

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room and via conference call through the Zoom platform on Thursday, July 30, 2020.

Members Present: Jason D. Bellows, Chair (Remote participant)

Ernest W. Palin, Jr., Vice Chair

Jack D. Larson, Board Member

William R. Lee, Board Member

Robert S. Westbrook, Board Member

Staff Present: Don G. Gill, County Administrator

James Cornwell, County Attorney (Remote participant)

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

Glenn Rowe, Information Technology Director

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

Mr. Palin called the meeting to order at 5:30 p.m.

Mr. Palin stated that, in accordance with the policy adopted by the Board of Supervisors last month that allows no more than one board member to participate remotely in a board meeting, he made a motion that the Board of Supervisors allow Chairman Jason Bellows to participate remotely in this meeting.

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

CLOSED MEETING

Motion was made by Mr. Palin 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, Acquisition of Real Property, §2.2-3711.A.3 and Legal Matters, §2.2-3711.A.8 of the Code of Virginia, 1950, as amended. The subject and purpose falls within the following exemption(s) under §2.2-3711.A.1 (candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees), §2.2-3711.A.3 (acquisition of real property for public purpose OR the disposition of government owned property where public discussion would jeopardize the County's bargaining or negotiating position) and §2.2-3711.A.8 (for the consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.)

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

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

RECONVENE

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

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

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on July 30, 2020 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Personnel, §2.2-3711.A.1, Acquisition of Real Property, §2.2-3711.A.3 and Legal Matters, §2.2-3711.A.8 of the Virginia Freedom of Information Act;

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

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

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

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

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

ROLL CALL

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

This certification resolution is adopted.

No action taken on the closed meeting matters.

PUBLIC INPUT

Lloyd Hill, a District 4 citizen, stated that, at the last Board of Supervisors' meeting, the way that boards and committees' vacancies were filled was changed. He stated that, in the past, the supervisor from each district was allowed to select citizens for the boards and committees. He stated that, at the last month's meeting, the decision was made to have citizens access the internet to apply for the vacant positions that would be advertised in the local paper. He stated that if the intent was to eliminate blacks from serving in the County, he did not think they could

have found a more efficient way of doing it. He stated that he did not think that by changing the method of filling those vacancies that many black citizens would be filling those positions.

Mr. Hill stated that he had checked with some of the surrounding counties and the counties of Northumberland and Westmoreland were still filling vacancies the old way and he thinks that makes for a more inclusive way to include everybody and will help with diversity on the boards and committees. He stated that he was asking the Board of Supervisors to reconsider their decision on the way vacancies are filled that was made at last month's meeting. He stated that he had wondered why there was no public input on that decision. He stated that he was not suggesting that the Board did not have the right or the authority to do it, but it seemed to him that something as consequential as this, should have had public input.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mike Bryant, VDOT Lancaster County Superintendent, stated that they will finish mowing on the secondary roads next week. He stated that the ferry will be shut down Friday due to the impending storm as a precaution. He stated that all of the paving has been completed as well.

PRESENTATIONS

1. Broadband Authority Update

Margie Armen, a Broadband Authority member, stated that on July 1st, at the regular meeting of the Broadband Authority, they unanimously approved joining with Mathews, Middlesex and Caroline Counties to submit a regional Virginia Telecommunications Initiative Grant (VATI) application. She stated that the application commits the counties to participate in and contribute to the project and requests state funds for the cable television provider, Atlantic Broadband, to bring service to all the currently unserved residents in the area of the County extending from Good Luck Road south to the Norris Bridge and Windmill Point. She stated that, if the grant is approved, all serviceable locations in the area covered by the grant will be able to access Atlantic Broadband service at the point where their driveway meets the road. She stated that they will know in December or January whether they have been selected for the VATI award. She stated that neither they nor Atlantic Broadband is in a position to answer calls or emails asking whether service is anticipated at specific addresses.

Ms. Armen stated that, meanwhile, the Rural Utilities Service ReConnect grant awards are starting to be announced. She stated that awards will be announced in the order in which applications were received and they expect to hear something in August or September. She stated that the ReConnect grant will provide the funding to build a County-wide network to serve all the County's unserved residents. She stated that, as they reported last month, if they are selected to receive a ReConnect grant, they will withdraw from the VATI competition.

Ms. Armen stated that they had a very productive teleconference with Representative Rob Wittman on July 23rd. She stated that he strongly supported their strategy of applying for multiple grants simultaneously and their choice to apply for VATI. She stated that

Representative Wittman agreed with their plans to use the grant funds to install the most up to date technology.

Ms. Armen stated that members of the Broadband Authority attended the Economic Development Authority's recent meeting where CARES Act funds were discussed. She stated that, at the earliest opportunity, the Broadband Authority will be bringing forward a proposal to use CARES Act funds for a useful and practical broadband project.

Mr. Larson referred to the VATI grant and asked why the northern part of the County was not considered.

Ms. Armen replied that the reason they selected the southern portion of the County for the VATI grant was because that is the area where Atlantic Broadband already has the most market penetration. She stated that the state has a 30 homes per mile service requirement and if that requirement is not met, then no cable television provider is required to provide service. She stated that the VATI grant program requires that the grant be implemented with a private party and Atlantic Broadband is already there and engaged. She stated that it seemed like the best possible use of the VATI funds. She stated that the ReConnect grant that they have applied for is close to \$30 million dollars and the VATI grant funds are much more limited at approximately \$2.5 to \$3.5 million dollars. She stated that the VATI grant funds would go towards a scaled down project in an area where Atlantic Broadband is already present and it would eliminate these unserved "islands" where nobody can explain why service is not available there.

