

**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, May 31, 2018.

Members Present: William R. Lee, Chair  
Jason D. Bellows, Vice Chair  
Jack D. Larson, Board Member  
Ernest W. Palin, Jr., Board Member  
Robert S. Westbrook, Board Member

Staff Present: Don G. Gill, Assistant County Administrator and  
Planning/Land Use Director  
Crystal Whay, Building/Land Use Assistant

Mr. Lee called the meeting to order at 7:00 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 Personnel, § 2.2-3711.A.1 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.1 (for the discussion and consideration of the assignment, appointment, promotion, performance or salaries of specific public officers, appointees or employees of the public body) 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:	William R. Lee	Aye
	Jason D. Bellows	Aye
	Jack D. Larson	Aye
	Ernest W. Palin, Jr.	Aye
	Robert S. Westbrook	Aye

Jim Cornwell, County Attorney, stated that, for clarification, the closed meeting subject matters concern a specific employee of the County.

The Board came back into the meeting room at 7:46 p.m. and Mr. Lee stated that they were recessing the closed meeting, but may have to go back because they were awaiting some more information.

## **PUBLIC INPUT**

Gary Silverman, a District 1 citizen, referred to the budget and stated that one of his concerns was the continual thought of zero budgeting and not considering options such as progressive taxing.

Mr. Lee asked him if his comments were related to the operating budget in which a public hearing was being conducted later in the meeting.

Mr. Silverman replied that his comments could be related, but they may not be.

Mr. Lee stated that he was asking because, during the public hearing, that would be the best opportunity to discuss budget comments. He stated that the public input portion was to speak about any topic that was not already scheduled for public hearing.

Mr. Silverman stated that he would wait for that opportunity.

Judy Ripley, a District 1 citizen, stated that she appeared before the Board of Supervisors three months ago to express concerns regarding the illegal littering in Lancaster County. She stated that she had been given promises of follow-up and she had been in touch via phone calls, emails and visits to the courthouse. She asked that the Board share with her why the law breaking practice of littering was not being solved. She stated that she and her group wanted signs installed throughout the County and a police presence, at those signs and other random locations, at various times of day. She stated that her group was willing to take anti-littering posters to the fast food restaurants and convenience stores. She stated that, after seeing the mowing that has recently been done, there was a snowstorm of litter near Kilmarnock. She stated that she wanted to know why there have been no results from her initial request and asked for feedback.

Mr. Gill stated that he had told Ms. Ripley that the easiest thing that could be done in relation to signs was to attach some signs to the existing "Welcome to Lancaster County" signs. He stated that those signs were in the process of being made and have been assured by the Kilmarnock Lettering Company that they will be installed within two weeks. He stated that he had proofs of the signs for the Board members to see. He stated that, in regards to any additional signs, he had been told that a company called Virginia Logo, which handles all of the advertising signage for VDOT, would be able to handle the County's request to erect new anti-littering signs. He stated that when he finally was able to talk to someone on the phone about it, they told him that Virginia Logo did not do

anti-littering signs. He stated that they have been working on all of the signs, but installing new signs on the roadways is a process which does not happen overnight. He stated that the signs and sign locations must be approved by VDOT and he had been told that the cost could be as high as \$1000 per sign.

Stephen McKeever, Residency Administrator for the Northern Neck Residency, stated that he had found out that the easiest way to get the new signs was through a land use permit through VDOT. He stated that the signs were already approved and would be standard signs. He stated that the land use permit was \$100, plus \$10 for every sign location and the signs can be placed directly in the right-of-way. He stated that if there was a custom sign that the County wanted erected, then it would have to be placed outside of the right-of-way. He stated that it would cost approximately \$188 to have the standard signs installed.

Mr. Lee asked if the standard signs would be maintained by VDOT.

Mr. McKeever replied no.

Mr. Lee asked if the signs would be installed by VDOT.

Mr. McKeever replied no. He stated that the County would have to hire someone to install the signs and the hand-out that he had was an estimate of that cost. He stated that the signs were purchased directly from a vendor.

Mr. Gill asked if Mr. McKeever could tell the County where the approved signs could be purchased.

Mr. McKeever replied that he could help with that.

Dr. Westbrook stated to Ms. Ripley that during the regular meeting on March 29<sup>th</sup> when there was discussion concerning littering, any trash or loose items in the back of a truck or on a trailer that flies out onto the roadways was not allowed per the ordinance. He stated that on the following day, March 30<sup>th</sup>, he and his wife were traveling down the road behind a pick-up truck with a trailer with construction debris that was flying out. He stated that he called the truck into the Sheriff's Department and the responding deputy gave the truck driver a ticket and he was told that he would be receiving a subpoena. He stated that he waited for the subpoena and when it did not come, he called the Sheriff's Department and they told him that the matter had been deemed nolle prosequi by the Commonwealth's Attorney. He stated that the Commonwealth's Attorney had decided that the matter was not worthy of prosecution. He stated that if Ms. Ripley wanted to know where part of the problem was, she might look there.

Ms. Ripley stated that the Sheriff has told her on a number of occasions that he was fully behind the anti-littering initiative.

Dr. Westbrook stated that the Sheriff was doing what he was supposed to do and in his case, the deputy did what he was supposed to do, but after that, the matter went away.

Mr. Gill stated that the County has also placed anti-littering ads in the local paper, six times since that March meeting. He stated that the Board said it was going to place ads in the paper and put some signs up and that was what was being done.

Dr. Westbrook stated that he thought the Board had done what it could concerning the litter problem and the solution was beyond them. He stated that, in his opinion, he would call the Commonwealth's Attorney and ask him how many times he has prosecuted people who have been caught littering and whether or not he considers it an important issue.

Ms. Ripley asked how long does she have to wait for the big signs.

Mr. McKeever replied that once VDOT had the locations of where the County wanted the signs installed, the signs could be up in a short amount of time.

Mr. Gill stated that the Board would also need to decide how many signs they wanted to purchase.

Ms. Ripley stated that volunteers in her group wanted to take some posters around to fast food restaurants and convenience stores alerting the public about littering and associated fines.

Mr. Cornwell stated that he had no problem with Ms. Ripley or her group taking a copy of the ad that was in the paper and giving it to any store personnel that would accept it.

Mr. Gill stated that he would laminate some ads for Ms. Ripley for distribution.

