought back to the Board for further direction. Mr. Jenkins confirmed.

MOTION: On Motion of Melissa Mason, seconded by Amy Dubois, the Mathews County Board of Supervisors voted 5-0-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Jackie Ingram, Amy Dubois - aye; None - nay; to approve the appropriation of the \$5,000 grant and to authorize procurement of an engineer or consultant to perform the study.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye
Melissa Mason, Vice Chair - Aye
Paul Hudgins, Supervisor – Aye
Jackie Ingram, Supervisor - Aye
Amy Dubois, Supervisor - Aye

B. Mathews County Broadband Advisory Board: Mrs. Judy Rowe, Chair

Mrs. Judy Rowe provided an update on broadband related matters.

C. Three Rivers Health District: Dr. Richard Williams, Director

• **COVID Update**

Dr. Williams was unable to attend the meeting. Mr. Wanner highlighted some of Dr. Williams update for the Board.

D. United Way of the Virginia Peninsula: Mr. Steve Kast, Director

• **Regional Collaborative Recovery Plan**

Mr. Steve Kast, Executive Director, presented a regional Community Recovery Plan that would utilize American Recovery Plan Act funding to address citizens' needs as a result of the pandemic. He noted that assistance needed will have to come from multiple agencies and that the United Way is already positioned to be able to coordinate this effort. Mr. Kast stated that the United Way does not charge administration fees, noting that if a donation is made to a local charity, that charity receives one hundred percent of the donation. Mr. Kast stated that this Plan is a regional effort, but that Mathews' citizens will be served by Mathews' contribution.

Mr. Kast requested a local contribution of \$51,477 from Mathews' share of the American Rescue Plan Act funding.

Supervisor Dubois stated concerns about responsiveness and asked Mr. Kast to address that. Mr. Kast stated that he was unaware of any issues but wanted to hear from Supervisor Dubois about specifics. He noted that there were other providers involved in the last regional effort and that perhaps these issues stemmed from there. Supervisor Dubois stated that she would put Mr. Kast in touch with someone to further address concerns.

Vice Chair Mason asked if the United Way program would also connect with other programs such as Community Development Block Grant programs. Mr. Kast confirmed that the United Way does partner with the Community Development Block Grant program among many others. He noted that there are 150 partners involved in this program.

MOTION: On Motion of Paul Hudgins, seconded by Melissa Mason, the Mathews County Board of Supervisors voted 5-0-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Jackie Ingram, Amy Dubois - aye; None - nay; to partner with the United Way of the Virginia Peninsula and to appropriate \$51,447 from the American Rescue Plan funding.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye
Melissa Mason, Vice Chair - Aye
Paul Hudgins, Supervisor - Aye

Jackie Ingram, Supervisor - Aye

Amy Dubois, Supervisor - Aye

E. **Commissioner of the Revenue: Mr. Les Hall, Commissioner of the Revenue**

• **PPTRA (Personal Property Tax Relief Act) Resolution**

Mr. Les Hall, Commissioner of the Revenue, presented the Personal Property Tax Relief Act (PPTRA) Resolution for consideration and asked the Board to set the rate at thirty three percent (33%).

MOTION: On Motion of Paul Hudgins, seconded by Melissa Mason, the Mathews County Board of Supervisors voted 5-0-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Jackie Ingram, Amy Dubois - aye; None - nay; to accept the Personal Property Tax Relief Act Resolution and to set the rate at thirty three percent (33%), as presented by Mr. Hall.

Roll Call Vote:

Michael C. Rowe, Chairman – Aye

Melissa Mason, Vice Chair – Aye

Paul Hudgins, Supervisor – Aye

Jackie Ingram, Supervisor – Aye

Amy Dubois, Supervisor – Aye

F. **Town Center Physicians**

Ms. Shelby Williams stated that this facility provides medical services in Mathews to all aged citizens and that assistance is provided for those in need. She stated the center just celebrated National Health Center Week on August 8th and wanted to show their appreciation not only to staff, but to stakeholders and the community. She presented a bag of marketing outreach items as a token of their appreciation of the continued support of the Board of Supervisors.

11. UNFINISHED BUSINESS

A. **Hole in the Wall Lease Addendum**

County Attorney Erard presented a ratified amended Lease Addendum for consideration. She noted that there were two changes made and that they were the addition of the date when septic improvements had been made, and the addition of notary signatures, which was a request by Supervisor Hudgins. She asked for the Board's approval.

MOTION: On Motion of Paul Hudgins, seconded by Jackie Ingram, the Mathews County Board of Supervisors voted 5-0-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Jackie Ingram, Amy Dubois - aye; None - nay; to approve the amended Lease Addendum as presented. A copy of which is attached to and made part of these minutes.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye

Melissa Mason, Vice Chair - Aye

Paul Hudgins, Supervisor - Aye

Jackie Ingram, Supervisor - Aye

Amy Dubois, Supervisor – Aye

12. NEW BUSINESS

A. Resolution: Milford Haven Coast Guard Station

Mr. Wanner provided a Resolution of strong opposition to the reduction in service by the U.S. Coast Guard at Milford Haven. Chairman Rowe added the President of the United States, the Commissioner of the Virginia Marine Resources Commission and the Director of Game and Inland Fisheries to the list of those who should receive a copy.

MOTION: On Motion of Paul Hudgins, seconded by Melissa Mason, the Mathews County Board of Supervisors voted 5-0-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Jackie Ingram, Amy Dubois - aye; None - nay; to approve the Resolution as amended.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye
Melissa Mason, Vice Chair - Aye
Paul Hudgins, Supervisor - Aye
Jackie Ingram, Supervisor - Aye
Amy Dubois, Supervisor - Aye

B. Contract to Purchase Property for Public Use

County Attorney Erard stated that following a Closed Meeting and a vote to move forward, she presented a broker contract to purchase property that was discussed in that Closed Meeting.

Vice Chair Mason asked that any concerns brought up in that Closed Meeting be addressed. Attorney Erard suggested that would be addressed by Mr. Wanner. Mr. Wanner stated that he provided all due diligence as requested, and that the matter is now in the hands of the County Attorney, noting that she will be responsible for all other elements of the purchase, including a title search.

MOTION: On Motion of Paul Hudgins, seconded by Melissa Mason, the Mathews County Board of Supervisors voted 5-0-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Jackie Ingram, Amy Dubois - aye; None - nay; to approve the purchase contract as presented and to authorize Mr. Sanford B. Wanner, Interim County Administrator to execute the contract on behalf of the Board of Supervisors.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye
Melissa Mason, Vice Chair - Aye
Paul Hudgins, Supervisor - Aye
Jackie Ingram, Supervisor - Aye
Amy Dubois, Supervisor - Aye

C. Schedule Public Hearing for Ordinance Amendment Section 8-3 of the Mathews County Code -EDA Members

County Attorney Erard stated that the Ordinance dealing with the Economic Development Authority is incorrect and asked the Board to advertise a public hearing for the September meeting to amend the Ordinance from seven members to five to seven members.

MOTION: On Motion of Melissa Mason, seconded by Paul Hudgins, the Mathews County Board of Supervisors voted 5-0-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Jackie Ingram, Amy Dubois - aye; None - nay; to advertise a public hearing at the September meeting to amend the Economic Development Ordinance from seven members to five to seven members.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye
Melissa Mason, Vice Chair - Aye
Paul Hudgins, Supervisor - Aye
Jackie Ingram, Supervisor - Aye
Amy Dubois, Supervisor – Aye

13. SUPERVISORS' REPORT

A. Supervisor Hudgins

- Hole in the Wall Lease Addendum

Supervisor Hudgins stated that this had been addressed.

- Hole in the Wall Pump Out Invoice

Supervisor Hudgins expressed his concerns that the amount of sewage being pumped and hauled versus what the permit allows, noting that pumping twice per week exceeds allowable limits. He asked the Board to take note of this and noted the need to address this. Mr. Wanner stated that he has committed to follow up on this for the Board.

14. COUNTY ADMINISTRATOR'S REPORT

Mr. Wanner stated that all County offices would be closed for Labor Day. He informed the Board that the job profile for the next permanent County Administrator had been published. Mr. Wanner stated that staff had been in substantive discussions with NextGen and the Health Department office that has been dealing with this matter, that he was able to obtain a contact from Mr. Casale and that staff are taking steps to address the Boards' and citizens' concerns.

15. OPPORTUNITY FOR CITIZEN COMMENTS

Mr. Mike Walls addressed his misstatement earlier regarding the PATONs.

Mr. David Jones, 10344 Buckley Hall Road, questioned why his name was listed on the Agenda for Closed Meeting discussion, noting that he does not have legal matters with the County.

16. APPOINTMENTS

A. Community Policy and Management Team: Mr. Sanford B. Wanner, Interim County Administrator

MOTION: On Motion of Amy Dubois, seconded by Melissa Mason, the Mathews County Board of Supervisors voted 5-0-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Jackie Ingram, Amy Dubois - aye; None - nay; to appoint Mr. Sanford B. Wanner, Interim County Administrator, to the Community Policy and Management Team.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye
Melissa Mason, Vice Chair - Aye
Paul Hudgins, Supervisor - Aye
Jackie Ingram, Supervisor - Aye
Amy Dubois, Supervisor – Aye

17. CLOSED MEETING

A. Enter Closed Meeting

Motion to go into closed meeting pursuant to Va. Code section 2.2-3711(A)(7) for the purpose of discussion of actual litigation – G.C. Morrow v. Mathews County Board of Supervisors; Mathews County/JB Property LLC/ George Jones & David Jones & JB Property Development LLC v. County of Mathews and Thomas Jenkins, and Michael & Elizabeth Stewart v. Mathews County, et al., and pursuant to Va. Code section 2.2-3711(A)(8) for consultation with legal counsel regarding specific legal matters-code compliance/enforcement; enforcement of judgments/liens and actions in detinue.

MOTION: On Motion of Amy Dubois, seconded by Melissa Mason, the Mathews County Board of Supervisors voted 3-2-0 as follows: Michael Rowe, Melissa Mason, Amy Dubois - aye; Paul Hudgins, Jackie Ingram - nay; to enter Closed Meeting.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye
Melissa Mason, Vice Chair - Aye
Paul Hudgins, Supervisor - Aye
Jackie Ingram, Supervisor - Aye
Amy Dubois, Supervisor - Aye

The Board took a five-minute break.

B. Return to Open Meeting and Certification

MOTION: On Motion of Amy Dubois, seconded by Melissa Mason, the Mathews County Board of Supervisors voted 3-0-2 as follows: Michael Rowe, Melissa Mason, Amy Dubois - aye; None - nay; Paul Hudgins, Jackie Ingram - abstain; to cancel this Closed Meeting and move it to the September Agenda.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye
Melissa Mason, Vice Chair - Aye
Paul Hudgins, Supervisor - Abstain
Jackie Ingram, Supervisor - Abstain
Amy Dubois, Supervisor - Aye

Supervisors Hudgins and Ingram abstained because they did not vote in the affirmative to go into Closed Meeting.

18. ADJOURNMENT

A. Adjournment

MOTION: On Motion of Amy Dubois, seconded by Melissa Mason, the Mathews County Board

of Supervisors voted 5-0-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Jackie Ingram, Amy Dubois - aye; None - nay; to adjourn.

Roll Call Vote:

Michael C. Rowe, Chairman - Aye

Melissa Mason, Vice Chair - Aye

Paul Hudgins, Supervisor - Aye

Jackie Ingram, Supervisor - Aye

Amy Dubois, Supervisor - Aye

Michael C. Rowe, Chairman
Mathews County Board of Supervisors

Sanford B. Wanner, Interim County
Administrator

Julie A. Kaylor, Deputy County
Administrator/Clerk