

**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, October 29, 2020.

Members Present: Jason D. Bellows, Chair

Ernest W. Palin, Jr., Vice Chair

Jack D. Larson, Board Member

William R. Lee, Board Member

Robert S. Westbrook, Board Member

Staff Present: Don G. Gill, County Administrator

James Cornwell, County Attorney

Glenn Rowe, Information Technology Director

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

Mr. Bellows called the meeting to order at 6:00 p.m.

**WORK SESSION**

1. Special Called Work Session, Including Members of the Broadband Authority, on a Proposed CARES Act Broadband Project

Mr. Gill stated that the Broadband Authority and County staff have been discussing ways to utilize some of the CARES Act funding to provide some broadband coverage to areas of the County that are currently lacking coverage. He stated that early discussions were centered on the smart wifi poles that could be located in various locations around the County, but there were some drawbacks to that idea. He stated that one of the drawbacks is that most of the poles would have to be located on private property which would entail having to get lease agreements and liability waivers. He stated that another drawback is that people would have to drive to the pole locations to obtain the service.

Mr. Gill stated that, in the last couple of weeks, an idea of placing an antenna array on the cellular tower behind the Sheriff's Office has come about. He stated that the County owns the property that the cell tower is located on and the County currently receives some lease money from the tower owner and the special exception approval for that tower shows a County antenna array on there. He stated that Mark McKercher, a Broadband Authority member, Jeff Beekhoof, a

consultant with Broadband Telecom Services and Gary Silverman, a former Broadband Authority member have been instrumental in putting this proposal together.

Cassie Thompson, Chair of the Broadband Authority, stated that their purpose today is to provide information and the pros and cons of the proposal. She stated that the Broadband Authority has no voting power on the issue and they were neither recommending or not recommending the proposal.

Mr. McKercher stated that the Broadband Authority's number one priority has been to capture those homes with internet service under 10/1 Mbps (megabits per second) and priority number two was to upgrade the current systems. He stated that their first phase was planning and they were currently in phase two, which means they were actively pursuing grants. He stated that they have divided the County into three regions for clarity and the submission of the grants. He stated that region one included Route 354, region 2 included the Merry Point area and region 3 includes Good Luck Road and points south in the County.

Mr. McKercher referred to the recent grants the Broadband Authority has applied for and stated that the first is the USDA RUS ReConnect Grant, which is a \$22.5 million dollar grant. He stated that their application is still under review. He stated that the grant money was dwindling for this grant and it did not look good for this year. He stated that, if the grant was not received this year, they would resubmit next year. He stated that the second application was for the Virginia Telecommunications Initiative Grant (VATI) and, if the grant was awarded, it would serve only region 3 and would have Atlantic Broadband ownership. He stated that he expected an answer concerning that award next February. He stated that the Broadband Authority intends on making application for another grant, the USDA RUS Community Connect Grant, for \$3 million dollars that is due in December. He stated that the grant is similar to the RUS ReConnect Grant except that it targets low-income residents. He stated that this submittal would include parts of region 1.

Mr. McKercher stated that, about three weeks ago, Jeff Beekhoo of Broadband Telecom Services, called him to let him know that the state had received \$30 million dollars from the CARES Act and localities could submit a grant application for CARES specific funding and the need must be tailored for students, tele-work and tele-health. He stated that he had discussions with Mr. Gill and Mr. Beekhoo concerning this opportunity. He stated that it was decided that they would try to fill an area of the County that is currently underserved and that is region 2, while utilizing an existing County asset. He stated that the tower is located on County property and that is where the wireless antenna would be located. He stated that Mr. Beekhoo had submitted the co-location application to the tower owner, SBA, and there has been an approval.

Mr. McKercher referred to the CARES Act funds and stated that the money not only needs to be spent by the end of this year, but the equipment has to be procured, installed and operating as well. He stated that they have 60 days to get this implemented. He stated that all localities are in the same situation. He stated that smart poles are great, but they realized that the best spots for their locations were almost always on private property. He stated that, to try to get those poles installed and operational in 60 days, would almost be impossible.

Mr. McKercher referred to a map that showed the five-mile radius around the tower and the area that would be served. He stated that they would be limiting the area to five miles for coverage that was consistent, reliable and had at least a 25/3 Mbps speed. He stated that, according to the propagation map, anything beyond five miles, has no guarantees. He stated that there are limits to wireless service, such as weather issues and geography issues and that has been factored in. He stated that they were not saying that this is a perfect solution, but it would provide 700 unserved homes in this area. He stated that unserved means that their service is below 10/1 Mbps. He stated that there were 216 unserved students in this area as well.

