

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, January 28, 2016.

Members Present: William R. Lee, Chair

Ernest W. Palin, Jr., Vice Chair

F. W. Jenkins, Jr., Board Member

Jason D. Bellows, Board Member

B. Wally Beauchamp, Board Member

Staff Present: Frank A. Pleva, County Administrator

Don G. Gill, Planning and Land Use Director

Crystal Whay, Building/Land Use Secretary

Mr. Lee called the meeting to order at 7:08 p.m.

PRESENTATION

1. Resolution Recognizing Retired Sheriff Ronald D. Crockett

Mr. Lee read the following resolution.

Recognizing Sheriff Ronald D. "Ronnie" Crockett

Whereas, Ronald D. "Ronnie" Crockett served as Sheriff of Lancaster County for 32 years from January 1, 1984 to December 31, 2015 and at the time of his retirement was the second longest tenured Sheriff in the Commonwealth of Virginia, including serving as President of the Virginia Sheriff's Association; and

Whereas, Sheriff Crockett strengthened the connection between the Sheriff's Department and community by starting the local Crime Solvers Program and the Keep Safe Program to check on elderly residents and the Deputy Santa Program for underprivileged children; and

Whereas, Sheriff Crockett has served his community as a life member of the White Stone Volunteer Fire Department, serving 2 years as its President and 10 years as its

Treasurer, and as a Charter Member of the Kiwanis Club, serving on its Board of Directors for 3 years and as its President for 2 terms; and

Whereas, Sheriff Crockett has also served his community as a member of the Lancaster County Lions Club, serving on its Board of Directors for 2 years, as well as on the Board of Directors of the local Court Appointed Special Advocate association, the Boys and Girls Club and Chesapeake Academy; and

Whereas, Sheriff Crockett has further served his community as a member of the Lancaster County Union Lodge #88 for 25 years including its Past Master in 1990 as well as a member of the Lancaster County Moose Lodge, and also as a Lancaster County Little League baseball coach and umpire, and a soccer coach for the former Lancaster County Parks and Recreation Department;

Now, Therefore Be It Resolved, that the Board of Supervisors of Lancaster County hereby recognizes the exemplary dedication and determination of, and expresses its admiration to, Ronnie Crockett, for his many years of distinguished service to Lancaster County; and

Be It Further Resolved, that the Board of Supervisors wishes Ronnie Crockett a well-deserved and enjoyable retirement; and

Be It Finally Resolved, that a copy of this resolution be forwarded to the Virginia Sheriff's Association and be spread upon the meeting minutes of said Board of Supervisors.

Mr. Jenkins made a motion to Adopt the Resolution Recognizing Retired Sheriff Ronald D. Crockett.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

Mr. Beauchamp read and presented a letter from Governor Terry McAuliffe commending Sheriff Crockett on his outstanding service.

Mr. F. W. Howard, Jr., retired Sheriff of New Kent County, presented Sheriff Crockett with a plaque from the Virginia Sheriff's Association.

PUBLIC INPUT

Mr. George Bott, a District 1 citizen, stated that he was representing the Save the Rappahannock Coalition and had new information concerning the tower proposal. He stated that the Board of Supervisors passed a resolution last year that strongly supported an underwater solution to the tower proposal by Dominion Virginia Power and Middlesex County did the same. He stated that his group took their cue from the Board's actions and formed the coalition of highly talented people with broad experiences to work on an alternative that was consistent with the Comprehensive Plan. He stated that their group has complemented the government actions that have been taken.

Mr. Bott stated that the Save the Rappahannock Coalition met with the Economic Development Authority last Thursday and received \$20,000. He stated that during the Economic Development Authority meeting, Mr. Bill Pennell had mentioned a source of County funds earmarked for economic development. He stated that he had spoken with Mrs. Bonnie Haynie, the County Treasurer, about the Poor House tract funds and understood that the funds had not been used in over 15 years.

Mr. Jenkins stated that Mr. Bott was not correct in that the Poor House tract funds have been used fairly recently to help with the expense of the satellite campus for Rappahannock Community College.

Mr. Bott stated that the balance in the Poor House tract account was \$353,657 and some change. He presented a petition of 64 business owners and stated that they feel the towers will hurt their business interests. He stated that hundreds of local citizens have signed the petition against the towers as well.

Mr. Bott stated that Dominion Virginia Power never showed the elected representatives, VMRC or the State Corporation Commission what the towers and the fender system would look like.

Mr. Bott stated that the Save the Rappahannock Coalition's legal bills total \$74,500 and the coalition has raised \$27,500 to date. He stated that they are asking the County for \$20,000 to help fund their joint efforts to find an alternative for reliable power transmission that doesn't spoil the environment, hurt tourism and local businesses.

Mr. Bott stated that taking \$20,000 or six percent from an account earmarked for economic development is an appropriate investment and it was important to note that neither the Economic Development Authority funds nor the Poor House tract funds come from taxpayers in the ordinary sense. He stated that they are not in the tax rate and they are not coming out of an annual appropriation.

