

AT A MEETING OF THE GLOUCESTER COUNTY BOARD OF SUPERVISORS CONTINUED FROM AUGUST 1, 2023, HELD ON TUESDAY, AUGUST 15, 2023, AT 6:00 P.M. IN THE COLONIAL COURTHOUSE, 6504 MAIN STREET, GLOUCESTER, VIRGINIA:

1. Reconvene and Roll Call

Mr. Hutson called the meeting to order, and Ms. Steele took roll call.

THERE WERE PRESENT: Christopher A. Hutson, Chair
Ashley C. Chriscoe, Vice Chair
Phillip N. Bazzani
Kenneth W. Gibson
Michael W. Hedrick
Robert J. Orth
Kevin M. Smith

THERE WERE ABSENT: None

ALSO IN ATTENDANCE: Edwin "Ted" Wilmot, County Attorney
Carol Steele, County Administrator

2. Invocation and Pledge of Allegiance – Action taken on August 1, 2023

3. Approval of the Minutes – Action taken on August 1, 2023

4. Adoption of the Agenda - Action taken on August 1, 2023

5. Approval of the Consent Agenda - Action taken on August 1, 2023

6. Matters Presented by the Board

Mr. Bazzani stated that it costs 1.9 million to put in water and sewer lines at Woodville Park. He noted that he believes citizens would rather have pickleball courts and the County could put in a lot of courts for several million dollars. He informed the Board that he has a problem with the way the County will spend capital money on parks and noted that he has not received any complaints about Gloucester Point Beach being dilapidated.

Mr. Bazzani stated that his wife just got back from vacation and found out that Dominion Power was at his house without permission, and they installed a smart meter. He explained that smart meters emit forty times more radiation than a cellphone and are possibly carcinogenic to humans. He also noted that it is believed that the fires in Maui were caused by these meters. Additionally, Mr. Bazzani stated that there are security concerns because it is possible that someone could hack into the system and affect the entire grid causing disruption to the County's ability to use electricity. He stated that he is going to try to opt out of the smart meter and have Dominion Power replace it with the previous meter and then urged citizens to do the same.

7. County Administrator Items - Action taken on August 1, 2023

8. Scheduled Presentations - Action taken on August 1, 2023

9. Citizens' Comment Period**CATHERINE CARTER - ABINGDON DISTRICT**

Ms. Carter gave the Board a handout that contained excerpts from the Virginia Bill of Rights as well as a petition from the Virginia Medical Freedom Association concerning smart meters which included a list of federal violations of the rights and the dangers to health. She stated that the Virginia Bill of Rights prefixed every constitution until 1901. She noted that Article 9 asks under what authority a power company operates and she believes there is a question of legitimacy because it states that the legislature shall elect members of the corporation commission. Ms. Carter read aloud 18 U.S. Code § 247 and explained that it also blurs language because the judicial system is blended in with the legislative system. She questioned who has the qualifications of a judge in a court of record if they are not going to appoint someone to come over and operate in a different division. She noted that she has a lot of questions about what authority Dominion Power has with smart meters because they invade privacy. Ms. Carter was concerned about what will be coming out of citizens' houses to the power company because they will be able to determine if you are using too much WiFi and where a person is on WiFi.

CARLOS MORALES - ABINGDON DISTRICT

Mr. Morales stated that he is the founder of the Gloucester County Pickleball Club. He urged the Board to consider the word "progress" any time they make decisions for Gloucester County. He noted that he knows that progress is not free and that pickleball is a small part of progress. He agreed with the referendum for November because it is progress, and he wants to do what is better for the Gloucester County community. Mr. Morales stated that the County can't wait five to ten years to see what the economy will do. He noted that many people in the community are for progress and that it may cost money. He further stated that the County cannot hold pickleball in our parks because we do not have them, but many other communities do. He urged the Board to consider that pickleball can bring community and health and would be great in progressing Gloucester County forward.

BILL WINDERS - HAYES

Mr. Winders stated that he has been playing pickleball for two years. He explained that it brings people together and that is something that the County is in desperate need of. He asked that the Board put pickleball on the referendum and to let the taxpayers in Gloucester County decide. He urged the Board to look up the economic benefit that it brings to the world.