Jonathan Healey stated that he represented Luis Villafana, who could not attend the meeting. He stated that Mr. Villafana wanted his statement read to the Board of Supervisors. Mr. Healey read: "Good evening gentlemen. My name is Luis Villafana and I have lived at 649 Flowering Field, White Stone, VA 22578 since 2004. All of Flowering Field is zoned R-1 and is a residential neighborhood in Jason Bellows' District 3. I am here on a matter of concern to every property (and future property) owner in Lancaster County. The County's zoning and land use scheme has completely broken down. This Board is the ultimate authority responsible for ensuring that the system runs properly. Hence, the citizens of this County need you to put things right, right away. Unfortunately, one of my neighbors whose properties are also zoned R-1 is allowing our neighborhood to be used for commercial business operations. As I understand the facts, it is not my neighbor's business. It is not even a business owned nor involved in on a daily basis, nor operated by someone in our county. Instead, my neighbor appears to be hosting a commercial business run by someone from Middlesex County out of their home, here in

Flowering Field. The business itself is a landscaping and lawn maintenance business that has led to large debris and mulch piles being left in our neighborhood, heavy equipment coming and going and many large commercial vehicles being parked on my neighbor's property. None of that is permitted in a R-1 residential neighborhood. The problem is that, for whatever reason, the Lancaster County government has chosen to look the other way. It is refusing to enforce the law that prohibits this sort of commercial operation in a residential neighborhood by someone who not only doesn't live in that home or in that neighborhood, but doesn't even reside in this County. I have tried to follow the law on this, but for reasons I don't understand, I have been blocked by the County's employees at every turn. I complained to the Zoning Administrator, who told me everything was okay, because this was an approved home occupation, but it clearly is not and it can't be. As I have already stated, the homeowner does not own or operate this business, nor does he appear to have any other primary role in it either. I hired a lawyer and appealed the Zoning Administrator's decision to the Board of Zoning Appeals. After months of delay by the County, the County Attorney then moved to prevent the BZA from hearing my appeal. The BZA lacks the legal authority to refuse to hear my appeal, but it did so anyway. At this point, my only remaining recourse is to file suit. I don't want to have to do that. I shouldn't have to do that. None of this should be happening here. All of it is quite clearly in violation of our County zoning ordinance. This Board employs every County employee that has refused to enforce the law and, worse, who has actively worked to prevent me from seeing to it that the law is enforced-a law that directly affects my property value and the property value of each and every one of my neighbors. Both my lawyer and I have spoken with Jason Bellows to find a workable solution to my problem. If this County's Zoning Administrator and BZA cannot or will not enforce the existing zoning or land use scheme and in particular, interpret the home occupation provision under Article 5-1-20 of the land use code in a reasonable manner to protect homeowners like me, then that provision needs to be redrafted to effectuate a more clear objective and prevent what is going on here. As it is, the County apparently believes that under the existing home occupation provision, someone not even living in that home, or even in Lancaster County can use that home and property for an unincorporated business, even if the actual homeowners are not substantively involved. Clearly, an unintended loophole exists and is being exploited. You all must act to close it. The Town of White Stone's Land Use and Zoning Ordinances governing home occupation quite clearly and reasonably prohibit what is going on in Flowering Field-that provision has been provided to you. I ask that Lancaster adopt this version into its Land Development Code, replacing the current version found in Article 5-1-20. You have the power to fix this and I need you to do so. Otherwise, it will be clear that Lancaster County does not have a working zoning or land use scheme, nor does it intend to follow the rule of law put in place to protect innocent property owners who rely on the integrity of the zoning ordinance and land use scheme that we have. Someone needs to act to protect the citizens of this County and restore the integrity to the system. That's what each and every one of you was elected to do and that's what I am asking you to do now. Thank you."

Mr. Lee stated that he was vaguely familiar with the issue.

Mr. Cornwell stated that Mr. Villafana did make a complaint to the Zoning Administrator in reference to the site having debris and mulch on the property. He stated that the Zoning Administrator visited the property on three separate occasions and did not find those conditions. He stated that, as far as the issue of a home occupation, they are allowed in the R-1 District according to the County's zoning ordinance. He stated that the Zoning Administrator had determined that the gentleman that lives at the property was actively engaged in the business. He stated that the Zoning Administrator had found no violations of the zoning ordinance and Mr. Villafana appealed that decision to the Board of Zoning Appeals. He stated that, under the Code of Virginia, in order to appeal a decision to the Board of Zoning Appeals, one must be an aggrieved party and not just a citizen or nearby resident. He stated that he had made a motion to dismiss the case, since Mr. Villafana did not meet the requirements of an aggrieved party. He stated that the Board of Zoning Appeals, on a 3-2, vote agreed with him. He stated that Mr. Villafana then had a right to appeal to the Circuit Court, but did not do so. He also stated that, according to State Corporation Commission records, Mr. Villafana conducts a home occupation out of his home called World Marketing Associates, Inc. and has a principal office at 649 Flowering Field, White Stone, VA 22578. He stated that the records show Mr. Villafana being a registered agent and the status is active. He stated that Mr. Villafana has a home occupation himself in that residential subdivision.

Mr. Healey stated that he had been asked to read Mr. Villafana's statement, but he understood that Mr. Villafana's complaints were not only of the mulch, but also about large vehicles coming in and out of the property. He stated that the gentleman who actually runs the business does not live there, but his father does.

Mr. Cornwell stated that the Zoning Administrator did not see those conditions and the investigation shows that the gentleman that lives in the home is actively engaged in the business with his son. He stated that in Mr. Villafana's appeal documents, he said his principal interest was as a resident that lived close by. He stated that, in his opinion under state law, that does not give Mr. Villafana the right to appeal the Zoning Administrator's decision. He stated that Mr. Villafana could have appealed to the Circuit Court, but chose not to do that.

Mr. Bellows stated that they have been looking into this issue for quite sometime. He stated that, in the past, he thought there may have been more commercial activity going on, but he thought the neighborly idea of working together may have curbed that and more progress has been made to have less commercial activity. He stated that Mr. Villafana's attorney had recently forwarded him the zoning ordinance from the Town of White Stone, which was more detailed and he thought it was something that the Planning Commission could review to see if the County zoning was adequate. He stated that he thought that would be the next best step.

Mr. Cornwell stated that if Mr. Villafana has a complaint about other activity going on at the site, Mr. Gill will be happy to visit the site to make sure the zoning ordinance is being followed.