Mr. Charlie Costello, a District 2 citizen, referred to the Comprehensive Plan and stated that \$50,000 was spent on its development and it was adopted 181 months ago. He stated that there had been a lot of citizen input in developing the plan. He stated that there have been revisions over the years. He stated that the vision statement for Lancaster County that was approved by the Board of Supervisors in October 2013 reads "The signature of Lancaster County is its river vistas, farmlands, and natural heritage.

Convenient neighborhoods and commercial areas are connected to reduce interaction with traffic. Development decisions are fair to everyone and consistent with promoting economic opportunity that improves communities. Visionary elected officials and business and community leaders work together to enrich and create a legacy of healthy, beautiful places where jobs are abundant and services are accessible to all citizens.”

Mr. Gary Hooper, a District 5 citizen, stated that he was present to speak about the critical importance of tourism and the role it plays in the local economy. He stated that the Commonwealth of Virginia recently launched the Virginia Oyster Trail, which is a major tourism development project and includes our area. He stated to put tourism dollars into perspective, it generated over 84 million dollars in local expenditures last year, which equates to over 2.2 million dollars in local tax revenue and provided over 750 jobs in this County. He stated that in comparison, the oyster harvest for the entire state amounted to a dockside value of 34 million dollars. He stated that Lancaster County ranked seventh in tourist dollars per capita among the counties in Virginia. He stated that the request being made tonight represents less than one percent of the tax dollars derived from tourism last year alone. He stated that it was a justifiable investment.

Mr. Hooper stated that the fact that the Save the Rappahannock Coalition has thus far succeeded in getting the State Corporation Commission to force Dominion to go back to the drawing board was a major accomplishment. He stated that the fact is that the coalition has been doing this for the benefit of Lancaster County. He stated that most of the people involved cannot even see the bridge from their homes. He stated that once the view is destroyed, it will not come back. He read a portion of John Barber’s editorial letter that stated he was not in favor of the proposed towers.

Mr. Jack Larson, a District 1 citizen, stated that the coalition feels very strongly about the proposed towers and they have come to the County asking for funding. He stated that funding has been provided to the County Attorney to pursue the matter legally. He stated that, to the best of his knowledge, the coalition did not come to the Board in the beginning to state their intentions and request funding then. He stated that if they want to spend their own money, then God bless them and they have every right to oppose the towers. He stated that he would ask that the Board deny the coalition’s funding request and they shouldn’t use public funding in this manner.

Mr. Ian Ormesher, a District 5 citizen, showed drawings of the existing and proposed towers. He stated that he worked in the cell phone tower industry and on a regular basis he is involved in putting large structures into communities. He stated that he works with developers to make sure the impacts of those structures is minimized by reducing their height and camouflaging them. He stated that when he first saw the proposed Dominion towers, he was aghast.

Mr. Ormesher referred to the Virginia Tourism statistics and stated that 85 million dollars of our economy comes from tourism. He stated that it sounded like a lot of money to him, so he reviewed restaurant income from sample restaurants for the year 2014 and he found that those numbers were echoed when he looked at the distribution of the

revenue through the year and looked at the County's tax returns. He stated that there was a lot of money at stake here for the County. He stated that 85 million dollars translates into \$7,472 for every man, woman and child who resides in the County. He further discussed how much economic damage it would do to the County and tourism if the towers are put into place.

Mr. Jenkins stated that he wanted clarification on where the loss of tax revenue statistics were coming from.

Mr. Ormesher replied that approximately 45 percent of the restaurant revenues came from visitors to the County according to his research.

Mr. Jenkins asked Mr. Ormesher if he was aware that within Lancaster County's jurisdiction it has three incorporated towns and the local portion of sales taxes, meals taxes, cigarette taxes and lodging taxes goes to the incorporated towns and not to the County's treasury.

Mr. Ormesher replied that he was not aware of that.

Mr. Ormesher stated that the 85 million dollar revenue amount from the Virginia Department of Tourism is a solid number.

Mr. Jenkins asked where the money was going. He stated that the County is getting ready to start the annual budget process and there is no line on the revenue side that shows that kind of money coming in as a result of tourism. He stated that the County is lucky to have three fine incorporated towns, however the majority of the businesses, including the restaurants, are located there. He stated that Lancaster County loses revenue that other counties without incorporated towns get.

Mr. Ormesher stated that he would review those numbers and report back.

Mr. Bob Wayland, a District 3 citizen, stated that he was concerned about the proposed towers. He stated that his background was 28 years with the Environmental Protection Agency and has had some experience with regulatory processes. He explained a flow chart of what may or may not happen during the process between Dominion Virginia Power and the SCC, including possible alternatives.

Mr. Carl Smith, a District 3 citizen, thanked Jack Larson for his comments and stated that Mr. Larson had said that the County has already given money towards the effort and he wanted to clarify that the County funded the legal activity of the appeal of the VMRC decision which is completely separate from what the Save the Rappahannock Coalition did with the SCC. He stated that there were three legal actions pursued, one was the VMRC decision appeal that the County Attorney worked on, the second action was with the Army Corps of Engineers that the coalition's attorneys worked on that was of no cost to anyone and the third legal action was with the SCC and the County has not contributed to that one, although the County Attorney did attend.

