

A Regular Meeting of the Westmoreland County Board of Supervisors was held Monday, June 10, 2024, in the public meeting room of the George D. English, Sr. Memorial Building, located at 111 Polk Street, Montross, Virginia. Those members present were W. W. Hynson, Darryl Fisher, Jeffrey McCormack, Matthew Ingram and Timothy J. Trivett. Also present were Richard Stuart, County Attorney, Debra Whaley, Interim County Administrator, and Donna Cogswell, Assistant County Administrator.

1. CALL TO ORDER:

Chairman Hynson called the meeting to order at 6:06 p.m.

2. CONSENT AGENDA:

- a) Approval of/Amendment to Board Agenda: Chairman Hynson stated that everyone should have received the Agenda and asked if anyone had any changes or comments to the Agenda.

Mr. Trivett asked to make a motion to amend the agenda to add the appointment of Joyce Gunderson as the county representative to Rappahannock Community College Board. She will replace Vicky Roberson whose term will expire on June 30, 2024, second Mr. McCormack.

Mr. Fisher then also asked to make a motion to amend the agenda to add two matters. First to add closed session regarding the Chairman's performance under Section 2.2-3711(1) to occur after the approval of the Board Minutes; and second to add discussion of the County budget to be added at the end of the agenda. A second by Mr. McCormack, with no further discussion, Mr. McCormack – aye; Mr. Ingram – aye; Mr. Fisher – aye; Mr. Trivett – nay; and Chairman votes – aye. The Board approves these amendments to the agenda.

- b) Approval of Board Minutes: Chairman Hynson noted that everyone should have received a copy of the minutes for May 8, 2024, May 13, 2024, May 22, 2024, May 28, 2024, May 29, 2024 and May 30, 2024. Mr. Fisher asked if there were no objections, he would like to make a motion to approve all the minutes together. Chairman Hynson asked, if there are no objections. Chairman Hynson asked for a motion to approve the minutes of the meetings, as noted above. Mr. Fisher then noted he was absent from the May 13th meeting so he would abstain from those minutes; Mr. Ingram also stated he was absent for most of the meeting so he too would abstain from those minutes. Upon motion by Mr. McCormack, second by Mr. Trivett, with no further discussion, Mr.

McCormack, Mr. Fisher, Mr. Ingram, Mr. Trivett and Chairman voting “aye” the Board approved all the minutes, as presented, except Mr. Fisher and Mr. Ingram abstained from voting on the May 13th minutes due to their absence at the meeting.

CLOSED SESSION: The County Attorney reminded the Chairman that there was a motion earlier to amend the minutes to go into closed session after the minutes were approved. Mr. Fisher made a motion to go into Closed Session to discuss the performance of Chairman under Section 2.2-3711(1); second by Mr. McCormack; with no further discussion, Mr. McCormack, Mr. Fisher, Mr. Ingram, Mr. Trivett and Chairman voting “aye and the Board will go into closed session.

BOARD MOVED INTO CLOSED SESSION

Chairman Hynson asked for a motion to return to regular session; motion by Mr. Trivett, second by Mr. McCormack; with no further discussion, Mr. McCormack, Mr. Fisher, Mr. Ingram, Mr. Trivett and Chairman voted “aye” the Board is now in regular session.

Mr. Stuart stated the Board needs to certify that only matters under the call as mentioned in the Motion under Section 2.2-3711(1) were discussed and no action was taken. Chairman asked if member to certify and all certified saying “aye”.

- c) **Approval of Accounts Payable & Payroll Register:** Chairman stated all members should have received the Accounts Payable and Payroll Register for May 2024. Chairman then asked if there are any questions or comments; if not, he asked for a motion to approve. Upon motion by Mr. McCormack, Second by Mr. Trivett; with no further discussion, Mr. McCormack, Mr. Fisher, Mr. Ingram, Mr. Trivett and Chairman voted “aye”, the Board approves the Accounts Payable and Payroll Register for May 2024, as presented.
- d) **Appropriations Increase/Decrease Requests:**
 - i. Consideration of Appropriation from Westmoreland County School to complete capital improvement projects at the Westmoreland High School: Dr. Perry was present to discuss the school appropriation. He provided the Board with additional handouts pertaining to