Mr. Larson stated that they all hoped that they would receive the ReConnect grant. He stated that he wanted to point out that Atlantic Broadband does provide service to the northern portion of the County as well as the southern portion. He stated that he was less than enthralled that District 1 and District 2 have been left out of the VATI grant.

Ms. Armen stated that if there was a way that they could do it all, then they would certainly do so.

Mr. Larson stated that he was not happy with the approach. He stated that the northern end of the County has many unserved areas concerning broadband service.

Ms. Armen stated that she appreciated Mr. Larson's concerns.

Dr. Westbrook stated that it was his understanding that if they are successful in obtaining the ReConnect grant that the County was going to own the system and then can choose the internet service provider that would be administering the system. He asked if he was correct.

Ms. Armen replied yes.

Dr. Westbrook stated that, if they are successful with the VATI grant, the system would not be owned by the County. He asked if he was correct in saying that statement.

Ms. Armen replied yes. She stated that the VATI grant would support the expansion of the existing private provider.

Ms. Armen stated that she wanted to say that the Broadband Authority appreciates the support and concerns of the Board of Supervisors.

2. Business Relations Advisory Committee Update

Jimmie Carter, a member of the Business Relations Advisory Committee, stated that his group met with the local EDA earlier in the month and had a presentation from their consultants, Camoin and Associates. He stated that Camoin and Associates suggested that, concerning the grant from the federal EDA, the Business Relations Advisory Committee come up with two areas that they should focus on involving economic development. He stated that the first area was planning for both short and long-term goals for the County. He stated that, since the COVID crisis, they believe the work from home movement in this area is substantial. He stated that he had been looking at the residential real estate sales in the County and this time last year, to date, there had been 79 sales. He stated that the sales number to date this year is 129. He stated that gross sales went from \$27 million last year to \$45 million this year, to date. He stated that they think the acceleration really happened since the COVID crisis. He stated that they know anecdotally that all of the second homes are full and lots of people are moving in to get away from some of the issues facing urban areas.

Mr. Carter stated that the second area in which they were trying for grant funds was to build a business assistance center. He stated that the center would help people who are new to the area to find out about housing, contractors, broadband capabilities, technical support and many other services. He stated that it could also be a place to work, network and meet others.

Mr. Carter stated that they had a pre-meeting with the federal EDA on Monday to review the grant and there were two changes. He stated that the federal EDA recommended that the Business Relations Advisory Committee concentrate on the business assistance center and let one of the main functions of that center be to work on planning, so they were not abandoning the planning portion, but rather “rolling it into” the business assistance center. He stated that they plan to submit the grant application within two weeks.

Mr. Carter stated that they had thought originally there would be no need for a local match for the grant funds. He stated that they have since found out that a twenty percent local match would be required if they are successful in getting a grant. He stated that they were working to raise those funds through a public-private partnership and not come to the County for those funds. He stated that he remains very optimistic about the local economy.

PUBLIC HEARINGS

1. Amendments to the Zoning Ordinance: Article 10 – Historic Resources

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

Mr. Barnes stated that this item was to take public comment on the proposed revisions to Article 10 of the Lancaster County Zoning Ordinance. He stated that the article deals with the Historic Resources Commission (HRC). He stated that the HRC had decided to focus on identifying, preserving and educating the public about our local historical sites and resources. He stated that they wanted to avoid enforcement issues. He stated that the HRC submitted a letter and a red-line edit of the article to the Lancaster County Planning Commission expressing its desire to avoid enforcement issues and other items that the HRC members did not feel qualified to address. He stated that on February 20, 2020, the Planning Commission made some changes to the draft article and one of those changes is that the Uniform State Building Code is now cited and violations can be addressed by the Lancaster County Building Official.

Mr. Barnes stated that this article went to public hearing on April 16, 2020 and the Planning Commission forwarded it to the Board of Supervisors recommending approval.

Mr. Palin opened the public hearing.

There was no public comment.

Mr. Palin closed the public hearing.

Dr. Westbrook made a motion to Approve the Proposed Revisions to Article 10 of the Lancaster County Zoning Ordinance.

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

2. Application for Special Exception – Marvin and Sarah Reed

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

Mr. Barnes stated that the issue was a special exception request pursuant to Article 12-4-1 of the Lancaster County Zoning Ordinance to expand a prior non-conforming single-family residence, which is already within the right of way setback. He stated that the purpose of this special exception would be to provide the ability of this family to rebuild a newer dwelling that meets their needs. He stated that the parcel is located off Little Bay Road in District 3.

Mr. Barnes stated that the adjacent property owners have been notified and he has received no comments.

Mr. Palin opened the public hearing.

There was no public comment.

Mr. Palin closed the public hearing.

Mr. Bellows made a motion to Approve the Special Exception Request for Marvin Reed and Sarah Conaway Reed on Tax Map #35-159B.