Mr. Smith stated that Mr. Larson had said the coalition had failed to come before the Board of Supervisors before the efforts started. Mr. Smith stated that Mr. Larson was right, in that the Board, through Jason Bellows, came to them. He stated that he had received a phone call for help from Mr. Bellows after the Board had voted unanimously on a resolution to oppose the towers. He stated that many capable people got together to form the coalition and have coordinated every step of the way with the County and believed that what they were doing was not for themselves, but for the County. He stated that he wanted to thank the Save the Rappahannock Coalition members publically. He stated that they have been working non-stop for the last six months to achieve the victory at the SCC. He stated that going forward the choice of what to do is not up to the coalition, it is up to the Board of Supervisors.

Mr. Smith stated that he had spoken to John Barber and Mr. Barber had said that long time citizens do not see the beauty of the river with the same eyes that newcomers do. He stated that to people who have been here all their lives, the river views have become wallpaper. He stated that he wanted to protect those views, but the coalition cannot go on without the leadership of the County.

Mr. Lee stated that with all due respect to Mr. Smith and Mr. Barber, he had lived in the area all of his life and he did see the beauty of the Rappahannock River and the Chesapeake Bay. He stated that not all long time citizens had blinders on.

Mr. Smith stated that the coalition had both “come heres” and “born heres”, but nobody dwells on that distinction.

Mr. Jimmie Carter, a White Stone resident, stated that he had been asked to speak. He stated that he had been impressed with the tenacity, leadership and accomplishments that the Save the Rappahannock Coalition has had. He stated that he thought the County had a role in economic development and it is worth the \$20,000 investment. He stated that he urged the Board to support it.

Mr. Doug Monroe, an Irvington resident, stated that he was opposed to the towers. He spoke about the first time he saw the Rappahannock River and how excited he was to ride the ferry. He discussed the evolution of the County in detail.

Mr. Ammon Dunton stated that he was born in the area and he was against the tower project. He stated that the view from the bridge is known all over Virginia, not just Lancaster County. He stated that the County needed to attract new residents and enlarge the tax base and the view from our entrance contributes to the County’s desirability. He stated that he believed some of the information that had been presented by Dominion Virginia Power was false. He stated that Dominion had suggested that the cost would be three or four times more expensive to put the wires underwater. He stated that the wires were underwater before the bridge was built, so he wondered why it could not be done again. He explained the process of the installation of the transmission lines underwater.

He stated that he encouraged the Board to use some County resources to support the efforts.

Mr. Charles Brocklebank, a White Stone resident, stated that he was not present to debate whether the towers are a good idea or not. He stated that he commended the coalition on their efforts, but he was not in favor of the County funding their battle against Dominion Virginia Power. He stated that if the coalition's request is granted, then the Board is opening the flood gates for every organization with a cause to ask for money from the County.

Mr. Roy Carter, a White Stone resident, stated that he was a member of the Economic Development Authority and had voted to give funding for the project at the last EDA meeting. He stated that he did not think anyone wanted the towers and help was needed to accomplish it. He stated that he was a former retailer in Richmond for many years and the City of Richmond helped make improvements in the area where his business was located and it was of great benefit to many people. He stated that as a business owner, he had found that the same things that get customers to his store also will get people to this area and first impressions are very important.

Mr. Carter stated that he thought the towers were disruptive, not only to the viewshed, but also to the environment. He stated that the coalition needed help from the County for their campaign.

Mr. David Jones stated that he was not there to discuss whether the towers were good or bad and the coalition had brought up many good points, but what he was talking about was whether or not the County is going to fund a single coalition's effort. He asked if the County had any say in what attorneys were hired and how much money would be spent. He stated that if the SCC finds in favor of Dominion, will the County be asked for more money for the continued fight. He stated that the County has already spent tens of thousands of dollars on the issue already. He asked who would come up next if the County starts funding private groups who are against certain things. He stated that the County would be setting a bad precedent in his opinion. He stated that it was the coalition's decision to spend the money and he did not remember the Board agreeing to pay back the coalition for monies spent.

Mr. Howard Kyzer, a District 3 citizen, stated that he agreed with Mr. Jones and Mr. Brocklebank. He stated that the Board needed to be very careful if they open the door and start using public funds to fight private battles. He stated that the Board needed to think about the other 11,000 citizens in the County that are not present.

Ms. Judy Fay, a District 5 citizen, stated that she feels lucky to live in Lancaster County. She stated that the Save the Rappahannock Coalition is a 501c3 organization and she believed that the County has supported other 501c3 organizations in the past. She referred to fund raising and stated that the coalition has raised \$27,500. She stated that what has not been said is how much pro bono work has been put into the effort by attorneys, engineers, real estate specialists, graphic designers and many others. She stated

that according to her calculations, there has been approximately \$240,000 worth of pro bono work done by the group. She stated that there is little doubt that had the group not acted quickly, we would already be looking at the towers.

Mr. Lloyd Hill, a District 4 citizen, stated that he was in opposition to the towers and the County only has one Rappahannock River. He stated that the Board of Supervisors were put in the position to be good stewards of the County's money and to look into the future to see how we can make the County better.

