

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, October 29, 2015.

- Members Present: Jason D. Bellows, Chair
Ernest W. Palin, Jr., Vice Chair
F. W. Jenkins, Jr., Board Member
William R. Lee, Board Member
B. Wally Beauchamp, Board Member
- Staff Present: Frank A. Pleva, County Administrator
Don G. Gill, Planning and Land Use Director
Crystal Whay, Building/Land Use Secretary

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

PUBLIC INPUT

Mr. George Bott, a District 1 citizen, stated that he wanted to speak about defending the Comprehensive Plan. He stated that the 2012 update to the Comprehensive Plan included several issues and the top four are to preserve the rural character and heritage of the County, protect natural resources, control the character of development and preserve and increase public access to the water. He stated that accomplishment of these objectives require some effort and funding. He stated that these were County issues that were endorsed by the citizens who helped write the original plan and recent update, and the citizens want to achieve those goals and are willing to pay for them through their tax dollars. He stated that, for example, after many years of trying various approaches, the County has budgeted approximately one million dollars over the next couple of years for public access.

Mr. Bott referred to the Dominion Virginia Power tower project and stated that the placing of tall towers in the middle of the Rappahannock River does not conform to the four objectives that are included in the Comprehensive Plan. He referred to the legal fees that are mounting from the stop work order injunction being heard by the State Corporation Commission and stated that the Save the Rappahannock Coalition is raising funds, but also thinks the County should bear some of the financial responsibility since it is the County's Comprehensive Plan that is being defended. He stated that the estimate for legal fees is approximately \$50,000.

Mr. Bott stated that as a representative for the Save the Rappahannock Coalition, he is requesting a contribution which could be offset from the Latimore settlement and the budgeted salary that has not been spent to replace Jack Larson as well as other areas.

PRESENTATIONS

None.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Pleva stated that Mr. Harper and Mr. Brown had conflicts and were not able to attend the meeting, but he would pass along any concerns to them.

Mr. Beauchamp stated that he had numerous complaints about the condition of Taylors Creek Road (VSH 630) and would like the issue to be addressed.

Mr. Jenkins stated that he would like a speed study conducted along Morattico Road (VSH 622) from Mulberry Creek Road (VSH 748) to the entrance of the Village of Morattico, where it is already posted twenty-five miles per hour.

1. **Resolution to Accept Pinewood Court in the State Secondary System of Highways**

Mr. Pleva stated that the Board of Supervisors needs to consider and approve the Resolution to Accept Pinewood Court into the State Secondary System of Highways and then the Resolution will be forwarded to VDOT.

Mr. Palin made the motion to Adopt the Resolution to Accept Pinewood Court, located in the Riverwood Subdivision, into the State Secondary System of Highways.

RESOLUTION TO ACCEPT “PINWOOD COURT” ROAD INTO THE VIRGINIA SECONDARY SYSTEM OF HIGHWAYS

WHEREAS, “Pinewood Court” in the Riverwood Subdivision, as described on the attached VDOT Form AM-4.3 fully incorporated herein by reference, is shown on plats recorded in the Clerk’s Office of the Circuit Court of Lancaster County in Deed Book 294, Page 509, and Plat Book 1, Page 11, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that “Pinewood Court” meets the requirements

established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

WHEREAS, Lancaster County and the Virginia Department of Transportation have a comprehensive agreement for storm water detention in Lancaster County through the Erosion and Sediment Control Law, Code of Virginia Section 10.1-560 et seq, as amended, and the Chesapeake Bay Preservation Act, Code of Virginia Section 10.1-2100 et seq, as amended, adopted locally on July 31, 2008 and June 1, 2005 respectively.

NOW, THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors requests the Virginia Department of Transportation to add “Pinewood Court” as described on the attached VDOT Form AM-4.3, to the secondary system of state highways, pursuant to Section 33.2-705 of the Code of Virginia, as amended, and the Department’s Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way of 50 feet, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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

PUBLIC HEARING

1. Proposed Conveyance of Easement to Dominion Virginia Power Across County Owned Tax Map #16-5C

Mr. Pleva stated that the Board packages contained a copy of the advertisement and easement document that concerns replacing overhead power lines with underground lines across county-owned property, which is being used as a solid waste convenience center off of Regina Road (VSH 604). He stated that since the County was conveying an easement, a public hearing must be held in accordance with Sections 15.2-1800 and 15.2-1813 of the Code of Virginia, 1950, as amended.

Mr. Bellows opened the public hearing.

There was no public input.

Mr. Bellows closed the public hearing.

Mr. Palin made a motion to Approve the Proposed Conveyance of Easement to Dominion Virginia Power across County Owned Property Tax Map #16-5C.

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

2. Proposed Release of County Reversionary Interest in Real Property for Tax Map #23A-21-18B

Mr. Pleva stated that the purpose of the public hearing is to release, through a quitclaim deed, the reversionary interest in the real property described as tax map #23A-21-18B. He stated that once that step has been taken, the closing can proceed between the Lancaster County School Board and the Lancaster Community Library. He stated that the public hearing is being conducted in accordance with Sections 15.2-1800 and 15.2-1813 of the Code of Virginia, 1950, as amended.

Mr. Gill stated that this particular parcel is actually the parking lot behind the library.

Mr. Pleva stated that the other parcel where the old town office was will come up at a later time.

Mr. Bellows opened the public hearing.

There was no public input.

Mr. Bellows closed the public hearing.

Mr. Lee made a motion to Release the County's Reversionary Interest in Real Property for Tax Map #23A-21-18B.

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

3. Code of Ordinance Amendment (Section 66-3) to Permit Golf Carts and Utility Vehicles to use Mulberry Creek Road (VSH 748) and Waterview Road (VSH 753)

Mr. Gill stated that the issue was to Revise the Code of Ordinances Section 66-3 to permit golf carts and utility vehicles to use Mulberry Creek Road (VSH 748) and Waterview Road (VSH 753) in the Morattico area in District 1.

Mr. Gill stated that in August, David Henley, representative for the residents of Mulberry Creek Road and Waterview Road in the Morattico area, asked about creating a golf cart community along those roads. He stated that golf cart communities can only be established where posted speed limits are 25 mph or less and since there were no posted speed limits on those roads, the Board of Supervisors, at its August 27th meeting, asked VDOT to conduct a speed study to determine speed limits along those roads. He stated that speed study was completed in September and both roads have been posted with a 25 mph speed limit.

Mr. Gill stated that VDOT regulations require that signs notifying motor vehicle operators that golf carts and utility vehicles are using the road be posted on the roads affected by this ordinance. He stated that these signs must conform to VDOT guidelines, but VDOT will not make, erect, nor maintain these signs and either the county or someone else is required to erect and maintain the signs. He stated that the enabling statute permits the Board of Supervisors to require others to erect and maintain the signs and the ordinance has been written to require that the locally affected citizens bear that responsibility. He stated that this provision has been discussed with Mr. Henley, who indicated that they will be responsible for having the signs made, erected and maintained in the future.

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

Mr. Bellows opened the public hearing.

There was no public input.

Mr. Bellows closed the public hearing.

Mr. Jenkins made a motion to Adopt the Revision to the Code of Ordinances Section 66-3, Golf Carts and Utility Vehicles.

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

4. Application for Special Exception – Nicole Gaddy

Mr. Gill stated that the issue was an Application for Special Exception by Nicole Gaddy, to place an individual manufactured home on a 1.0-acre parcel described as Tax Map #20-139. He stated that the property is zoned R-1, Residential General and is located at 464 Sullavans Road (VSH 665) in District 1.

Mr. Gill stated that Article 5-1-3 of the Zoning Ordinance requires a special exception for the placement of individual manufactured homes such as this 16 feet X 70 feet single wide. He stated that previous similar approvals by the Board of Supervisors have been based on whether any legitimate concerns could be raised by adjacent property owners.

Mr. Gill stated that the property has approved septic and well sites permitted with the Virginia Department of Health under HDID# 151-93-087. He stated that all front, rear and side setbacks can be met. He stated that similar types of manufactured homes exist in this neighborhood. He stated that the issue has been advertised and adjoining property owners notified as required by law and that to date, there has been no response from the public.

Mr. Bellows opened the public hearing.

There was no public input.

Mr. Bellows closed the public hearing.

Mr. Jenkins made a motion to Approve the Application for Special Exception for an Individual Manufactured Home by Nicole Gaddy.

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

5. Application for Special Exception – Charles A. and Louise H. Williamson

Mr. Gill stated that the issue was an Application for Special Exception by Charles A. and Louise H. Williamson to expand/enlarge an existing authorized non-conforming residential structure on a 0.9-acre parcel described as Tax Map #34-30C. He stated that the property is zoned R-1, Residential General and is located at 135 Currell Cove Lane off Blueberry Point Road (VSH 638) in District 5.

Mr. Gill stated that the residential structure on this parcel existed prior to the effective date of the Lancaster County Zoning Ordinance of June 1, 1975, and therefore is an authorized non-conforming structure. He stated that Article 12-4-1 allows for the expansion/enlargement of existing non-conforming structures, with a special exception, if the setbacks of that zoning district can be met.

Mr. Gill stated that the existing authorized non-conforming structure encroaches in the eastern sideyard with a 9 feet setback instead of the required 25 feet, and the Chesapeake Bay Resource Protection Area Buffer with a 60 feet setback instead of the required 100 feet. He stated that the proposed addition does not encroach further in the eastern sideyard so no variance is required from the Board of Zoning Appeals and meets all other setback requirements of the R-1, Residential General zoning district. He stated that the plan of development also verifies conformance with the Chesapeake Bay Preservation Ordinance. He stated that since the proposed addition is attached to the existing authorized non-conforming main structure and is expanding/enlarging that main structure's footprint by 205 square feet, it requires this special exception. He stated that many similar sized authorized non-conforming lots and structures exist in this neighborhood.

Mr. Gill stated that the parcel's existing well and septic system will accommodate the screen porch addition to the home.

Mr. Gill stated that adjoining property owners have been notified and advertising conducted as required by law and that to date, there has been one response from an adjoining property owner who supports the request. He stated that the contractor was in attendance if the Board had any questions of him.

Mr. Bellows opened the public hearing.

There was no public input.

Mr. Bellows closed the public hearing.

Mr. Beauchamp made a motion to Approve the Application for Special Exception by Charles A. and Louise H. Williamson.

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

6. Application for Change of Zoning District Classification-Robert Pilato and Beth Burnside

Mr. Gill stated that the issue was an Application for Change of Zoning District Classification from R-1, Residential, General to A-2, Agricultural, General by Robert Pilato and Beth Burnside for a 69.29-acre parcel described as Tax Map #29-16C. He stated that the property is located off Boys Camp Road (VSH 651) in District 3.

Mr. Gill stated that the applicant wishes to use this parcel for a small farm craft brewery, officially termed a "limited license brewery", but cannot do so under the current R-1 zoning. He stated that although agriculture is a permitted use in the R-1, Residential, General Zoning District, these "limited license breweries" are not included in the definition of agriculture in our zoning ordinance and thus not permitted in the R-1 District. He stated that Section 15.2-2288.3:1B of the Code of Virginia exempts such limited license breweries from local regulation of various activities if these breweries are licensed under

subdivision 2 of Section 4.1-208, which clearly states that these breweries must manufacture no more than 15,000 barrels of beer per year, produce ingredients used in the beer on the farm, and be located on a farm in the Commonwealth on land zoned agricultural. He stated that as a result, the applicant seeks to rezone the parcel to A-2, Agricultural General to qualify for the exemptions afforded under the aforementioned sections of the Code of Virginia.

Mr. Gill stated that this small farm craft brewery would be similar to the Good Luck Winery located off Good Luck Road, but would specialize in locally branded craft beer instead of wine. He stated that in contrast to the Good Luck Winery, which had to rezone its 93-acres to commercial in 2004 for its use, this parcel simply needs agricultural zoning. He stated that in 2014, the General Assembly passed, and the Governor signed into law, the previously described sections of the Code of Virginia allowing these small farm craft breweries to be located, by-right, on the farms in which ingredients used in the beer are produced, as long as the land is zoned agricultural. He stated that the law also allows usual and customary events associated with these small farm craft breweries such as tours and tasting events. He stated that the law also limits the size of these small farm craft breweries to prevent them from becoming huge commercial operations in agriculturally zoned areas.