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

3. Application for Formal Bay Act Exception – Wayne M. and Susan Rogers

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

Mr. Barnes stated that the issue was a request for a formal Chesapeake Bay Act exception that is detailed in Section 10-2 of the Lancaster County Chesapeake Bay Preservation Act Ordinance. He stated that the parcel was located in District 2 at 114 Estates Road. He stated that, in the almost thirteen years that he had been employed with the County, he had not had a request like this one. He stated that the applicants have presented their case as to why they think they should be granted this exception. He stated that the applicants wish to reduce the 100-foot required buffer to 60 feet on one side of their property. He stated that the interesting thing about this property is that it is a peninsula and most of the peninsulas in the area have a high, central spine and slope on either side. He stated that, in this case, the peninsula is sloped one way. He stated that the applicants feel like the Bay Act should only apply to their down sloped side. He stated that they were asking for an exception based upon a unique geological feature.

Mr. Barnes stated that, when reviewing the Chesapeake Bay Act ordinance, he could not find an exception regarding geological features. He stated that the 100-foot buffer requirement seems to be very clear and he could find nowhere that it mentions slopes. He stated that, for these reasons, as well as reasons for precedent, he has recommended denial. He stated that the Bay Act is now thirty years old and the small number of exceptions that he could find happened very early after the adoption of the ordinance. He stated that this parcel is rather large and is able to accommodate other development outside of the 100-foot buffer.

Mr. Barnes stated that he had written comments from two neighbors who were not in support of the request and he had given them to the Board members. He stated that he had heard from two other adjacent property owners who were also not in agreement with the applicants' request.

Mr. Palin opened the public hearing.

Wayne Rogers, one of the applicants, stated that they purchased this property about a year ago and it has an existing cabin on it. He stated that half of the cabin is already in the Resource Protection Area (RPA). He stated that the Bay Act has provisions in it for exceptions, which means that it has been recognized that there could be a need for exceptions. He stated that they have a small cabin on the parcel that is located on a peninsula, so the RPA is located on three sides of the cabin. He stated that the area where there is no RPA is twenty feet wide. He stated that they want to put a covered, screened deck around the cabin to help to avoid bugs and enjoy being outside more.

Mr. Rogers addressed the first exception in the Bay Act that reads "The requested exception to the criteria is the minimum necessary to afford relief" and stated that adding a 12-foot covered deck on the north side of the cabin requires incursion into the RPA of approximately 30 feet. He stated that the primary view from the cabin to the water is to the north and to the west, requiring the accommodation in the north side RPA and an additional 10 feet is requested to allow for a landscaped passage way around the deck.

Mr. Rogers addressed the second exception in the Bay Act that reads "Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated" and stated that this request for a waiver is based on the unique topographical conditions that are present on this property. He stated that the profiles collected by their surveyor indicate that the slope of the land and therefore the drainage of waters are away from the north shore for the better part of the RPA. He stated that this is a unique condition that is not present in the great majority of water-side properties.

Mr. Rogers addressed the third exception in the Bay Act that reads "The exception is in harmony with the purpose and intent of this part and is not of substantial detriment to water quality" and stated that the purpose of the Bay Act was to "reduce the impact of upland sources of pollution by trapping, filtering and converting sediments, nutrients and other chemicals, and to supply food, cover and thermal protection to fish and other wildlife". He stated that, given the topographical conditions of this property, granting this waiver in no way increases the sources of pollution flowing to the north toward the river.

Mr. Rogers addressed the fourth exception in the Bay Act that reads "The exception request is not based upon conditions or circumstances that are self-created or self-imposed" and stated that they purchased the property in 2019, with a small cabin located per the drawings and it was their desire to be able to make optimal use of the cabin located on a pristine piece of land.

Mr. Rogers addressed the fifth exception in the Bay Act that reads “Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality” and stated that the nature of the topography of the property demonstrates that the area of the 100-foot RPA to be waived does not functionally contribute to a degradation of water quality in any way.

Mr. Rogers addressed the sixth exception in the Bay Act that reads “Other findings, as appropriate and required by the local government, are met” and stated that they were only asking for a waiver to allow them to add covered porches to the cabin and given the nature of the property, its environment, which is heavily wooded and buggy, a screened porch was highly desirable. He stated that this property consists of beautiful, mostly undisturbed wooded areas and their intent was to maintain the property.

Mr. Rogers stated that, as Mr. Barnes had said, waivers are generally not granted to the Bay Act, but he believes that their situation was a unique one and they respectfully submitted their request. He asked Charlie Pruett, the surveyor, to speak on the subject.

Charlie Pruett stated that there was usually a ridge on a peninsula, but, in this case, it is lopsided. He stated that only ten percent of the drainage on the north side flows towards the water. He stated that the Bay Act allows for 100 feet for water flow so that the pollutants can be removed before running into the water. He stated that the cabin was built in 1930 and was moved in 1998 to its current location. He stated that he could not find a site plan for it. He stated that the property has 6.9 acres and the cabin has 844 square feet. He stated that, with the proposed decking, the square footage amount of the cabin would be just under 2000 square feet. He stated that 2000 square feet is the threshold that is not to be exceeded with a reasonably sized house and so the Rogers would be below that threshold.

Mr. Pruett stated that surface flow is an important factor here. He stated that the bank is 16 feet high and it is exposed, with the rest of the property being heavily vegetated. He stated that if they were to regrade the property to fit with the cookie cutter pattern for the RPA, they would have to remove plenty of dirt. He stated that the Rogers don’t want to do that and like the property in its natural state. He stated that all they want to do is upgrade the cabin and put a deck on two sides. He stated that, in his opinion, this case was an anomaly and should be considered for a waiver. He stated that he had never seen a situation like this one and he has been in the business for many years.

Mr. Larson asked if there was a site plan filed when the cabin was moved in 1998.