Mr. Jack Sheehan, a new resident, stated that he had lived all over the world due to his military service. He stated that he came to Lancaster County to retire because of the natural beauty and the quality of its people. He stated that it was a very special place that should not be destroyed and the Board has a chance to help preserve the beauty of this special place.

Mr. Lee closed the public input session.

PRESENTATION

2. Regional Branding Initiative/Virginia Oyster Trail Update

Mrs. Susan Cockrell, Deputy Town Manager for the Town of Kilmarnock, presented a power point presentation on the regional branding initiative and Virginia Oyster Trail. She stated that for over a year there has been a partnership between Lancaster County, Middlesex County and the Town of Kilmarnock as well as the Lancaster County Chamber of Commerce to promote the branding and marketing effort for the lower Rappahannock River.

Mrs. Cockrell stated that they have been working recently on Virginia's River Realm, which focuses on the Rappahannock River and what people can do for recreation when they come to the area. She stated that visitors are encouraged to "find their shoreline" which can be taken literally or can be a state of mind when you come to the area from busy places like Northern Virginia or Richmond. She stated that the message in the marketing is to come to the area for simple pleasures.

Mrs. Cockrell stated that the marketing roll out will be in the middle of February and explained the website.

Mr. Jenkins asked why the town of Deltaville was so prevalent on the map that Mrs. Cockrell showed from the website.

Mrs. Cockrell replied that the towns were in alphabetical order.

Mr. Jenkins stated that Lancaster County's biggest boating competition is with Deltaville. He also suggested that the website's pictures be slowed down and that there not be white text across a light colored background for better visibility.

Mrs. Cockrell further explained the features of the website such as suggested agendas for weekends and a business directory.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Robert Harper of VDOT stated that prior to the recent snow events, the crews had been performing maintenance work such as repairing shoulders, addressing drainage problems, cutting vegetation, et cetera. He stated that they have had three snow events in the past week and was proud of the work done by the contractors and VDOT personnel. He stated that his crews would soon be working on potholes.

Mr. Beauchamp stated that he had received two phone calls from friends complimenting the snow removal on Lancaster County's roads.

Mr. Harper stated that he appreciated the comment and would pass it along.

PUBLIC HEARING

1. Application for Special Exception-Individual Manufactured Home – Paul J. Gayet (owner) and Nikida Curry (contract purchaser)

Mr. Lee asked Mr. Gill to present the application.

Mr. Gill stated that the issue was an Application for Special Exception by Paul J. Gayet (owner) and Nikida Curry (contract purchaser) to place an individual manufactured home on a 2.269-acre parcel described as Tax Map #21-128E. He stated that the property was zoned R-1, Residential General and is located off Merry Point Road near its intersection with Buzzards Neck Road in District 2.

Mr. Gill stated that the applicant's individual manufactured home, which is 28' x 48' meets all of the requirements of the Zoning Ordinance Article 5-1-3 for "by right" placement except "a roof pitch of 3.25:12 or greater" and therefore requires a special exception. He stated the roof pitch, as stated by the applicant and verified by the manufacturer's specifications, is only 3:12. He stated that previous similar approvals by the Board of Supervisors have been based on whether any legitimate concerns could be raised by adjacent property owners.

Mr. Gill stated that the property has an approved Virginia Department of Health permit #151-85-056 for onsite septic and well. He stated that all front, rear and side setbacks can be met and that similar individual manufactured homes exist in this neighborhood.

Mr. Gill stated that the issue has been advertised and adjoining property owners notified as required by law and to date, he has had one response in support of the application.

Mr. Lee opened the public hearing.

There was no public comment.

Mr. Lee closed the public hearing.

Mr. Palin made a motion to Approve the Special Exception for an Individual Manufactured Home by Paul Gayet and Nikida Curry.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

2. Application for Special Exception – Individual Manufactured Home-Harvey M. Ketner and Marilyn Hill

Mr. Lee asked Mr. Gill to present the application.

Mr. Gill stated that the issue was an Application for Special Exception by Harvey M. Ketner and Marilyn Hill to place an individual manufactured home on a 1.0-acre parcel described as Tax Map #33-149. He stated that the property is zoned R-1, Residential General and is located at 696 Johns Neck Road in District 5.

Mr. Gill stated that Article 5-1-3 of the Zoning Ordinance requires a special exception for the placement of individual manufactured homes such as this, which is 14 feet x 70 feet and a single wide. He stated that previous similar approvals by the Board of Supervisors have been based on whether any legitimate concerns could be raised by adjacent property owners.

Mr. Gill stated that the property has an approved septic site permitted with the Virginia Department of Health under HDID#151-63-33 and is connected to the Weems community water system. He stated that all front, rear and side setbacks can be met. He stated that similar types of manufactured homes exist in this neighborhood and this single wide will replace a smaller single wide that was previously removed.

Mr. Gill stated that this issue has been advertised and adjoining property owners notified as required by law and that to date, there has been one response against the request by telephone, but nothing has been received in writing.

Mr. Lee opened the public hearing.

Mr. Ketner, the applicant, thanked the board for their consideration.

Mr. Lee closed the public hearing.

