

**VIRGINIA:**

A Meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room and via a conference call through the Zoom platform on Thursday, May 28, 2020.

Members Present: Jason D. Bellows, Chair

Ernest W. Palin, Jr., Vice Chair

Jack D. Larson, Board Member

William R. Lee, Board Member

Robert S. Westbrook, Board Member

Staff Present: Don G. Gill, County Administrator

James Cornwell, County Attorney

Brian D. Barnes, Planning/Land Use Director and Environmental Codes Compliance Officer

Glenn Rowe, Information Technology Director

Crystal Whay, Clerk to the Board and Building/Land Use Assistant

Mr. Bellows called the meeting to order at 6:30 p.m.

**CLOSED MEETING**

Motion was made by Mr. Bellows to enter into closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are Acquisition of Real Property, §2.2-3711.A.3 and Legal Matters, §2.2-3711.A.8 of the Code of Virginia, *1950, as amended*. The subject and purpose falls within the following exemption(s) under §2.2-3711.A.3 (acquisition of real property for public purpose OR the disposition of government owned property where public discussion would jeopardize the County’s bargaining or negotiating position) and §2.2-3711.A.8 (for the consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.)

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye

William R. Lee                      Aye

Robert S. Westbrook              Aye

Mr. Bellows called the regular meeting to order at 7:00 p.m.

**RECONVENE**

Motion was made by Mr. Palin to reconvene the open meeting.

VOTE:                      Jason D. Bellows                      Aye

Ernest W. Palin, Jr.                      Aye

Jack D. Larson                      Aye

William R. Lee                      Aye

Robert S. Westbrook              Aye

**CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on May 28, 2020 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Acquisition of Real Property, §2.2-3711.A.3 and Legal Matters, §2.2-3711.A.8 of the Virginia Freedom of Information Act;

**WHEREAS**, §2.2-3712 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE BE IT RESOLVED** that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Motion was made by Mr. Palin to certify the closed meeting.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number 1 and number 2 above? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure. There was no comment.

Hearing no further comment, Mr. Palin called the question. A roll call vote was taken:

ROLL CALL

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye
	William R. Lee	Aye
	Robert S. Westbrook	Aye

This certification resolution is adopted.

No action taken on the closed meeting matters.

Mr. Bellows stated that he would declare that they are now back into an open session and a quorum has been established with all members present.

**OPENING STATEMENT**

Mr. Bellows asked Jim Cornwell, County Attorney, to read the opening statement.

Mr. Cornwell stated that:

- During the disaster, the Code of Virginia requires and allows governing bodies of localities and other public entities to conduct their meetings in manners which are consistent with providing continuity of government and for the safety, health and welfare of not only the governing body, but all attendees and interested parties consistent with open government.

- The COVID-19 virus makes it impractical and unsafe, even life-threatening, for a quorum of the Board of Supervisors to physically assemble in one location without social distancing.

- The COVID-19 virus also makes it impractical and unsafe, even life-threatening, for the public and the county staff, to gather in the same location to participate in a meeting without social distancing. He stated that he would note that the Board of Supervisors are all physically present at this meeting, including some key staff members.

- Declarations of Emergency have been made at all levels of government, including Lancaster County.

- A “disaster” exists which requires Lancaster County to assure continuity of its government.

- As a result, this meeting of the Lancaster County Board of Supervisors is being held with the Board members present with social distancing and through the Zoom platform for members of the public that wish to participate in this meeting. He stated that the public can join the meeting with their computer, tablet or smartphone. He stated that the public can also join the meeting through any telephone.

- Public notice of this meeting and copies of the documents to be considered at this meeting have been posted at the County Administration Building and on the County website in accordance with Section 2.2-3707 of the Code of Virginia, 1950, as amended.

- An audio recording is being made of this meeting.

- All votes will be by roll call and recorded in the minutes. The Chair has called the roll at the beginning of this meeting. Any Board member who desires to make any comment during the meeting is asked to verbally identify themselves. Any Board member leaving the meeting prior to adjournment must verbally note that they were leaving.

Mr. Cornwell asked if any of the Board members had questions about the process.

There were no questions.