Mr. Pruett replied he had not found a site plan in his research.

Mr. Rogers stated that there was a handwritten plan done by the prior owner when the cabin was moved.

Mr. Larson asked why was the cabin moved into the 100-foot Resource Protection Area without a site plan.

Mr. Rogers replied that the plan he had seen showed that the cabin was not in the RPA.

Mr. Larson asked Mr. Barnes if the cabin had been properly placed with a site plan in 1998.

Mr. Barnes replied that there was no evidence of that in the file. He stated that there was just a building permit.

Mr. Larson stated that his point was, that in 1998, this cabin might not have been located in an approved location.

Mr. Gill stated that, prior to June 1, 2005, the RPA buffer could be reduced to 50 feet with an approved site plan and BMPs.

Mr. Pruett stated that he had found no site plan. He stated that there was a plat prepared by Phillip Keyser and approved by the land use officer at that time.

Mr. Larson referred to the plat and asked if it showed the location of the building.

Mr. Pruett replied no.

Mr. Larson asked if there were BMP's on site.

Mr. Pruett replied no.

Mr. Larson stated that the Bay Act was in effect in 1998 and there should have been a site plan with BMP's filed. He stated that since one has not been found, it is in violation, in his opinion.

Susan Rogers, one of the property owners, stated that she had the zoning permit that was signed in 1998 by Pete Ransone. She stated that her paperwork shows the cabin, but it is not within the RPA at all.

Mr. Larson stated that, if this Board decides to grant this request, the entirety of the impervious cover needs to be addressed because it is not being addressed now.

Mr. Barnes agreed.

Mrs. Rogers stated that when they purchased the property in good faith, they believed that the cabin was situated outside of the RPA. She stated that they found out later that the cabin was in the RPA, once they saw the plat. She stated that she was not sure if Ben Stallings, the original surveyor, or Mr. Barnes had ever been to the property to observe the slope, but it is very narrow at the point. She stated that, to have any view at all, they need to leave the cabin where it is located. She stated that, in her opinion, if they are allowed to do what they want to do, it will improve the tax assessment. She stated that the purpose of having land is for the owners to be

able to enjoy their property. She stated that they will not be harming the waters because of the parcel's unique topography. She asked the Board if they would consider the request.

Mr. Palin closed the public hearing.

Mr. Palin stated that Mr. Pruett had called him and they had looked at the site this afternoon. He stated that he found that the site is sloped away from the river and he did not see any evidence of erosion. He stated that, as Mr. Barnes had said, there have been very few exceptions made to the Bay Act, but, in his opinion, this site would be one of those exceptions. He stated that he was in favor of approving the request.

Mr. Larson asked Mr. Palin if he had read the Department of Environmental Quality (DEQ) response.

Mr. Palin replied yes.

Mr. Larson stated that the response supported the determination by County staff.

Mr. Palin stated that he appreciated what Mr. Barnes has done and he was doing his job.

Mr. Larson stated that they have plenty of issues with the state and they don't need to take on another one, in his opinion. He stated that he did not think they could just dismiss what DEQ has said about the request.

Dr. Westbrook asked Jim Cornwell, County Attorney, if the Board were to approve this request, were they setting themselves up for trouble in the future as far as setting a precedent.

Mr. Cornwell replied that any action that the Board takes to grant special exceptions, particularly in these types of cases, could be used by another property owner in the future to argue that the Board had provided a special exception in another case.

Mr. Larson stated that, in his experience, when these exceptions have been granted, it was because to not do so, would be to not allow anything to be built on the property that was reasonable. He stated that, in this case, they were talking about accommodating the desires of the property owners. He stated that these owners have options in terms of the impervious areas. He stated that, when exceptions were granted in the past, it was because the owner was being denied the use of their property.

Mr. Bellows stated that he mostly agreed with Mr. Palin. He stated that since Mr. Palin has visited the site and it was in Mr. Palin's district, he would defer to him and his opinion. He stated that the Chesapeake Bay Act is there to preserve and protect the Bay, but if homeowners can show that they are not going to do any harm to the waters, he thought they should be allowed to do what they need to do. He stated that since the site has a unique geology, granting the request won't create a blanket precedent.

Mr. Cornwell stated that one of the things that the Chesapeake Bay Act does provide when the Board determines to make an exception is that conditions can be put on the exception. He stated that those conditions could include such things as preservation of the status quo on the remainder of the property to make sure that no other drainage would come off the property. He stated that it was just an idea for them to consider.

Mr. Lee stated that he had an issue with the request because the cabin was already in the 100-foot buffer. He stated that he had an issue with adding more into the protected area. He stated that he understood about the topography and the sloping of the land, but the fact of the matter was that the cabin is still in the buffer.

Mr. Palin stated that he had felt the same way, but after visiting the site he found that the runoff is not draining toward the river, but rather draining away.

Mr. Bellows stated that was what was important in regards to approving or disapproving something within the 100-foot RPA. He stated that the Chesapeake Bay Act is designed to give a buffer for water drainage. He stated that if the drainage is going away from the waters, then it is not an issue.

Mr. Palin agreed.

Mr. Palin made a motion to Approve the Special Bay Act Formal Exception for Wayne and Susan Rogers on Tax Map #20-156C.

Dr. Westbrook stated that he was opposed to this request based on the precedent, but had been moved by the arguments. He stated that, if he owned the property, he would want to be able to enjoy it.