Mr. Beauchamp made a motion to Approve the Special Exception for an Individual Manufactured Home by Harvey Ketner and Marilyn Hill.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

3. Application for Special Exception – Upper Lancaster Volunteer Fire Department

Mr. Lee asked Mr. Gill to present the application.

Mr. Gill stated that the issue was an Application for Special Exception by the Upper Lancaster Volunteer Fire Department to place a public communications tower 195 feet tall for emergency services communications on a 1.376-acre parcel described as Tax Map #25-68C. He stated that the property is zoned A-2, Agricultural General and is located at 10345 River Road in District 1.

Mr. Gill stated that Article 4-1-21 of the Zoning Ordinance requires a special exception for the placement of public communications towers which exceed 35 feet in height. He stated that this tower is a key component of the 2 million dollar emergency communications radio system replacement that the Board approved last year and entered into a contract with Radio Communications of VA in June of 2015. He stated that it is needed to enhance emergency radio communications reception in Ottoman and surrounding areas and it has strategically been located at the Upper Lancaster Volunteer Fire Department's Ottoman Station.

Mr. Gill stated that the Board will also be considering, later at this meeting, a lease of the tower site as depicted on the survey. He stated that even though the County will be responsible for the erection and maintenance of the tower under the proposed lease, the owner of the property, Upper Lancaster Volunteer Fire Department, is required to get the Special Exception.

Mr. Gill stated that all adjacent parcels on the east side of River Road are unimproved and owned by one family and that accessory structure setbacks can be met. He stated that the issue has been advertised and adjoining property owners notified as required by law and that to date, there has been no response from the public.

Mr. Lee opened the public hearing.

Mr. Danny Akers, Chief of the Upper Lancaster Volunteer Fire Department, stated that radio communication in this area is very bad. He stated that the Ottoman tower will help the Weems area as well. He stated that the tower is something that the County needs, not just for the local fire and rescue, but law enforcement as well.

Mr. Lee closed the public hearing.

Mr. Jenkins made a motion to Approve the Special Exception for the Upper Lancaster Volunteer Fire Department.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

4. Amendment to the Lancaster County Capital Improvement Budget – FY2016-2020

Mr. Lee asked Mr. Gill to present the issue.

Mr. Gill stated that the issue was an Amendment to the FY 2016-2020 Lancaster County Capital Improvement Budget to include the new voting machines purchase that was considered at the December 2015 Board of Supervisors meeting.

Mr. Gill stated that at last month's Board of Supervisors meeting, a request from the Lancaster County Electoral Board was considered to replace their voting machines for a total cost of \$84,300. He stated that some of their current machines date back to 1996 with some reconditioned machines purchased in 2011. He stated that the request was precipitated by a machine failure in one precinct this past election and several machine failures in Northumberland County, which uses identical equipment, as well as the fact that there are four upcoming elections in 2016, including the Presidential election. He stated that the Board agreed that new machines should be purchased, but wanted to have this purchase included in the Capital Improvement Budget since it meets the requirements of costing at least \$10,000 with a useful life expectancy of at least 5 years.

Mr. Gill stated that Mrs. Susan Jett, Voter Registrar, found out on Tuesday that the actual cost of the voting machines is \$2350 less than originally stated.

Mr. Gill stated that advertising has been conducted as required by law and that to date, there has been no input from the public.

Mr. Lee opened the public hearing.

There was no public comment.

Mr. Lee closed the public hearing.

Mr. Jenkins made a motion to Approve the Amendment to the Lancaster County Capital Improvement Budget for FY 2016-2020.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

CONSENSUS DOCKET

Motion was made by Mr. Jenkins to approve the Consensus Docket and recommendations as follows:

1. Minutes for December 14, 2015 Regular Meeting

Recommendation: Approve minutes as submitted

2. Wetlands Board Activity Report 2015

Recommendation: Approve report as submitted

3. Board of Zoning Appeals Activity Report 2015

Recommendation: Approve report as submitted

VOTE: William R. Lee Aye

Ernest W. Palin, Jr. Aye

F. W. Jenkins, Jr. Aye

Jason D. Bellows Aye

B. Wally Beauchamp Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of January 2016 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for January 2016 in the amount of \$269,773.55 and invoice listings for January 2016 in the amount of \$1,757,860.20*.

*Capital Improvements - \$120,311.00

*Loan Payments - \$1,092,764.51

*Greentown/Gaskins - \$2,000.00

VOTE: William R. Lee Aye

Ernest W. Palin, Jr. Aye

F. W. Jenkins, Jr. Aye

Jason D. Bellows Aye

B. Wally Beauchamp Aye

Approval of December 2015 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for December 2015 in the amount of \$259,566.27 and invoice listings for December 2015 in the amount of \$414,323.29*.

*Capital Improvements - \$206,170.92

VOTE: William R. Lee Aye

Ernest W. Palin, Jr. Aye

F. W. Jenkins, Jr. Aye

Jason D. Bellows Aye

B. Wally Beauchamp Aye

2. Greentown Sewer System Connections Bid Award

Mr. Ben Burton of Bay Design Group stated that in early January a bid was conducted for the residential connections for the Greentown Sewer System. He stated that these will be the connections from the individual homes to the pump stations that are currently being installed by Franklin Mechanical. He stated that the USDA is not funding the connection from the pump station to the homes and that was what this bid was based on. He stated that two bids were received and Paul Ryan, Inc. submitted the low bid of \$34,450. He stated that this bid was below the estimate and much lower than Franklin Mechanical's bid of \$192,125.