his discussion. He stated the packet contains four items to review prior to approving the appropriation. These documents were shared at the school board meetings, and the Chairman of the school board asked Dr. Perry to quantify the costs of Westmoreland High School and Fields, which show the total cost of approximately \$62M. Dr. Perry noted the second document is the schools. He asked to turn to page 11 which is the CIP for 2021-2023 and the completed projects totaled \$2,793,865.75. That is the same pattern beginning on page 12 for 2026 and continuing to page 14 for 2041 and some CIP pushed off. Dr. Perry explained the indicators of the funding how projects were paid Federal or other grants, state or federal (red), and appropriations or local funds (blue). He noted that page 24 is a visual of how money was over those years, school safety and have spent money wisely every school gets something and noted that every school gets something. Dr. Perry stated every month they receive a facility report, in particular the high school and unplanned costs. The school board decided to wait until they get to the end of project before they came to the Board to ask for funds to complete the uncompleted projects at the high school. This is the end of his presentation.

Mr. Trivett said he explained the last time this was brought before the Board they only had three members present and he appreciates him taking the time to fully explain this matter to him prior to the meeting and again at the meeting. He stated he has known Dr. Perry for 9 years and he would like to wish the best in Dr. Perry's retirement. There is no problem with anything the school does as long as there is a detailed explanation.

Mr. Ingram stated he was sorry Dr. Perry had to return to explain this but he was not at the meeting. He appreciates all the hard work he and his staff has done and said thank you to him for everything.

Chairman Hynson said his presentation was very good.

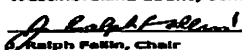
Mr. Fisher apologized for the need to return but sometimes things don't go how we anticipate. Because we received full explanation and transparency. Mr. Fisher stated it has been a pleasurer working with Dr. Perry and he hopes he enjoys his retirement.

Chairman asked for a motion to approve the Resolution for the appropriation to the school in the amount of \$600,000.00. Upon motion by Mr. Ingram, second by Mr. McCormack; with no further discussion, Mr. McCormack, Mr. Fisher, Mr. Ingram, Mr. Trivett and Chairman voted "aye", the Board approves the Resolution for the appropriation to the school in the amount of \$600,000.00, as presented.

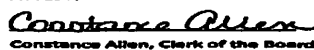
Budget Resolution

WHEREAS, The Westmoreland County School Board has a fund balance of 2,959,058.88; and
WHEREAS, Funds are needed to complete capital improvement projects at the Westmoreland High School, consisting of the completion of the WHS Athletic Field and purchase of security equipment.
NOW, THEREFORE, BE IT RESOLVED that the Westmoreland County School Board hereby request that the Westmoreland County Board of Supervisors appropriate to the 2023-2024 School Board Budget (205) the following amount from the school division fund balance:
\$600,000.00 to the Facilities Category

ADOPTED this 7th day of May, 2024.
Westmoreland County School Board:


Ralph Fells, Chair

ATTEST:


Constance Allen, Clerk of the Board

School Fund Balance as of April 30, 2024	2,959,058.88
Construction Completion of WHS Athletic Field	511,080.00
Security Equipment	88,920.00
Requested Fund Balance	600,000.00
Total Fund Balance Remaining after Transfer	2,359,058.88

3. STAFF/COMMITTEES/ORGANIZATION REPORTS AND PRESENTATIONS:

a) VDOT:

- i. Monthly Report: David Beale, Resident Engineer was present to discuss the monthly report:

Mr. Beale reviewed the report below. He did note that Neenah Road is closed and they are waiting on a type of gout and should be there next week and will be completed in approximately two weeks. At the conclusion asked if there were any questions.

Chairman Hynson noted there are some potholes on Ferry Landing Road and they are getting worse.

b) Town of Colonial Beach: Mayor Robin Schick was present.