Mr. Palin called the question.

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

VOTE: 3-2 (Motion carried.)

CONSENSUS DOCKET

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

1. Minutes for the June 25, 2020 Regular Meeting

Recommendation: Approve minutes as submitted

2. Abstract of Votes for the June 23, 2020 Republican Primary for the U. S. Senate and Democratic Primary for the U. S. House of Representatives

Recommendation: Approve abstracts as submitted

3. Resolutions of Support for Proposed Smart Scale Projects

Recommendation: Approve resolutions as submitted

Authorizing the Submittal of a Transportation Project at the Intersection of VSH 3 and VSH 605 for Smart Scale Funding

Whereas, the General Assembly has created a means of funding proposed transportation projects across the Commonwealth that is based on scoring criteria that emphasizes safety and accessibility, environmental quality and economic development known as Smart Scale funding; and

Whereas, the County of Lancaster desires to submit a local transportation project for potential funding under the Smart Scale process; and

Whereas, the Lancaster County Board of Supervisors supports the submittal of the following project for potential funding under the Smart Scale process:

Turn lane improvements at the intersection of VSH 3 (Mary Ball Road) and VSH 605 (Pinckardsville Road) to add dedicated right and left turn lanes from VSH 3 (the main highway corridor through Lancaster County) onto VSH 605, for increased safety, since this intersection has experienced numerous accidents over the years involving vehicles that have slowed or stopped on VSH 3 to make the turn onto VSH 605.

Now, Therefore Be It Resolved, that the Board of Supervisors of Lancaster County hereby approves and supports the submittal of the identified project for funding under the Smart Scale process; and

Be It Finally Resolved, that a copy of this resolution expressing the sense of the Board of Supervisors of Lancaster County on this matter be conveyed to the Virginia Department of Transportation Northern Neck Residency, Fredericksburg District and the Commonwealth Transportation Board.

Authorizing the Submittal of a Transportation Project at the Intersection of VSH 3 and VSH 604 for Smart Scale Funding

Whereas, the General Assembly has created a means of funding proposed transportation projects across the Commonwealth that is based on scoring criteria that emphasizes safety and accessibility, environmental quality and economic development known as Smart Scale funding; and

Whereas, the County of Lancaster desires to submit a local transportation project for potential funding under the Smart Scale process; and

Whereas, the Lancaster County Board of Supervisors supports the submittal of the following project for potential funding under the Smart Scale process:

Turn lane improvements at the intersection of VSH 3 (Mary Ball Road) and VSH 604 (Regina Road) to add dedicated right and left turn lanes from VSH 3 (the main highway corridor through Lancaster County) onto VSH 604, for increased safety, since this intersection has experienced numerous accidents over the years involving vehicles that have slowed or stopped on VSH 3 to make the turn onto VSH 604.

Now, Therefore Be It Resolved, that the Board of Supervisors of Lancaster County hereby approves and supports the submittal of the identified project for funding under the Smart Scale process; and

Be It Finally Resolved, that a copy of this resolution expressing the sense of the Board of Supervisors of Lancaster County on this matter be conveyed to the Virginia Department of Transportation Northern Neck Residency, Fredericksburg District and the Commonwealth Transportation Board.

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|-------|----------------------|-----|
| 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 July 2020 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for July 2020 in the amount of \$314,465.16 and invoice listings for July 2020 in the amount of \$941,557.29*.

*Loan Payments - \$45,809.72

*Capital Improvements - \$38,437.17

*CARES Act expenses - \$154,209.34

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

2. Award of Bid for Revenue Anticipation Note RFP and Approval of the Authorizing Resolution

Mr. Gill stated that, at the Board's request, a Request for Proposals (RFP) was drafted in-house for a Revenue Anticipation Note for up to \$1.5 million dollars. He stated that the RFP was issued on July 2nd and emailed to 7 local bank representatives as well as being posted on the County's website. He stated that the deadline for proposals was Friday, July 24th. He stated that two responses were received. He stated that both responses were similar. He stated that Chesapeake Bank offered a bank-qualified interest rate of 1.93 percent and requires a \$1,000 fee. He stated that Virginia Commonwealth Bank offered a bank-qualified interest rate of 2.30 percent with no additional fees. He stated that, when maximum possible interest is calculated, the Chesapeake Bank offer results in an interest savings of \$1,775 including their \$1,000 fee.

Mr. Gill stated that the authorizing resolution has been prepared with Chesapeake Bank as the awardee. He stated that he was asking the Board to award the bid to Chesapeake Bank, approve the authorizing resolution and authorize the County Administrator to execute all documents associated with the closing of the loan.

Mr. Larson stated that he would ask that the County Administrator send a letter to Virginia Commonwealth Bank to thank them for their response to the RFP. He stated that their community banks were important.

Mr. Bellows made a motion to Approve the Award of Bid for the Revenue Anticipation Note and the Authorizing Resolution, as well as Authorize the County Administrator to Execute all Documents Associated with the Closing.

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

3. Consideration of Requesting the Scenic River Designation for the Lower Rappahannock River

Mr. Bellows stated that he had been asked to facilitate this request for the Virginia Scenic River designation for the lower Rappahannock River. He stated that the upper Rappahannock River has held this designation for quite some time. He stated that Mr. Gill has prepared a letter to the Department of Conservation and Recreation requesting a Scenic Rivers assessment, which is the first step in the process. He asked his fellow Board members to approve the letter so that they can move forward so that the entire river will have the designation.