Mr. Bellows stated that he makes routine drives through his district to see what is going on and he has found no increased commercial activity at the site.

Milton Conrad, President of the Greenvale Creek Maintenance Association, stated that the dredging project was completed and the buoys were in, but not the lights. He stated that the Coast Guard had taken the light, but they were in the process of getting it back or try to do it themselves. He stated that he wanted to thank the Board of Supervisors for its support. He stated that he had spoken to Mr. Gill and Mr. Larson about getting some new boat ramp signs.

Mr. Gill stated that Virginia Logo does boat ramp signs and he was working on getting some additional signs. He stated that there was a new boat ramp sign installed on Route 3 before Chinn's Mill.

## **PRESENTATIONS**

### 1. Bay Aging 40<sup>th</sup> Anniversary Resolution

Jimmie Carter, a Bay Aging board member stated that the Bay Aging CEO, Kathy Vesley, could not attend tonight's meeting, so he was present to accept the resolution.

Mr. Lee read and presented the plaque to Mr. Carter.

## **In Recognition of 40 Years of Distinguished Service by Bay Aging**

**Whereas**, Bay Aging was founded on June 26, 1978 in response to a pressing need for supportive services for frail, older citizens in the Northern Neck and Middle Peninsula; and

**Whereas**, Bay Aging developed a unique and successful model of service delivery and advocacy for rural Virginia; and

**Whereas**, for 40 years, Bay Aging has provided and brought continuous improvement to an array of services needed by older adults and people with disabilities; and

**Whereas**, Bay Aging's vision has enabled it to offer numerous solutions for older adults, people with disabilities, and their caregivers, including Meals on Wheels delivery, care coordination, care transitions intervention, adult day care, assistive devices, caregiver support, personal assistance, volunteer opportunities,

environmental support, in-home care, public transportation, mobility management for people with disabilities, housing development and rehabilitation, weatherization, indoor plumbing, and other housing support services; and

**Whereas**, during its 40-year history, Bay Aging’s contributions have generated invaluable support from the government, businesses, the community and volunteers and have led to partnerships that deliver services to older adults, people with disabilities, their caregivers, and others in Lancaster County, and beyond;

**Now, Therefore Be It Resolved**, that the Lancaster County Board of Supervisors hereby commends Bay Aging on the occasion of its 40<sup>th</sup> anniversary; and

**Be It Further Resolved**, that a copy of this resolution be presented to Bay Aging as an expression of the Board of Supervisors’ respect and admiration for the organization’s work and commitment to older adults, people with disabilities, caregivers, and other citizens of the Commonwealth of Virginia.

Mr. Bellows made a motion to adopt the Bay Aging Resolution.

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

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

1. Secondary Six-Year Plan Public Hearing

Mr. Bellows asked if the littering signs could be attached to the existing Adopt-A-Highway signs to cut down on the cost.

Stephen McKeever, Residency Administrator of the Northern Neck Residency, replied that he would check on that.

Mr. McKeever stated that they were present for the Secondary Six-Year Plan Public Hearing. He stated that the Code of Virginia requires the County Board of Supervisors and the Virginia Department of Transportation to formulate a secondary six-year improvement plan and priority list. He stated that the proposed plan had been distributed for the Board’s consideration. He stated that the public hearing was being

conducted for the 2019-2024 plan. He stated that this plan was only for improvements and new construction on the secondary system and did not include maintenance. He explained the plan, including the funding for the proposed projects.

Dr. Westbrook stated that one of the first things Mr. McKeever said was that state code requires the Board to approve this plan and asked what if the Board decided not to approve the plan, but directed that the money in the plan be used for a solution to the James B. Jones Memorial Highway and Route 3 intersection.

Mr. McKeever stated that this plan was for secondary system unpaved roads. He stated that the project Dr. Westbrook was speaking of would not be acceptable for this plan.

Dr. Westbrook stated that he knew Mr. McKeever was in the middle, but at the same time, the County has a real issue that was not of its making. He stated that the County has been told that it must go through a process and compete against areas such as Northern Virginia for funds to fix something that is VDOT's fault. He stated that he found it very frustrating.

Mr. McKeever stated that he would like to get through the public hearing and then address other issues after that.

Mr. Lee opened the public hearing.

There was no public comment.

Mr. Lee closed the public hearing.

Mr. Bellows made a motion to Approve the VDOT Secondary Six-Year Plan for FY 2019-2024.

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

VOTE: 3-2

Robert Harper, Superintendent for the VDOT Brookvale Headquarters, stated that they would be mowing the grass themselves this time and asked that the Board let him know of any issues.

Mr. Lee stated that the only issue he saw was the amount of litter that has shown up since the grass has been cut.

Mr. Bellows asked Mr. Harper if litter pick-up was scheduled.

Mr. Harper replied that they can have the inmates do it.

Mr. Larson stated that he thought, at one time, litter pick-up was being done by contract.

Mr. Harper replied that it was, but they were trying to save some funds for other needed work and that was why they had elected to mow the grass themselves.

Mr. Lee asked if the request had been made for inmates to pick up the litter.

Mr. Harper replied yes and each day that they get help from the inmates, they were focusing on litter pick-up.

Mr. Bellows asked that Mr. Harper give some attention to Windmill Point Road and Mosquito Point Road because the trees and shrubbery have grown up again on the curves.

Mr. Harper stated that they had just completed the secondary surface treatment schedule. He stated that they had just completed milling and repaving Route 634 that goes into the Tides Inn. He stated that the road in the Town of Kilmarnock from Walmart to Virginia Commonwealth Bank will be milled and repaved later in the summer and will be done at night. He stated that there were also paving projects scheduled for Windmill Point Road and James Wharf Road.

Mr. McKeever stated that the Norris Bridge overlay project will begin on June 11<sup>th</sup> and the contractor thinks it can be completed in August.

Mr. McKeever referred to the intersection at Route 688 (James B. Jones Memorial Highway) and Route 3 and stated that Mr. Gill had told him that afternoon that the Smart Scale application has been completed. He stated that he wanted the Board to know that he was searching for a solution and the biggest obstacle was the right-of-way. He stated that if the commercial entity on the corner would donate the right-of-way it would be great.

Dr. Westbrook asked if Walgreens was willing to give some of its property to VDOT, could the County then proceed with the project.