Mr. Gill stated that the applicants had provided a boundary survey of the property as well as a preliminary site plan depicting the location of the proposed brewery and tasting building, workshop, parking and entrance off of Boys Camp Road. He stated that the brewery building has been strategically located in the center of the western third of the property overlooking the non-tidal pond, as far away as possible from the nearest residential parcels, and that the eastern two-thirds of the property will remain as farmland. He stated that the brewery wastewater will be pumped and hauled to the Kilmarnock Sewage Treatment Plant. He stated that well and septic will either be constructed onsite or connected to the Kilmarnock town water and sewer if or when those lines are extended down Boys Camp Road. He stated that the new entrance off of Boys Camp Road is under VDOT jurisdiction, but he did not expect a commercial entrance will be required given the agricultural nature of the use and the exemptions allowed under the previously described legislation.

Mr. Gill stated that this rezoning request is considered reasonable and appropriate given this parcel's continuous history as farmland, even though it was zoned R-1, Residential General back in 1975 when zoning was enacted in Lancaster County. He stated that there are other A-2, Agricultural General zoned parcels in reasonably close proximity to this parcel. He stated that this would be a downzoning, as uses in the A-2 District are generally considered to be less intense than those in the R-1 District. He stated that if the property was built out to its fullest residential potential under the R-1 District, it could contain up to 90 individual lots and homes and it is obvious the proposed use would be much less intense than that.

Mr. Gill stated that the major theme expressed during the last two revisions of the Comprehensive Plan was to retain the rural character and heritage of Lancaster County. He stated that staff believes a small farm craft brewery located on 69 acres of farmland conforms to that theme. He stated that the proposed use also has the potential to create additional jobs and promote tourism in our area.

Mr. Gill stated that the Planning Commission held its public hearing on September 17th and unanimously recommended approval of this rezoning request by a 6-0 vote.

Mr. Gill stated that adjoining property owners have been notified and advertising conducted as required by law and that to date, other than the discussion at the Planning Commission meeting, there has been one response from the public and it was in support of the request.

Mr. Gill stated that the applicants were present at the meeting and have a presentation for the Board. He stated that the Kilmarnock Town Manager, Tom Saunders was also in attendance.

Mr. Bellows opened the public hearing.

Mr. Pilato explained his proposed project and the legislation concerning small craft breweries. He included conceptual drawings of what the brewery buildings would look like. He explained that there are no breweries in the Northern Neck despite craft breweries becoming hugely popular in other areas of the Commonwealth.

Mr. Beauchamp referred to the 24-month pump and haul agreement with the Town of Kilmarnock and asked about the feasibility of connecting to town water and sewer.

Mr. Pilato replied that they are hoping to run a line out to Route 3, but if that does not happen, they have been in touch with Virginia Tech's Department of Environmental Sciences about designing a system on site as an alternative.

Mr. Saunders stated that they recognize that the pump and haul method is not ideal, but did not want the issue to be an impediment to the brewery and thought that the 24-month time period would give them enough time to come up with an alternative.

Mr. George Bott, a District 1 citizen, stated that he supported the application. He stated that it looked like a job creator and the land looks like it has always been used for agricultural purposes. He further stated that he personally has enjoyed the applicants' craft beer.

Mr. Bellows closed the public hearing.

Mr. Bellows made a motion to Approve the Application for Change of Zoning District Classification by Robert Pilato and Beth Burnside from R-1, Residential General to A-2, Agricultural General for Tax Map #29-16C in District 3.

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

Mr. Beauchamp stated that he wished them well in their endeavor.

Mr. Bellows stated that the proposed brewery was exactly the kind of small business that the County needs and he wished them the best of luck.

7. Update to the Future Land Use Map in Chapter Seven of the Comprehensive Plan

Mr. Gill stated that the issue was Updating the Future Land Use Map in Chapter Seven of the Comprehensive Plan as requested by the County Attorney. He stated that the Planning Commission had forwarded the revised Future Land Use Map to the Board of Supervisors recommending approval.

Mr. Gill stated that the County Attorney, Jim Cornwell, previously advised that the Future Land Use Map in Chapter Seven of the Comprehensive Plan needed to be amended to show the proposed Windmill Point boat ramp as a public facility. He stated that there is general language in the Comprehensive Plan about public water access, but the County Attorney suggested this project, as well as the other public water access areas in the county, be shown upon the future land use map.