Mr. Burton stated that they have confirmed with Mr. Ryan that his bid was not a mistake and he said it was not. He stated that his firm recommends that the bid be awarded to Mr. Ryan.

Mr. Pleva stated that the County had received a \$50,000 grant from a private organization for the proposed work.

Mr. Lee stated that the two bids were very different, but if they had been double-checked he would make a motion to Approve the Greentown Sewer System Connections Bid Award to Paul Ryan, Inc.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

3. Approval of Emergency Communications Radio System Lease Agreements

Sergeant Jeffery Haywood of the Lancaster County Sheriff's Office stated he and EMS Chief Terry McGregor had been working on the lease agreements with American Tower Corporation and Two Rivers Communications. He stated that the fees for the leases would be: Upper Lancaster Volunteer Fire Department-\$1.00 per annum, American Tower Corporation, Litwalton site-\$0.00, American Tower Corporation, White Stone site -\$450.00 per month and the Two Rivers Communications, Kilmarnock site-\$900.00 per month. He referred to American Tower Corporation and the large price difference between the Litwalton site and the White Stone site and stated that they thought it was because of the height of the placement on the tower. He stated that the leases will have a combined total annual cost of \$16,201 during the first term of the lease agreement. He stated that it would take more than 60 years of lease payments to equal the construction costs of the new towers and that is longer than the service life of most towers. He stated that they felt they had worked out the best deal for the County.

Mr. Jenkins asked what the Two Rivers Communications lease was per month.

Mr. Haywood replied that the lease was \$900 per month.

Mr. Jenkins asked about the location of that tower.

Mr. Haywood replied that the tower was located at the radio station in Kilmarnock.

Mr. Haywood stated that they had also considered the Black Stump Road tower, but it was going to cost more.

Mr. Jenkins stated that they need to check the records for the conditions of the special exception for the Black Stump Road tower. He stated that the Board was requiring that towers give space for any County-related emergency services equipment around that time.

Mr. Haywood stated that he and Mr. McGregor had researched that and could not find anything in the special exception agreement that pertained to County-related emergency services equipment.

Mr. Gill stated that the Black Stump Road tower was not subject to our wireless telecommunications facility ordinance because that was placed prior to 2003 when the ordinance was adopted.

Mr. Jenkins stated that he was referring to the minutes of the meeting concerning the Black Stump Tower.

Mr. Gill stated that he would do that. He also stated that he had the minutes from the meeting that concerned the White Stone tower and that the language from the minutes state that County-related emergency services equipment will be permitted on the tower, but it does not state that it would be at no cost.

Mr. Jenkins stated that he would support the approval of all of the leases except the Two Rivers Communications lease until more research could be done.

Mr. Jenkins asked if the Kilmarnock water tower could be used.

Mr. Haywood replied that the water tower was not high enough.

Mr. Lee suggested that more research be done on the Black Stump Road tower and bring it back next month.

Mr. Haywood stated that he would get the information and figures back to the Board at February's meeting.

Mr. Jenkins made a motion to Approve the Emergency Communications Radio System Lease Agreements Resolution with the Exception of the Two Rivers Communications lease in Kilmarnock until more information is obtained.

**RESOLUTION FOR THE ACCEPTANCE OF PROPOSED LEASE
AGREEMENTS FOR THE INSTALLATION OF PUBLIC SAFETY
COMMUNICATIONS EQUIPMENT**

WHEREAS, the County of Lancaster is currently undertaking a capital improvement project for the replacement of the public safety communications system to improve the reliability of existing radio communication and in order to improve the safety of the community and its first responders; and

WHEREAS, the Radio Communications Committee has identified locations suitable for the installation of required equipment; and

WHEREAS, the owners of the identified suitable locations have agreed to the lease terms for the installation of required equipment; and

WHEREAS, the County Attorney has reviewed and approved the form of the proposed lease agreements; and

NOW, THEREFORE, IT IS RESOLVED that the County of Lancaster hereby accepts the terms of the proposed lease agreements; and,

IT IS FURTHER RESOLVED to authorize the County Administrator to execute the proposed lease agreement between the County of Lancaster and American Tower Corporation for the installation of equipment at Litwalton, and;

IT IS FURTHER RESOLVED to authorize the County Administrator to execute the proposed lease agreement between the County of Lancaster and American Tower Corporation for the installation of equipment at White Stone, and;

IT IS FURTHER RESOLVED to authorize the County Administrator to execute the proposed lease agreement between the County of Lancaster and Upper Lancaster Volunteer Fire Department for the installation of equipment at Ottoman.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

4. Commissioner of Revenue Request to Exempt Farm Animals and Farm Equipment from Personal Property Tax and Include Horticulture in the Land Use Taxation Program and Initiate Discussion on the Next General Reassessment

Mr. Sonny Thomas, Commission of Revenue, referred to the General Reassessment and stated that it is a big ticket item that the County is required by law to perform every 4 to 6 years. He stated that the County is currently using the assessment that was done in 2012. He stated that he thought the County should get back on a 4 year cycle because of the following reasons: the vendors book early, the current assessment ratio for 2015 for the composite index is at 88.3 percent, and the current market place is so volatile, in that 27 percent of all sales that happened in 2015 were more than twenty percent higher or lower than the tax assessment and a number of sales were more than fifty percent either higher or lower than the tax assessment.