Dr. Westbrook stated that he was having a disconnect because, on one hand, Mr. McKercher was saying that wireless service was not reliable and on the other hand, he was saying that the service will be reliable.

Mr. McKercher stated that what he meant was that wireless service was not like fiber optic capability.

Dr. Westbrook asked if what was being proposed would be reliable.

Mr. Beekhoo replied that the service would be reliable within the three to five-mile radius from the tower.

Mr. Larson asked if the arrays that will be installed on the tower will be County owned.

Mr. McKercher replied yes, as well as 300 in-home equipment packages.

Mr. Larson asked who would maintain the arrays.

Mr. McKercher replied that Broadband Telecom Services would maintain the arrays.

Mr. McKercher stated that there would be a monthly charge to subscribers.

Mr. Larson asked who receives the monthly fee.

Mr. McKercher replied that the fee would be received by Broadband Telecom Services or whomever they choose. He stated that approximately \$10 of the \$50 fee will come back to the County. He stated that those funds would go into a pot of money that would help pay for the equipment for additional users over the first 300 to supplement them. He stated that their goal was to get as many unserved people as they can to have the service in the shortest time possible.

Dr. Westbrook asked if this proposed project would knock the County out of the running for the RUS ReConnect Grant.

Mr. Beekhoo replied that, even if the RUS ReConnect Grant is awarded this year, it would be a three to five-year buildout period. He stated that, if they were awarded the grant, they would let RUS know about the 300 homes with service.

Dr. Westbrook stated that it would also mean that those homes will not have the option to get fiber because they had already signed up for this program.

Mr. McKercher stated that those homes would have the option to come off of this service if the fiber is run down their street, just like anyone would.

Dr. Westbrook stated that he had service with Atlantic Broadband and it was his understanding that, because he already has service, if the County was successful in obtaining the grant, fiber would not be available to him.

Mr. McKercher replied that was correct.

Dr. Westbrook stated that, if that was the case, then those 300 homes would not be eligible for fiber either.

Mr. Beekhoo stated that the purpose of this project is to take care of an immediate need.

Dr. Westbrook stated that the purpose of this was to spend money that we won't have to pay back and try to help some people. He stated that his concern was if this proposal knocks the County out of the running for getting fiber for the entire County.

Dr. Westbrook stated that he thought that the proposed system would be outdated soon and then these people would be stuck. He stated that his heartburn with this was that he was not convinced that this would not complicate the RUS Grant.

Mr. Larson stated that, with respect to Atlantic Broadband (ABB), the more they get them involved and they own things, which is a big part of the problem he has with the VATI grant currently, the more ABB acts in a monopolistic manner. He stated that ABB needs to have some competitors.

Dr. Westbrook stated that there were no takers or competition for ABB.

Mr. McKercher stated that was correct because the density was too small for them to start to build the infrastructure that would be required. He stated that no service providers are knocking at their door and wanting to come into Lancaster County. He stated that there were many other localities in the same situation.

Mr. Bellows asked why they couldn't put their own hot spots on towers throughout the County like ABB is doing.

Mr. McKercher replied that the County would still be leasing fiber optic cable from ABB.

Dr. Westbrook stated that wireless service is a stop gap solution and, in his opinion, the proposal may put the County at a disadvantage with the RUS Grant. He stated that the Broadband Authority worked very hard to get that application in for the RUS Grant and he thought they had a shot at getting it.

Mr. Lee stated that Dr. Westbrook makes a good point, but they needed to remember that there are students and people who are working from home that can't wait a year or more for service. He stated that he understood Dr. Westbrook's concerns about getting knocked out of the running for the RUS Grant, but there are immediate needs for service, especially with students who are trying to attend classes virtually and keep up with their school work. He stated that it may be a stop gap solution, but it is needed and the unknown is that they don't know how it might affect the RUS Grant, if at all.

Mr. McKercher stated that they needed to keep in mind that the RUS Grant has a five-year buildout.

Mr. Palin stated that he hears both sides and agrees with both sides, but he represents District 2 and lives there and he knows what the service is like there currently. He stated that he liked the idea of getting good service for the students, but at the same time, he does not want his constituents to miss out on the RUS Grant.

Mr. McKercher stated that, if and when the County was awarded the RUS Grant, they would submit for region 1 and parts of region 2 because, in the event that these antennas are built, they could direct those antennas to the northern part of the County. He stated that it would be expensive to run fiber optic cable there because there are not enough residents in the northern part of the County to justify the expense. He stated that every county would always have a certain amount of wireless service for that reason.