BILLY MOORE - WARE DISTRICT

Mr. Moore stated that he worked for Parks and Recreation for 38 years in athletics. He noted that he had taught three beginning classes in pickleball that had 30 people and 25 of them still play. He explained that it is the fastest growing sport in the country and definitely in Gloucester County. Mr. Moore noted that it is being played professionally and the ratings are good on Primetime TV. He informed the

Board that there are three indoor courts that cost money and some nights they have forty to fifty people that play. Mr. Moore noted that if Gloucester County builds courts, they will be used and that many other communities have a lot of courts. He also noted that people are choosing not to come to the indoor courts because of how crowded it is. He stated that Parks and Recreation could have leagues, tournaments, as well as open play and people will go eat and shop afterwards. Mr. Moore stated that if the County builds courts now, we will look back and know it was a good decision. He noted that pickleball brings the community together and there are people from 14 years old to 70 years old that play.

DIANE JONES - WARE DISTRICT

Ms. Jones stated that she recently had heart surgery and went into atrial fibrillation and explained that it is possible that she will have to get a pacemaker which has evidence that they interfere with smart meters. She noted that she sent in optout paperwork and hopes it is not an issue. Ms. Jones stated that she does not know a lot about pickleball, but she played with her grandson, and he got a lot of exercise chasing the ball.

SUSAN AUSTIN - YORK DISTRICT

Ms. Austin stated that she wanted to talk about microwave radiation because Dominion Power is installing smart meters and there is not much choice in the matter even though they told citizens that they can optout. However, she informed the Board that if you have solar power, you cannot optout. She stated that she has solar power and was told she could not optout and will have to be subject to excessive radiation, but she will fight it. She spoke with her representative in Congress about it. Ms. Austin stated that all of the 4-6Gs are marketing terms, but the real agent they are marketing is microwave radiation and it is harmful environmental pollution and there is evidence that it causes cancer, DNA damage, and cardiomyopathy. She informed the Board that she called Dominion Power and asked that her meter be removed, but due to investment in solar, they refuse to consider the request. She advised people to question the danger of smart meters catching fire. Ms. Austin concluded that she knows that Dominion Power makes donations to a lot of counties, and she wants to caution hiding behind that because everyone is affected by it.

DOUG WILLIAMS - 5489 CRANY CREEK DR.

Mr. Williams stated that he opposes the spending referendum that the Board of Supervisors is proposing. He urged the Board to cut spending until the economy is more prosperous and stable. He noted that the improvements related to the Fire Department are the only expenditures he endorses.

JOSEPH GANDARILLAS - ABINGDON DISTRICT

Mr. Gandarillas stated that, in consideration of the recent property assessment, he is highly opposed to the tax increase. He explained that his property assessment last fall caused an increase of 40% and the equalization of the tax rate.

did not equalize his property taxes. He stated that the attacks on his finances from the government as well as the economy are not sustainable, and his income is not keeping up with the pace of increased financial demand.

Mr. Gandarillas agreed with the need for some capital improvement projects, but he is aware of reckless government spending. He stated that hard decisions have to be made by the Board to fund required budget items rather than items that are nice to have as he has to do the same with his personal finances. Mr. Gandarillas urged the Board to look for other avenues of funding instead of taxing homeowners. He noted that taxes benefit all citizens, but a large portion are not contributing. Since the school budget is the largest line item, he questioned what percentage of parents are contributing to their children's education.

BLAKE MABE - ABINGDON DISTRICT

Mr. Mabe was disappointed in the Board of Supervisors because he doesn't understand why the Board wants to ostracize and burden only the real estate owners to pay for the wants of the County. He noted that it makes sense to borrow money for the Fire and Rescue Departments with no increases in taxes. Mr. Mabe suggested using pay gates at park entrances and donation boxes because Parks and Recreation items are wants and not needs.

Regarding the Sports Complex, Mr. Mabe stated that it was put on the CIP list and should come out of the 1% schools sales tax that is already in place. Additionally, Mr. Mabe wanted to know who the users are of the Woodville Park office and community building and that, if they are for private organizations, they should pay for them.