## **PUBLIC INPUT**

Bonnie Leigh Jones, a resident at the Beach Cove Villas at Windmill Point, stated that she wanted to make some comments concerning the consideration item that deals with the master plan revision for the Windmill Point Marina. She stated that her comments are personal and thought that this proposal had come up quickly and had been submitted at the last minute to be able to be put on tonight’s agenda. She stated that they have not had a lot of time to consider the pros and cons of the proposal. She stated that, in her opinion, revising a master plan is a big step with lasting consequences.

Mrs. Jones stated that she would respectfully ask that the Board allow this proposal to go to a public hearing, so that anyone who has feelings about the proposal, one way or the other, can share those views with the Board. She stated that she had looked at the plan and there are many specific details that are missing, including locations of hook-ups, walkways, the proposed pavilion and whether the RV pads would be permanent or transient visitors. She stated that she thought the Board should require the applicant to furnish more details as they would be specific to this site.

Mrs. Jones stated that Windmill Point was special and unfortunately, falling on some hard times. She stated that the current owner has a track record of non-compliance and a long trail of involvement in litigation. She stated that she was asking that the Board not allow the owner to try this untested business model. She stated that there was no way of knowing if an RV

park would be feasible here. She asked that they do not compromise the potential for a quality development in the future by allowing this proposal now.

Peter Anzo, the manager of RL Prop 2011-1 who is the owner of the Windmill Point Marina property, stated that he respected Mrs. Jones' comments, but was not sure of what litigation she was referring to and did not think his proposal would have a negative effect on anyone. He stated that they had several RV's at the marina last year with great reception from the customer base and it created a great deal of revenue. He stated that the marina had previously gone into foreclosure and they continue to lose approximately \$30,000 each year on the water/sewer system. He stated that everyone loves Windmill Point and he wants to make it a successful place. He stated that his proposal would be the first step to get back on track.

Gary Silverman, a District 1 citizen, asked what the developer plans to do for infrastructure for internet at this location.

Mr. Bellows replied that they did not have an answer for that at this point, but Mr. Anzo could probably address it later.

Shannon Guggenheimer, a District 3 citizen, stated that her concern was that Mr. Anzo would not continue to upgrade the infrastructure of the marina if the RV park was allowed. She stated that nothing has been done for improvements since she has lived in the area.

Charles Guggenheimer, a District 3 citizen, stated that another concern was the traffic on Windmill Point Road and having more RVs and large vehicles traveling there would make it worse. He stated that he is also concerned about the erosion happening at the marina property. He stated that he agreed with Mrs. Jones that this issue should go to a public hearing.

Another property owner at The Landing stated that he has enjoyed the marina over the years and he knows there is a lot of work that needs to be done there. He stated that he was one of the two RVs that are currently parked at the marina. He referred to Windmill Point Road and stated that he did not see a problem with potential traffic, concerning RVs, when dozens of vehicles with boat trailers use the ramp there all the time. He stated that people who bring their RVs to the area spend money in Lancaster County and there are not that many of them anyway. He stated that he wanted to appeal to the Board to give serious consideration to Mr. Anzo's proposal. He stated that the marina needs a revenue stream if they are ever going to move things forward.

Robert Whaley stated that he was concerned about additional traffic on Windmill Point Road. He stated that people already speed on the road and it has no shoulder. He stated that he would be concerned about more large vehicles using the road. He stated that he would like to see the marina improve and it could be a nice asset for the County.

Jeff Brady, another registered RV guest at Windmill Point Marina, stated that his family loves to come to the area. He stated that they have been at Windmill Point since March and do all their shopping in the County. He stated that they look forward to continuing to come to the area for years to come. He stated that they use the road for cycling and they feel that it is safe.

## **PRESENTATIONS**

### **1. Broadband Authority Update**

Gary Silverman, a member of the Broadband Authority, stated that in response to a request made at last month's meeting to increase their public communication, they placed two articles in the Rappahannock Record this month setting out all information related to the Dominion situation and their pending USDA RUS ReConnect grant. He stated that Cassie Thompson, Chair, also appeared on WIGO and WKWI radio stations to discuss the status of these matters.

Dr. Silverman stated that, last month, they also indicated that they would take appropriate action with regard to the impending deadline to respond to Dominion Energy about their Memorandum of Understanding (MOU). He stated that executing the MOU is required in order to participate in Dominion's Northern Neck pilot project and signing it would have required them to agree to the MOU's non-compete provision. He stated that they asked Dominion to waive the non-compete requirement, but they declined. He stated that they responded timely to Dominion and explained that they do not have any way to tell whether their pending ReConnect grant application will be approved until the grant awards for this cycle are announced in early fall.