- Potomac River Festival Weekend was great with fire and main parades went off without a hitch. A big thank you to Joyce, Linda, Rhonda, Chamber of Commerce, Volunteers, State Police, County Police, CBVRS and Westmoreland County EMS all who worked wonderful together.
- She stated the are lot of the citizens are worried about getting funding cut. It is important to remember the Memorandum of Understanding is working wonderfully and helps to provide needed services to the citizens. It is a team effort and everyone is working well together.
- Father's Day Car Show Weekend on Town Hill; including a cruse in memory of Sunny Madison.
- Juneteenth Event to commemorate Black history in the County.

c) Town of Montross: Fran Taylor, Town Manager, was present

- Finalizing budget;
- Summer season planning underway;
- Fall festival also underway;
- Museum will host farmers markets 4th Friday of every month and when possible 5th Saturday;

- Undergoing an inventory of waterline for lead and copper;
- Communicating with Supervisor Ingram on issues and needs;
- When hired Mr. Prescott met with the Mayor and Fran, came to Town meetings and never happened before; and kept her informed on different programs that could be beneficial to the Town. She stated they are shocked and saddened by Mr. Prescott's departure but thanks him for the job he did.

4. AMENDED ITEM

- a) Mr. Trivett stated after receiving a call from the President of the Rappahannock Community College for a replacement on their Board. The President said her recommendation was Joyce Gunderson. It was also stated that Ms. Roberson did a fantastic job but the term is no more than two 4-year terms and Ms. Roberson has been on that board for 8-years now.

Upon motion by Mr. Trivett to nominate Joyce Gunderson to serve on the Rappahannock Community College Board of Directors effective July 1, 2024, second by Mr. Ingram with no further discussion, Mr. McCormack, Mr. Fisher, Mr. Ingram, Mr. Trivett and Chairman voted "aye", the Board appoints Joyce Gunderson to serve on the Rappahannock Community College Board of Directors effective July 1, 2024.

- b) Motion to approve prior County Administrator's payout per his contract:

County Attorney stated that a letter was received from Mr. Prescott's lawyer earlier today so therefore this matter should be tabled and the County Attorney will reach out to her, as well as, the County has retained outside counsel if necessary.

Upon motion by Mr. Fisher, second by Mr. McCormack, with no further discussion, Mr. McCormack, Mr. Fisher, Mr. Ingram, Mr. Trivett and Chairman vote "aye", the Board approves to table this matter at the request of the County Attorney.

- c) Motion to Consider Petition for Order for Writ of Election. (Commonwealth Attorney position): County Attorney explained that Julia Sichol will be going to the bench in the general district court and because of that there is a vacancy in the Commonwealth Attorney's office. The Assistant Commonwealth Attorney will fill in as the Commonwealth Attorney until an

election is held. Therefore, the County Attorney has drafted a petition that needs to go to the Court to be endorsed by the judge that the election can be ordered at the November general election which will save the County money not to need a special election. Upon motion by Mr. McCormack to approve the Petition for Order for Writ of Election, second, by Mr. Ingram, with no further discussion, Mr. McCormack, Mr. Fisher, Mr. Ingram, Mr. Trivett and Chairman voted “aye”, the Board approves the petition.

- d) Motion to Consider Order for writ of Election. (Commonwealth Attorney position):
County Attorney stated this Order goes along with the prior Petition. The first was the petition for Order and this is the Order for election. Upon motion by Mr. McCormack to approve the Order for Writ of Election, second by Mr. Fisher, with no further discussion, Mr. McCormack, Mr. Fisher, Mr. Ingram, Mr. Trivett and Chairman voted “aye”, the Board approves the Order. Mr. Trivett asked to have the Commonwealth Attorney come forward to congratulate her on her accomplishments.

5. ACTION ITEMS

- a) Motion to Consider Bevans Pump and Haul Agreement:

Mr. Minner and Ms. DeJesus presented information again on this matter. Noted that the agreement has been review and approved by both the county attorney and attorney for Bevans. Chairman asked for a motion to approve the Bevans Pump and Haul Agreement; motion by Mr. Fisher; second by Mr. McCormack; with no further discussion, Mr. McCormack, Mr. Ingram, Mr. Trivett and the Chairman voted “aye” and the Board approves the Bevans Pump and Haul Agreement, as presented.