Mr. Mabe stated that many voters will vote to take money from one group and not themselves. He explained that the voters won't truly decide unless all pay taxes because it is more fair and it will increase voter turnout. He stated that the CIP list is not transparent to the public and items show up on the list that were not previously scored for their importance. He wanted the CIP line items that are placed on the list to have an explanation of why it is there and what the consequences are if it is not approved by the County.

10. Public Hearings - Action taken on August 1, 2023

11. Regular Agenda

- a. Application for Tax Exemption by Designation from the Gloucester Mathews Care Clinic - Action taken on August 1, 2023**
- b. Carryover Appropriations - Action taken on August 1, 2023**
- c. Update on the Utilities AMI Project - Action taken on August 1, 2023**
- d. Long Term Capital Planning - Action taken on August 1, 2023**
- e. Board Appointments - Action taken on August 1, 2023**

- f. **Decision on Potential Disposition of Real Property – water and sewer system - Action taken on August 1, 2023**
- g. **Discussion/Decision on Potential Referendum for Long Term Financing – Ted Wilmot - County Attorney and Carol Steele – County Administrator**

Mr. Wilmot stated that there are a couple of versions requesting the referendum. He recommended that the Board choose the first resolution because it is the simpler and shorter version. He noted that the Board has already tentatively decided to include the estimated tax rate the referendum approved financing projects should they be approved for two cents. Mr. Wilmot explained that the second resolution draft is more specific and detailed in reference to the proposed projects. He further explained that there is a risk of being too detailed because it constrains the Board to those specific projects and prevents them from being able to complete projects that fit the general categories. Additionally, he stated that the wording is unwieldy. He advised the Board that he does not recommend using the first resolution because there was discussion about lighting at Woodville Park, but it is not listed in the description. He suggested adding it to the list and to also include "construction of a community use building". Mr. Wilmot explained that the third resolution includes a lengthy whereas paragraph detailing the projects but does not answer the questions, so it is a compromise between the first and second resolution. He informed the Board that they don't have to use any of the proposed drafts and that they can tweak them as necessary as long as it is within the legal parameters. He stated that the Board also received a draft general summary. Mr. Wilmot explained that Virginia allows the locality to provide a summary of the question posed in the referendum which would include a copy of the question and a summary of the question which needs to be unbiased.

Mr. Bazzani informed the Board and citizens that he is in favor of the second resolution. He wanted to strike out "water", "sewer", "bathrooms" and "buildings" for Woodville Park and insert "pickleball courts" and "lights" instead. He believed it would be better than spending two million on water and sewer because it is not needed.

Informing the Board, Ms. Steele stated that the Brown Park improvements include pickleball courts as well as water and sewer connection so that bathrooms can be built.

Mr. Bazzani made a motion to strike the previous language and insert "pickleball courts" and "lighting" into the second resolution. There was not a second.

Mr. Chriscoe explained that the reason he didn't second the motion is because he cannot support moving forward with the resolution that does not take a look at any other stress factors on the economy where, if it passes, could be up to a two-cent burden on the taxpayer.

Dr. Orth asked Mr. Wilmot if he thought that the second and third resolutions were difficult because they are unwieldy and if he had seen long referendum

questions. Mr. Wilmot stated that he is not intimately familiar with the referendum questions, but it strikes him as unwieldy and long. He explained that the law requires that it be put in clear language and the way it is worded is a lot and there is already a summary. He further explained that the sections include projects and breakdowns which would be presented already. Mr. Wilmot recommended that the Board go with the shorter or simpler version. He noted that the third resolution adds a whereas paragraph that includes the summary as a part of the resolution.

Mr. Bazzani asked Mr. Wilmot what happens to fire and rescue if the referendum is not approved. Mr. Wilmot responded and stated that the County would not be authorized to use the general obligation CIP bonds, but the County may be able to find other funds that may require borrowing. Mr. Bazzani stated that if they do not do a referendum and build the fire and rescue building while considering the other projects next year, they can do that without a tax increase.

