



Mathews County Board of Supervisors

Regular Meeting

Historic Courthouse

27 Court Street, Mathews, VA 23109

Monday, September 27, 2021 at 6:00 PM

MINUTES

1. CALL TO ORDER

2. INVOCATION

- A. John Choi, minister at Central United Methodist Church, is expected to provide the invocation.
Rev. Choi 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
Mrs. Judi Green, Deputy Clerk/Office Manager

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. PUBLIC HEARINGS

- A. Mathews County Ordinance Amendment: Economic Development Authority
County Attorney Erard introduced the proposed Ordinance. She stated that the Ordinance needed to be updated to reflect the General Assembly action allowing membership to consist of five to seven, instead of seven.

Chairman Rowe read the Rules for Conduct of Public Hearings and opened the Public Hearing at 6:03 p.m. There being no speakers, he closed the Public Hearing at 6:04 p.m.

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 adopt the amendments to the Mathews County Economic Development Authority Ordinance permitting membership to be five to seven members instead of seven.

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

7. RECOGNITION OF EMPLOYEES AND COMMUNITY SERVICE

- A. New Point Comfort Lighthouse Resolution of Appreciation
Chairman Rowe presented a Certificate of Appreciation to Mrs. Reed Lawson, expressing the Board's appreciation for the efforts of the New Point Comfort Lighthouse Committee.
- B. Virginia Association of Counties: Mr. Jeremy Bennett is expected to present the Supervisors Certification to Vice Chair Mason.
Mr. Jeremy Bennett, of the Virginia Association of Counties, presented the Certified Supervisors certificate to Rev. Dr. Mason. Additionally, he acknowledged Supervisor Dubois for completing the program as well stated that VACo will present awards to both Supervisors at the VACo conference.

8. CONSENT AGENDA *(roll call vote required)*

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 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

A. Meeting Minutes

1. August 24, 2021 Regular Meeting of the Board of Supervisors Meeting

B. School Bus Requests

1. Mathews County Seafood Festival - Retroactive Approval

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

A. Mathews County School System: Mrs. Nancy Welch, Division Superintendent

Superintendent Welch stated that the School Division is fully staffed and thanked the Board of Supervisors for their support. She stated that the Division Budget is based on approximately 900 students, with 880 of them State-funded. Superintendent Welch provided an update on facilities needs and other projects ongoing in the Division.

B. Virginia Department of Transportation: Mr. Lee McKnight, Residency Administrator

Mr. Lee McKnight, Residency Administrator in Saluda, stated that construction is nearing completion on the New Point Comfort Lighthouse project and that he has been working with staff on the Main Street Streetscape project. He reported that the Gwynn's Island Bridge rehabilitation project will be advertised next month, and that the County line bridge is scheduled for replacement in 2023. Mr. McKnight stated that edgeline rumble strips are continuing to be installed and the project should be completed in 48 days, noting that this project was the result of a safety study. On the maintenance front, Mr. McKnight stated that pipe repair on Rt. 631 had been taken care of, and noted that mowing on Primary roadways begins today with Secondary ongoing. Mr. McKnight stated that limbing on multiple routes and patching potholes continues county-wide.

Chairman Rowe stated that he was glad to hear mowing is happening. He stated that the County roads are in bad shape. He asked Mr. McKnight where he was from. Mr. McKnight stated that he is from Mathews County and that he graduated from Mathews High School in 2008.

Supervisor Hudgins asked if contractors were being used for mowing. Mr. McKnight confirmed.

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

1. Sanitary Sewer Service Area Expansion Request

Mr. Thomas Jenkins, Planning and Zoning Director, stated that his office received a request for Sanitary Sewer expansion to the Rt. 3/198 Dutton area. Mr. Jenkins stated that a development is moving forward in that area and that the Developer asked to connect. Mr. Jenkins stated that the County must extend a request to the Hampton Roads Sanitary District (HRSD) to expand. Mr. Jenkins provided a map that shows the proposed expansion, which includes two adjacent properties also seeking to connect. Mr. Jenkins stated that the infrastructure costs will be born by the Developer and any improvements will be turned over to HRSD when completed. Mr. Jenkins stated

that the Comprehensive Plan shows the area in question as a proposed expansion area and stated that there was No specific timeline for the Board's consideration of the matter.

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 direct staff to prepare the application for expansion.

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

Supervisor Hudgins asked if local dollars would be required. Mr. Jenkins confirmed that no local funding would be required. He also noted that any properties passed are not required to connect unless they want to.

2. Schedule Public Hearings - No Wake: Mill Creek and Callis Creek

Mr. Jenkins stated that he received two separate requests for the installation of No Wake Zone signage. He noted that this would require a Public Hearing to amend the existing Ordinance. Mr. Jenkins reported one location on Callis Creek and the other location on Mill Creek. He stated that there is one other No Wake sign in the County located at The Narrows. Mr. Jenkins contacted the Virginia Marine Resources Council and they confirmed the placement of this signage would not interfere with their enforcement. Mr. Jenkins stated that this requires a Public Hearing to amend Chapter 15 of the Mathews County Code.

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 schedule the Public Hearing as recommended.