- b) Motion to Consider Amendments to Chapter 54 and 55 in the County Code, consolidating the Erosion & Sediment Control and Stormwater Management Ordinances in Accordance with Amended State Regulations:

Ms. McDowell was present to review this Ordinance. She noted the Ordinance is ready to be adopted and our code needs to be updated by July 1. The updates eliminate redundancies and if adopted the changes will appear in the zoning ordinances also.

Chairman opened the floor for a public hearing and asked that anyone that wanted to comment on this matter to come forward at this time. Let the record show that no one came forward to discuss this matter. Chairman closed the public hearing.

Chairman asked for a Motion to Approve the Amendments to Chapter 54 and 55 in the County Code consolidating the Erosion & Sediment Control and Stormwater management Ordinances, effective July 1, 2024; motion by Mr. McCormack; Second by Mr. Fisher, with no further discussion, Mr. McCormack, Mr. Ingram, Mr. Trivett and the Chairman voted "aye" and the Board approves the Amendments to Chapter 54 and 55 in the County Code.

c) Motion to Consider the Standards of Conduct Agreement:

Mr. McCormack asked to table this motion but stated that words mean things and all five Supervisors need to remember that. All we have to do is look at history and remember that cooler heads prevail. Could you please review this matter again?

Is there any further discussion regarding this matter?

Chairman asked for a motion to table this matter; motion by Mr. McCormack; second by Mr. Fisher; with no further discussion, Mr. McCormack, Mr. Ingram, Mr. Trivett and the Chairman voted "aye" and the motion is tabled.

d) Motion to Consider Vacancy Announcement for County Administrator Position:

Ms. Whaley asked the Board to approve the motion to advertise the County Administrator position, as reviewed by the County Attorney.

Chairman asked for a Motion to Approve the Vacancy Announcement for the County Administrator; motion by Mr. McCormack; second by Mr. Fisher; with no further discussion, Mr. McCormack, Mr. Ingram, Mr. Trivett and the Chairman voted "aye" and the Motion is approved.

e) Motion to Consider NNRJ Budget FY24-25:

Mr. Fisher stated that the Board has a copy of the NNRJ budget and if anyone notices and errors or concerns please let him know, if not he would ask for a Motion to approve this budget as submitted.

Chairman asked for a motion to approve the NNRJ Budget FY 24-25, as presented; motion by Mr. McCormack; second by Mr. Ingram, with no further discussion, Mr. McCormack, Mr. Ingram, Mr. Trivett and the Chairman voted "aye" and the Motion is approved, as presented.

f) Motion to Consider Third Party Investigation into Transfer Station:

Mr. Trivett asked to Board to approve the investigation into the transfer station and possible criminal conduct. Mr. Trivett stated that this is important to show transparency to the community.

Chairman asked for a Motion to Approve a third-party investigation into the transfer station; Motion by Mr. Trivett; Second by Mr. McCormack, with no further discussion, Mr. McCormack - aye, Mr. Ingram - aye, Mr. Fisher – nay, Mr. Trivett – aye, and the Chairman voted "aye" and the Motion is approved 4-1 to begin an investigation into the transfer station. County Attorney suggested having an audit but it is up to the Board to decide the course of action. County Attorney then asked how to proceed and agreed to take information to the Sheriff's office and if necessary this would go to the State Police for further investigation.

6. COUNTY ADMINISTRATOR COMMENTS

a) Chandlers Mill Pond Update:

Ms. Whaley stated that based on the last email, which the Supervisors have in their package, this project is close to completion.

b) Budget update FY 24-25:

Ms. Whaley reviewed the budget and changes to create a balanced budget for FY 24-25 with an increase in real estate taxes of .05 or .67 (.26 to schools; .41 to county)

7. PUBLIC COMMENT PERIOD

We will now move to the public comment period of the meeting. If you could come to the podium, state your name, address and brief comment or question within the three-minute time limit. If you choose to frame your comment in the form of a question the Board has the right to answer now or to defer the answer. The meeting is open for public comment.

Richard Wilkins- Read the statement that he submitted below.