Mr. Chriscoe stated that regardless of the referendum, the County can borrow next fall for fire and rescue and do a referendum next year. However, he explained that he cannot support a two-cent increase but could support a referendum with no tax increase this year with the fire department not included and then do the borrowing when the County have the capacity to do so in the fall of next year. He stated that he cannot support the tax increase because growth may cause the County to have to do that anyway for salary, insurance, as well as other items they do not know about yet. Mr. Chriscoe suggested that the Board use the first resolution with the fire department removed and to do the referendum for the other projects with the general obligation bonds. He noted that the Board should fund everything possible without a tax increase. Mr. Bazzani agreed with Mr. Chriscoe and stated that if taxes were raised two cents, there may be economic issues such as emergencies. Mr. Chriscoe explained that the increase would be tied to a bond.

Mr. Gibson informed the Board and citizens that he would support pickleball at Woodville Park and Brown Park. He explained that he did not second the motion because water and sewer are reasonable additions to Woodville Park due to all of the improvements to the park. He stated that he is in support of the referendum and recommended that the Board use the second resolution although the question is lengthier. Mr. Gibson stated that, from his perspective, the Board needs to be transparent so that the voters know what they are voting for and for the Board to have accountability. He was concerned that the other two resolutions are too vague. He stated that he will be voting yes so that people can decide. Mr. Gibson responded to the Board members that are against the referendum and explained that each project in the CIP has never been addressed. He noted that, of the 15% borrowing limit, the County would barely be using over 8% of the debt limit. Further, he stated that advisors at Davenport have advised the County that this is a low-risk tool used by many localities. Regarding an uncertain economy, he continued, stating that if the County faces hardships in the future, the County has the ability to say they cannot do it that year. He stated that short-sighted decisions and delaying projects for a

better year has consistently cost the community tens of millions of dollars. He briefly explained that not doing the referendum could hurt retirees and those on fixed incomes because younger generations that take care of those individuals are drawn to Gloucester through the proposed projects. Mr. Gibson concluded that the Board should allow citizens to decide on the referendum because they believe that free men and women can govern themselves wisely.

Mr. Smith informed the Board and citizens that he is also in favor of the second resolution and supports the referendum to give citizens the ability to have their voices heard. He explained that although the Board is elected by citizens to make decisions, the Board has the responsibility to hear from the citizens. He stated that by not allowing the citizens to decide, it sends the message that they do not feel that citizens are intelligent, informed enough, or care enough to be heard.

Mr. Chriscoe stated that he keeps hearing that he is opposed to the referendum but that he has not stated that. He continued and stated that the County has the ability to have a referendum without a tax increase and pull fire departments out using different funding. He noted that the number of voters outweighs the real estate taxpayers and that it is an issue. He briefly explained how these projects are not like a mortgage and that optimism does not pay gas or groceries. Mr. Chriscoe concluded that he does not want to burden citizens with a tax increase and there are ways around it to not have a tax increase.

Mr. Bazzani stated that the projects listed on the referendum are not needs except for the fire department. He noted that the tax increase is going to take money out of citizens' pockets that may not be able to afford it. He stated that there are indicators that there may be a recession coming at the end of the year which could cause the County to not be able to meet payment obligations. Mr. Bazzani noted that the County is maxing out the ability to borrow. He disagreed with Mr. Gibson because they cannot put taxpayers at risk and that is what the tax increase will do. He stated that the citizens should decide but fire and rescue does not need a referendum and the rest of the projects can be decided next year.

Mr. Hedrick stated that he supports the second resolution even though he originally preferred the third resolution because it has a lot of details that will not be on the ballot. He noted that the ballot has a much shorter, easy to read wording that the citizens could read faster. However, he stated that after hearing support for the second resolution, he could also support that.

Mr. Hutson informed the Board and citizens that he is in support of the third resolution because it gives a complete description, but the ballot will have more concise information.

Mr. Gibson was concerned that they had the same issue with the sales tax referendum where the wording on the ballot was different from the explanation and there was confusion. He believed that the ballot needs to be transparent and easy to read because the potential for conflict is greater.