Mr. Bellows referred to the hot spots and asked why the County could not own its own free hot spots on the towers.

Mr. McKercher replied that the hot spots have a limited range and the Verizon towers are already overloaded.

Dr. Westbrook stated that he understood Mr. Lee's point, but the possibility exists that if the vaccine for the COVID-19 virus comes through and is effective, then the world can get back to normal. He stated that he did not think they should rush into this.

Mr. McKercher showed a slide that depicted another, smaller solution that would cover the citizens in the northern part of the County in which they could direct the antennas to provide coverage and it would be a sixty-degree antenna array.

Mrs. Thompson stated that the County will never have fiber to every home and the region that they were trying to serve would be the most expensive to serve because of the low density.

Mr. McKercher stated that they have an ABB solution in region 3 and a wireless solution in region 2 in combination with the potential of a RUS solution, three to five years out, down Route 354 and the Merry Point area. He stated that they were trying to capture as many people in the Merry Point and Iberis Road areas that had HUD-qualified homes.

Margie Armen, a Broadband Authority member, stated that, under the current rules of the RUS Program, if there is a signal present, in her opinion, it would disqualify them from applying for the RUS Grant. She stated that the standard for RUS is that it is not available for anyone who has access to a signal that provides greater than 10/1 service. She stated that, if this interpretation is correct, it could make the County ineligible for applying for RUS.

Mr. Bellows asked that, even if the County received the RUS Grant, wouldn't there be cases where there would be places in the County where they would not run fiber and use a tower and antenna arrays, such as with this project, to provide wireless service to some customers.

Mr. McKercher replied yes.

Mr. Bellows stated that he saw this project as complementing that in the future. He stated that, even if they win the RUS Grant, it will take time to build out.

Dr. Westbrook stated that some things could have already been done by the Broadband Authority as far as planning goes. He stated that they should have already been working on things in anticipation of the grant.

Mr. Larson stated that the Broadband Authority has been working very hard in applying for these grants, so he would not be critical of them because he knew how much time and effort that had gone into those applications. He stated that, if he were Mr. Palin, he would be excited about this proposal.

Mr. Larson referred to people paying to get service brought down their road and stated that there were two examples where Atlantic Broadband has had an opportunity to have that done and, for whatever reason, they walked away from it. He stated that the first one was at Eagle Landing. He stated that those citizens had gotten together and were willing to pay for the service to be brought into their community, but Atlantic Broadband decided against it. He stated that he had received a call from a constituent on Ottoman Ferry Road who told him that fifteen of his neighbors had been willing to contribute to get the service brought to their area and after being told by Atlantic Broadband that it could happen, they were then told that it would not happen.

Mr. Lee stated that he wanted to clarify that, if the County received the RUS Grant, region 2 would be covered as far as getting the fiber and if they don't receive the RUS Grant this year, the County would submit another application at a lesser amount and region 2 could probably be left out.

Mr. Bellows stated that, even if the County wins the grant, these citizens in region 2 are not getting internet service this year and it would probably take at least 24 months. He stated that the proposal in front of them could probably be up and running by February.

Mr. Palin stated that, if the RUS Grant provides a better product, then he would not mind waiting 24 months.

Mr. Bellows stated that there was a chance that they will not win the grant and there were no guarantees.

Mr. Bellows asked, if this proposal was approved tonight, is there a guarantee that the equipment can be purchased and everything done that is necessary by the CARES Act deadline.

Mr. McKercher replied yes.

Mr. Gill stated that the County has a regular pot of CARES Act money that these expenses could be paid out of and the Commonwealth also has \$30 million dollars set aside in a special CARES fund for broadband. He stated that they had already been approved under the special CARES fund for this expense.

Mr. Bellows stated that basically it's paid for.

Mr. Gill stated that was correct. He stated that it would be paid for out of the \$30 million CARES fund set up especially for broadband.

Mr. Bellows stated that, to not give their citizens basically free internet with funds that the County does not have to pay back, would be a foolish decision, in his opinion.

Mr. Gill stated that another thing to consider was that, currently, the County receives about \$15,000 a year in lease payments for that cell tower and that would go away once the new antenna array was placed on it.

Dr. Westbrook stated again that if this proposal knocks the County out of the running for the RUS Grant, then it was not worth it to him.

Mr. Bellows stated that he thought putting all of their eggs in the RUS basket was risky business. He stated that, providing what they can now, is a good thing for our citizens. He stated that it takes a long time to lay fiber and even if they do get the RUS Grant, it will be at least 24 months before the first home would get the service.