Dr. Silverman stated that they believe that their ReConnect grant application is solid and competitive and they are also aware that it may not be selected for funding. He stated that, with the Dominion project off the table, they are continuing to pursue other funding opportunities. He stated that they were actively engaged in discussions about two different possible Virginia Telecommunications Initiative (VATI) projects. He stated that the VATI applications are due in mid-July and the timing of the grant cycle would allow them to withdraw their application before awards if they are selected for ReConnect and to stay in the running if they are not. He stated that they will have specific details available next month, including the County contribution that would be needed to support a competitive VATI application. He stated that, if they are successful with the ReConnect grant, they will have to move fast, and in three months, they will have to have the internet service providers lined up and the County contribution would need to be ready to go. He stated that, in order to be prepared for activities to implement the ReConnect grant if chosen, they are starting the formal process to identify an internet service provider for the network.

Dr. Silverman stated that the Telecommunications Planning Grant funds have still not been released, but their requests for reimbursement are being reviewed. He stated that they hope those funds will be forthcoming soon.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mr. Bellows stated that VDOT had submitted a written report to the Board.

Mr. Gill stated that the new Residency Administrator, David Beale, was on the line to speak to the Board.

David Beale stated that he wanted to introduce himself to the Board. He stated that he had worked for VDOT for the last eight years and was appointed as the Northern Neck Residency Administrator in March. He explained some of the on-going projects that were mentioned in the written report that was sent out prior to the meeting.

Mr. Bellows asked if the next round of mowing included litter pick-up.

Mr. Beale replied yes.

Mr. Larson stated that there were numerous illegal signs along the VDOT right-of-way and, in his district, he has made it a priority to get rid of them. He stated that he would like for VDOT to make an effort to treat these illegal signs as litter and to dispose of them as such, especially on the Route 354 corridor.

Mr. Beale stated that he would pass that information along. He stated that he would also send some information to Mr. Gill about some agreements that could be entered into that would give the local government the authority to pick up those signs and to collect fines from the people who are putting the signs out.

### **PUBLIC HEARINGS**

None.

### **CONSENSUS DOCKET**

Motion was made by Mr. Bellows to approve the Consensus Docket and recommendation as follows:

1. Minutes for the April 30<sup>th</sup> Regular Meeting and May 7<sup>th</sup> Special Called Meeting

Recommendation: Approve minutes as submitted

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye
	William R. Lee	Aye
	Robert S. Westbrook	Aye

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Salaries and Invoices – March 2020 and May 2020

The motion was made by Mr. Palin to approve the salaries for March 2020 in the amount of \$297,218.57 and invoice listings for March 2020 in the amount of \$682,936.08.\*

\*Loan Payments - \$28,047.00

The motion was made by Mr. Palin to approve the salaries for May 2020 in the amount of \$285,430.57 and invoice listings for May 2020 in the amount of \$490,682.08.\*

\*Capital Improvements - \$6,084.50

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye
	William R. Lee	Aye
	Robert S. Westbrook	Aye

2. Consideration of a FY 20 Supplemental Appropriation for the Childrens’ Services Act

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

Mr. Gill stated that the FY 20 budget appropriation total of \$666,866.88 for the Childrens’ Services Act will be exceeded with the approval of the May invoices and a supplemental appropriation to the FY 20 budget is needed to cover the May expenses.

Mr. Gill stated that, as discussed numerous times before, these expenses are for the day placement or residential placement at various specialized schools for Lancaster County students with learning and/or behavioral problems which prevent them from attending public school and/or for those who have been mandated through the court system for such placement. He stated that there is little the County can do to regulate these expenses, which can vary greatly from year to year. He stated that all counties are seeing increases in this area.

Mr. Gill stated that he had included a detailed spreadsheet of May 2020 expenses, which total \$69,265.79. He stated that the FY 20 budgeted amount of \$600,000 was first exceeded last month, so the Board approved a supplemental appropriation in April for \$66,866.88 and now a supplemental appropriation is needed for May in the amount of \$69,265.79. He stated that, obviously, a supplemental appropriation will also be needed in June to finish FY 20. He stated that the County is reimbursed by the state for 56.1 percent of these expenses.