Dr. Westbrook stated that he was in favor of approving the letter, but had found it amusing that having the Virginia Scenic River designation does not promote increases in recreational use of the river. He stated that the brochure also says that the designation provides a level of protection, but does not indicate how that happens. He stated that he was all for calling it a scenic river, but did not quite understand the real benefit.

Mr. Bellows stated that he did not believe this designation has any definitive restrictions associated with it.

Mr. Lee made a motion to Authorize the County Administrator to submit a letter requesting the Virginia Scenic River designation for the Lower Rappahannock River.

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

4. EMS FY 21 Supplemental Appropriation Request for an Operational Medical Director

Chief Matt Smith stated that his request was for \$15,000 in a supplemental appropriation for the acquisition of an operational medical director. He stated that each EMS agency is required to have a medical director who is a licensed physician that holds an endorsement as an EMS physician. He stated that the \$15,000 would cover the County's agency, as well as the two volunteer rescue squads. He stated that their current medical director has moved out of the area. He stated that, during their most recent state inspection, his agency was advised to seek out a medical director that was more accessible. He stated that his agency has met with Dr. Nicholson several times and appears to be a great fit. He stated that Dr. Nicholson came up in a volunteer EMS agency and began his medical career as an EMT. He stated that Dr. Nicholson was also willing to take on other duties as needed.

Mr. Larson stated that he was glad that Chief Smith had brought this to the Board because it was something that he was not aware of and he could see the need for it. He stated that the issue was that supplemental appropriations are not done in the first few months of a new budget cycle.

Mr. Gill stated that he and Mr. Larson had spoken about this earlier and given the fact that they were in the first month of the new fiscal year, he suggested that Chief Smith execute his budget with this item included and as they get closer to the end of the fiscal year, if it is found that the department might be over budget, he could come back at that time for a supplemental appropriation.

Mr. Gill stated that he thought Chief Smith was looking for approval from the Board to enter into the contract with Dr. Nicholson. He stated that he would also like some input from Mr. Cornwell concerning the contract.

Mr. Cornwell stated that the only item he had an issue with was in section 6.1- Indemnification. He stated that counties are not subject to the Virginia Tort Claims Act and he will discuss that with the attorney who prepared the contract to see if that paragraph can be removed.

Mr. Bellows made a motion to Approve the Contract for a new Medical Director, Contingent on the Contract being deemed Satisfactory by the County Attorney.

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

Chief Smith stated that he had forgotten to mention that the contract had originally started at \$30,000 and they had been able to negotiate it down. He stated that because

they will be involved with the EMS Fellowship Program, they will have an actual physician from VCU who is in the fellowship program and will be able to respond different hours per month to citizens. He stated that means an actual doctor will be on some emergency calls and that is a big step.

Mr. Palin stated that Chief Smith was doing a great job.

Dr. Westbrook agreed.

5. Volunteer Fire Departments FY 21 Supplemental Appropriation Request

Mr. Gill stated that a letter from the three volunteer fire departments was included in the Board's packages. He stated that all three departments meet regularly as a group and work together better now than they ever have. He stated that all of the departments have had to cancel their fund raisers this year due to COVID-19. He stated that their requests are \$50,000 for the Kilmarnock department, \$25,000 for the Upper Lancaster department and \$8,000 for the White Stone department. He stated that the departments may have to come back if they cannot hold any future fund raisers.

Mr. Gill stated that he had been asked about using CARES Act funds for this request. He stated that, per the CARES Act guidelines, those funds cannot be used for revenue replacement.

Mr. Bellows referred to the CARES Act funds and stated that VACo is working to try to get some flexibility on how those funds are spent. He asked if there might be a benefit for the Board to pass a resolution in support of broadening the way that those funds can be spent.

Mr. Gill replied that he thought it would be a good idea. He stated that he knew that both VACo and NACo were involved in lobbying the federal government to remove the requirement that the funds could not be used for revenue replacement.

Mr. Bellows asked Mr. Gill to follow-up on getting a letter to VACo about removing that requirement and voting on it at next month's meeting.

Mr. Bellows stated that he was in full support of the volunteer fire departments and the fact that they could not do their fund raisers this year was because of the COVID-19 crisis and they should have some flexibility on this item.

Mr. Lee asked how soon were the volunteer fire departments expecting some relief.

Mr. Gill replied that it had been going on for a couple of months and he thought the need was there now. He stated that he suggested, if the request was approved, they add the amounts to each department's appropriation for the year and divide it by 11. He stated that it would not go in one lump sum, but would be spread out over the fiscal year.

Mr. Larson stated that he was concerned about such things as their ability to pay their vehicle payments.

Mr. Gill stated that he did not believe there was going to be a problem because the lenders were working with them, particularly with the Upper Lancaster department.

Mr. Larson stated that they need to help these volunteer fire departments out and Mr. Bellows has a great idea about trying to get some of the CARES Act funds to help out, so that it is not coming out of the general fund.

Mr. Lee stated that he was concerned about the timing for the relief because they don't want the departments to suffer.

Mr. Palin stated that it was his thought to approve something tonight.

Mr. Bellows stated that he was in favor of approving the fire departments' request and then trying to find a way to make it a COVID expense.

Mr. Bellows made a motion to Approve the Volunteer Fire Departments' FY 21 Supplemental Appropriation Request.