Mr. McKeever stated that they would not be able to proceed immediately, but it would be a big part of the battle. He stated that he had spoken with Mr. Gill and Mr. Pleva about the issue several months ago and Mr. Pleva was going to talk to the Town

Manager about the issue. He stated that it was probably going to cost around \$350,000 to fix because it was more than just pushing back the curb.

Mr. Bellows stated that the same scenario occurs in Tappahannock where the curb is broken up and he sees curbs broken everywhere, but this situation in Kilmarnock appears to have been singled out and no one seems to have a solution and that was why the Board was frustrated.

Mr. McKeever stated that he was searching for a solution and if they were going to improve the radius, they must have more right-of-way.

Mr. Cornwell stated that the County or the Town could acquire the right-of-way and convey it to VDOT.

Mr. Bellows referred to the Walgreens' site plan and asked if VDOT had approved an inadequate plan.

Mr. McKeever replied that was not correct because the turn lanes were already in place. He stated that the Walgreens' site plan approval was correct. He stated that the problem was that the intersection was not built initially for big trucks.

Mr. Bellows stated that was hard to understand because trucks were already using that road.

Mr. McKeever stated that they know what they need to do. He stated that the right-of-way was needed, the curb would need to be pushed back, the Walgreens' sign moved and the sidewalk would have to be removed.

Mr. Cornwell stated that the Board of Supervisors had recessed its closed meeting in order to obtain more information and that information has not been forthcoming. He stated that he would recommend that the Board reconvene the closed session and read the certification resolution.

**RECONVENE**

Motion was made by Mr. Lee to reconvene the closed session.

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

**CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on May 31, 2018 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Personnel, § 2.2-3711.A.1 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**

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

This certification resolution is adopted.

No action taken on the closed meeting matters.

## PUBLIC HEARING

### 1. FY 19 Lancaster County Operating Budget (Excludes the Capital Improvement Budget)

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

Mr. Gill stated that in accordance with Section 15.2-2506 of the Code of Virginia, 1950, as amended, this public hearing was being held to receive comments from the public on the proposed FY 19 Lancaster County Operating Budget, which excludes the Capital Improvement Budget. He stated that fiscal year 2019 will begin on July 1, 2018 and end on June 30, 2019. He stated that the Board has had eight budget work sessions prior to tonight's meeting and adopted a seven percent fund balance requirement and the proposed budget has the fund balance at 7.22 percent of the projected FY 19 total expenditures. He stated that the public schools budget was for information only because that budget was approved on April 23, 2018 and appropriated in a lump sum beginning July 1, 2018.

Mr. Gill stated that he wanted to bring one item to the Board's attention that was brought to his attention this morning. He stated that each Board member had been given a copy of the minutes from the October 26, 2017 Board of Supervisors' meeting. He stated that Julia Sichol, the Westmoreland County Commonwealth's Attorney, was here with Auriel Walker from the Northern Neck Regional Jail and Jan Smith, Lancaster County's Commonwealth's Attorney. He stated that, at that meeting, they proposed an adult drug court for non-violent offenders. He stated that Judge Michael McKenney has agreed to sit as the judge for that court. He stated that the adult drug court program has five phases and takes approximately fourteen to eighteen months to complete. He stated that Ms. Sichol had requested that Lancaster County join in with the other three Northern Neck counties as well as Essex County to support this program. He stated that the Board, at that time, passed a resolution in support of the program. He stated that they were applying for a federal grant and it requires a twenty-five percent local match and Lancaster's share would be \$6000. He stated that this figure was not included in the proposed budget, but should be, based on the resolution. He stated that two of the current Board members were not on the Board at the time the resolution was passed, so he wanted to bring it to their attention. He stated that \$6000 should be added under the courts line in the FY 19 column. He stated that the \$6000 was a reallocation of funds, since it increases the expenditures and decreases the fund balance by the same amount and the seven percent fund balance requirement would still be maintained.

Mr. Gill stated that the Code of Virginia requires that the Board of Supervisors wait at least seven days before they can take action on the budget, with or without modifications. He stated that the Board can set another meeting for the adoption or they can adopt the budget at their regular meeting on June 28, 2018. He stated that Lancaster County sets its tax rates by ordinance and he will need to advertise twice for that. He stated that the proposed budget was built on the existing 2017 tax rates. He stated that he

was looking for some guidance from the Board on what they would like him to advertise for the tax rates.

Mr. Lee asked if the Board could amend the budget to include the \$6000 request for the adult drug court at tonight's meeting.

Mr. Gill replied yes.

Mr. Lee stated that was what he would recommend.

There was a consensus to include the \$6000 reallocation for the FY 19 Operating Budget.

Mr. Lee opened the public hearing.

Gary Silverman, a District 1 citizen, stated that if he understood correctly, the County was around \$600,000 in the negative if everything was funded as it stood now. He stated that he thought it was important to start thinking about whether there should be a flat millage rate or more of a progressive tax rate. He stated that he understood that some citizens were on a fixed income and could not afford an increase in taxes. He stated that the Board cannot cut their way to prosperity and the County needs to get its education system funded and that was critical. He stated that the County wants more growth, however, over the last ten years, there has been a negative ten percent in growth. He stated that things would not get better until the things that needed to be funded were funded.

Mr. Lee closed the public hearing.

Mr. Lee asked the Board if they wanted to wait until the regular meeting on June 28<sup>th</sup> to adopt the budget.

Mr. Larson stated that, if they could, he would like to adopt the budget sooner as a matter of setting a precedent for getting the work done in a more timely manner.

Dr. Westbrook stated that he would like to have some clarification because Mr. Gill had stated that the budget was based on the current 2017 tax rates. He stated that he had sent his fellow Board members an email and he was going to propose that they increase the tax rate. He stated that after July 1<sup>st</sup>, they could talk about the relief and accommodations that would need to be in place, so that citizens with lower incomes or special cases can still afford to live in the County. He stated that, in his opinion, the solution was to have a tax rate that was adequate to do what the County needs to do. He stated that, if passing the budget was independent from passing the tax rate, then he would suggest they pass the budget as soon as they can. He stated that if they have to make a decision before June 11<sup>th</sup> about the tax rates, so that it can be advertised twice, then he would like to do that.

Mr. Cornwell stated that the only issue was that the Board cannot adopt an ordinance that raises the tax rates above the amount that was advertised.