Mr. Bellows made a motion to Approve the FY 20 Supplemental Appropriation for the Childrens' Services Act.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye
	William R. Lee	Aye
	Robert S. Westbrook	Aye

3. Revenue Anticipation Note Request and RFP Authorization

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

Mr. Gill stated that Treasurer Bonnie Dickson is requesting a \$1.5 million Revenue Anticipation Note to supply cash flow needs from July through October prior to collecting 2020 tax revenue, which usually begins in November.

Mr. Gill stated that, as was done last year, this Request for Proposals will be handled "in-house" without the aid of the County's financial advisors, Davenport and Company, but the County's bond counsel, Sands Anderson, will still be needed for closing.

Mr. Bellows made a motion to Authorize the County Administrator to issue a Request for Proposals for a Revenue Anticipation Note.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye
	William R. Lee	Aye
	Robert S. Westbrook	Aye

4. Consideration of Extending the Emergency Ordinance Adopted on April 1, 2020

Mr. Cornwell stated that, instead of an extension, they would continue social distancing and the hope was that by the next Board meeting things would be close to normal.

5. Use Value Assessment on Forest Land

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

Mr. Gill stated that there has been some discussion about Lancaster County adopting Forest Use Assessment similar to the Land Use Assessment for farmland that Lancaster County has had in place since 1995. He stated that the Code of Virginia allows for reduced assessments in 4 use categories, which are Agricultural land, Horticultural land, Forest land and Open Space land, if certain criteria are met. He stated that, for forest land, only parcels that are 20 acres or more are eligible for the reduced assessments. He stated that there are 431 parcels of forest land totaling 29,381 acres in Lancaster County that would qualify for the reduced assessments.

Mr. Gill stated that reduced use assessments are determined by the Commissioner of Revenue, who is required to consider recommendations from the State Land Evaluation Advisory Council (SLEAC) before setting the reduced use value assessment. He stated that the 2020 SLEAC Recommended Valuations for Forest Use has no recommendation for Lancaster County, since Lancaster County has not allowed Forest Use Assessment in the past. He stated that SLEAC's recommendations are broken into three classes of forest land, which are fair, good or excellent. He stated that most counties pick one class and assess all forest land at that value. He stated that Commissioner of Revenue Marlon Savoy had told him that she would ask SLEAC to recommend values for Lancaster County and would probably settle on the middle or good classification if the Board of Supervisors wants to proceed with this.

Mr. Gill stated that the current annual tax revenue generated from forest land without Forest Use Assessment totals \$291,382. He stated that since Commissioner Savoy suggested she may settle on the "good" classification, and for planning purposes, the "good" classification would generate annual tax revenue of \$100,325, which would be a reduction of \$191,057 annually from what is currently collected. He stated that this would be a "worst case scenario" as it is unlikely that all 431 parcels would apply for this program.

Mr. Gill stated that if the Board of Supervisors wishes to adopt use value assessment on forest land, the Land Use Assessment Section 62-60.6 through 62-60.14 of the Lancaster County Code of Ordinances must be amended to include forest land. He stated that, according to the Code of Virginia Section 58.1-3231, the Board would need to amend that ordinance before June 30 in order for it to be effective for CY 2021 and would need to schedule a public hearing on that ordinance amendment for its June 25, 2020 meeting.

Mr. Gill stated that Sonny Thomas, the former Commissioner of Revenue, called him earlier in the day and told him that he did not think it was a good time to consider this because it

would be an annual reduction in revenue and with all of the uncertainties with the coronavirus, this may not be the year to do it.

Mr. Gill stated that he was looking for direction from the Board on how they wanted to proceed with this issue.

Mr. Bellows asked that, if someone is granted a tax reduction on forest land, are there any requirements on what they have to do with the land, such as replanting after cutting.

Mr. Gill replied that the land would have to be maintained in the forest use and if the land comes out of that use, five years of roll back taxes can be recaptured. He stated that this is the way crop land is handled as well. He stated that each land owner would have to apply for this designation and the Commissioner of Revenue would determine if that parcel is eligible. He stated that application would have to be made each year.

Mr. Lee stated that he had asked Mr. Gill to look into the issue to see what effect it might have on taxes. He stated that, in his opinion, it was not a good time to consider it and would be better to revisit it next year.

Mr. Palin stated that he agreed with Mr. Lee about the timing.