Dr. Westbrook stated that there were too many unknowns and this proposal was coming at them fast.

Mr. Larson stated that he agreed, but at some point, they needed to get some service capability out there.

Mr. Bellows stated that it was time to start the regular meeting, so they would continue this discussion afterwards.

Mr. Bellows called the regular meeting to order at 7:07 p.m.

## **PUBLIC INPUT**

Charlie Costello, a District 2 citizen, stated that he had written a letter to the editor in the Rappahannock Record and he had included incorrect titles because he was going by an older version of the County's Comprehensive Plan. He read a passage from the plan and stated that the wording has been the same for 20 years. He read "The County must take appropriate steps to insure that outside forces do not govern growth. The continuing loss of farm and forest land and the escalating emigration of youth must be dealt with by local government through public policy". He stated that was where the County is now in relation to the proposed solar ordinance. He stated that the Comprehensive Plan should be reviewed and updated before the solar ordinance is considered by the Board of Supervisors. He stated that the proposed solar ordinance cannot be in conformance with the Comprehensive Plan because, at this time, the Comprehensive Plan does not address solar facilities.

Mr. Costello referred to the A-1 and A-2 Agricultural Districts and stated that those districts do not permit public utilities. He asked how could solar facilities be permitted in those districts, even with a special exception, when it is not a permitted use. He stated that the legislation that passed regarding solar farms included revenue sharing. He stated that revenue sharing is when the County gets back some money from a solar farm. He stated that revenue sharing is supposed to start with the application process and he did not know if the County had received any applications yet.

Mr. Gill stated that there had been no applications other than the one that was approved in 2018 on an M-1 parcel in White Stone.

Mr. Costello stated that he would suggest having an ordinance regarding revenue sharing as well as the Comprehensive Plan review completed before consideration of the solar ordinance.

Susan Marsh, a District 2 citizen, stated that, in her opinion, the Comprehensive Plan needs to be updated and more requirements need to be made concerning solar farms. She stated that the companies that have approached her are LLCs, which means they are protected, so if they lease her land and in a few years that company goes bankrupt, she asked who would hold the liability and pay for the cleanup. She stated that she had asked the Planning Commission, when they were considering the solar ordinance, to consider having a minimum acreage requirement for solar farms. She stated that she would like for the Board of Supervisors to consider it as well.

Ronnie Forrester, a District 1 citizen, stated that he was concerned about what the solar panels would do to other nearby farms when storms come through the County. He stated that another concern was the removal of forested land to accommodate the solar panels and what impact that will have when it comes to rainwater runoff. He stated that they will have more problems with water than they already have now. He invited any of the supervisors to meet him and discuss what is happening concerning the solar companies that are coming into the County and making offers to citizens with farmland.



Roy Carter, a District 3 citizen, stated that he was the Chairman of the Lancaster County Economic Development Authority. He stated that they had received a fair amount of money to give to local businesses through CARES Act funding. He stated that, in the first supplement of the funding, the three incorporated towns were eligible to receive their portion of the funds and the Town of Kilmarnock came up with an application for its business owners and they ended up receiving 37 applications and got the money out fairly quickly. He stated that the County has money for businesses located in the County outside the towns and to date, there has only been one applicant. He stated that he thought the word was not getting out to all of the business owners. He stated that he had reached out to the Chamber of Commerce to see if they could notify their businesses. He stated that he did not know how the County had been promoting this money, but he knew that the business people were in need. He stated that he was also concerned about the home-based business stipulation, especially when it came to the watermen and farmers.

Mr. Gill stated that the first round for applications for County businesses was from September 8<sup>th</sup> through October 8<sup>th</sup> and they received one application. He stated that he was sure that the Board of Supervisors will authorize a second round. He stated that he knew the Town of Kilmarnock was doing a second round as well and that will run from November 13<sup>th</sup> through November 30<sup>th</sup>. He stated that, as far as allowing other entities to be eligible, the federal government has guidelines that stipulate who can and cannot receive CARES Act funding. He stated that, unless those guidelines change, they cannot allow home-based businesses to qualify. He stated that the County followed the example that the Town of Kilmarnock developed for the grant application and the requirements are the bare minimum. He stated that he did not know how they could make it any easier for businesses to apply. He stated that the County has placed two advertisements in the local paper and the information is also on the County's website. He stated that he knew Mr. Carter had spoken with the Chamber of Commerce, so they can help to get the word out on the second round, assuming the Board authorizes that.