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

6. Bay Aging CARES Act Funding Request

Mr. Gill stated that, at last month's meeting, the Board approved six weeks of additional Helping Neighbors Hot Meals and In-home Personal Care Programs for Lancaster County citizens that Bay Aging provides. He stated that the Board did stipulate that these funds go towards County citizens and the citizens that lived in the incorporated towns have their services funded by the respective towns' CARES Act funds. He stated that he has had this discussion with Bay Aging and they are supposed to be sending an invoice for the number of County residents served before the payment is actually made. He stated that he had not received the July invoice yet, therefore he was requesting that the Board approve a "not to exceed" amount of \$8,432, which is the total of 4 weeks for both of those programs going through the end of August. He stated that they could reevaluate the programs again at the August meeting.

Mr. Bellows made a motion to Approve the Bay Aging CARES Act Funding Request.

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

BOARD REPORTS

None.

COUNTY ADMINISTRATOR

Mr. Gill stated that they had been discussing the possibility of using some of the CARES Act funds to upgrade the meeting room to better facilitate electronic meetings. He stated that Mr. Rowe had been doing some research on this project and had put together a narrative of what is being considered. He referred to up front first-year costs and stated that the agenda management system, which includes set up and the first-year licensing fee, is estimated to be \$16,500. He stated Mr. Rowe has looked at two agenda management systems and both would fit with their needs. He stated that Mr. Rowe has also received a couple of estimates on video cameras for the meeting room, as well as the processing equipment and that estimate is \$50,000. He stated that they would probably need ten laptops as well as a new desk area that would run continuously across the front of the room, so that all five Board members could be socially distanced. He stated that, as part of the renovations, the screen and the projector would be moved. He stated that if they are going to video the meetings and live stream them, they will need a control box. He stated that the plan is to build a separate area for the clerk to take minutes and the IT manager to run the audio and visual equipment for the live streaming. He stated that the estimate for the renovations is \$20,000 and the total amount is \$95,500 and all of these renovations could be expensed through the CARES Act funds.

Glenn Rowe, the Information Technology Director, stated that they are proposing some extensive renovations, but they feel like it will really benefit the public meetings.

Dr. Westbrook stated that it was his understanding that they would be able to live stream the meetings through the County’s website and they should be able to also put the meetings on the public access channel on cable television. He stated that they could cover every group that meets in that room. He stated that he thought it was a great investment.

Mr. Gill stated that he was not asking for a vote, but just wanted to give the Board some information. He stated that they will tweak the figures and bring the issue back for a vote. He stated that he had asked about a time line for the proposed renovations and he was told four to six weeks. He stated that the Board's meeting in December is towards the beginning of the month and the January meeting is near the end of the month, so he thought that would be a good time for the renovation work.

Mr. Bellows asked Mr. Cornwell if the proposed renovation work would require an RFP.

Mr. Cornwell replied that the proposed work would have to go out for bid.

Mr. Bellows stated that they will have to work judiciously to get the project executed in that time frame.

Mr. Lee referred to the recurring annual cost for the agenda management system software license fee of \$14,000 and asked if that also covered upgrades to the software.

Mr. Rowe replied yes and stated that software is cloud-based and the on-going maintenance is included.

Dr. Westbrook stated that it was his understanding that the CARES Act money has to be spent by December.

Mr. Bellows stated that they have been given 90 extra days to invoice back.

Mr. Cornwell stated that they can sign the contract and then the funds will be obligated.

Mr. Gill stated that his second item was a breakdown of what the CARES Act funds had been spent on to date and some projections. He stated that the County received \$925,071 on June 1st. He stated that they executed the agreement with the Town of Kilmarnock and they have received their share, based on population, of \$118,964.13. He stated that the Town of Irvington has also executed its agreement and they have received their share of \$35,245.21. He stated that he had not received the agreement from the Town of White Stone yet, but their share will be \$29,324.75. He stated that they talked last month about the Waste Management overages due to the COVID-19 pandemic. He stated that more people were staying at home and doing projects as well as more people in the community meant that there was more waste. He stated that the total of the overages from March 1st through June 30th was \$48,039.05. He stated that he had estimated the budget overages going forward through the end of the year for Waste Management at \$72,000.

Mr. Gill referred to the expenditures list and stated that the cleaning, supplies and shields that were installed in the County buildings adds up to \$12,000. He stated that the Bay Aging programs, if the Board chooses to continue to fund them through the end of the year, will add up to \$54,808.

Mr. Gill stated that, at last month's meeting, the Board voted to authorize planning money for the Economic Development Authority's small business grants for up to \$100,000. He stated that another expense would be the meeting room improvements for electronic meetings with an estimate of \$95,500.

Mr. Gill stated that the Broadband Authority, with the help of the consultant that helped them with the USDA grant application, went through the County and identified places where wi-fi poles could be located. He stated that the poles are thirty-feet tall and are solar powered. He stated that they tried to pick areas that had large parking lots and had Atlantic Broadband fiber close to where the pole would be located. He stated that having these poles would help with the virtual school situation. He stated that each pole has a turnkey cost of \$31,500. He stated that the Broadband Authority had identified 15 locations for the poles. He stated that six of those poles are actually located within the towns, so he would think that if the towns decided to follow this path, then their CARES Act money could pay for those. He stated that leaves 9 poles that would be located in the County. He stated that one that had not been considered, but that he thought would be a good location was at the Upper Lancaster Volunteer Fire Department in Lively. He stated that there was a large parking lot in the back of that building. He used 10 poles for his estimate of \$333,000. He stated that the list of expenditures was an estimate of spending the CARES Act money.