I'm not here to ridicule you personally, but I am going to talk about your performance as a board.

These last few weeks, 3 of you have most likely violated COI rules by having conversations and soliciting votes for your personal agenda.

Firing the County Administrator and hiring the Retired County Administrator is like having the burglar of your home over for dinner.

Let us talk about performance – This is not just my opinion; You have a Chairman that does not respond to emails or phone calls and has trouble conducting a board meeting; looks to me like he has Q-Cards or notes and is prompted from others.

A Vice-Chairman that uses the pulpit to advertise and advance his agenda. The use of his religious platform for the advancement of this county position should never happen. To set the record straight or clear himself of misinformation in a newspaper article is one thing, but to speak about county business is another...

And Mr. McCormack, I'm disappointed, you should be a leader not a follower.

Mr. Trivett and Mr. Ingram, Thank you for being transparent and honest with the people of the county. Stay strong!

Our Westmoreland County Board of Supervisors should not be voting by party lines, they should be voting for what is best for the county and its people.

Thank You

After Mr. Wilkins read the statement above, he thanked Ms. Cogswell for her help in resolving some of his past issues.

Caryn Self Sullivan – she attended the meeting on behalf of the organizations putting on the Juneteenth Program on June 19th, 2024 and encouraged everyone to come. She noted that she wanted the Board to consider a youth champion to nominate for a youth champion award.

Mario Haggardy - He is a retired veteran who currently works in Dahlgren. He stated that something happened last week with Supervisor McCormack. Mr. Haggardy was accused of circulating a petition to have certain members of the Board removed. He noted that the thought never crossed his mind and thinks that Mr. McCormack made it up.

Sandy Ramsey - She expressed some concerns regarding the code of conduct; she thought the way it was presented was hostile and violated the very intention they were trying to achieve. She noted that the Board needs to be more transparent about what is going on if they want the residents to trust them. She also stated that to her understanding, two out of the five members haven't been given a reason for the termination of the former County Administrator and decisions cannot be made outside of an advertised meeting. She hopes that the members will be held accountable for their actions in the next election.

Mike Mills: He stated that without transparency, you have confusion, speculation, and suspicion. This Board is getting a reputation and the issue at the Transfer Station brings up a lot of suspicion. He noted that if things don't change, Westmoreland County will be the laughing stock of the Northern Neck. He asked them to check their emails on the website. He tried to send each Board member an email and all came back as undeliverable.

Lewis Thompson - He stated that he had a lot to say, but it had already been said by the people before him. He has been attending the Board meetings for several years, and they were nice and smooth meetings, but they have not been since January 2024. He agreed that the way things are going, we are becoming the laughingstock of the northern neck. He stated that he had never heard Mr. Stuart talk as much as he had this year. He asked all the members to do their job.

Shirley Johnson - She asked the Board to look at what they were doing to each other and the County. She stated that they had created chaos, anxiety, and distrust among the constituents by extending an open invitation to the Board of Supervisors boxing championship to the general public. There have been words such as lies, covertly, crooked, and underhanded; it has been a banana republic through the community. Ms. Johnson noted that the residents shouldn't feel the impact of what is happening here and that the Board hasn't considered the effects of their actions

on the County. She spoke about what she had said at the January 8th, 2024, meeting, stating that she hopes the Board has what they want. She hopes and prays that the decisions made are in the best interest of the County population as a whole and not any particular people within it. She hopes the County will progress and not regress when everything is said and done. She stated that now it seems that the goal is to control, and the pursuit of power is among them. She hopes she is wrong, but it appears that the County is regressing and prayer is our only hope.

Dorothy Dickerson Tate - She discussed the details of the County government; as citizens, they must ensure the representatives remain accountable to the people they serve. She was not here to demand answers about the termination of the former County Administrator; she didn't want to be branded as an instigator. The December 11, 2023, meeting was her last meeting as District 3 Supervisor, and the room was packed. Residents spoke about keeping Darryl Fisher as Chairman for 2024. On January 8, 2024, Supervisor Woody Hynson was nominated, resulting in a four-to-one vote; Mr. Trivett was the only one who opposed. In a work session in March, the Chairman motioned to go into a closed session to speak of the County administrator's leadership, but no action was taken. There was a Motion on March 11, 2024, to change leadership, which received a second but was withdrawn due to the absence of the County Attorney. March 25, 2024, meeting rules would change with rules and procedures; rules may change with a majority vote. Mr. Hynson emphasized the importance of proceeding with caution. Recently, all of the County's dirty laundry has been aired out on social media or in the press; it's time for the Board to address the issues head-on and hold themselves accountable. The residents demand attention and resolution.