Mr. Gill stated that the County went one step further than the Town of Kilmarnock, in that there was an increased grant award possible, based on the number of employees that a business had. He stated that the Town of Kilmarnock had a strict limit of \$1,000, but the County's award could go up to \$5,000. He stated that all of the incorporated towns have received their CARES Act funds. He stated that Pat Frere with the Town of White Stone has told him that they were going to develop a grant program for their businesses. He stated that he was not sure about the Town of Irvington's plans. He stated that, for a second round of County CARES Act funding for businesses, he thought the biggest thing that they could do was try to get the word out better.

Mr. Bellows stated that he had been speaking to business owners about the grant program and he was sure his fellow Board members had been doing so as well.

Mr. Carter suggested getting the word out through social media and advertising on the local radio stations.

Mr. Palin asked his fellow Board members if they thought they should contact Representative Rob Wittman for his assistance in helping the local watermen be defined as a business that could receive CARES Act funding through the business grant program.

Dr. Westbrook replied that he thought that was a good idea.

Mr. Bellows stated that he would like to discuss this issue later in the meeting.

Mr. Larson asked Mr. Carter if there was some advertising that the Economic Development Authority could do as well.

Mr. Carter stated that they were trying to get the word out. He stated that, when the COVID-19 crisis first started, the Economic Development Authority put a half-page advertisement in the Rappahannock Record. He stated that was a good suggestion and he thought they could look into doing another ad.

### **VIRGINIA DEPARTMENT OF TRANSPORTATION**

David Beale, VDOT Northern Neck Resident Engineer, stated that Virginia has recently started a new campaign called “Virginia is for Lovers, Not Litter”. He stated that the website [www.loversnotlitter.org](http://www.loversnotlitter.org) has a lot of information about the new campaign that addresses the issue of litter. He stated that almost seventy-five percent of the litter comes from motorists and pedestrians. He stated that because we are in a rural area, most citizens have to haul their trash to a convenience center and that can contribute to trash on the roads if those loads are not covered and secured. He stated that litter clean-up is also expensive.

Mr. Beale stated that the pavement schedule has been completed for the year. He stated that they were in the middle of the last mowing cycle currently and they are also picking up litter. He stated that they are also working on drainage work orders because of all of the rain that has fallen lately. He stated that they are also preparing for winter snow removal.

Mr. Beale stated that he had been working with the Town of Irvington on the through truck restriction and wanted to clarify that initiative would not move forward until there is a resolution from the Board of Supervisors that supports it. He stated that there would have to be resolutions from both the Town of Irvington and the County that match before the restriction would be considered any further.

Mr. Lee asked Mr. Beale if he had received a resolution from the Town of Irvington.

Mr. Beale replied yes.

Mr. Gill stated that he had not received a request from the Town of Irvington for the Board of Supervisors to consider that resolution. He stated that, once he receives that request, the Board will see it.

Mr. Larson stated that it was his personal observation that VDOT had done as good of a job with the roadside mowing as he had ever seen. He thanked Mr. Beale for his work and the work of the crew.

Mr. Beale stated that he would pass Mr. Larson's comments along to his co-workers. He stated that he felt that they have cut grass everyday that it didn't rain.

Mr. Palin stated that he agreed with Mr. Larson.

## **PRESENTATIONS**

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

Mark McKercher of the Broadband Authority stated that they have received the \$40,000 payment from the Virginia Department of Housing and Community Development for the completion of the Telecommunications Planning Grant. He stated that the Broadband Authority paid the expenses of carrying out the grant activities from its initial grant from the Economic Development Authority and from the County appropriation for last fiscal year. He stated that, accordingly, the current payment is 100 percent revenue to the County.

Mr. McKercher stated that, as was stated earlier in the meeting, they have not heard anything concerning their pending grant application to the Rural Utilities Service for a 100 percent ReConnect grant. He stated that they expect to know their status before the November election. He stated that, if they are not selected for this funding round, the Authority will submit another grant application next year.

Mr. McKercher stated that he and Margie Armen participated in Representative Rob Wittman's Broadband Town Hall meeting on September 30<sup>th</sup>.

Mr. McKercher stated that, on October 9<sup>th</sup>, Governor Northam released \$30 million dollars for emergency CARES Act funding of broadband projects. He stated that the Broadband Authority has provided in-kind assistance to the County in preparing a CARES Act funding request using these funds.