Mr. Gill stated that the Planning Commission considered this request at its May 21st and July 16th meetings and held a public hearing at its August 20th meeting. He stated that while the Code of Virginia Section 15.2-2223 details many things that may be shown on the map, the Planning Commission decided that since the future land use map is supposed to be general in nature, trying to include everything listed in that code section would obviously make the map too

cluttered. He stated that since Mr. Cornwell had specifically asked that public access areas be shown, the Planning Commission suggested twelve existing and proposed public use areas be added to the Lancaster County Future Land Use Map.

Mr. Gill stated that the eight existing public use areas have been added as green dots and the four proposed public use areas have been added as purple dots on the draft of the Future Land Use Map in Chapter Seven of the Comprehensive Plan. He stated that the numbering and descriptions of the existing and proposed public use areas were able to fit on one page for simplicity. He stated that the County Attorney has advised that the draft Future Land Use Map sufficiently addresses his request.

Mr. Gill stated that advertising has been conducted as required by law and that to date, other than the discussion at prior Planning Commission meetings, there has been no response from the public.

Mr. Bellows opened the public hearing.

There was no public input.

Mr. Bellows closed the public hearing.

Mr. Beauchamp made a motion to Approve the Update to the Future Land Use Map in Chapter Seven of the Comprehensive Plan.

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

CONSENSUS DOCKET

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

1. Minutes for September 24, 2015 Regular Meeting

Recommendation: Approve minutes as submitted

2. Affirmation of a Declaration of a State of Emergency

Recommendation: Approve document as submitted

AFFIRMATION OF A DECLARATION OF A STATE OF EMERGENCY

WHEREAS, on October 1, 2015, the Director of Emergency Management of the County of Lancaster did hereby find:

1. That due to a coastal storm effecting the area beginning September 29, 2015 and the threat of local impacts from Hurricane Joaquin, the County of Lancaster is faced with dangerous conditions;
2. That due to the coastal storm effecting the area beginning September 29, 2015 and the threat of local impacts from Hurricane Joaquin in the County of Lancaster, a condition of extreme peril to life and property necessitated the proclamation of the existence of a local emergency;

NOW, THEREFORE, IT IS HEARBY PROCLAIMED that an emergency does now/or did exist throughout said Jurisdiction; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency, the powers, functions, and duties of the Emergency Management Organization of Jurisdiction were those prescribed by State Law and the Ordinances, Resolutions, and approved plans of Jurisdiction in order to mitigate the effects of said emergency; and,

IT IS FURTHER ORDERED that during the existence of said emergency, the Director of Emergency Management is authorized to commit County funds, in sums sufficient and not to exceed fifty thousand dollars (\$50,000) in the said emergency, and that such funds are hereby appropriated in the amount of fifty thousand dollars (\$50,000) to the Disaster Response account.

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Salaries and Invoices – October 2015

Mr. Palin made a motion to approve the salaries for October 2015 in the amount of \$253,534.96 and invoice listings for October 2015 in the amount of \$601,993.21*.

*Capital Improvements - \$47,422.52

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

2. DEQ Stormwater Program “Opt Out” Support Resolution

Mr. Pleva stated that after new stormwater mandates had been issued, the General Assembly passed legislation that allowed localities to “opt-out” of running their own stormwater management program last year. He stated that many small localities did so because of a lack of staff. He stated that the Department of Environmental Quality had formed a stakeholder advisory group that had reviewed the “opt-out” provision and would like to see it removed as an option. He stated that the resolution included in the Board’s packages deals with Lancaster County continuing their “opt-out” position concerning the unfunded stormwater mandates.

Mr. Gill stated that the Board voted in April 2014 to “opt-out” of running a County Stormwater Management Program and 54 other localities did the same thing. He stated that the resolution before the Board has been circulated to many other localities and approximately 36 of them have endorsed the resolution so far. He stated that the stakeholder advisory group is trying to do away with the “opt-out” provision so that the County would be forced to run a Stormwater Management Program.

Mr. Bellows stated that he thought it was important for Lancaster County to stick together regionally with other localities, particularly when it came to unfunded mandates by the state.