Mr. Hedrick informed the audience that he will be leaving the first of January. He stated that he is pleased that during his term, the referendum will be presented to the voters. He stated that after much consideration of the capital improvement options, he supports the third resolution because it is affordable, will fund all of the projects, and they will be completed sooner which also applies to the fire department. Mr. Hedrick noted that at no time during the borrowing will it be an issue. He pointed out that the expenditures will peak at 8.5% of the 15% in FY27 and then will decrease. He also noted that the percentage of assessed value will peak at 1.8% of the 3% in FY24 and will decrease after that. He asked voters to consider the first option with no tax increase as it will not support the sports complex for six more years and will not fully fund the project until 2031. Additionally, Mr. Hedrick stated that the Botetourt renovation will not be started for up to nine more years and the school HVAC, Woodville lights, and Brown Park will be unfunded for at least ten years.

Mr. Bazzani stated that he is not in support of any referendum. He asked Mr. Wilmot if he could use bullets or a table instead of a paragraph in the third resolution. Mr. Wilmot explained that it was written that way because it has to be a question and the presented resolutions are the Boards' options. Mr. Hutson explained to Mr. Bazzani that the third resolution containing that information is a synopsis of what is being voted on and the question on the ballot would be short. Mr. Hutson further explained that the second resolution has everything listed out.

Dr. Orth stated that he appreciates the Board for discussing and battling in public about the aspects of borrowing and what it means to the citizens. He thanked Davenport, the County Administrator, and staff for proposing options to where borrowing can be done in a way that will minimize the impact on citizens. He stated that he supports the referendum because it gives the citizens the opportunity to give input on a decision that affects all citizens. Dr. Orth agreed with Mr. Gibson that a lot of what they want to do will have a big impact on the economy in a positive way. He stated that if the referendum is approved, the economy will dictate how and when the County moves forward on all of the projects. Dr. Orth noted that he believes the economy will do well in Gloucester County as the County has seen increased revenue in sales and grocery taxes. He stated that he appreciates that all of the Board is very conservative about spending and thanked them for a good discussion.

Mr. Hutson informed the Board and citizens that he is in favor of the referendum. He believed that if the County improves, it will get the items that are needed and everyone in the County will be winners. He noted that there is a lot that needs to be done and the County has not done things in a timely manner before. Mr. Hutson stated that Mr. Chriscoe, Dr. Orth, and himself were on the Board when the issues with Page Middle School started and he believes that the County will demolish the new building and they will still talk about what they could have done at the site. Mr. Hutson stated that they have the opportunity to utilize things immediately that will take years. He reiterated that he is in favor of using the third resolution.

Mr. Gibson moved for the adoption of the second resolution with two edits that include adding "lighting" after "sewer" as well as "construction of a community use" preceding "building". Mr. Smith seconded. Mr. Chriscoe added that there needs to be a comma after "bathrooms".

Mr. Chriscoe stated that the only reason he is voting against the two-cent tax increase is because he believes there is a way around it to do it without putting a burden on citizens. Mr. Bazzani agreed.

Mr. Hutson stated that they do not need to have a referendum for the projects, but he believes that it is important that citizens have the opportunity to have a say. He noted that if the referendum passed, the fire department project would start in the spring instead of the fall. Mr. Chriscoe responded and stated that they could have found other projects that they aren't going to fund until later and move those to the fall. He stated that they could keep the fire department and referendum at a 0% tax increase this year and start it in the spring. Then, he continued stating that the County could borrow 14 million next fall when the County has the capacity to do so. Mr. Hutson stated that if the economy tanks, it has the ability to not do any of these projects, but it gives the County the opportunity to do them.

Ms. Steele polled the Board on the motion on the floor. The motion carried and was approved by the following roll call vote: Dr. Orth, Mr. Smith, Mr. Hutson, Mr. Hedrick, and Mr. Gibson - yes. Mr. Chriscoe and Mr. Bazzani - no.