Mr. McKercher stated that, this month, the Broadband Authority welcomed Michele Craddock as a new member. He stated that, according to the Broadband Authority's by-laws, Mrs. Craddock will complete the unexpired term of Gary Silverman, the member that she replaced. He stated that the Broadband Authority has also begun succession planning for the new members and according to the by-laws, two members will volunteer to step down from the Authority on December 31, 2020. He stated that the retiring members will be replaced with new or renewing members who will begin their 2-year terms on January 1, 2021. He stated that this process will institute a schedule of staggered terms. He stated that they will advise the Board of Supervisors of the specifics of the succession plan and recommend replacements for the departing members at the November Board of Supervisors' meeting.

### **2. TriWay Trail and Proposed Memorandum of Understanding**

Jimmie Carter, a District 5 citizen, stated that he was present to request the approval of the Board of Supervisors for a memorandum of understanding that had been included in the members' packages. He stated that the Business Relations Advisory Committee has been

exploring ways to build the economy in the County. He stated that one of the initiatives that he was personally exploring was building a multi-use, off-road trail that would connect the three incorporated towns in the County. He stated that the idea was that it could increase tourism and physical fitness and help to nourish the businesses in the three towns. He stated that he was a big believer, that in eastern Virginia, Lancaster County was the quality of life leader. He stated that the memorandum of understanding does not obligate the County to anything more than an advocacy role at this point. He stated that he has funded the consultants on this project himself. He stated that the memorandum is needed to move forward with the application for a planning grant. He stated that there were no financial commitments at this point. He stated that he had been in touch with Don Gill and Brian Barnes about possibly updating the Comprehensive Plan to include the trail during the Plan review.

Mr. Carter stated that eighty percent of the funding for this project could possibly come from a federal program called Rails to Trails. He stated that they had held a meeting a few months ago and representatives from the County, the three incorporated towns and other agencies, such as VDOT, were in attendance and everyone appeared to be on board with the proposal. He stated that he was requesting that the Memorandum of Understanding be entered into by the County.

Mr. Bellows stated that he thought the trail was a good idea and anything that they can do to attract people to the area was a good thing.

Mr. Larson asked Mr. Cornwell if there were any legal concerns for the County with the Memorandum of Understanding as written.

Mr. Cornwell replied that the Memorandum of Understanding was just an agreement to support the project without any commitment of funding at the present time.

Mr. Bellows made a motion to Approve the Memorandum of Understanding for The TriWay Trail.

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

## **PUBLIC HEARING**

None.

**CONSENSUS DOCKET**

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

1. Minutes for the September 24, 2020 Regular Meeting

Recommendation: Approve minutes as submitted

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of October 2020 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for October 2020 in the amount of \$299,664.30 and invoice listings for October 2020 in the amount of \$940,756.74.\*

\*Loan Payment - \$45,067.00

\*Capital Improvements - \$100,625.35

\*CARES Act expenses - \$131,856.24

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

2. The Tidewater Foundation, Inc. CARES Act Funding Request

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

Mr. Gill stated that Ammon Dunton, Jr. had submitted this \$5,000 request from the Tidewater Foundation for CARES Act funding. He stated that some counties are handling non-profit CARES Act requests on a case by case basis, like Lancaster County has been doing. He stated that the County has received a few non-profit requests already and he was aware that there will be some more after tonight. He stated that some counties have set up a program for non-profit organizations similar to the small business grant program. He stated that Richmond County has been limiting their CARES Act funding to non-profit organizations to \$7,500 and Northumberland County's limit may be \$5,000. He stated that Lancaster County has handled these requests by having the organization justify the need for whatever amount they are requesting. He stated that this was the way he would continue to handle these requests, unless the Board wanted him to handle it another way. He referred to the Tidewater Foundation's \$5,000 request and stated that their biggest fund raiser, the annual Holly Ball, had been canceled this year due to the COVID-19 pandemic. He stated that the Tidewater Foundation was a little different than other non-profit organizations because they actually give to other non-profits, who would have the ability to ask for CARES Act funding directly from the County themselves.

Mr. Bellows stated that his comment would be that they would continue to use the same process as they had done in the past and not change the rules for how they handle CARES Act funding requests. He stated that the requests in front of them tonight seem similar to what they have seen in the past.

Mr. Lee agreed.

Mr. Larson stated that this request was to offset revenue losses and it was his understanding that, according to the federal guidelines associated with CARES Act funding, CARES Act funds could not be used for that purpose. He asked Mr. Gill if that requirement had changed.

Mr. Gill replied that requirement had not changed. He stated that the guideline says that CARES Act funds cannot be used specifically for revenue replacement.