DEQ Stormwater Program “Opt Out” Support Resolution

WHEREAS, many localities are increasingly concerned over the Commonwealth of Virginia’s expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

WHEREAS, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

WHEREAS, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth’s expanded Stormwater Management Program and other environmental regulations at the local level; and

WHEREAS, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied through the expanded Stormwater Management Program; and

WHEREAS, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173/Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to “Opt Out”, leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

WHEREAS, the Governor of the Commonwealth of Virginia signed House Bill 1173/Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

WHEREAS, upon enactment, the Commonwealth of Virginia’s lead environmental regulatory agency, the DEQ was established as the Commonwealth’s VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth’s environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

WHEREAS, the Lancaster County Board of Supervisors, along with 54 other localities in Virginia, voted in 2014 to “Opt Out” of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

WHEREAS, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of Virginia’s Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

WHEREAS, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia’s “Opt Out” localities and Chesapeake Bay localities; and

WHEREAS, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to “Opt Out” provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

WHEREAS, a recommendation to repeal the statutory “Opt Out” constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome **unfunded or underfunded mandate**; and

WHEREAS, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to “Opt Out” receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

NOW, THEREFORE, BE IT RESOLVED THAT the Lancaster County Board of Supervisors **STRONGLY OPPOSES** any recommendation or effort to reverse or

amend the action taken by the 2014 General Assembly in affording to Virginia’s counties and cities the statutory right to “Opt Out” of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Lancaster County Board of Supervisors respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to “Opt Out” be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

BE IT FURTHER RESOLVED THAT the Lancaster County Board of Supervisors strongly recommends that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant “Opt Out” alternatives to all localities equally.

Mr. Bellows made a motion to Adopt the DEQ Stormwater Program “Opt Out” Support Resolution.

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

3. FY 15 School Budget Appropriation Request for Approved Capital Improvement Funds and Non-County Funds Received from State and Federal Grants

Mr. Pleva stated that a memorandum had been received from Whitney Barrack, Director of Finance for Lancaster County Schools, requesting approval of an appropriation to the school operating fund from state and federal grants and the Capital Improvement Budget. He stated that the request does not include any additional local funds, except the funds for the Capital Improvement Plan that have already been approved. He stated that the request does not require a public hearing.

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| Revenue: | | |
| Security Equipment Grant | 3-251-024020-0108 | \$125,000 |

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| Title I | 3-251-033020-0014 | \$146,308.77 |
| Title II | 3-251-033020-0026 | \$72,349.34 |
| Title VI B IDEA | 3-251-033020-0019 | \$65,093.68 |

Expenditure:

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| Capital Outlay Sec. Equip Grant | 4-251-064200-8101-900 | \$125,000 |
| Salaries Teachers | 4-251-061100-1121-120-500-500 | \$84,972.67 |
| FICA | 4-251-061100-2100-120-500-500 | \$14,937.50 |
| Contracted Services | 4-251-061100-3000-120-500-500 | \$37,550 |
| Educational/Instructional Sup. | 4-251-061100-6013-120-500-500 | \$8,848.60 |
| Salaries Other Dir/Mgmt. | 4-251-061100-1114-x-120-520 | \$19,316.13 |
| FICA | 4-251-061100-2100-x-120-520 | \$5,633.43 |
| Contracted Services | 4-251-061100-3000-x-120-520 | \$23,745.68 |
| Convention & Education | 4-251-061100-5540-x-120-520 | \$23,654.10 |
| Salaries Teacher | 4-251-061100-1121-x-206-506 | \$21,606.52 |
| FICA | 4-251-061100-2100-x-206-506 | \$12,695.78 |
| Contract Services | 4-251-061100-3000-x-206-506 | \$23,300.20 |
| Convention & Education | 4-251-061100-5540-x-206-506 | \$2,548 |
| Technology Software/Online | 4-251-061100-6040-x-206-506 | \$4,943.18 |

Mr. Jenkins made a motion to Approve the FY 15 School Budget Apporopriation Request for Approved Capital Improvement Funds and Non-County Funds Received from State and Federal Grants.

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

BOARD REPORTS

Mr. Beauchamp reappointed Joe Curry as an at-large representative to the Board of Directors for Bay Aging.

| | | |
|-------|----------------------|-----|
| VOTE: | Jason D. Bellows | Aye |
| | Ernest W. Palin, Jr. | Aye |
| | F. W. Jenkins, Jr. | Aye |

William R. Lee Aye

B. Wally Beauchamp Aye

Mr. Palin reappointed Alice Coates to the Middle Peninsula Northern Neck Community Services Board for another term ending December 31, 2018.

VOTE: Jason D. Bellows Aye

Ernest W. Palin, Jr. Aye

F. W. Jenkins, Jr. Aye

William R. Lee Aye

B. Wally Beauchamp Aye

Mr. Lee reappointed David Chupp to the Planning Commission for another term ending October 30, 2019.

VOTE: Jason D. Bellows Aye

Ernest W. Palin, Jr. Aye

F. W. Jenkins, Jr. Aye

William R. Lee Aye

B. Wally Beauchamp Aye

Mr. Bellows stated that the State Corporation Commission has stopped the Dominion Virginia Power Bridge Project temporarily pending a hearing on November 17th. He stated that it will be an evidentiary hearing on whether or not Dominion should be stopped for a full review. He stated that on November 16th, the Save the Rappahannock Coalition is hosting a public forum on the matter at the Lancaster Middle School at 7:00 p.m. and he encouraged everyone to attend.

Mr. Jenkins stated that the renovations on the Old Clerk's office exterior will be completed in approximately 4 more weeks and then the renovations on the Old Jail will begin as weather permits.

Mr. Jenkins wanted to remind everyone about the upcoming oyster roast at the Mary Ball Museum and Library on November 14th. He stated that tickets were available

on-line, at the museum and he had them, too. He stated that it was a good time and a great fund raiser for the museum.

COUNTY ADMINISTRATOR

Mr. Pleva stated that Westland Beach had been cleaned up after the storm and they may be looking at sand replenishment in the spring. He stated that the clean-up and debris removal cost was approximately \$4500.

Mr. Pleva stated that the Sheriff's office roof job was completed last week by Martin Roofing Company at a cost of approximately \$22,000.

Mr. Pleva referred to the Administrative Building and stated that they have decided to put fewer new windows in this year than previously planned and use the money for needed gutter work around the building. He stated that they are also looking at replacing the three exterior doors, which do not meet fire code and are not energy efficient.

Mr. Gill stated that the Board had previously approved the selection of Bay Design Group for engineering services and they have prepared a conceptual plan for the proposed Windmill Point Boat Ramp. He stated that the plan has been shown to the Windmill Point Marina owner, Peter Anzo, as well as the Department of Game and Inland Fisheries, the department that has granted the County \$150,000 for the ramp, and both have given their approval. He stated that he, Ben Burton of Bay Design Group and Frank Pleva, County Administrator will be meeting with the Beach Cove Villa residents to discuss the plan and review road options on November 14th. He stated that they are looking at bidding out the project in early spring and having it operational by July 4th.

Mr. Bellows asked if there had been any discussion with Mr. Anzo about purchasing the property.

Mr. Pleva replied not yet. He stated that after the last storm, the marina lost a lot of beach and because there has been a permit for offshore breakwater structures for years off of the beach, there has been some thought about the County sharing the breakwater construction cost if a permanent easement for more public beach could be obtained.

Mr. Pleva referred to the Greentown Gaskins Road Sewer Project and stated that the notice to proceed was issued to Franklin Mechanical on October 14th with the project's completion date around April 11, 2016.

CLOSED MEETING

Motion was made by Mr. Bellows to enter into closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matter to be discussed in the closed meeting is Legal Consultation, § 2.2-3711.A.7 of the Code of Virginia, 1950, *as amended*. The purpose of the closed meeting

is to discuss legal consultation. The subject and purpose falls within the following exemption under § 2.2-3711.A.7 (for briefings by staff members pertaining to actual or probable litigation, where such briefings in open meeting would adversely affect the negotiating or litigating posture of the public body.)

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

RECONVENE

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

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

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on October 29, 2015 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Legal Consultation, § 2.2-3711.A.7 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. Bellows called the question. A roll call vote was taken:

ROLL CALL

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

This certification resolution is adopted.

The action taken was that the Lancaster County Board of Supervisors authorized Sands Anderson to participate in the pending SCC matter relating to the proposed Dominion power line across the Rappahannock River, including participation in any future proceedings before the SCC should the Commission determine that Dominion is required to obtain a Certificate of Public Convenience and Necessity for such line.

Mr. Lee made a motion to approve the action.

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

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn.

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