Mr. Gill stated that he had received an email recently that said that the County will be receiving another \$925,071 of CARES Act funds by August 10th. He stated that the same guidelines will apply, so the money can only be used for COVID related expenses and has to be spent by December 30th.

Mr. Gill stated that the Town of Kilmarnock put their small business grant application on their website and the deadline to apply is August 2nd. He stated that the Town of Kilmarnock is using a portion of its CARES Act money to give \$1,000 grants to businesses located within the town limits on a first come, first serve basis. He stated that the Economic Development Authority will be the disbursing agent per an agreement. He stated that he has been told that the Town of Irvington will mimic what Kilmarnock is doing in regards to giving small business grants. He stated that the Economic Development Authority has suggested that the County use the same application as the towns to be consistent. He stated that a lot of counties are just giving their Economic Development Authorities the CARES Act funds and letting them do the vetting of applications and disbursing of grants. He stated that, at last month's meeting, it seemed to him that some Board members would like to have some oversight of the process. He stated that he would suggest that he put together an application package and have an evaluation committee meet that could review the applications. He stated that he suggested having two Board members and two Economic Development Authority members on the evaluation committee. He stated that the Economic Development Authority could write the checks to the grantees.

Mr. Bellows stated that he thought they should consider adjusting the amount because \$1,000 was not a lot of money for a business.

Mr. Gill stated that other counties are capping the amount and he has seen \$5,000 caps. He stated that some counties are basing their grants on how many full-time employees a business has.

Mr. Bellows stated that he had no problem with having a cap, but thought it should be more than \$1,000.

Mr. Lee stated that he agreed with Mr. Bellows. He stated that he liked the evaluation committee idea with having two Board members and two Economic Development Authority members, along with Mr. Gill.

Mr. Gill stated that he would suggest that since the Board earmarked planning money of \$100,000, that a cap be set at \$5,000. He stated that the grant funds can be staggered. He stated that Richmond County has a good model for staggering funds that is based on the number of full-time employees that a business has. He stated that he could bring back something for the Board to consider at its August meeting. He stated that they can set time frames for application review and grant awards as well.

Mr. Bellows stated that he would like to get the grants going sooner, even if it meant having a special meeting.

Mr. Gill asked Mr. Cornwell that if the County followed Kilmarnock's grant application and just changed the amount and included his criteria of 1-5 full time employees-\$1,250, 6-10 full time employees-\$2,500, 11-15 full time employees-\$3,750 and 16-20 full time employees-\$5,000, would the Board have to have a special meeting or can the Board authorize him to go forward with the application.

Mr. Cornwell replied that the Board can authorize it tonight if they are satisfied with the criteria.

Mr. Bellows stated that he thought they needed to get it off the ground now and there can be another round later.

Mr. Gill stated that he would try to get the application out next week.

Mr. Lee made a motion to Authorize the County Administrator to move forward with the Grant Application Process.

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

Mr. Gill asked for volunteers for the evaluation committee.

Mr. Bellows and Mr. Lee volunteered for the grant evaluation committee.

Mr. Gill stated that he would contact Roy Carter, the Chairman for the Economic Development Authority about two members serving on the evaluation committee.

Mr. Gill stated that the Board has heard from several departments about the County's contribution for health insurance. He stated that some employees would like to see the County contribute more to the insurance premiums. He referred to his spreadsheet and stated that the County offers two plans with both preventive and comprehensive dental coverage. He stated that, currently, under the Key Advantage 500 plan, the County pays 80 percent of the single plan premium. He stated that, under the dual plan, the County pays 43 percent of the premium and under the family plan, the County pays 30 percent of the premium. He referred to the high deductible health insurance plan and stated that the County pays 100 percent of the single plan premium, 63 percent of the dual plan premium and 50 percent of the family plan premium. He stated that, since there was a discrepancy between the percentages paid in the two plans, he proposed that the percentages that the County pays, be equal across the board. He stated that this means that the Key Advantage 500 percentages that the County would pay would equal what the County already pays for the high deductible insurance plan. He stated that, based on those percentages, there would be an increase in health insurance premium costs of \$167,880 annually. He stated that a lot of employees would be happy about this change, particularly in the Sheriff's Department and the EMS Department. He stated that it would also be a recruitment and retention tool as well. He stated that he didn't expect the Board to make a decision on this tonight, but wanted everyone to have the information.

Mr. Gill stated that Mr. Bellows had mentioned in the past about having an employee survey to see who might change plans if the percentages paid by the County changed. He stated that he thought that was a good idea.

Mr. Bellows stated that he was in favor of changing the percentages paid by the County and he thought it was a good recruitment tool, but he thought that it would be helpful to have some staff input. He stated that he could create a survey and give it to Mr. Gill to distribute to staff.

Mr. Larson asked that, as they consider funding these types of things, do they have any indication of how revenues are doing.

Mr. Gill replied that he had spoken to the Treasurer earlier in the day and the sales tax receipts, since the COVID crisis had begun, have been above last year's levels.

Mr. Larson asked about state funding.

Mr. Gill replied that everything is tracking well.

Mr. Bellows stated that they should see a substantial savings where the schools are concerned this year.

Mr. Bellows stated that he would like to thank his fellow Board members for letting him participate remotely in tonight's meeting.

ADJOURNMENT

Motion was made by Mr. Lee to adjourn.

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