Mr. Larson stated that, if that was the case, then he did not think this request qualifies for CARES Act funding. He stated that the request was clearly for revenue replacement and another consideration was that the organizations listed in Mr. Dunton's letter could come to the County with their own requests, if needed. He stated that he thought they should deal directly with organizations or run the risk of having the funds not be used in the correct manner.

Mr. Bellows stated that, it would be prudent, if the Tidewater Foundation could come back next month and prove that they have a hardship based on COVID-19 and not revenue replacement.

Mr. Gill stated that, any non-profit organization that submits a request, needs to have had increased expenses due to COVID-19.

Mr. Larson made a motion to deny the request for CARES Act funding for the Tidewater Foundation.

Mr. Bellows asked if they needed to make a motion on this or not take any action.

Mr. Cornwell stated that the request could be tabled.

Mr. Gill asked Mr. Cornwell if the Board took no action, was the request considered not approved.

Mr. Cornwell replied yes.

Mr. Bellows stated that he would suggest sending back to the Tidewater Foundation representative the discussion on guidelines that the Board had at tonight's meeting and that the CARES Act funds cannot be used for revenue replacement, but if they have specific COVID-19 related costs, they can resubmit a request for next month.

Mr. Gill asked Mr. Larson if he wanted to withdraw his motion.

Mr. Larson stated that he would withdraw his motion with the understanding that they would take no action with the result of this request being not approved.

### 3. Healthy Harvest Food Bank CARES Act Funding Request

Mr. Gill stated that the Healthy Harvest Food Bank was requesting \$6,000 of CARES Act funding from Lancaster County to help offset their increased expenses resulting from the COVID-19 pandemic. He stated that, since the Food Bank's additional expenses resulting from an increase in demand for their services can reasonably be attributed to the pandemic, this request would conform to the requirements of the CARES Act funding.

Mr. Bellows stated that, in his opinion, this request was easy to tie into COVID-19 related expenses.

Mr. Bellows made a motion to Approve the Healthy Harvest Food Bank CARES Act Funding Request.

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

4. Northern Neck Family YMCA CARES Act Funding Request

Mr. Gill stated that the Northern Neck Family YMCA was requesting \$50,000 of CARES Act funding from Lancaster County to help offset their increased expenses resulting from the COVID-19 pandemic. He stated that in the YMCA's letter they have detailed the various programs that they have created in response to the pandemic. He stated that those programs included virtual fitness programs, expansion of child care services and full day educational services for children who are out of a traditional school setting. He stated that these programs can all be reasonably attributed to the COVID-19 pandemic, so this request would conform to the requirements of the CARES Act funding.

Mr. Bellows made a motion to Approve the Northern Neck Family YMCA CARES Act Funding Request.

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

5. Consideration of a COVID-19 Hazardous Duty Pay Proposal to be Funded by the CARES Act

Mr. Bellows asked EMS Chief Matt Smith to present the issue.

Chief Smith stated that a hazardous pay proposal had been included in the Board of Supervisors' meeting books for their consideration. He stated that the employees affected by the proposal included police officers, sheriffs and deputy sheriffs, bailiffs, emergency medical responders, correctional and detention officers, dispatchers, medical and janitorial staff assigned to the correctional facility and waste management facility staff.

Mr. Larson asked if the amount being requested for hazard pay would include the FICA contribution.

Chief Smith replied yes. He stated that the suggestion from the Treasurer's Office was to have the hazard pay pre-taxed.

Mr. Bellows made a motion to Approve the COVID-19 Hazardous Pay Proposal to be Funded by the CARES Act.

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

6. Award of Contract for the Approved FY 21 Capital Improvement Budget Item to Regrade and Repave the Kilmarnock Refuse Convenience Center Site

Mr. Gill stated that, when the Board of Supervisors approved the Capital Improvement Budget in June, this item was estimated to cost \$58,000. He stated that Donald Brown, Solid Waste Supervisor, has received three bids for this project of regrading and repaving at the Kilmarnock Convenience Center. He stated that one of the bids was low because the square footage used was incorrect, so it was, in fact, not the lowest bid. He stated that there was also a much larger bid that included an item that was not on the other two bids and that item was a culvert pipe by the entrance gate into the parking lot. He stated that he had asked Mr. Brown to clarify with that bidder, what part of the bid was due to the culvert pipe addition, so they could consider the three bids more fairly.

Mr. Bellows stated that the bids also refer to varying thicknesses of the asphalt, so that should be a consideration when comparing costs. He stated that the differences in the specifications on the bids made it difficult to compare the three.