Mr. Larson stated that this issue has been discussed for years and the assumption has always been that the owners of the forest land are big corporations with deep pockets. He stated that the fact of the matter is that many of their citizens own this land and timber is no different than any other crop. He stated that they would also have the protection of the roll back taxes as well. He stated that there were board members who supported the elimination of the boat tax, but yet argue that this can't be done because of the loss of revenue, which was inconsistent in his opinion. He stated that he was asking that this issue be put for public hearing in June and he hoped that they would get a lot of support for it because he intended on supporting it. He stated that there were many unknowns with respect to the COVID-19 virus, but he did not think that this issue should be put off another year.

Mr. Palin stated that he supported the issue as well, however, he thought it would be better to look at it again next year.

Mr. Larson stated that maybe they should have a public hearing on bringing the boat tax back. He stated that by not considering use value on forest land, it shows inconsistencies.

Dr. Westbrook stated that he was in favor of putting the issue off for a year, but when they do discuss it, he would also like to have the discussion about the County's personal property taxes being more in line with the neighboring localities.

Mr. Larson stated that they shouldn't discriminate against a certain type of crop land.

Mr. Bellows stated that the land use purpose is for conservation and is different from the elimination of the boat tax, which is an economic development tool.

Mr. Larson stated that forest land is a crop and the Comprehensive Plan states that they want to retain the rural character of the County. He stated that some of these land owners may decide to offer up their land for such things as a big solar farm if they don't get some tax relief.

Mr. Bellows stated that he was in favor of having a use value assessment on forest land, but he did not think that this was the right time.

Mr. Gill referred to Dr. Westbrook's comment about discussing this again when they discuss personal property tax rates and stated that the forest land issue would not become effective in 2021, while the personal property tax rates could, unless a public hearing is held next month. He stated that, otherwise, the soonest the forest land assessment would go into effect would be 2022.

Mr. Bellows made a motion to move Consideration of the Use Value Assessment of Forest Land issue until next year.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Nay
	William R. Lee	Aye
	Robert S. Westbrook	Aye

VOTE: 4-1 (Motion carried.)

#### 6. County/Town Agreements for Distribution of CARES Act Funds

Mr. Bellows asked Mr. Cornwell to present the issue.

Mr. Cornwell stated that the federal government has passed back some of the tax money to the states under the CARES Act. He stated that the Commonwealth of Virginia has allocated some of those funds to the localities. He stated that he had been advised by the County Administrator that Lancaster County's share is \$925,071. He stated that each county is required to distribute that money back to the towns in an equitable fashion. He stated that, based upon population, Kilmarnock's share is \$118,964.13, Irvington's share is \$35,245.21 and White Stone's share is \$29,324.75. He stated that the Board would need to adopt a resolution to accept these funds. He stated that these funds can only be used for specific purposes related to the COVID-19 crisis. He stated that this is not a reimbursable grant and if it is found that the funds were not used properly, it would have to be paid back.

Mr. Cornwell stated that he had prepared an agreement between the County and the towns and it has been reviewed by the attorneys for the towns. He stated that, basically, the

agreement says that the towns must use the funds properly and if they do not, the funds will have to be paid back.

Mr. Bellows made a motion to Approve the Acceptance of the CARES Act Funds and Approve the Agreements with the Towns as set forth in Mr. Cornwell's documents.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye
	William R. Lee	Aye
	Robert S. Westbrook	Aye

7. Consideration of Master Plan Revision for the Windmill Point Marina

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

Mr. Gill stated that the current Master Plan for the Windmill Point Marina was developed by a prior owner and was approved by the Board of Supervisors in 2006. He stated that it included, among other things, 200 condominium units in 9 different buildings that were as tall as 70 feet. He stated that the recession hit and the property went into foreclosure and was purchased by the current owner, R. L. Prop 2011-1 Investments, LLC, managed by Peter Anzo. He stated that the parcel is zoned R-2, Residential Apartment, which has been repealed since then. He stated that the old R-2 district allowed support recreation facilities and commercial services if approved in a Master Plan. He stated that the County's ordinances allow minor revisions to a Master Plan to be handled administratively, but major revisions must be approved by the Board of Supervisors.

Mr. Gill stated that the current owner has submitted a request for a Master Plan revision to include a RV park with up to 20 RV pads to be located in the center peninsula of the marina. He stated that this area on the approved Master Plan would be where building #5 was to have been located. He stated that it is important to note that the County boat ramp sits where building #1 would have been located and the current eroded shoreline now cuts through where buildings #8 and #9 and most of #7 would have been located. He stated that, included in the Board's package, is the narrative submitted by the owner outlining the request, the standards he would propose for the RV area and a sketch of the Master Plan. He stated that also attached are detailed sketches of the proposed RV area and dimensions, a typical RV pad site and a sketch of the pavilion proposed to be shared by all of the RV pads.