A RESOLUTION REQUESTING A REFERENDUM ON THE QUESTION WHETHER THE COUNTY OF GLOUCESTER, VIRGINIA MAY CONTRACT A DEBT, BORROW MONEY, AND ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS IN A MAXIMUM AMOUNT OF \$39,582,993, TO FUND VARIOUS CAPITAL IMPROVEMENT PROJECTS

WHEREAS, the Gloucester County Board of Supervisors recognizes various capital needs of the volunteer fire and rescue departments, the public schools, and parks and recreation; and

WHEREAS, the estimated aggregate cost of the capital projects is \$39,582,993; and

WHEREAS, in order to implement such capital improvements, the County must secure adequate funding for them; and

WHEREAS, it appears that such improvements cannot be financed from current revenues; and

WHEREAS, the best available source for such funding is deemed to be pursuant to general obligation capital improvement bonds; and

WHEREAS, pursuant to the Virginia Constitution and Code, in order to enable the County to contract the debt associated with the capital projects by borrowing money and issuing bonds, a referendum must be held, presenting the question of whether to authorize the borrowing to the citizens; and

WHEREAS, the Board is desirous of holding a referendum on the matter.

NOW, THEREFORE, BE IT RESOLVED by the Gloucester County Board of Supervisors:

1. That a petition requesting a referendum, pursuant to Va. Code §§ 15.2-2638, 15.2-2610, 24.2-684 and 24.2-687, be filed with the Gloucester County Circuit Court on the question of the issuance of the bonds as outlined herein.
2. That all of the uses of the proposed financing and bond issuance are declared to constitute public purposes that will benefit the health, safety, and welfare of the County and its residents.
3. That the question to be asked of the voters at said referendum sought for approval by the Court in the petition shall be as follows:

Shall the County of Gloucester, Virginia contract a debt through general obligation capital improvement bonds in the maximum amount of \$39,582,993 which would result in an estimated increase in the real estate tax rate of \$0.02/\$100 of assessed valuation, to provide funds to finance various capital improvement projects for (1) volunteer fire and rescue departments to include construction of a new fire department for Gloucester Volunteer Fire & Rescue and renovations to the bunk room at Abingdon Volunteer Fire & Rescue; (2) construction, improvement, and/or renovation of public school buildings and facilities to include renovations of Botetourt Elementary School, renovation of the Gloucester High School sports complex and associated site improvements, and school HVAC systems; and (3) parks and recreation to include Woodville Park water, sewer, lighting, bathrooms, construction of a community use building, and improvements at Gloucester Point Beach Park and Brown Park?

4. The Board adopts this declaration of official intent under Treasury Regulations Section 1.150-2. The Board reasonably expects to reimburse advances made or to be made by the County to pay the costs of the projects from the proceeds of its bonds.
5. This resolution shall take effect immediately.

Mr. Hutson asked what the status was regarding the educational material for the referendum. Ms. Steele responded and stated that she had sent a draft to Mr. Wilmot and will be working with him to make sure that the verbiage is correct and that it is unbiased. She handed out the educational material brochure that had the text removed so that the Board members could see the layout. She informed the Board that once the verbiage is approved, that the brochures will be mailed to every household in September. Ms. Steele stated that the cost to print the brochures is approximately \$2,400 and the cost to mail them is approximately \$3,700. She noted that the information will be available on the website as well announcements for townhall and community meetings. She stated that the County will push presentations and other educational material with social media. She stated that additional detailed information would be put on the website. Ms. Steele informed the Board that the brochure includes information on how much citizens' taxes will increase by month.

Dr. Orth asked if the County could deliver the brochures to each post office to make sure they receive them on time and Ms. Steele stated that we could. Mr. Chriscoe asked how quickly this could be done after approval at the September 5th,

2023, meeting. Mr. Hutson stated that after it is approved by Mr. Wilmot, if the Board has no issue with it, it could go out relatively quick. Ms. Steele stated that the County will get the brochures sent to the Board electronically.

Mr. Bazzani stated that he would like Dominion Power to come talk to the Board about smart meters because he wants to know about safety concerns. He stated that they are not safe and can spontaneously catch fire. Ms. Steele responded and stated that she can make contact with Crystal Bright from Dominion Energy to see if they can present the information.

12. County Attorney Items - Action taken on August 1, 2023

13. Boards and Commissions Reports - Action taken on August 1, 2023

14. Supervisors Discussion - Action taken on August 1, 2023

15. Closed Meeting - Action taken on August 1, 2023

16. Adjournment

Dr. Orth moved, seconded by Mr. Chriscoe, to adjourn. The motion carried and the meeting was adjourned at 7:26 p.m. by a unanimous voice vote.

Christopher A. Hutson, Chair

Carol E. Steele, County Administrator