Dr. Westbrook stated that between now and June 11<sup>th</sup>, if the Board should decide to change the tax rate, that was what would be advertised on June 14<sup>th</sup> and June 21<sup>st</sup>.

Mr. Cornwell stated that the budget was based on a .59 cents tax rate and if the Board decides to raise taxes, for example, to .61 cents, then the Board would have to amend its budget.

Dr. Westbrook stated that he was in favor of passing the budget as quickly as we can as long as we don't prevent ourselves from discussing the tax rates and relief.

Mr. Cornwell stated that there was nothing stopping the Board, at any time during the year, to change the tax rate. He stated that it can become a problem for the Commissioner of Revenue and the Treasurer's office because of billing and other issues.

There was discussion about setting another work session to discuss the tax rates and when the Board would also adopt the FY 19 Operating Budget.

The consensus of the Board was to meet on Tuesday, June 5, 2018 at 5:30 p.m. to discuss tax rates and adopt the operating budget on June 14<sup>th</sup> when they meet with the School Board.

### **CONSENSUS DOCKET**

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

1. Minutes for April 19<sup>th</sup> and April 23<sup>rd</sup> Budget Work Sessions, April 26<sup>th</sup> Regular Meeting and May 3<sup>rd</sup> Budget Work Session

Recommendation: Approve minutes as submitted

2. Abstract of Votes – 2018 Town General Elections Held on May 1, 2018

Recommendation: Approve abstracts as submitted

Mr. Larson stated that he had a few minor corrections to the minutes and he would submit them to Ms. Why.

Mr. Bellows amended the motion to approve the Consensus Docket, to include Mr. Larson's changes to the minutes.

VOTE:	William R. Lee	Aye
	Jason D. Bellows	Aye

Jack D. Larson	Aye
Ernest W. Palin, Jr.	Aye
Robert S. Westbrook	Aye

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of May 2018 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for May 2018 in the amount of \$274,770.44 and invoice listings for May 2018 in the amount of \$570,419.28\*.

\*Capital Improvements - \$57,500.00  
 \*Loan Payments - \$4,872.09

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

2. Capital Improvement Projects Reimbursement Resolution

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

Mr. Gill stated that the Lancaster County Board of Supervisors needs to adopt a reimbursement resolution, so that expenses now being incurred for Capital Improvement items by the Board of Supervisors, such as the \$12,000 down payment for the Beale property, can be reimbursed to the County from any future loan proceeds.

Mr. Gill stated that he had included in the Board books, an email from the County's bond counsel, Dan Siegel, that explained the need for the reimbursement resolution. He stated that the resolution does not require the county to borrow for Capital Improvement items, nor does it indicate an appropriation of funds, but it does allow the County to reimburse its general fund for any Capital Improvement expenses incurred within 60 days of its adoption. He stated that one such expense, the \$12,000 down

payment on the Beale property, was made on April 12, 2018, so adoption tonight would enable that expense and future Capital Improvement expenses to be reimbursed from any future bond proceeds.

Mr. Gill stated that he would recommend approval of the Reimbursement Resolution.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF LANCASTER, VIRGINIA DECLARING ITS  
INTENTION  
TO REIMBURSE ITSELF OR THE SCHOOL SYSTEM FROM THE  
PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR  
CERTAIN EXPENDITURES MADE AND/OR TO BE  
MADE IN CONNECTION WITH SCHOOL AND COUNTY  
CAPITAL IMPROVEMENT PROJECT(S)**

**WHEREAS**, the County of Lancaster, Virginia (**the "County"**) is a political subdivision organized and existing under the laws of the Commonwealth of Virginia;

**WHEREAS**, the County is interested in providing funds (**the "Expenditures"**) for (i) the acquisition of land and a portion of the design and infrastructure/construction costs relating to new school facilities, buses and security (ii) various capital improvement for the County, including but not limited to improvements, renovations or replacements for the sheriff's office and new courthouse, an ambulance and vehicles for the County in order to improve the health, safety and education of the County residents (**collectively, the "Projects"**); and

**WHEREAS**, the Board of Supervisors of the County (**the "Board"**) has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the County or the County School System for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (**the "Bonds"**); and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF LANCASTER, VIRGINIA, AS FOLLOWS:**

Section 1. The Board hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the County's intent to reimburse the County or the County School System with the proceeds of the Bonds for Expenditures with respect to the Projects made on and after the date which is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse itself for the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Projects known at this time is \$9,840,783.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Projects are placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

Mr. Lee made a motion to Approve the Capital Improvement Projects Reimbursement Resolution.

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

### 3. Small Purchase Policy Revision

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

Mr. Gill stated that the issue was that the contract with the County's auditors, Robinson, Farmer, Cox (RFC) expired on June 30, 2017 and a valid contract is needed for RFC to continue their FY 18 audit.

Mr. Gill stated that Paul Lee of RFC has sent an engagement letter for FY 18 for county approval, since RFC has already done much of their FY 18 work in November 2017 and will be here the week of June 25-29 as well. He stated that the engagement letter cannot be approved under our current small purchase procedure policy, since the current expense limit is \$30,000 and the estimated cost of RFC's services for FY 18 is over \$40,000.

Mr. Gill stated that the County Attorney, Jim Cornwell, has advised that the best way to rectify this situation is to revise our current Small Purchase Procedure Policy per current Code of Virginia Section §2.2-4303, so the revised \$60,000 expense limit will cover the cost of RFC's work in FY 18 and permit the issuance of a contract with them without competitive negotiation for this type of professional service.

Mr. Gill stated that he would ask that the Board adopt the Revised Small Purchase Procedure Policy and authorize the approval of the Robinson, Farmer, Cox Associates engagement letter for FY18.

Mr. Lee asked about the amount of the auditor's invoice at \$45,000.

Mr. Gill replied that the code allows up to \$60,000 for professional services. He stated that the code also has a \$100,000 limit for non-professional services, but he did not choose to include that in the revised policy.

Mr. Cornwell stated that the problem is that Robinson, Farmer, Cox Associates has already done at least half of the work for FY 18.

Mr. Larson asked if this was only to cover the FY 18 audit.

Mr. Cornwell replied yes.

Mr. Bellows made a motion to Adopt the Revised Small Purchase Procedure Policy and Authorize the Approval of the Robinson, Farmer, Cox Associates engagement letter for FY 18.

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

## **BOARD REPORTS**

Mr. Bellows stated that he had attended a VACo Region Two meeting where the topic was broadband. He stated that they had a round-table discussion with the Secretary of Commerce as well. He stated that he thought some innovative approaches were shown and the Pamunkey initiative was discussed. He stated that the big hindrance is still the way the big telecom companies have rigged the system in their favor. He stated that to get to where they want, he thought they would need a major act like the rural power act.

Mr. Lee asked if anything was mentioned about Northern Neck Electric Cooperative.

Mr. Bellows replied yes. He stated that there were several electric cooperatives going into the ISP business and Northern Neck Electric Cooperative is conducting some studies at the present time.

Dr. Westbrook stated that he had three parts to his board report. He stated that the first part was that he had the distinct pleasure to ride along with Deputy Robert Pitts on his rounds during a complete daytime shift and again during a complete nighttime shift. He stated that he thought it was very worthwhile to see what they go through. He stated that he learned from Deputy Pitts and from Sheriff McCranie that they would welcome other supervisors and members of the public to ride along and experience what they experience.

Dr. Westbrook stated that the second part of his board report was that he would like to introduce the members of the Broadband Committee before their presentation is made. He named the members and they were: Cassie Thompson, Sharon Gill, Margie Armen, George Bott, Gary Silverman, John May, Joe Urban, Kevin Beane and David Pere, who will give the presentation.

Mr. Pere stated that the Broadband Committee was there to brief the Board of Supervisors on their progress. He stated that the first slide of the presentation describes the tasks that were assigned to the committee and given to them by Dr. Westbrook. He stated that the first task was to research how best the Board of Supervisors might adopt a Broadband Advisory Group in the shortest amount of time with recommendations about membership, recommended bylaws and anything else that might serve the purpose. He referred to the next slide and read "Lancaster County recognizes advanced communications networks, such as reliable, high bandwidth broadband, as a primary driver for stimulating economic activity, democratic participation, healthcare and education. As such, the Committee's work is guided by the following broadband expansion and inclusion goals: promote economic development, increase educational and vocational training opportunities, empower entrepreneurship, provide gateway to quality of life enhancing technology and innovation and foster greater civic engagement and public safety."

Mr. Pere stated that their approach to divide up the work had three phases, which are assessment, planning and implementation and performance management. He stated that there were four broadband maturity areas, which were: getting started, strategies for

success, funding and engaging partners. He stated that the committee received that information from a resource document that was provided by the National Resource Network, which does economic development for cities and counties. He stated that they found that the broadband functional areas or the areas that were needed for a committee or an authority were: technology, organization, policy/legal and outreach/engagement.

Mr. Pere referred to the next slide and stated that the getting started steps were assessing the landscape, engaging the community and setting the goals. He stated that strategies for success included developing the program, identifying common challenges and solutions and monitoring performance, which is an essential element. He referred to funding and stated that they would need to find funding avenues, such as local funds, external grants and partnerships. He stated that engaging partners could be reaching out to federal agencies and programs, nongovernmental organizations, state agencies and programs, the private sector and local partners.

Mr. Pere referred to the committee's actions and stated that they have had a number of meetings and engagements since the initial meeting on April 18, 2018. He stated that they have weekly meetings that were very well attended. He stated that the committee has met with the Coalition for Local Internet Choice and it was very informative. He stated that they have met with the Vice President for Broadband Programs for the Center for Innovative Technology. He stated that they have engaged Supervisor Rick Gerhardt from Fauquier County, who gave some good advice and guidance. He stated that Eddy Communications was a vendor that supported the Roanoke Broadband Wireless Authority and they received good advice from them, as well as some examples of RFP language. He stated that there was a whole host of research items that the committee has conducted with everything from what other counties have done and how they have built up their authorities to what their recommendations would be.

Mr. Pere referred to the next slide and stated that the Broadband Committee has three findings and three recommendations to date. He stated that this was centered on the research task that the committee was assigned early on. He stated that in finding #1, the committee realizes that the level of complexity and the required expertise necessitates the support of professional advice. He stated that there were a number of vendors and the Broadband Committee's recommendation was to partner with the Center for Innovative Technology on the County's broadband initiative. He referred to finding #2 and stated that they explored the Virginia Wireless Service Authorities Act, which provides a legal structure for the establishment of a Broadband Authority to pursue broadband development on the County's behalf. He stated that the Broadband Committee's recommendation on that finding is that the Board of Supervisors moves to approve the concept of creating a Broadband Authority, schedule a public hearing and stand up the Authority by late summer or early fall. He stated that finding #3 was that, in reference to Atlantic Broadband (ABB), their fifteen-year franchise renewal option was too narrow in scope for what the County wants to do and commits the County to a long-term contract. He stated that the Broadband Committee believes that the contract should be subsumed by a larger County Broadband Expansion effort. He stated that the recommendation for finding #3 was to move to approve continuance of the ABB Franchise on a month-to-

month basis until the broadband expansion requirements are defined and, if needed, an RFP can be released.

Mr. Pere referred to the recommendation #1 slide and stated that the Broadband Committee had researched several avenues to acquire broadband initiative support. He stated that the Center for Innovative Technology (CIT) was recommended by Rick Gerhardt, who is a Fauquier County Supervisor. He stated that the Broadband Committee met with Chuck Kirby, the Vice President of Broadband Programs and determined that CIT services matched or exceeded other vendor offerings and that CIT services were not funded by the County, but by Virginia state broadband initiative funding through the American Recovery and Reinvestment Act in 2010. He stated that CIT could take the County through the broadband path, including assessments, policies, helping with the RFP process, funding, etc.

Mr. Pere referred to the recommendation #2 slide and stated that the Broadband Committee recommended the move to approve the concept of creating a Broadband Authority. He stated that they asked that the Board of Supervisors schedule a public hearing and stand up the authority by late summer or early fall. He stated that the Broadband Committee reviewed the authorities under the Virginia Wireless Service Authorities Act and found that the County can form its own Broadband Authority to provide communications service including, but not limited to high speed data and internet access services. He stated that a Lancaster County Broadband Authority provides the County flexibility, in that, it is established as a separate, legal entity from the County and can enter into contracts, borrow money and issue revenue bonds that do not constitute County debt and will not affect the County's bond rating. He stated that the authority would provide Lancaster County with a dedicated public body of subject matter experts that exercise public and essential government functions, such as assessments and technology, legal, financial, property, facilities and business model decisions to achieve the County's broadband expansion and inclusion goals.

Mr. Pere referred to the next slide and stated that it was an example of a working model in Orange County. He stated that in Orange County, the Board of Supervisors serves as the fiduciary oversight for the Broadband Authority there and the Authority does report to the Board of Supervisors on expenditures, debts, bonds or any other kinds of commitments.

Mr. Pere referred to the recommendation #3 slide and stated that the Broadband Committee did not think the time was right for the County to get into a fifteen-year commitment with Atlantic Broadband.

Mr. Pere referred to the next slide and time line and stated that the Broadband Committee asks that the Board of Supervisors resolves to partner with CIT on broadband support services. He stated that they also ask that the Board of Supervisors approves the Broadband Authority creation and schedules a public hearing. He stated that in June, the committee would like the Board of Supervisors to consider and agree on a resolution to formally establish the authority and publish the notice of public hearing. He stated that

the Broadband Committee would begin its assessment with CIT support. He stated that the committee would continue until the Broadband Authority was established and then there would be a transition. He stated that in July and August, the Broadband Authority members could be determined, the Broadband Authority Resolution could be adopted and Articles of Incorporation filed with the SCC. He stated that, in September, have a full transition from the Broadband Committee to the Broadband Authority and the Broadband Authority can conduct its initial meeting, where they will select officers.

Mr. Lee stated that the Broadband Committee had done a tremendous amount of good work and he appreciated that.

Mr. Larson asked if the CIT support required funding.

Mr. Pere replied no. He said he had asked the question five times and the response has always been “no”.

Mr. Cornwell asked if CIT was on a state contract.

Mr. Pere replied that was his understanding. He stated that task orders would be signed after a resolution from a locality has been done.

Mr. Cornwell asked if the resolution would come from the locality or the authority.

Mr. Pere replied that it would be the locality and they have the language to be used in the resolution and that was enough to get CIT engaged.

Mr. Cornwell stated that, if CIT had a state contract, then they could do it, but if they do not, then the County would have to go through the procurement process to open it up to bidders.

Mr. Pere stated that, as he understood it, CIT has a standing state contract.

Mr. Cornwell stated that the County was a member of a broadband authority right now. He stated that he had looked at the statute and did not see anything that would prevent the County from joining another one. He stated that he has represented other broadband authorities and the steps that the Broadband Committee has set forth were accurate. He stated that the funding was always a problem. He stated that all of the authorities could be formed that they wanted, but if there is no money, they cannot move forward.

Mr. Pere stated that, from his research and discussions, there is money out there, but there needs to be a dedicated effort to go after it. He stated that one of the things that CIT does is to help the locality get to the money. He stated that they also make sure the authority was incorporated, so it can apply for grants.

Mr. Lee stated that he did not hear anything from the Broadband Committee concerning the County's budget.

Mr. Pere stated that this was going to take quite an effort and the franchise agreement, according to Ms. Gill, ended in either 2016 or 2017 and they are under no pressure to do anymore than what they were already doing.

Mr. Cornwell stated that the franchise agreement with Metrocast was for cable television and the internet was an add-on. He stated that now, Atlantic Broadband has come in with a generic franchise that does not have a build-out schedule and that has been declined. He stated that was why they have been asked to come back to the table with a build-out option.

Ms. Gill stated that they were looking to allow the Authority to direct the direction of the County and not a vendor. She stated that the franchise agreement can be maintained on a month-to-month basis, without any changes to it and will not infringe upon what they are doing. She stated that they were looking at a very short period of time before we will have a plan laid out and an RFP going out. She stated that Atlantic Broadband will most likely respond to the RFP, but to put them into a position in which they are already integrated in, was not putting other vendors in a fair position.

Mr. Lee stated that he would like a clarification. He stated that the Board of Supervisors has a scheduled meeting with Atlantic Broadband on July 17<sup>th</sup> and asked if they were suggesting that meeting not go forward.

Mr. Pere replied that he thought that meeting should absolutely be held. He stated that everyone will know, once the Broadband Authority was in place, that there will be competition introduced in an area where there has never been any competition. He stated that CIT has a seven to ten month plan and after that many things will be known that are unknown now. He stated that they need to release the RFP and let the free market work and hopefully it will be a private-public partnership.

Mr. Larson asked was it fair to say that the month-to-month arrangement would give the County leverage that it wouldn't have with the fifteen-year contract.

Mr. Pere replied yes.

Mr. Lee asked if Mr. Pere was aware that the Town of Kilmarnock had approved the franchise agreement.

Mr. Pere replied yes.

Mr. Cornwell stated that, legally, he has found no reason why the County could not form its own authority. He stated that his concern was about CIT and a state contract.

Dr. Westbrook made a motion that the Board of Supervisors accepts the concept of forming a Broadband Authority and continue to encourage the Broadband Committee to proceed along its path.

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

Dr. Westbrook made a motion to authorize the Broadband Committee to partner with the Center for Innovative Technology (CIT) to facilitate Lancaster County's broadband initiative.

Mr. Palin stated that he thought they needed to verify about the state contract before authorizing that action.

Mr. Cornwell stated that the County needed to know that CIT had a state contract. He stated that the motion made was that the Broadband Committee works with CIT, which was not a problem to him. He wanted to know, once the County and the Broadband Authority was in place, whether or not there would be a state contract.

Dr. Westbrook stated that CIT has recommended that the Board of Supervisors make a motion to authorize the Broadband Committee to partner with them, so the assessments can be made.

Ms. Armen stated that she thought the County needed to be the entity to partner with CIT and then the County could delegate to the Broadband Committee the actual work to be done.

Mr. Cornwell asked if they were asking the County to enter into a contract.

Mr. Pere replied no. He stated that CIT has an existing contract and he had been assured that no funds were required.

Dr. Westbrook amended his motion that the County partner with the Center for Innovative Technology (CIT) to facilitate the County's broadband initiative, subject to the Virginia Public Procurement Act.

VOTE:	William R. Lee	Aye
	Jason D. Bellows	Aye

Jack D. Larson	Aye
Ernest W. Palin, Jr.	Aye
Robert S. Westbrook	Aye

Dr. Westbrook stated that he had sent an email to his fellow Board members concerning the tax levies. He stated that he formally requested that the Board meet to discuss the options on tax levies and tax relief before June 11<sup>th</sup>, so that advertising can be done in the local paper. He stated that the primary source for the discussion would be the Virginia Local Tax Rate, 2017, which he has asked all the Board members to obtain. He stated that he wanted to point out some things that he thought would be appropriate to discuss. He referred to section 2:Real Property Tax, 2017, page 7 and stated that there was a section on “tax relief programs” which alerts us that the City of Charlottesville and Loudoun County provide tax relief for low-income real estate owners who are not elderly and Section 58.1-3219 of the Code of Virginia permits localities to defer a portion of the real estate tax, with interest charged on the deferred tax amount, a policy adopted by the cities of Charlottesville and Richmond and the County of Middlesex. He stated that the Charlottesville Housing Affordability Program is easily found online, as well as their “Real Estate Tax Relief for the Elderly and Disabled” and their “Disabled Veterans Real Estate Tax Exemption”. He stated that he believed that these Charlottesville initiatives should be evaluated during or prior to the Board’s deliberations and Middlesex County should be consulted to learn of their program. He referred to page 8 of section 2 and stated that the page contained a summary box entitled “Statutory Real Estate Tax Rates per \$100 of Assessed Taxable Value for Localities Reporting, CY 2017 and FY 2018”, which shows the mean tax for counties is \$0.69, the median is \$0.67, the first quartile is \$0.56 and the third quartile is \$0.81. He stated that Lancaster County’s tax rate of \$0.59 is well below the mean and well below the median tax rates for all other Virginia counties and is only slightly above the first quartile, essentially, we are in the middle of the lower half of all counties who responded. He stated that, to describe what this all means in the set of numbers, the mean is the average of all the numbers added together and divided by the amount of numbers. He stated that the median was the middle number after a set of numbers were placed in order, from the lowest to the highest. He stated that the first quartile is defined as the middle number between the smallest number and the median of the data set. He stated that the third quartile is the middle value between the median and the highest value of the data set.

Dr. Westbrook stated that in Section 3:Real Property Tax Relief Plans and Housing Grants for the Elderly and Disabled, 2017 on page 39, there was a summary box entitled “Relief Plan Statistics: Gross Income and Net Worth, 2017”, which shows the median for “combined gross income allowance” for counties to be \$35,000 and Lancaster’s allowance is \$22,700 and the median for “combined net worth limitations” to be \$100,000, an amount met by Lancaster.

Dr. Westbrook referred to Section 9: Tangible Personal Property Tax, 2017, page 89 and stated there was a summary box entitled “Adjusted Effective Tax Rates among Localities, 2017”, which shows the median of 95 counties to be \$2.93, the first quartile is \$2.03 and the third quartile is \$3.25. He stated that, once again, Lancaster is far below the median value for other counties and is slightly above the middle of the lower half of all counties who responded. He referred to page 90 and stated that it contains a summary box entitled “Total Tax, State Credit and Tax Liability for a \$20,000 Vehicle in Cities and Counties, 2017”. He stated that Lancaster County was far below what everybody else is. He referred to page 95 and stated that the page contained Table 9.1-Tangible Personal Property Tax General Information, 2017, whereby a comparison of four counties’ tax rates per \$100 shows: Lancaster-\$2.04, Middlesex-\$3.50, New Kent-\$3.75, Northumberland-\$3.60 and Richmond-\$3.75.

Dr. Westbrook referred to page 116 and stated the page contained Table 9.6-Assessment Component Changes in Cities and Counties from 1997, when the Personal Property Tax Relief Act went into effect, to 2017. He stated that, in 1997, Lancaster County’s personal property tax rate per \$100 was \$3.80, Middlesex’s was \$3.50, New Kent’s was \$3.75, Northumberland’s was \$3.60 and Richmond’s was \$3.50, while in 2017, Lancaster’s was \$2.04, while the others remain unchanged, except for Richmond County, which increased to \$3.75. He stated that, obviously, the passage of the Personal Property Tax Relief Act did not influence these other counties as it did Lancaster.

Dr. Westbrook stated that, in summary, he believed that they have a lot to talk about and a very short period of time to discuss and decide what tax rates and relief programs we believe are appropriate for both real estate and personal property. He stated that, in order for the County to be in a better position to fund the Capital Improvements and future school construction projects necessary to move the County forward, his recommendations were: by June 11, 2018, the Board discuss setting Lancaster County’s real estate tax rate to equal the mean value of all counties reporting in the publication and secondly, that the Board discuss setting Lancaster County’s personal property tax rate to equal the mean value of all counties reporting in the publication. He stated that, after July 1, 2018, the Board should pass the ordinances of appropriate tax relief and take steps to divest ourselves of unneeded property and add these to the tax rolls. He stated that the real property tax relief combined gross income allowance for Lancaster County should be \$35,000, the mean value reported. He stated that they should evaluate the Charlottesville relief initiatives and the Middlesex County relief programs and adopt appropriate similar ordinances and/or amend our existing ordinances. He stated that they should re-evaluate the tax-exempt status of those properties that have been identified by our Commissioner of the Revenue and Mr. Thomas, the previous Commissioner, as being appropriate for review. He stated that, lastly, they should seek legal advice regarding a re-evaluation of the tax-exempt status of those 16 building lot properties now owned by Virginia Tech, which have a combined assessed value of \$165,200 according to the County’s GIS.

Mr. Lee stated that the tax rate will be discussed on Tuesday, June 5, 2018 at 5:30 p.m.

Mr. Larson made a motion to reappoint Steve Sorensen to the Board of Zoning Appeals as a representative from District 1.

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

**COUNTY ADMINISTRATOR**

Mr. Gill stated that the Pamunkey Net Project has requested that the Board of Supervisors designate a representative from the locality to serve on the Pamunkey Net Advisory Team. He stated that, since the Broadband Committee was in attendance, he thought someone from that group might want to volunteer for the position.

Dr. Westbrook made a motion that David Pere and Kevin Beane be the County representatives to the Pamunkey Net Advisory Team.

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

Mr. Gill stated that the Board of Supervisors has not officially set the joint meeting with the School Board yet. The consensus was to hold the joint meeting with the School Board on Thursday, June 14, 2018 at 5:30 p.m.

**ADJOURNMENT**

Motion was made by Mr. Lee to adjourn the meeting to Tuesday, June 5, 2018 at 5:30 p.m.

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