Mr. Gill stated that, during the public input period, the Board heard from both sides concerning this issue. He stated that he was requesting that the Board either consider approval of the revisions or move it forward to a public hearing, possibly in June.

Mr. Bellows asked if any Board member had a question that they wanted to direct to the applicant.

Mr. Larson stated that, to be clear, there are RVs at Windmill Point Marina now and staff has been trying to take action and point out that they don't comply with the Master Plan or the zoning and the person applying for the revision wants to correct it now when it sounds like an after-the-fact situation. He asked if his understanding of this was correct.

Mr. Bellows replied that Mr. Larson was correct.

Mr. Bellows stated that there have RVs there and letters of violation have been sent out. He stated that it just did not start, but has been on-going.

Mr. Bellows stated that this request came in at the eleventh hour before the cut-off for tonight's meeting, so County staff has not had time to evaluate it.

Mr. Bellows made a motion to move the Consideration of a Master Plan Revision for the Windmill Point Marina to Public Hearing in June in order to allow staff time to review the proposal, get more details if needed and evaluate it in regards to the Comprehensive Plan. He stated that it will also allow time for citizen input.

Dr. Westbrook suggested that the public hearing be held in July to allow ample time to get more specifics on the request.

Mr. Bellows amended his motion to move the Consideration of a Master Plan Revision for the Windmill Point Marina to Public Hearing at the July 30<sup>th</sup> regular meeting.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye
	William R. Lee	Aye
	Robert S. Westbrook	Aye

#### 8. Discussion on the FY 21 Capital Improvement Budget

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

Mr. Gill stated that the Planning Commission discussed the proposed FY 21 Capital Improvement Budget at its February 20, 2020 meeting and held its public hearing at its April 16, 2020 meeting and has forwarded the budget to the Board of Supervisors for consideration. He

stated that he had provided the Board the spreadsheet of the prioritized items as well as supporting documentation.

Mr. Gill stated that he thought that the Board should decide on a list of items that would be funded for FY 21. He referred to the amount of money that they have available and stated they had borrowed \$2 million dollars over a year ago and they had \$499,838.19 left out of that borrowing that can be used for capital improvement items. He stated that, when the Board adopted its FY 20 budget, they set aside one penny of real estate tax for school capital improvement items and that \$267,079 is still there. He stated that the school capital improvement items have been paid for by the borrowed money from last year that has already been spent. He stated that the Board did not make it clear when they approved the FY 21 budget on May 7<sup>th</sup> if they wanted to set aside a penny again for school capital improvement items, but if they did, that penny would equal to \$270,699. He stated that, if the Board chooses to do that, he would like for a motion indicating it. He stated that if those numbers are added together, it would be a little over a million dollars.

Mr. Gill referred to the list that the Planning Commission had forwarded to the Board of Supervisors and stated that those items total just over \$11 million dollars. He stated that the vast majority of that figure depends on whether the Broadband Authority is approved for the USDA grant and that amount could be as much as \$8.3 million, but it may be less. He stated that they would not know until late summer if they have been approved and his suggestion would be for that item to be considered separately because they know that money will have to be borrowed for that. He stated that he would also suggest setting aside the \$1.1 million dollar request for the P25 Digital Radio Upgrade. He stated that upgrade is not mandated until 2025 and he had spoken with EMS Chief Matt Smith, who said it would be fine to put it off another year. He stated that, in his opinion, if they have to borrow money to meet the USDA grant requirements, it would make sense to also borrow for the radio upgrade at the same time.

Mr. Gill referred to the Sheriff's Office Building Expansion request and stated that could be moved out to the following year as well. He stated that they could also separate the Patrol Division renovations from the Registrar's Office renovations and push out the Patrol Division renovations to FY 22. He stated that, with these changes, the money that he spoke of earlier would cover the items for FY 21 with about \$8,000 to spare.

Mr. Bellows stated that he thought they could possibly expense the Registrar's Office renovations to the CARES Act funds because of the need for voter safety.

Mr. Lee stated that they needed to vote on the one penny for school capital items.