Mr. Jenkins asked if it would be better to do a reassessment when the market place is not so volatile.

Mr. Thomas replied that he did not think so because the economy has been in a recession for almost eight years and citizens particularly on the lower end of the assessed values are paying a disproportionate share of taxes based on fair market value, so the people that can least afford it are being hurt the most. He stated that he believes things are out of balance. He stated that a balance is needed so people are sharing the tax burden.

Mr. Thomas stated that he also wanted to speak about the elimination of taxes on farm machinery, equipment and animals. He stated that it would only cost the County approximately \$22,000 in revenue and would mean a lot to the farmers in the County. He stated that it also would meet Comprehensive Plan goals. He stated that many localities have eliminated these taxes.

Mr. Thomas stated that he would also like the Board to consider including horticulture in the land use taxation program. He stated that he thought this would encourage wineries and micro breweries to locate in the County.

Mr. Jenkins suggested that the Board instruct Mr. Pleva to include those changes on the income side of the budget's first draft. He further stated that during prior meetings, there was also discussion of eliminating the tax on workboats and that should be a part of it as well.

Mr. Beauchamp stated that the language should include any vessel regardless of weight that is used for commercial purposes.

There was a consensus of the Board to reflect those changes to the revenue side of the proposed budget.

5. Save the Rappahannock Coalition Request for Funding

Mr. Pleva stated that there has been a request from the Save the Rappahannock Coalition for \$20,000 to help defray costs associated with their

efforts against the proposed Dominion Virginia Power towers across the Rappahannock River. He stated that the Lancaster County Economic Development Authority granted the group \$20,000 last week.

Mr. Lee stated that it appeared to him that there were two issues. He stated that the first was the debt that has been incurred by the coalition and that is why they are asking for the money. He stated that the second issue is continuing the fight and moving forward, because the \$20,000 request is simply for paying for legal fees that have already been incurred. He stated that he wanted to make it clear that the County has already spent money on the issue with approximately \$75,000 in legal fees.

Mr. Beauchamp stated that less than a month ago, it was his understanding that the bill was under \$30,000.

Mr. Pleva stated that the County had not received all of the bills at that time.

Mr. Jenkins stated that the Board needed a better accounting and may even need to think about who is representing the County's interests.

Mr. Lee stated that he wanted the public to know what has been spent by the County up to this point.

Mr. Jenkins stated that the money granted to the Save the Rappahannock Coalition last week by the Lancaster County Economic Development Authority is Lancaster County taxpayer dollars. He stated that the members of the EDA are appointed by the Board of Supervisors. He stated that the money was granted on a split 4-3 vote and it was their decision to make, but those monies were not separate from County funds.

Mr. Bellows stated that in regards to Mr. Lee's comment about continuing the fight, he thought the money did have something to do with it. He stated that he asked these people to come to the table after the Board passed the unanimous resolution opposing the towers. He stated that he thought most people believe that the towers will be very bad for the future of Lancaster County. He stated that whether or not you agree to spend money on it can be debated and he did not think it was two separate issues.

Mr. Bellows stated that if the Board of Supervisors does not support this effort it will have a chilling effect when asking the public going forward for anything that the County may need their help on. He stated that if the Board refuses to help this organization that he has asked to help, they will not continue to fight on the County's behalf. He stated that the Board has to set the vision. He referred to a hand-out that he had given to Board members and stated that the future should not be left to chance and it is up to this Board to set that future and to decide what is

best for this County and how to spend the tax dollars appropriately and in the best interest of all citizens in Lancaster County.

Mr. Bellows stated that he was one of fifty graduates of a program from the VACo Certified Supervisor Program and they had discussed local government and leadership. He stated that one of the books that was read was The Golden Circle and the why, how and what of making decisions. He stated that successful businesses follow this rule and it explains why some leaders inspire and others do not. He stated that the question is “why do we do what we do?” He stated that there are leaders and there are those who lead. He stated that leaders hold a position of power and those who lead inspire us.

Mr. Bellows stated that what is at stake here is the foundation of what we base our County on, the Comprehensive Plan, economic initiatives and natural resources. He referred to the new business in Kilmarnock, The Chesapeake Bay Chip Company, and stated that the bridge is on their logo. He stated that countless other businesses have similar logos as well on publications and other tourism materials. He stated that the County had no problem giving money to the branding and tourism efforts. He stated that he had asked the coalition to come to the table and he had organized the stakeholder’s summit. He stated that the beauty of the Rappahannock River is too important to leave up to chance. He stated that it is too important to allow Dominion Virginia Power to disgrace that beauty with huge industrial towers, not to mention the two hundred foot fender system that will go in the middle of the river. He stated that he believed the \$20,000 request would be a well advised investment. He stated that the Rappahannock River belongs to everybody and it is a valuable resource to not only Lancaster County citizens, but to every Virginian. He stated that if it was not for the coalition and his leadership on the issue, the towers would be in the water right now.