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

3. East River Boat Yard Appropriation

Mr. Jenkins stated that at year end, \$12,723 dollars remained on the existing contract with Vanasse Hangin Brustlin. He stated that no funds were budgeted in the current fiscal year. He asked that the Board appropriate \$12,723 to the current fiscal year budget in order to move forward with VHB on improvements to the East River Boat Yard.

Supervisor Dubois asked Mr. Jenkins if he was aware of what the Board voted on previously in regard to the property. Mr. Jenkins confirmed.

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 appropriate the remaining \$12,723 dollars existing on the

Vanasse Hangin Brustlin contract to the FY22 Budget to be taken from Committed Reserves for Public Access.

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

4. 1-CUP-21: Mathews Maritime Foundation Park

Mr. Jenkins stated that staff did not recommend approval of this request. He noted that the Comprehensive Plan does not reference a park in the area in question. Mr. Jenkins stated that the Planning Commission voted 4-1 to deny the request, but he offered conditions should the Board choose to approve the request.

Chairman Rowe stated that there is not enough information to vote on this now, and that he would like to table the matter for 30 days. Mr. Jenkins asked if there was additional information staff could provide the Board. Chairman Rowe asked that staff explore the road beside the property all the way to the end, noting a right of way for one residence and stated that the end of that road could be abandoned by VDOT, which could provide a turn around option. He stated that a design for the Board to consider would be necessary. Chairman Rowe suggested staff could speak to VDOT to see if there way a better way to manage traffic flow in the area.

Supervisor Dubois stated that the idea is a very good one, but noted her concerns that it would become wildly successful in such a small area and commented that crowd control could be challenging. She agreed with Chairman Rowe's suggestion and offered that capacity control also needs to be addressed.

Supervisor Ingram stated that since it is County-owned property, the pier needs to be demolished so not one gets hurt. Mr. Jenkins stated that staff has gotten quotes to have that work done.

Superviosr Hudgins stated that while this is a good idea, the road is very narrow and that it is hard for two cars to pass. He agreed tabling the matter was a good idea.

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 table the matter for thirty days.

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

5. 2-CUP-21: Self Storage Units

Mr. Jenkins stated that staff had received a request to build a self storage facility in the Village Mixed Use district. He stated that the staff did not recommend approval. Mr. Jenkins stated that

the Planning Commission recommended denial, but provided conditions should the Board wish to approve the request.

Supervisor Hudgins stated that the location was not proper for this type of building and recommended the applicant location another parcel more suitable for this type of building.

Supervisor Dubois stated that she is happy that there is interest in investing in Mathews County, but agreed that a more suitable location should be explored.

MOTION: On Motion of Paul Hudgins, seconded by Jackie Ingram, the Mathews County Board of Supervisors voted 4-1-0 as follows: Michael Rowe, Melissa Mason, Paul Hudgins, Amy Dubois - aye; Jackie Ingram - nay; to deny 2-CUP-21.

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

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

1. Memorandums of Understanding Regarding Tower Locations: Mathews County Volunteer Fire Department and Mathews County Volunteer Rescue Squad

Mrs. Judy Rowe, Chair and Mr. Jeff Beekhoo, Consultant, provided a progress report. Mr. Beekhoo stated that the Mathews County Volunteer Rescue Squad and Fire Department have agreed to the terms of the Memorandum of Understanding for the erection of two communication towers on their property and that both agencies were excited to be part of the process. He stated that the location of both towers make it possible for the County to issue an RFP for cell service providers and noted that there is also space for fixed wireless. He stated that the next step is signage, site surveys and site preparation, then construction.

Mrs. Rowe requested authorization for Interim County Administrator, Mr. Wanner, to sign the Memorandums of Understanding with both volunteer agencies.

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 authorize Interim County Administrator, Sanford B. Wanner, to execute both Memorandums of Understanding related to the placement of communication towers with the Mathews County Volunteer Rescue Squad and Fire Department.

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. NEW BUSINESS

A. Schedule Public Hearings to Amend the Mathews County Code of Ordinances:

1. Chapter 6 Animals: Addition of Livestock Ordinance

County Attorney Erard stated that the request is to schedule two Public Hearings. For the first request, she noted that staff has had issues with cows running at large. Interim County Administrator Wanner read a letter from ACO Browning-Logan explaining the situation. He noted that neither ACO was able to attend the Board meeting. Staff requested the Public Hearing be set for October 25, 2021.

Supervisor Hudgins stated that the County does not need more Ordinances. Referring to established farms, Supervisor Hudgins stated that to put an Ordinance on the farmers and horse owners because of whatever reason, thunderstorm, branch falling, would do harm. He noted that there are many reasons for livestock to escape their pens and that this Ordinance is not going to stop it, that it will only serve to create fines on the citizens. Supervisor Hudgins suggested that communication efforts between staff and the public become a priority to fix this issue.

Supervisor Ingram stated that another matter to consider is deer running out in front of cars.

Supervisor Dubois stated that the point of this is to schedule a Public Hearing in order to receive public comments on the matter.

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 schedule a Public Hearing on amending Chapter 6 Animals, with the addition of a Livestock Ordinance, for the regular Board meeting on October 25, 2021.

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

2. Chapter 44 Election District: Change Chesapeake Polling Place from Lee-Jackson to Mathews Elementary

Interim County Administrator, Mr. Wanner, stated that in reviewing the County Code, he noted that the name change of Lee-Jackson to Mathews Elementary was not reflected in the Elections Section, noting that the polling place was still listed as Lee-Jackson. County Attorney Erard stated that this does not impact the election process, it just updates the County Code with the correct name of the polling place.

Supervisor Hudgins questioned whether it was appropriate to vote on this now. County Attorney Erard stated that she checked and it is proper for the Board to vote on this now. Supervisor Hudgins stated that the Board was not involved with the name change and was not sure why this is coming to the Board.

MOTION: On Motion of Melissa Mason, seconded by Amy Dubois, 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 schedule the Public Hearing to amend Chapter 44 Election District

to reflect the name change from Lee-Jackson to Mathews Elementary, at the regular meeting of the Board of Supervisors on October 25, 2021.

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

11. SUPERVISORS' REPORT *At this time, Supervisors may bring up matters for the Board's discussion, consideration or information which is not on the agenda and which are not more appropriately discussed or considered in closed meeting.*

A. Chairman Rowe

1. November and December Regular Meetings: Adopted: Monday, November 22nd and Monday, December 27th, 2021. Proposed: Thursday, November 18th and Monday, December 13th, 2021.
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 amend the meeting schedule as proposed by Chairman Rowe and move the November 2021 meeting to Thursday, November 18, 2021 and move the December meeting to December 13, 2021. Times and location remain unchanged.

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. Supervisor Hudgins

1. ADA Handicap Ramps and Doors
Supervisor Hudgins requested staff look into installing handicap ramps and doors at the Administration building.

Chairman Rowe stated that Mr. Zoll is working on this matter and that he is trying to handle these prior to bad weather.

2. Current List of County Owned Piers
Supervisor Hudgins, commenting on the provided list of County-owned piers, stated that the pier at South Bay Haven Drive, appears to be the only pier with major issues as far as liability is concerned. He asked if this matter was being addressed. Chairman Rowe stated that staff is working on this and getting quotes.

Supervisor Hudgins stated that the list needs to be reviewed to determine if there are other issues that could cause a liability that needs to be addressed. He noted that the Hole in the Wall ramp and bulkhead are in bad shape. Chairman Rowe stated that staff is managing this as well and that bids have gone out.

12. COUNTY ADMINISTRATOR'S REPORT

Interim County Administrator, Mr. Wanner, stated that the financial reports are included in the packet. He stated that he had visited the New Point Comfort Lighthouse and that he has been working with various citizens and the contractor to ensure preservation of the lighthouse. Mr. Wanner also noted the need for security protocols at the lighthouse based on a history of vandalism. Mr. Wanner stated that he toured eight of the public access sites and that the list from the Building Officials was included in the Boards packet. He noted additional maintenance and other actions identified on that list. Mr. Wanner reported that he visited the East River Boat Yard and thanked the Volunteer Fire and Rescue agencies and the Broadband Advisory Board for their help in the Memorandum of Understanding process. He stated that the County Attorney now has the task of preparing a lease for the towers. Mr. Wanner reported back to Supervisor Hudgins that he met with the Treasurer and Commissioner of Revenue and is moving forward on a resolution.

A. Financial Reports

B. Other Reports and Information

13. OPPORTUNITY FOR CITIZEN COMMENTS *(One opportunity of 3 minutes per speaker)*

Mr. David Jones, 10344 Buckley Hall Road, stated that he spoke to Mr. Wanner about the livestock Ordinance. He stated that the County already has a Dog Ordinance and requested information about how many tickets have been issued to dog owners. He noted the importance of not adopting more Ordinances and hoped that this information would be shared during the Public Hearing. Mr. Jones, referring to an incident that happened last month, stated that an apology to Mrs. Ingram still has not happened. Mr. Jones stated that several months ago he requested payment on an old invoice for JB Property Development, noting that a check had been issued, but then stuck in a drawer in the County Administration offices.

A. Online Submission

14. APPOINTMENTS

A. Virginia Association of Counties Voting Delegate

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 appoint Michael C. Rowe as the Voting Delegate at the Virginia Association of Counties annual conference.

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

15. CLOSED MEETING *(if necessary)*

- A. 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 as stated.

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

- B. Reconvene Open Meeting and Certification

Is there a motion to reconvene and certify that only those matters that were identified in the motion to go into closed meeting were heard, discussed, or considered? (Each board member is asked to individually certify)

MOTION: On Motion of Melissa Mason, seconded by Amy Dubois, 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 reconvene open meeting and certify that only those matters identified were discussed.

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

- C. Action on Closed Matters (*if necessary*)

16. RECESS or ADJOURNMENT

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 recess to the October 18, 2021 Board of Supervisors meeting.

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

Michael C. Rowe, Chairman
Mathews County Board of Supervisors

Sanford B. Wanner, Interim County
Administrator

Julie A. Kaylor, Deputy County
Administrator/Clerk