Mr. Bellows stated that when he originally made that motion a few years ago, it was made to be recurring each year.

Mr. Lee made a motion to set aside one cent of the CY 2020 real estate tax revenue for school capital improvements.

Mr. Larson stated that he never understood why this was done. He stated that sometimes the money gets wasted, in his opinion, by a firm like VMDO for studies. He stated that, from an accounting point of view, it makes absolutely no sense. He stated that this Board builds a financial plan and appropriates money and they decide whether the schools need the money or they don't. He stated that they are going to do what they feel like they can do for the schools each year and they let the schools determine how they are going to spend the money with the overall appropriation.

Dr. Westbrook stated that it was his understanding that the one cent would go towards school construction. He stated that another option is if the General Assembly will allow the County to have a referendum for a sales and use tax increase with that extra money going towards new school construction.

Mr. Larson stated that a special tax would make more sense than setting aside one cent each year for school construction.

Dr. Westbrook stated that, from his perspective from four years on the School Board, nothing was ever budgeted for new schools and the issue was always put off for another time. He stated that the School Board was never asked when it anticipated needing new schools and what it would cost. He stated that the one penny set aside each year is a chance to start saving money for new schools.

Mr. Bellows stated that he sees it as a savings account, similar to what the County does with its reserve.

Mr. Bellows called the question concerning Mr. Lee's motion.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Nay
	William R. Lee	Aye
	Robert S. Westbrook	Aye

VOTE: 4-1 (Motion carried.)

Mr. Gill stated that the Capital Improvement Budget was separated from the Operating Budget, so a public hearing will need to be held on the Capital Improvement Budget. He asked the Board if they were ready to take it to public hearing in June.

Mr. Bellows suggested taking the Capital Improvement Budget to public hearing as presented and move items, as necessary, after public comment.

Mr. Larson asked if they knew how voting will go for the November elections. He stated that he knew there had been some concern about the early voting law, but he did not see that there would be a problem.

Mr. Gill stated that they have to physically have a staffed precinct 45 days prior to every election. He stated that the floor plan of the proposed renovations for the Registrar's Office was included in the supporting documentation.

Mr. Larson asked Mr. Gill if he was satisfied that the proposed renovations will handle the issue.

Mr. Gill replied yes. He stated that the Registrar and her Electoral Board have spent a great deal of time researching this and how other localities have handled the early voting law.

Dr. Westbrook suggested moving the \$58,000 request for regrading and repaving the Kilmarnock Refuse Center to the following year.

Mr. Bellows stated that they needed to get that done because citizens complain about that parking lot all of the time.

Mr. Bellows made a motion to Forward the Capital Improvement Budget, as presented, to Public Hearing in June. He stated that they can make changes after they hear public comment, if necessary.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye
	William R. Lee	Aye
	Robert S. Westbrook	Aye

## **BOARD REPORTS**

Mr. Palin made a motion to reappoint Thomas (Ty) Brent to the Planning Commission for another four-year term.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye

William R. Lee                      Aye

Robert S. Westbrook              Aye

Dr. Westbrook made a motion to appoint Kathleen Conroy to the Social Services Board as the representative from District 5.

VOTE:                      Jason D. Bellows                      Aye

Ernest W. Palin, Jr.                      Aye

Jack D. Larson                      Aye

William R. Lee                      Aye

Robert S. Westbrook              Aye

Mr. Bellows made a motion to reappoint Stephen Pittman to the Building Codes Appeals Board for another four-year term.

VOTE:                      Jason D. Bellows                      Aye

Ernest W. Palin, Jr.                      Aye

Jack D. Larson                      Aye

William R. Lee                      Aye

Robert S. Westbrook              Aye

**COUNTY ADMINISTRATOR**

Mr. Gill stated that he hoped that the Governor would move Virginia into phase 2 of the reopening by the next regular Board meeting on June 25<sup>th</sup>, which would allow up to 50 people to attend the meeting. He stated that tonight’s meeting has proven that they can conduct the meeting with social distancing. He stated that they would also continue the Zoom meetings for the foreseeable future, so citizens can participate without having to come in person.

Dr. Westbrook thanked Mr. Gill and Mr. Rowe for their work in getting the Board to be able to meet in person for tonight’s meeting.

**ADJOURNMENT**

Motion was made by Mr. Bellows to adjourn.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye
	William R. Lee	Aye
	Robert S. Westbrook	Aye