Mr. Beauchamp stated that he was distressed to hear the latest figure on the legal bills and would like to see a detailed accounting. He stated that there are two issues. He stated that he did not think any Board member wants to see the towers, but on the other hand, if money is given to the coalition, they are setting a precedent for future boards. He stated that he commended the coalition, but the opposition, who do not want any more County funds spent on the issue is outnumbering them in his district almost five to one. He stated that everywhere he goes, his constituents ask him not to spend any more tax dollars on the issue and that is his concern.

Mr. Palin stated that a couple of months ago he asked how much money the Board would be willing to spend on the tower issue because he saw the momentum of the coalition and was concerned that they may be entering into something that would be hard to slow down. He stated that he appreciated the work that the coalition had done and it makes him proud to know that there are citizens in the County like them.

Mr. Palin stated that he did not remember being a part of any conversation, as a Board member or this Board as a whole, saying we were going to approve paying for an organization's legal fees. He stated that if that was done, the Board would be setting a precedent. He stated that there was no formal Board action approving that monies would be given to this private organization for their legal fees.

Mr. Bellows stated that he had asked the people to come to the table. He stated that the County lost in the VMRC challenge on standing and what that says is the County did not have the standing to fight. He stated that the County needed someone like William Barnhardt, a private citizen who has standing, to continue the fight at the SCC. He stated that the County Attorney could not have represented Mr. Barnhardt, who is a private citizen, and the County's interests at the same time.

Mr. Palin stated that this conversation should have taken place before any money was spent.

Mr. Bellows stated that he agreed with Mr. Palin's comment, but now they needed to talk about the future of Lancaster County and the vision we have for this County. He asked if Mr. Palin wanted his legacy remembered as being on the Board when the towers were built. He stated that the Board listens to many organizations' requests for money each year and he disagreed with saying that the Board would be setting a precedent if they granted the coalition's request.

Mr. Palin stated that the problem was there was no request from the Save the Rappahannock Coalition before the money was spent.

Mr. Jenkins stated that every one of those organizations like the YMCA or the Boys and Girls Club come in front of the Board at the budget meetings and give their plans and why they need the money. He stated that they have to come back every year and earn that right. He stated that the situation at hand is very unique. He stated that he has to explain to his constituents how County money is spent.

Mr. Bellows stated that what they are deciding on tonight could have a big impact on whether or not those towers are built.

Mr. Carl Smith of the Save the Rappahannock Coalition stated that his organization was not running the show anymore and they have done what was necessary to get the Board in the game. He stated that the Board is in charge and can make all the calls going forward. He stated that he has suggested that another stakeholder's meeting be held with the community leaders and leaders of other localities to decide what should happen next.

Mr. Lee re-stated that there were two separate issues at hand. He stated that the first issue was the \$20,000 to help pay the coalition's already incurred debt and the second issue is what to do moving forward.

Mr. Bellows stated that they can decide about moving forward at a later date.

Mr. Bellows stated that he thought that another stakeholder's summit was a great idea and he would be willing to organize it as he did the first one.

Mr. Lee stated that a decision needed to be made as to whether or not the Board grants the coalition's request.

Mr. Bellows made a motion to Approve the Save the Rappahannock Coalition's \$20,000 Funding Request.

VOTE:	William R. Lee	Nay
	Ernest W. Palin, Jr.	Nay
	F. W. Jenkins, Jr.	Nay
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Nay

VOTE: 1-4 Motion failed.

Mr. Palin stated that he really appreciated everything the coalition had done, but in the future he asked that the group make sure the full Board is in agreement with their actions.

BOARD REPORTS

Mr. Jenkins stated that he wanted an audit of the County Attorney's actions and a full accounting of his invoices.

Mr. Pleva stated that he would ask Mr. Cornwell to attend next month's meeting, so that the Board could ask him questions directly.

Mr. Lee made a motion to reappoint Sandra Smyre to the Historic Resources Commission.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye

B. Wally Beauchamp Aye

COUNTY ADMINISTRATOR

Mr. Pleva stated that he had included in the Board's mail, a letter from the Peninsula Emergency Medical Services Council stating that they are reorganizing their three hospital committees into one and they would like a representative and an alternate from the County.

Mr. Jenkins made a motion to appoint Chief McGregor as the representative and Mr. Beauchamp as the alternate.

VOTE:		
	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

Mr. Lee stated that the Board needed to figure out how to move forward as far as the towers are concerned. He stated that they needed to think about what money will be spent, what actions will be taken and who would be best to represent the County's interests. He stated that Mr. Smith was correct by saying the ball is in the court of the Board.

Mr. Jenkins suggested not waiting until the next regular meeting to further discuss the issue.

Mr. Lee agreed.

The consensus of the Board was to meet Monday, February 8th at 5:30 p.m.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn to Monday, February 8th at 5:30 p.m.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye