

**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, June 27, 2019.

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

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

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

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

Mr. Bellows led everyone in the Pledge of Allegiance.

**PUBLIC INPUT**

None.

**PRESENTATIONS**

1. Resolution Recognizing Dr. Elizabeth Hinton “Sissy” Crowther

***DR. ELIZABETH HINTON "SISSY" CROWTHER***

**WHEREAS**, Dr. Crowther is a Northumberland County native and has a deep understanding of the challenges that students in the Northern Neck face to attend classes, work, and raise their families; and

**WHEREAS**, Dr. Crowther earned her undergraduate degrees from Virginia Tech and her Doctorate from the College of William and Mary and began her professional career in the banking industry in the Richmond area; and

**WHEREAS**, Dr. Crowther shifted her career focus to education and worked for Virginia Commonwealth University, the College of William and Mary, Rappahannock Community College, Lord Fairfax Community College and Blue Ridge Community College before being named the third President of Rappahannock Community College (RCC) in August 2004; and

**WHEREAS**, Dr. Crowther's leadership over the last 15 years has guided RCC through total facility renovations at both the Warsaw and Glens campuses, growing the Educational Foundation's assets from \$1 million to \$11 million and increasing its scholarship awards from \$103,000 to almost \$600,000, allowing hundreds of students from across RCC's twelve county service area to have the opportunity of higher education; and

**WHEREAS**, Dr. Crowther was instrumental in establishing the RCC satellite site in Kilmarnock which has contributed greatly in developing an educated local workforce and provides an economical and convenient option for our students to earn college credits and further their education while still in high school; and

**WHEREAS**, Dr. Crowther's guidance has helped transform RCC into a nationally recognized model for rural higher education, positioning the college extremely well for the future; and

**WHEREAS**, Dr. Crowther will be retiring from RCC on June 30, 2019, but intends to stay active in the community by serving on many local Boards including Bay Banks Holding Company, Northern Neck Insurance Company, River Counties Community Foundation and Visions of Northumberland and Lancaster Counties, to name a few.

**NOW, THEREFORE BE IT RESOLVED** that the Lancaster County Board of Supervisors wishes Dr. Elizabeth Hinton "Sissy" Crowther a well earned and deserved retirement and expresses its admiration and appreciation for her dedicated years of service to Rappahannock Community College and Lancaster County.

Mr. Bellows made a motion to adopt the resolution recognizing Dr. Elizabeth Hinton "Sissy" Crowther.

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

Dr. Crowther stated that she appreciated the recognition and has enjoyed working with the Board over the years. She stated that she was touched with the resolution and the Board would continue to see her in the community. She stated that she also wanted to thank the Board of Supervisors for sending the college Bill Pennell as a board member for Rappahannock Community College. She stated that Dr. Shannon Kennedy will be the new President of RCC and she starts on July 1<sup>st</sup>.

## 2. Broadband Authority Update

Margie Armen stated that the Broadband Authority has continued to move ahead on the activities applicable to the Telecommunications Planning Grant. She stated that during the month of June, they obtained clarification of the requirements to be met in the first three months of the grant and because the initial instructions have been revised, the new date for completion of the required activities is September 16, 2019. She stated that the grant requirements that they have completed to date were that they held two public meetings to share general information about the Authority and the grant with interested residents, they have assembled a Project Management Team comprised of community leaders in business, government, education, health care and telecommunications and held the first of two required meetings with that group and they have secured a firm commitment from the Center for Innovative Technology to support a community needs assessment survey that will be conducted from mid-July to mid-August.

Ms. Armen stated that Authority member, Dr. Gary Silverman, attended a conference for telecommunications specialists at which hardware and software innovations were demonstrated.

Ms. Armen stated that, after several attempts to set a date and time, they have a firm date to meet with Francis Bradley, Government Relations Director of Atlantic Broadband. She stated that this will be a closed meeting to discuss contract matters and following the meeting, they intend to make a full presentation and recommendations.

Ms. Armen stated that the Authority requests that the Board of Supervisors consider adopting a resolution that will authorize the use of the contracting method known as a public-private partnership or "P3" under Virginia's Public-Private Education Facilities and Infrastructure Act of 2002, VA Code § 56-575.1 *et seq.* She stated that they are requesting this resolution specifically for the benefit of the Broadband Authority, but at the discretion of the Board, and after consultation with counsel, the Board may wish to widen the authorization to cover all instrumentalities of County government. She stated that the Authority will be happy to provide any assistance to facilitate this action, including presenting a draft resolution for the Board's approval.

Mr. Larson stated that he wanted to commend the Broadband Authority for holding the public meetings. He stated that he has heard from his constituents who have received answers to their questions, concerning broadband, when they attended those meetings.

Mr. Lee stated that Northumberland County is having similar issues with the lack of adequate broadband service and he has heard from some of those citizens that think the Lancaster County Broadband Authority will help solve the problems in their county as well.

Ms. Armen stated that, hopefully, Lancaster County was providing a good example of what can be accomplished when community representatives get together to get the work done.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### **1. Public Hearing – Secondary Six-Year Plan**

Stephen McKeever, Residency Administrator for the Northern Neck, stated that he was presenting the proposed six-year plan for the secondary system. He stated that this is done once a year. He stated that the Code of Virginia requires the Board of Supervisors and VDOT to formulate a six-year, secondary improvement plan and priority list for the secondary improvement budget. He stated that this public hearing is being conducted for the plan for the years 2020-2025 and the 2020 fiscal year budget for the secondary system only. He stated that this plan is for improvements and new construction only. He stated that it does not include maintenance, such as mowing or snow removal. He discussed the plan, which included funding sources and the priority list for paving the County's unpaved roads. He stated that there was an addition of Route 705-Oliver Lane that was not shown on the current plan. He stated that road would be paved after the priority list is completed.

Mr. Larson referred to the total cost of the secondary six-year plan of \$236,101.00 and stated that a lot of those funds were allocated for attorneys' fees, surveys and environmental studies among other things. He stated that it seemed to him that it was not really enough money to get anything done. He asked what could the County do to help get more state funding from VDOT.

Mr. McKeever replied that the County would have to contact its local legislators.

Dr. Westbrook stated that it seemed to him that the County has no input in this plan.

Mr. McKeever stated that there were not really a lot of available funds for these projects. He stated that, because of the high costs of new construction, not a lot of input can be made. He stated that what is left on the secondary six-year plan is the County's unpaved roads. He stated that the bigger projects are not available because those funds have been shifted to the Smart Scale applications.

Dr. Westbrook stated that his road, King Carter Drive, was recently repaved, as well as Main Street in Kilmarnock and, in his opinion, he did not think it was necessary.

He stated that he assumed that VDOT kept to a preventive schedule, but his concern was how the County could readjust the priorities.

Dr. Westbrook stated that he did not have any heartburn with the Secondary Six-Year Plan, but it seemed to him that the County really has no input.

Mr. Palin stated that, about three or four years ago, the previous Board decided which roads would be paved and the order of the paving.

Mr. Bellows opened the public hearing.

There was no public input.

Mr. Bellows closed the public hearing.

Mr. Bellows made a motion to adopt the VDOT Secondary Six-Year Plan.

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

Mr. McKeever stated that he apologized for his absences this year. He stated that he had not been to a Board meeting since they lost Robert Harper and it was a tremendous loss. He stated that Mike Bryant is the new superintendent for Lancaster County and will be a great asset.

Mr. McKeever referred to the intersection at Walgreens in Kilmarnock and stated that project has been officially funded through the Smart Scale program. He stated that those funds will not be available until the years 2023 and 2024 and they will most likely not see any work there before the end of 2024.

Mike Bryant stated that his crews are trying to get vegetation under control. He stated that they have finished mowing the primary roads and they are currently working on the secondary roads.

Dr. Westbrook referred to the grass retardant and asked if they thought it was working and if so, could it be applied again.

Mr. McKeever replied that he did not know a lot about the retardant, but he stated that there are only certain times of the year that it will be effective. He stated that they

plan on starting the second round of primary road mowing on July 15<sup>th</sup> and they will be using contractors.

Mr. Bellows stated that some of his constituents have asked that consideration be given to extend the 45-mile per hour section from where it ends now, towards the end of Windmill Point Road, to Westland Beach. He stated that another issue is there is a pothole at the beginning of Cardinal Lane that needs attention.

Mr. McKeever referred to the speed study on Windmill Point Road and stated that they receive work orders everyday concerning speed reduction requests from citizens. He stated that when a citizen calls about them, he refers them to the County because VDOT will not look at it from a citizen's request. He stated that the volume of requests is high and it costs money to do the speed studies. He stated that, with this in mind, he would like a resolution or a letter from the County requesting a speed study for that portion of Windmill Point Road.

### **PUBLIC HEARING**

1. Application for Special Exception – Virginia Commonwealth Bank (owner and Northern Neck Marine Construction (agent))

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

Mr. Barnes stated that the issue is a special exception request for property owned by Virginia Commonwealth Bank and contracted to be purchased by Northern Neck Marine Construction. He stated that the property is described as Tax Map #26-84D, zoned R-1 and consists of 5.76 acres on Callis Road.

Mr. Barnes stated that the request involves an existing seafood processing facility and working waterfront area, which is to be conveyed to a potential new owner who wishes to conduct marine construction activities from this same facility in addition to continuing the historical use of this facility by commercial seafood workboats and the associated uses of the building on the site. He stated that Articles 12-4-1 and 12-4-2 of the Lancaster County Zoning Ordinance require a special exception for the expansion of the prior nonconforming use or structure.

Mr. Barnes referred to Chapter Seven of the Comprehensive Plan and stated that it includes six major elements. He stated that element three, titled Rural Character and Maritime Heritage, reads: "Preserve and promote our maritime heritage, the watermen who continue it and our waterfront recreational and service industries."

Mr. Barnes stated that Chapter Seven also discusses re-use of existing sites for new uses to minimize new impacts, including water dependent uses and working waterfront areas.

Mr. Barnes stated that the issue has been advertised and adjacent property owners notified as required by law. He stated that he has received calls, both in opposition and support of the application. He stated that he had provided the Board members with the written correspondence that he had received to date.

Mr. Larson stated that Callis Seafood was in operation prior to 1975 when zoning ordinances were established in the County.

Mr. Barnes agreed. He stated that the operation began in 1957.

Mr. Larson stated that when Callis Seafood came into existence, there were no permits required at that time.

Mr. Barnes agreed.

Mr. Cornwell stated that he had read some of the concerns about the application that related to lighting, noise and outside storage. He stated that he read the response from the applicant and it appears that he addressed many of those issues. He stated that if the applicant is willing to adhere to some conditions, the Board could impose those conditions with the special exception.

Mr. Barnes stated that he had spoken to the applicant today about conditions. He stated that the applicant is present and they are prepared to consider conditions.

Mr. Bellows opened the public hearing.

Bill Emory, a District 1 citizen, stated that he was not in favor of the application. He stated that he likes the peace and quiet, as does his neighbors. He stated that, in his opinion, the request would negatively impact the quality of life and the quality of the natural environment on Town Creek. He stated that the applicants will use the property for industrial use. He stated that he supports the watermen that use the facility and pursuant to that, he made an offer in April to purchase the subject property. He stated that today, several neighbors got together and submitted a back-up contract for purchase to Virginia Commonwealth Bank, which the bank has accepted. He stated that makes them the purchaser in line behind Northern Neck Marine Construction. He stated that their ownership of the Callis Seafood property would not produce a special exception request and would be all about the seafood, the watermen and being a good neighbor. He stated that it was his hope that the Board will deny the request this evening.

Scott Vining stated that he owned the property adjacent to the subject property. He stated that if the applicants wanted to change the property to a commercial use, they would need a fifty-foot easement and that would mean they would need to have an eight-foot easement on his property. He stated that one of the reasons he purchased his property was because it was a quiet area. He stated that there are young children in his extended family and he has concerns about their safety with commercial activity next door.

Bob Morazes, a District 1 citizen, stated that he had met with Mr. Larson concerning the application. He stated that there were things that he did not like about this operation. He stated that he was concerned about the potential noise and lighting. He stated that it was a neighborhood of retired people and they don't want to have something industrial at their back door. He stated that he and some of his neighbors have put together the funding to buy the oyster house. He stated that they want to see the oyster house grow and keep things quiet. He stated that he was the one that will have to live with the Board's decision.

Katie Pinel stated that she was with Northern Neck Marine Construction and they have a pending contract for the property at 353 Callis Road. She stated that their plan was to purchase the property and restore it to its original condition by rebuilding the bulkhead, docks and slips. She stated that they intend to clean up all of the debris and overgrowth. She stated that they intend to make it a safer area and more aesthetically pleasing. She stated that one citizen spoke about potential safety concerns, but she has concerns about safety right now because the building and the area around it are unsafe. She stated that they want to restore it, but was not sure if they would use the oyster house because it was not in good condition. She stated that they wanted to allow the watermen that currently dock their boats there to continue to do so. She stated that there were very few commercial properties in the County where watermen can tie up their boats and it would be beneficial to them and the seafood industry.

Ms. Pinel stated that they were a very small company with three employees, including herself. She stated that they were not a big industrial company. She stated that they intend to store their equipment in the metal shed that sits at the top of the property. She stated that, when needed, they would load some material by barge, such as riprap. She stated that they cared about the environment and wanted to place riprap by barge because it was better than driving over the property and tearing up the trees and the yard. She stated that it was also less invasive and they wanted that to be the new standard for marine construction. She stated that they intended for the water to stay clean and it will not look like a junkyard. She stated that everything that can be housed, will be because they don't want to keep their equipment outside in the elements. She stated that the only thing on the ground might be a pile of rock before it gets to its final destination. She referred to the lighting concerns and stated that they might put a flood light in front of the shed that would be similar to something that is used residentially. She referred to the noise concerns and stated that they will not be there all of the time because they also have a shop in White Stone and when they work, they go from property to property. She stated that she felt that she had addressed some of the concerns.

Mr. Palin asked if Ms. Pinel could address the traffic concerns.

Ms. Pinel replied they usually get deliveries made to their customers' properties and that is the most convenient for them. She stated that sometimes they will have a delivery come in and will load by barge, but that would be few and far between. She stated that sometimes people will meet at the shop before a job, so there might be a car or two there. She stated that they use an excavator to load rock, but it is not something that



is done all day long and would be a similar noise like someone cutting their grass or farming. She stated that there would be no excess noise.

Mr. Larson stated that, as discussed by the County Attorney, the request could be granted with conditions. He stated that he was concerned about the fact that the owner, Mr. Davis, was not present at the hearing and he was even more concerned about the email that was sent by Mr. Davis. He stated that he thought Ms. Pinel represented the company well, but did not think that she could commit to conditions that he would want to see applied.

Ms. Pinel asked if the conditions were something that they had to commit to right now.

Mr. Larson replied yes.

Mr. Larson stated that the motion could go one of three ways. He stated that they could approve the request with conditions, they could deny the request or they could table the request until next month to give his fellow Board members an opportunity to read the additional paperwork that they had received. He stated that they could also take into account the new offer on the property, which is troubling in its own regard. He stated that, in his opinion, it was a bad situation for this County to be in to have to make a decision on a piece of property that now has two offers. He stated that the decision that the Board makes could clearly be interpreted as favoring one party or the other.

Mr. Lee agreed. He stated that the situation is putting the County in a bad spot because there are now two contracts on the property.

Ms. Pinel stated that her company has the contract. She stated that if they decide not to buy the property, then the other offer would be accepted.

Mr. Cornwell stated that, since the bank is the current owner of the property, the bank should be present at the hearing.

Mr. Barnes stated that he had spoken with Meredith Smith from Virginia Commonwealth Bank that afternoon and she said that normally they attend the hearing and speak in favor of the request, but there was a conflict and no one was available.

Mr. Larson stated that when they hold public hearings, they need all of the principals to be present. He stated that, in this situation, Mr. Davis and someone from the bank should be here. He stated that he wanted the public hearing to be completed tonight and he wanted to hear everyone who came to speak whether it was for or against the request. He stated that he was not going to make a motion one way or the other tonight, but wanted everyone who took their time to come out to be heard.

Dr. Westbrook stated that, it seemed to him from what Ms. Pinel said, the biggest value to her company concerning the property is having the water nearby, so they can use

a barge. He asked if there was another space that would be equally attractive for their operation.

Ms. Pinel replied that if there is, they do not know about it. She stated that they had been looking for commercial property and the reason they chose this site was because the bank had it listed as commercial property. She stated that it had been several weeks into their pending contract when they found out that the parcel is actually zoned R-1. She stated that was when they started to investigate what had to be done so that the property could work for their business. She stated that they have been looking for a long time and had not been able to find another suitable property.

Mr. Palin stated that this is a rural area and he remembered when someone came to the Board years ago with a request that the farmers not operate their equipment until after a certain time of day. He stated that, after hearing what Ms. Pinel had to say, it did not sound like it would be much traffic and would be an improvement to the area. He stated that it did not matter where the company decided to go, there will always be a protest.

Mr. Lee stated that he had concerns about the bank not being there and also the principal from the company not being there to agree or disagree with conditions. He stated that he would also like to hear from a bank representative concerning who they are actually dealing with, since two offers have been accepted.

Ms. Pinel asked if they decided to purchase the property as is and were only asking what they could do on their own property, would that end the conflict.

Mr. Cornwell replied that the Board could not answer a question that contained “what ifs”. He stated that the applicants needed to do what they thought they should do.

Mr. Larson stated that, if they came back in front of the Board as a seafood processing operation, there would be no issue. He stated that he was not saying anything negative about Ms. Pinel’s business, but because of the zoning ordinance, it has to be something that is considered an expansion of the use of the property.

Deborah Haydon, a District 1 citizen, stated that they live close to the oyster house and after receiving a notice concerning the special exception, they had some questions. She stated that Ms. Pinel spoke about the oyster house and how it is dangerous, but she also said there were no plans for refurbishing the building. She stated that concerns her.

Mrs. Haydon stated that, it was her understanding that Northern Neck Marine Construction is using another dock on Myers Creek, so there are other places that they can use for their operation. She stated that, it might not be one that they own, but it is one that they can use. She stated that they are also concerned about the noise.

Mrs. Haydon asked how close could they hold Northern Neck Marine Construction to the written letter of intent, included with his petition to change the zoning. She stated that the applicant states changes he would make in his letter, but what if he doesn't follow through.

Mr. Larson stated that it would be an extreme step and may never have been done, but the special exception could be rescinded if they do not comply with the conditions.

Mr. Cornwell stated that, to follow up on Mr. Larson's comments, the special exception can also be enforced. He stated that the Zoning Administrator can bring action to the Circuit Court to enforce specified conditions.

Mrs. Haydon stated that answered her question.

Dr. Westbrook stated that he assumed there would have to be repeated complaints.

Mr. Cornwell stated that it would depend on the nature of the complaints.

Mr. Gill stated that he wanted to make one point of clarification. He stated that Mrs. Haydon mentioned that the request was to change the zoning of the property, but the request is not for a zoning change. He stated that it was a special exception request under the current zoning.

Mrs. Haydon referred to the gentleman that spoke about the intrusion on his property and stated that the driveway to the oyster house goes across his property.

Mr. Barnes stated that he had included a copy of the survey in the Board's materials.

Mrs. Haydon stated that she was also concerned about the watermen who currently use the dock. She stated that they are docked there because they have no other place to go.

Brian Dillistin, a District 1 citizen, stated that he was in favor of the watermen and would like to see this get worked out. He stated that he did not see a big problem, but was concerned about the barge coming out of the creek and how it might affect his dock as well as his neighbors. He stated that his dock protrudes out pretty far. He stated that he was also worried about where the staging was going to be and where the stone would be stored. He stated that he would just like to have some clarification.

Jan Jacobsen, a District 1 citizen, stated that he can see the oyster house from his dining room window and had just found out about the special exception request. He stated that he did not want the request granted and would like more information about what is occurring near his property.

Scott Vining stated that he wanted to show the Board a picture taken from his property stake to the side of the building, which is forty-two feet. He stated that the applicants would need to encroach eight feet onto his property to meet the requirements for a commercial property.

Mr. Gill replied that the zoning is not changing to commercial. He stated that this is a special exception request.

Mr. Bellows asked Mr. Vining to send those photographs to County staff so that everyone can see them.

Paul Shultz, a District 1 citizen, stated that he lived on Town Creek. He asked how much water does the barge draw when it is fully loaded. He gave a history of the area of Town Creek and stated that the channel that comes into Town Creek is shallow and he had seen many boats run aground there.

Ms. Pinel stated that her company has flat barges that are pushed by skiffs and another barge with a motor. She stated that the barges, when fully loaded, draw no more than two feet of water. She stated that they were aware of the shallow channel. She stated that Mr. Davis has been doing this for almost twenty years and is very familiar with the local waterways. She stated that they did not plan on hitting anyone's dock and they are fully insured.

Mr. Bellows closed the public hearing.

Mr. Larson stated that there were many issues with this request and a lot of documentation had been submitted today. He stated that he had spent the whole day discussing the request with many people. He stated that, given all of that and their concerns about the contract, he made a motion to table the request until their July 25<sup>th</sup> meeting and put it on their consideration docket. He stated that he expected all of the principals associated with the request to be in attendance that evening.

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

2. CY 2019 Proposed Tax Levy Ordinance

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

Mr. Gill stated that a public hearing to receive public comment on the proposed CY 19 Tax Levy Ordinance was required by Section 15.2-1427 of the Code of Virginia, 1950, as amended. He stated that the Board of Supervisors must fix a tax rate for the calendar year no later than the date on which the next fiscal year begins, which is July 1, 2019, as required in Section 15.2-2503 of the Code of Virginia.

Mr. Gill stated that Lancaster County sets its tax rate by ordinance, so there is a legal requirement to advertise twice. He stated that there were also extra advertisements for this year, due to the general reassessment, which generated an equalized tax rate of 57 cents. He referred to the proposed ordinance and stated that the real estate taxes were the only change and the other tax rates stayed the same. He stated that they have advertised a real estate tax rate of 65 cents and they can adopt a tax rate that is lower than that, but not higher. He stated that the Board has already approved the school budget that had an additional half a million dollars in local money, so that accounted for about two cents. He stated that the Board has chosen to pay for approximately \$521,000 in capital improvement items out of the operating budget, instead of borrowing for them, and that would be another two cents. He stated a tax rate of 62 cents would allow them to meet the fund balance requirement and anything higher than that would help them build the reserve.

Mr. Bellows opened the public hearing.

Charlie Costello, a District 2 citizen, stated that he supported the Board adding three more cents to the real estate tax. He stated that one cent was for the schools, that was proposed a few years ago and was intended to be permanent and two cents to start putting money aside for the new schools. He referred to the elimination of the boat tax a few years ago and stated that they have lost about \$2 million dollars since then. He stated that he was going to give his boat tax amount to the Boys and Girls Club.

Mr. Bellows closed the public hearing.

Mr. Lee stated that they know a 62-cent tax rate will get them over the seven percent fund balance requirement, but his question was how serious were they about building the reserve. He stated that, besides the one cent, they have not put anything aside for new schools. He asked if they would support a 63-cent tax rate to try to help with what is coming in the future.

Mr. Bellows stated that the new school project is probably a year out at least. He stated that, in his opinion, they don't need to bank a lot of money, but they should be continuing the one cent, at least to have some sort of capital fund, for not only the schools, but for any capital project.

Dr. Westbrook stated that Mr. Lee had proposed a 65-cent tax rate.

Mr. Lee stated that he had proposed a 65-cent tax rate, so they would have some room to come down, if needed. He stated that two cents were for the schools' shortfall, two cents were for the capital improvements and one cent was built in for the schools.

Dr. Westbrook stated that last year when they thought the new schools were going to cost \$80 million dollars, he worked it out that a ten-cent tax increase would allow them to afford it. He stated that they needed to start building for what is coming, even though they don't know the dollar amount yet. He stated that he did not know how much they should start putting in the bank because they are taking money from people and letting it draw interest until they figure out where it is going to go.

Mr. Palin stated that he would support a 63-cent tax rate.

Mr. Larson stated that he was surprised that no one showed up to speak against the increased tax rate. He stated that he did not think there was a good tax rate here and he could make an argument against every one of them from 57 to 65 cents. He stated that he had real concerns for this County five to ten years down the road. He stated that the reserve has been drawn down to seven percent. He asked what kind of message were they sending to a prospective lender. He stated that, in a two-year period, if they raise the taxes to 65 cents, they would have raised them twenty-one percent. He stated that people on fixed incomes have not had that much increase in what they receive and they are not focusing enough on that.

Mr. Larson stated that they have created a momentum of spending over roughly the last seven years that cannot be sustained. He stated that he had a fear that they will have a segment of the County that literally cannot afford the taxes they are being asked to pay. He stated that it was an irony that they are talking about raising taxes and still trying to think of ways to help impoverished people who cannot pay. He stated that they continue to talk about raising taxes when what they need to do is make some hard decisions about controlling expenses. He stated that he would not go along with any tax rate that was proposed.

Dr. Westbrook stated that he had a telephone conversation with Mr. Larson today and they agreed on some issues. He stated that his belief has been, since he was on the School Board, that they can accept the present condition of this County or they can make a decision to turn it around. He stated they have heard about the declining population and that new schools cannot be afforded. He stated that they needed to have a strategic vision to turn this around. He stated that they needed to have more people coming into this County. He stated that they know from every study that has been done that quality schools and employment opportunities are the keys to having a community thrive.

Dr. Westbrook stated that he would like a public meeting after the fiscal year is over in July or August to discuss other tax possibilities that they could consider. He stated that he was not talking about running up everyone's taxes, but what other communities are doing to see if they can diversify the County's taxes. He stated that he would like to revisit the boat tax as well. He stated that he would support a 63-cent tax rate.

Mr. Bellows stated that they cannot reduce this budget anymore by cutting the non-governmental organizations. He stated that the major expenditure growth is in public safety and education, which are core services of local government. He stated that he was in favor of the 63-cent tax rate to balance the budget and build a little on the reserve.

Mr. Palin made a motion to set the real estate tax levy for calendar year 2019 at 63 cents per \$100 of assessed value, with one cent set aside for a school and capital fund and no change to the other proposed tax levies.

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.)

### **CONSENSUS DOCKET**

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

1. Minutes for the May 22<sup>nd</sup> Budget Work Session, May 30<sup>th</sup> Regular Meeting and June 13<sup>th</sup> Budget Public Hearing

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. Approval of June 2019 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for June 2019 in the amount of \$284,280.62 and invoice listings for June 2019 in the amount of \$427,630.42\*.

\*Capital Improvements - \$30,350.00

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

2. Memorandum of Understanding Allowing Richmond County to use the Lancaster County Building Code Board of Appeals

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

Mr. Gill stated that the issue was the consideration of a Memorandum of Understanding allowing Richmond County to use the Lancaster County Building Code Board of Appeals.

Mr. Gill stated that Richmond County does not have a Building Codes Board of Appeals and would like to enter into a Memorandum of Understanding (MOU) with Lancaster County to use our Building Code Board of Appeals when needed. He stated that Richmond County currently has an appeal case pending, but no board in place to hear the appeal. He stated that Richmond County’s Attorney, Chris McKenzie with Sands Anderson, has drafted the MOU that was in the Board of Supervisors’ books and Jim Cornwell, Lancaster County’s Attorney, has reviewed and approved the document. He stated that Richmond County would reimburse Lancaster County for all associated costs including application fees, member stipends per meeting and advertising. He stated that, to his knowledge, the Lancaster County Building Code Appeals Board has only met once since 2007, so it may be useful for them to have the opportunity to meet.



**RICHMOND COUNTY BOS – LANCASTER COUNTY BOS**  
**MEMORANDUM OF UNDERSTANDING REGARDING LOCAL BOARD OF BUILDING CODE**  
**APPEALS**

Whereas, the Lancaster County Board of Supervisors ("BOS") has a local board of building code appeals; and

Whereas, the Richmond County BOS does not have a local board of building code appeals; and

Whereas, Virginia Code §36-105(A) requires that "whenever a county or a municipality does not have a ... board of Building Code appeals, the local governing body shall enter into an agreement with the local governing body of another county ... for such ... appeals;" and

Whereas, the Lancaster County BOS is willing to enter into an agreement for Richmond County to utilize the Lancaster County Board of Building Code Appeals for its building code appeals pursuant to Virginia Code §36-105(A), with reimbursement by Richmond County to Lancaster County of any and all actual additional costs incurred resulting from appeals from Richmond County; and

Whereas, the Richmond County BOS is agreeable to use the Lancaster County Board of Building Code Appeals pursuant to Virginia Code §36-105(A) and to the reimbursement of any and all actual expenses resulting therefrom.

Now, therefore, the Lancaster County BOS and the Richmond County BOS agree as follows:

1. Richmond County will use the Lancaster County Board of Building Code Appeals to hear appeals from the application or enforcement of the Building Code by the Richmond County Building Official pursuant to Virginia Code §36-105(A); and
2. Richmond County will reimburse, within 45 days of a request to do so, any and all actual additional costs incurred resulting from appeals from Richmond County, which costs will be listed in writing for Richmond County's record; and
3. The county administrators of the two counties are hereby authorized to agree to other details and arrangements as administratively necessary to have the appeals heard and the actual expenses reimbursed.
4. This MOU shall remain in effect until terminated in writing by either party.

Mr. Lee made a motion to enter into the Memorandum of Understanding Allowing Richmond County to use the Lancaster County Building Code Board of Appeals.

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

### 3. Building/Land Use Permit Fee Schedule Revisions

Ernie Sadler, Building Official, stated that there were two new permits and two permits that have been in effect for awhile that needed to be added to the fee schedule. He stated that the first new permit is the Conditioned Crawl Space permit, which will cover any alteration to an existing home to change from a vented crawl space to an unvented crawl space. He stated that this permit is required by code and the fee is the minimum fee of \$50.00. He stated that the second new permit is a Safe, Adequate and Proper Septic permit. He stated that the Virginia Department of Health has added a septic inspection as a requirement for building, in which the septic system has to be checked, prior to issuing a building permit. He stated that cost is \$100.00. He stated that the Safe, Adequate and Proper Septic permit (SAP) will be added as a courtesy for Lancaster County residents and contractors, with staff performing the required inspection needed for the Department of Health, without having to hire a third party contractor. He stated that he has his license and can perform these required inspections. He stated that the fee will be \$75.00 per inspection and he will be able to inspect both standard and alternative systems.

Mr. Lee asked if he decided to build an addition onto his home, would he have to give the Health Department a \$100.00 payment for their fee and the County a \$75.00 payment for their fee to have his septic system checked before he could proceed with building.

Mr. Sadler replied yes. He stated that it was mandated by the state as of July 1, 2019. He stated that if a homeowner wants to add a screened porch, pool, garage or anything else with an occupiable space, they must purchase these permits.

Mr. Larson asked Mr. Sadler if these additional inspections were something he could do as well as maintaining his other responsibilities.

Mr. Sadler replied yes. He stated that the inspection will be similar to just checking the septic lines.

Mr. Larson asked if Mr. Sadler would be coming back to the Board in a year saying that he needs another building inspector.

Mr. Sadler replied no.

Mr. Larson asked Mr. Sadler why the reinspection fee was only \$25.00.

Mr. Sadler replied that there were two reinspection fees. He stated that the first one is after the inspection has been called in and failed twice. He stated that for the inspector to come back the third time, there is a \$50.00 fee. He stated that the second reinspect fee is for those that have called an inspection in and are not ready when the inspector arrives. He stated that they are finding this quite a bit. He stated that they have set that fee at \$25.00.

Mr. Larson stated that he did not have a problem with that, but doesn't understand why those people are not charged more. He stated that he proposed a fee of \$100.00 for work that is not ready to be inspected after a call for an inspection has been received.

Mr. Sadler stated that he was in agreement with whatever fee the Board wanted to impose.

Dr. Westbrook asked if the fee schedule could be revisited.

Mr. Sadler replied that they could revisit it, but the Safe, Adequate and Proper Septic permit must be in place by July 1<sup>st</sup>. He stated that he had looked at the surrounding counties' fees and Lancaster County was in line with them.

Mr. Lee suggested that the reinspect fee be set at \$50.00 for the first failed inspection, instead of the second failed inspection.

Mr. Palin agreed.

Dr. Westbrook stated that if the contractor knows it is going to cost them money, they will be more prone to doing it right the first time.

Mr. Bellows made a motion to approve a \$50.00 fee for every failed inspection, a \$100.00 fee for an inspection called in that is not ready to be inspected, a \$50.00 fee for the Condition Crawl Space permit and a \$75.00 fee for the Safe, Adequate and Proper Septic permit.

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

4. Resolution of Adoption of the FY 20 Operating and Capital Improvement Budgets

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

Mr. Gill stated that the Board of Supervisors has prepared a General Fund Budget, including Capital Improvement Expenditures, for the fiscal year beginning July 1, 2019 and ending on June 30, 2020 and has conducted a legally advertised public hearing on said General Fund Budget on June 13, 2019 in accordance with Section 15.2-2506 of the Code of Virginia, 1950, as amended. He stated that he had prepared the resolution based on the proposed budget which reflects the last changes that were made at the June 13<sup>th</sup> meeting.

Mr. Lee made a motion to Adopt the Resolution of Adoption of the FY 20 Operating and Capital Improvement Budgets.

Mr. Bellows asked if there was any discussion on the motion.

Mr. Larson stated that he wanted to say that he thought they could have done a better job on reducing expenditures.

**Fiscal Year 2019-2020 Budget Adoption**

**WHEREAS**, the Lancaster County Board of Supervisors has prepared a budget for the Lancaster County Public Schools for the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020 for information and fiscal planning purposes only and has conducted a legally advertised public hearing on said budget on April 25, 2019 in accordance with Section 15.2-2506 of the *Code of Virginia, 1950, as amended*, and has subsequently adopted and appropriated funds for said Public Schools Budget on May 7, 2019; and

**WHEREAS**, the Lancaster County Board of Supervisors has also prepared a General Fund Budget for the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020 for information and fiscal planning purposes only and has conducted a legally advertised public hearing on said General Fund Budget on June 13, 2019 in accordance with Section 15.2-2506 of the *Code of Virginia, 1950, as amended*.

**NOW, THEREFORE BE IT RESOLVED**, by the Lancaster County Board of Supervisors that the funds for the General Fund Budget for the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020 are hereby approved for the purposes and in the amounts delineated below in conformance with the aforementioned Virginia Code section; and

**BE IT FURTHER RESOLVED**, by the Lancaster County Board of Supervisors that no expenditures of funds that are approved for the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020 shall be made until the Board of Supervisors shall appropriate said funds for those purposes and in the amounts stipulated in a Resolution of Appropriation; and

**BE IT FURTHER RESOLVED**, by the Lancaster County Board of Supervisors that all expenditures of funds that are approved for expenditure in the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020 shall be in compliance with any and all terms and conditions stipulated in a Resolution of Appropriation.

**BE IT FINALLY RESOLVED**, that the Lancaster County Public Schools Budget, which was adopted on May 7, 2019 for the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020, is included herein for information and fiscal planning purposes.

**Budget**

Board of Supervisors	\$ 49,942
County Administration	396,893
County Attorney	25,000
Independent Auditor	45,000
Commissioner of the Revenue	273,472
Treasurer	320,602
Information Technology Services	135,710
Electoral Board	75,641
Registrar	110,393
Circuit Court	26,314
General District Court	3,400
Magistrate	200
Adult Drug Court	6,000
Juvenile and Domestic Relations Court	2,675
Clerk of the Circuit Court	342,393
Court Appointed Special Advocates	5,000
Victim/Witness Assistance Program	83,899
Commonwealth's Attorney	371,376
Sheriff (Law Enforcement)	2,190,510
School Resource Officers	128,209
Volunteer Fire Departments	340,489
Volunteer Rescue Squads	181,452
Paid Rescue Services (EMS)	1,188,987
LEMPG, RCCF, Grace grant expenditures (EMS)	13,986
Public Safety Radio (EMS)	155,147
Department of Forestry	4,000
Local Emergency Services	37,500
Sheriff (Corrections)	1,077,530
Juvenile Detention and Probation Office	71,767

Building Inspections	165,657
Animal Control	149,788
Medical Examiner	200
Refuse Disposal	1,076,156
General Properties	306,770
Health Department	215,928
Free Health Clinic	100,477
Community Services Board	42,231
Bay Aging	75,600
The Haven Crisis Shelter	4,000
Comprehensive Services Act	600,000
Social Services	2,043,012
Boys and Girls Club of America	35,000
Healthy Harvest Food Bank (Lancaster Co. Projects)	1,000
Rappahannock Community College	7,387
YMCA	50,000
Mary Ball Washington Museum	4,400
Community Library	122,995
Youth Club of Lancaster County	10,000
Northern Neck – Chesapeake Bay Region Partnership	2,000
Rappahannock River Basin Commission	1,000
Land Use Administration	294,427
Department of Housing	83,801
Planning District Commission	17,000
Lancaster County Broadband Authority	52,500
Soil and Water Conservation District	10,000
Wetlands Board	10,002
Board of Zoning Appeals	2,169
Planning Commission	9,529
Cooperative Extension Service	34,100
River Realm Branding Program	25,000
Landfill Closure Management	7,000
Enhanced Emergency (E-911) Telephone System	90,925
Debt Service	1,328,939
Lancaster Public Schools (Lump Sum)	16,926,053
Capital Improvement Expenditures	521,840
<b>Total Budget</b>	<b>\$ 32,090,373</b>

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.)

5. Resolution of Appropriation of the Adopted FY 20 Budgets

Mr. Bellows made a motion to Approve the Resolution of Appropriation of the Adopted FY 20 General Fund Budget, Including Capital Improvement Expenditures.

Mr. Larson stated that he had one consideration concerning the appropriation. He stated that Butch Jenkins, former member of the Board of Supervisors, spoke during the public comment portion of the budget's public hearing and recommended that the Board consider apportioning the money to the schools on a quarterly basis. He stated that there were a lot of things going on there that they did not know about and he thought they needed a little more control. He stated that they know that the schools will not come close to spending twenty-five percent of the budget in the first quarter because the salaries for the first two months are paid under the current FY 19 appropriation. He stated that he would recommend that the first quarter apportionment be around fifteen percent and then they continue to look at their budget throughout the year and determine which percentage to approve each quarter.

Mr. Bellows stated that they did something similar to that a few years ago during the Lukich years and did it across all departments. He stated that it created some issues because the schools' budget is so complicated and he would not be in favor of it. He stated that the categorized budget was more effective.

Mr. Palin agreed.

Dr. Westbrook stated that he trusted the School Superintendent and the Schools' Financial Officer and he was in favor of doing what they did last year.

Mr. Lee stated that he shared Mr. Larson's concerns and would like to see a report to keep track of the school's budget throughout the year.

Mr. Bellows stated that the County staff can look at monthly expenditures.

Mr. Gill stated that he gave a mid-year review in January and suggested that he could do a quarterly review for the schools in particular, if the Board wished.

Dr. Westbrook stated that they have agreed that the schools need the money that they said they need.

Mr. Larson stated that they did not agree. He stated that they agreed as a Board and he was a member of the Board, but there was a minority position on the school budget request.

Dr. Westbrook stated that he did not say the vote was unanimous.

Mr. Larson stated that he just wanted to clarify that.

Dr. Westbrook stated that the Board agreed to fund the money that the schools requested and now they are talking about looking over their shoulders.

Mr. Bellows stated that this is not even up for discussion because the budget has already been approved and appropriated for the schools.

Mr. Larson stated that there was a difference between appropriation and apportionment.

Mr. Palin stated that they can keep an eye on it, especially now that the schools use the Bright system software like County administration. He stated that they can always be monitored.

Mr. Bellows stated that his motion stands for approval.

## **Fiscal Year 2019-2020 Budget Appropriation**

**WHEREAS**, the Lancaster County Board of Supervisors has prepared a budget for the Lancaster County Public Schools for the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020 for information and fiscal planning purposes only and has conducted a legally advertised public hearing on said budget on April 25, 2019 in accordance with Section 15.2-2506 of the *Code of Virginia, 1950, as amended*, and has subsequently adopted and appropriated funds for said Public Schools Budget on May 7, 2019; and

**WHEREAS**, the Lancaster County Board of Supervisors has also prepared a General Fund Budget for the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020 for information and fiscal planning purposes only and has conducted a legally advertised public hearing on said General Fund Budget on June 13, 2019 in accordance with Section 15.2-2506 of the *Code of Virginia, 1950, as amended*; and

**WHEREAS**, the Lancaster County Board of Supervisors has approved the General Fund Budget for the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020 for the purposes and in the amounts delineated in the Resolution of Budget Adoption on June 27, 2019; and



**WHEREAS**, it is now necessary to appropriate sufficient funds for the contemplated expenditures that are contained in the General Fund Budget for the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020.

**NOW, THEREFORE BE IT RESOLVED**, by the Lancaster County Board of Supervisors, that no expenditures of funds that are approved for the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020 shall be made until the Board of Supervisors shall appropriate said funds for those purposes and in the amounts stipulated in the Resolution of Appropriation; and

**BE IT FURTHER RESOLVED**, by the Lancaster County Board of Supervisors that all expenditures of funds that are approved for expenditure in the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020 shall be in compliance with any and all terms and conditions stipulated in the Resolution of Appropriation; and

**BE IT FINALLY RESOLVED**, that the Lancaster County Public Schools Budget, which was appropriated on May 7, 2019 for the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020, is included herein for information and fiscal planning purposes.

**Budget**

Board of Supervisors	\$ 49,942
County Administration	396,893
County Attorney	25,000
Independent Auditor	45,000
Commissioner of the Revenue	273,472
Treasurer	320,602
Information Technology Services	135,710
Electoral Board	75,641
Registrar	110,393
Circuit Court	26,314
General District Court	3,400
Magistrate	200
Adult Drug Court	6,000
Juvenile and Domestic Relations Court	2,675
Clerk of the Circuit Court	342,393
Court Appointed Special Advocates	5,000
Victim/Witness Assistance Program	83,899
Commonwealth's Attorney	371,376
Sheriff (Law Enforcement)	2,190,510
School Resource Officers	128,209
Volunteer Fire Departments	340,489
Volunteer Rescue Squads	181,452
Paid Rescue Services (EMS)	1,188,987
LEMPEG, RCCF, Grace grant expenditures (EMS)	13,986

Public Safety Radio (EMS)	155,147
Department of Forestry	4,000
Local Emergency Services	37,500
Sheriff (Corrections)	1,077,530
Juvenile Detention and Probation Office	71,767
Building Inspections	165,657
Animal Control	149,788
Medical Examiner	200
Refuse Disposal	1,076,156
General Properties	306,770
Health Department	215,928
Free Health Clinic	100,477
Community Services Board	42,231
Bay Aging	75,600
The Haven Crisis Shelter	4,000
Comprehensive Services Act	600,000
Social Services	2,043,012
Boys and Girls Club of America	35,000
Healthy Harvest Food Bank (Lancaster Co. Projects)	1,000
Rappahannock Community College	7,387
YMCA	50,000
Mary Ball Washington Museum	4,400
Community Library	122,995
Youth Club of Lancaster County	10,000
Northern Neck – Chesapeake Bay Region Partnership	2,000
Rappahannock River Basin Commission	1,000
Land Use Administration	294,427
Department of Housing	83,801
Planning District Commission	17,000
Lancaster County Broadband Authority	52,500
Soil and Water Conservation District	10,000
Wetlands Board	10,002
Board of Zoning Appeals	2,169
Planning Commission	9,529
Cooperative Extension Service	34,100
River Realm Branding Program	25,000
Landfill Closure Management	7,000
Enhanced Emergency (E-911) Telephone System	90,925
Debt Service	1,328,939
Lancaster Public Schools (Lump Sum)	16,926,053
Capital Improvement Expenditures	521,840
<b>Total Budget</b>	<b>\$ 32,090,373</b>

## TERMS AND CONDITIONS

1. In accordance with Section 15.2-2506 of the *Code of Virginia, 1950, as amended*, except as noted herein, all appropriations, including those for the Lancaster County Public Schools and General Fund departments, agencies and organizations, are made on an annual (12-month) basis; specifically, for the period beginning on July 1, 2019 and ending on June 30, 2020. All payment requests for capital improvements expenditures shall be directed to the Board of Supervisors by way of the County Administrator for approval and payment.
2. All appropriations are declared to be maximum, conditional and proportionate appropriations. This makes the appropriations payable in full in the amounts named herein, if the aggregate revenues collected and other resources available during the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020 for which appropriations are made, are sufficient to pay all of the appropriations in full; otherwise, said appropriations shall be deemed to be payable in such proportion as the sum of all realized revenue is to the total amount of the revenues estimated by the Board of Supervisors to be available for appropriation in the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020.
3. No department, agency, or individual receiving appropriations under the provisions of this resolution shall exceed the amount approved for that department, agency or individual by the Lancaster County Board of Supervisors.
4. The Board of Supervisors reserves the right to change at any time during the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020 compensation provided to any officer or employee and to abolish any office or position, except for such office or position as may be prohibited by law from abolishing.
5. The County Administrator is authorized to establish purchasing policies and procedures to assure that expenditures are made within the appropriations defined within this Resolution and to initiate emergency spending reductions to decrease expenditures in light of decreased actual revenues.
6. In accordance with Section 22.1-94 of the *Code of Virginia, 1950, as amended*, the amount appropriated to fund the contemplated expenditures for the Lancaster County Public Schools (School Board) is by lump sum total classification.
7. No expenditures shall exceed the appropriation established by the Lancaster County Board of Supervisors unless a supplemental appropriation is approved in advance of the expenditure.
8. Any request to increase the overall appropriation to any department, agency or organization as appropriated by this resolution must be made to the Board of Supervisors by written request.

9. The County Administrator may increase appropriations for the following items of non-budgeted revenue that may occur during the Fiscal Year:

- a. Insurance recoveries received for damage to County vehicles or other property for which County funds have been expended to make repairs.
- b. Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement.
- c. Additional, unbudgeted grants received during the Fiscal Year for which there is sufficient revenues to defray expenditures.

10. All appropriations that are not encumbered or expended prior to June 30, 2020 will lapse and the balance shall become part of the General Fund Balance.

11. The County Administrator may increase or reduce revenue and expenditure appropriations related to programs funded all or in part by the Commonwealth of Virginia and/or the federal government to the level approved by the responsible state or federal agency.

12. The County Administrator may appropriate both revenue and expenditures for donations by citizens or citizen groups in support of County programs. Any remaining unencumbered balance of a restricted donation at the end of the Fiscal Year will be re-appropriated into the subsequent Fiscal Year.

13. The County Administrator may appropriate revenues and expenditures for funds received by the County from asset forfeitures for operating expenditures directly related to drug enforcement. The outstanding balance of these funds shall not lapse, but shall be carried forward into the subsequent Fiscal 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. Revenue Anticipation Note Request and RFP Authorization

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

Mr. Gill stated that the issue was the consideration of the Treasurer’s Revenue Anticipation Note Request and RFP Authorization. He stated that Treasurer Bonnie Dickson is requesting a \$3 million dollar Revenue Anticipation Note to supply cash flow needs from July through October prior to collecting 2019 tax revenue, which usually begins in November.

Mr. Gill stated that the Board of Supervisors has discussed this RFP being generated “in-house” without the aid of the county’s financial advisors, Davenport and Company. He stated that he had written a draft RFP and had the County Attorney review it. He stated that, if the Board is in agreement with his draft RFP and not using Davenport and Company on this particular issue, they can direct him that way.

Mr. Bellows asked how much money could they save.

Mr. Gill replied that the fee from Davenport and Company for last year’s RFP was about \$5,000.00.

Mr. Bellows made a motion to issue the Request For Proposals in-house for the 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

**BOARD REPORTS**

Mr. Lee referred to the cameras for litterers and stated that he had been working on the issue for a month and just found out about the pricing, which disappointed him. He stated that for a solar camera that is utilized through a wireless connection, one price was \$10,000.00 per camera and another price was \$4,900.00 per camera. He stated that he felt like he needed to start over again with the process. He referred to the cameras that Tazewell County uses and stated that they pay Verizon a monthly fee, but he did not want to pay a monthly fee. He stated that there were cameras out there that can be connected through the internet that he knows do not cost that much. He stated that they may need to reconsider the solar option because that increases the prices.

Mr. Bellows asked about the success rate in Tazewell County with the use of the cameras.

Mr. Lee replied that they are having success, but their problem was when the issue got to the court system, because their fines were not high enough.

Mr. Lee stated that he wanted to work on getting some reasonable figures for the cameras. He stated that he knows some hunters who use cameras and he does not believe they spend that kind of money on them.

Mr. Palin stated that he wanted to make some appointments to the Wetlands Board. He asked Mr. Gill to explain the process because the Board usually appoints by district.

Mr. Gill stated that state code does not require a member per district on the Wetlands Board, so all of the seats are at-large. He stated that they have been listed in the board/commission list by district because other committees have that requirement. He stated that Mr. Simmons, a long-time member of the Wetlands Board, has decided that he does not want to be reappointed for another term. He stated that the policy has been that the senior alternate member would be offered the opportunity to move up as a full-time member, but the senior alternate member, in this case, does not want to be a full-time member. He stated that a junior alternate member was appointed last month and would like to be a full-time member.

Mr. Palin made a motion to appoint Sharon S. Waddy to the Wetlands Board as an alternate member and Bruce Julian, currently an alternate member, will become a full-time member.

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

Dr. Westbrook stated that they had a discussion concerning the Healthy Harvest Food Bank because Richmond County had required other counties to participate in funding in order for them to abate the food bank's taxes in Richmond County. He stated that his legal question was can a county give an abatement one year and take it away the next. He also asked if an abatement was the same as an exemption.

Mr. Cornwell replied that an abatement was not the same as an exemption. He stated that exemptions were only permitted for certain categories that are exempt according to the state code. He stated that, technically a locality cannot abate taxes that

are owed by taxpayers, but they can contribute to the entity the same amount of money that is owed in taxes.

Dr. Westbrook stated that Mr. Barnes and Chief Smith had taken drone certification classes and he thought that it would be appropriate for the Board to look at revising or adding an ordinance that would cover situations where properties needed to be cleaned up and drones could take photographs, periodically, to assure that these properties stay in compliance. He asked if it would require a revision of the ordinances to allow that to happen.

Mr. Cornwell replied probably not because it would be considered no different than an inspection on the ground. He stated that when he takes these property owners to court, he asks the court to allow the enforcement officers to go onto the property or otherwise the enforcement officer has to get an administrative search warrant. He stated that is how that is usually handled.

Dr. Westbrook referred to the board/commission list and stated that they had discussed the possibility of eliminating or rescinding the Hills Quarter Community Development Authority.

Mr. Cornwell stated that the Hills Quarter Development Authority was created by ordinance, so an ordinance would be needed for the authority to be rescinded.

Dr. Westbrook stated that he thought that would be appropriate since Hills Quarter has been sold.

Dr. Westbrook made a motion to ask the County Attorney to draft an ordinance that would rescind the Hills Quarter Development Authority.

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

Dr. Westbrook stated that he would like the Board to seriously consider meeting to talk about next year's budget in July or August. He stated that he would like to get some procedural things taken care of that might make the budget process easier. He stated that he would like for them to take that time to look at the tax structures that other communities use. He stated that he would like for them to also look at the ways they can lessen the tax burden on those who cannot afford them. He stated that he did not think they should wait until next spring to begin to tackle this.

Mr. Larson stated that he supported Dr. Westbrook's suggestion.

Mr. Bellows stated that they have had some issues with erosion at Westland Beach. He stated that he met with Mr. Gill, Mr. Barnes and representatives from VMRC and the Army Corps of Engineers on Monday. He asked Mr. Barnes to speak about what had been done so far.

Mr. Barnes stated that they met on site with the representatives from both VMRC and the Army Corps of Engineers to get their opinion on the options at Westland Beach. He stated that he had drafted a proposal for a single breakwater with two stone spurs. He stated that it had been suggested by VMRC that the County hire a firm to design the breakwater structure, but he thought that County staff was capable. He stated that they may have a permit application by September or October.

Mr. Bellows stated that he did not know what the cost would be at this point, but it would not be cheap.

Mr. Gill stated that every storm and abnormal high tide over the last year has caused significant erosion at Westland Beach. He stated that last fall, Tropical Storm Michael undercut the end of Windmill Point Road's pavement and the pavement broke up and was scattered on the beach. He stated that, earlier this year, they installed a concrete bulkhead and cleaned up the pavement. He stated that, last Friday, they had abnormal high tides and high winds and Mr. Bellows was on the site and discovered the beach was in bad shape. He stated that he went to look at it Saturday morning and then they all met there on Monday. He stated that the bottom line is that they will have to do something to protect that beach because it is the only public beach in the County. He stated that the County owns fifty feet there and it has a deeded easement to another seventy-five feet of adjoining beach. He stated that Mr. Barnes is working on coming up with a plan and they will get some rough estimates. He stated that they may have to amend the Capital Improvement Budget in the future.

Dr. Westbrook asked if the goal was to hold onto what they have there.

Mr. Gill replied that the way a breakwater structure is designed would create two half-moon beach areas, similar to what is at Yorktown Beach.

### **COUNTY ADMINISTRATOR**

Mr. Gill stated that he had a conversation with Ms. Dickson, County Treasurer, concerning the fact that the County does not start charging interest on back taxes owed until the following July 1<sup>st</sup>. He stated that Ms. Dickson would like to start charging interest on January 1<sup>st</sup>, as other localities do. He stated that the Treasurer wanted to know if the Board would support amending the ordinance that relates to this issue.



The consensus of the Board was to amend the ordinance to change the date from which interest is accrued on back taxes from July 1<sup>st</sup> to January 1<sup>st</sup> of the following year when the taxes were due.

**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