Rick Wood - He is a member of the Town Council of Colonial Beach and is going to miss Ben Prescott. He thanked Mr. Trivett for pressing the issue; the transparency of investigating the transfer station showed the wisdom of the entire Board. He also thanked Mr. McCormack for the Code of Conduct; he understands that civility is hard.

Nigel Long - He congratulated the Board on being close to having a balanced budget, and he is looking forward to seeing what is being cut. He recognized that the termination of the County Administrator was in the Board's purview. He could not find in the Virginia Code that it states that the Board must tell the residents of the reason for the termination. He would like to know the

background of that decision; he feels that it would be to their benefit and the residents so they understand. A lot comes into play, costing the County money to advertise, hire, and train a new County Administrator. He stated that he moved to the USA believing in the Democratic System and transparency in how we are governed.

Raymond Jones - He stated that the May 30, 2024, meeting at 6:00 p.m. He arrived and didn't see any cars, so he and a few others stayed until about 5:50 p.m. when someone came by and said the meeting was canceled. He doesn't appreciate driving from Oak Grove and finding out the meeting was canceled. He later found out that the Board did have the meeting, but it was only to satisfy a procedural requirement. The public notice was posted at 7:07 p.m., the day before the meeting. He proposed that the County get a mass notification system so things like this don't happen again. The phone is the best way to communicate and notify people. He stated that he had discussed this suggestion with Mr. Ingram.

Yolanda Fisher - She thanked Mr. Ingram and the Board for their support. The Angel Care Community Services and the Boys and Girls Club of the Northern Neck have taken their first load of children to camp. She extended an invitation to the Board to join them this Saturday for a community car wash and a block party at Stan's Skate Land, which will have inspirational speakers from 1:00 p.m. to 4:00 p.m.

Mike Mills - He came up to the podium again and stated that he didn't understand how long the impropriety had been going on at the Transfer Station, but he wanted to commend Mr. Prescott for bringing it to light, and he knew that it took a lot of work to do so.

Group from Cabin Ford Road - The road is in horrible shape, and it is hard for school buses to go down the road due to the potholes. It is causing the buses and cars to go out of alignment, which isn't safe. Many senior citizens live down there, and it is hard for them to get in and out of the road. The road was auctioned off as real estate property; the owner is now deceased and left it to his son. His son wants to sell it or return it to the state. They have spoken with VDOT and asked if the Board would consider doing a project in that area. They would need someone to assess the road and maybe add some gravel to it. More traffic is coming through due to more houses being

built, and they want to build up the community and make it look presentable. They asked the Board to consider starting a project. They have done petitions in the past to try and get something done, but nothing happened. They were told at the May 13, 2024, meeting that it was closed out and taken off the table. They need answers on how to fix it. They can only use one side of the road due to water and erosion taking up the other side; the pipes and drainage were initially put in wrong. They would like it to be put back on the agenda, even though it isn't a state road, to see what can be done.

Larry Hinson - He stated that the termination of Mr. Prescott was handled wrong by the Board, he did a great job on his presentation and explained everything thoroughly.

Thank you for your comments and appears there are no further comments or questions so the public comment period is now closed.

8. **ADJOURNMENT**

Chairman Hynson asked if there were any further matters to be covered before adjourning the meeting to the next scheduled meeting on Monday, June 17, 2024 at 6:00 p.m. (Pending Board Action) in the George D. English, Sr. Memorial Building. If not, he asked for a Motion by Mr. McCormack; Second by Mr. Trivett; and carried unanimously the Board meeting is now adjourned at 9:10 p.m.

Chairman, 

15/11/11