Mr. Brown referred to the G & G Paving bid and stated that the culvert pipe addition on that bid cost \$7,500. He stated that, without the culvert pipe addition, the bid would come in at \$77,500.

Mr. Bellows asked about the additional inch of asphalt that was included in the G & G Paving estimate.

Mr. Brown replied that he did not get a price on that.

Mr. Bellows stated that, having the additional asphalt would make for a better surface, but did they know how much longer the project would last with the additional material. He stated that this has been an on-going problem and it would be nice to get it fixed right. He stated that he would rather spend more now on it and have it last ten years, then spend less and have to fix it again in just a couple of years. He stated that he did not know if the rest of the Board feels that way, but he assumed that they do.

Mr. Lee stated that he thought the proposed culvert pipe was needed because there is an issue there with water.

Mr. Gill stated that the end of the state's maintenance is at the entrance gate and he thought they should ask VDOT to take a look at that area and see if they would install a culvert

there. He stated that, if the area of concern is out of the VDOT right of way, then the County could have a culvert installed.

Mr. Bellows suggested that they push this decision out until next month because there were too many unknowns. He stated that there were unanswered questions like, was it better to have a thicker application of asphalt and if so, what was that extra cost.

Mr. Gill stated that the decision is up to the Board and everyone knows that once the temperature starts dropping, paving can't happen. He stated that it may be spring before the work can be done.

Dr. Westbrook asked Mr. Bellows if he was suggesting that specific instructions concerning thickness of the asphalt and the area involved go back to all three bidders.

Mr. Bellows replied yes.

Dr. Westbrook stated that it would be nice to know about the thicknesses of the material and why one might be better than another.

Mr. Cornwell stated that the Board could reject these bids and ask that the bidders come back with additional specifications.

Mr. Lee stated that he thought Mr. Gill should contact VDOT about the culvert pipe as soon as possible, so that they would have that answer before a decision is made.

Mr. Lee made a motion to Reject All of the Bids to Regrade and Repave the Kilmarnock Refuse Convenience Center Site and Rebid with Additional Specifications.

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

#### 7. Proposed Improvements at the Nuttsville Convenience Center Site

Donald Brown, Solid Waste Supervisor, stated that there has been an ongoing problem at the Nuttsville Convenience Center concerning waste water from the compaction container pooling underneath the unit and flowing out on each side of the hopper, which has resulted in many citizen complaints due to the smell and unsanitary nature of this water.

Mr. Brown stated that he had received three bids to replace the concrete pad there. He stated that, while the concrete pad was being constructed, the compaction unit will be refurbished at the Waste Management facility in Gloucester. He stated that the unit would return to the Nuttsville site once the new concrete pad was in place.

Mr. Bellows asked that, in the meantime, would they be installing dumpsters for citizens to use.

Mr. Brown replied that they would add more roll-offs to accommodate the citizens.

Mr. Larson referred to the memorandum that stated, “Supervisor Jack Larson is supportive of the proposed improvements”, and he stated that could be the understatement of the year. He stated that, to Mr. Brown’s credit, he has tried to solve the issues there, but in fact, the situation has gotten worse. He stated that they definitely needed to move ahead with this proposed project and asked for the Board’s approval.

Mr. Brown stated that he had received four bids for the work and thought the bid from C.W. Davis in the amount of \$25,220 would correct the problem.

Mr. Gill stated that the difference was that three of the bids focused on just replacing the concrete pad, but the last bid looked at the grade and how to fix the water flow. He stated that was why that bid was higher.

Mr. Bellows stated that fixing it right was more important than doing it cheap.

Mr. Bellows made a motion to Award the Bid for Site Work for the Nuttsville Convenience Center to C. W. Davis Contractors for \$25,220.

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

8. Proposed Purchase of a New Recyclables Transport Trailer and Recyclables Container for the Solid Waste Department

Mr. Bellows asked if this request was due to the increase of the amount of refuse due to the COVID-19 crisis and thus might be a COVID related expense.

Mr. Brown replied that the proposed container could possibly be a COVID related expense, but the trailer could not because the proposed trailer would be considered a replacement

trailer. He stated that the current trailer is over 15 years old and it is hard to get replacement parts for it now. He stated that when the current trailer breaks down, they don't have anything to haul the recyclables with and the sites can get backed up. He stated that, with a second trailer, they could continue operations as normal.

Mr. Bellows stated that he would look to see if the container could be charged as a COVID related expense.

Mr. Gill stated that he thought Mr. Brown was correct in saying that the container could be paid for with CARES Act funds, but since they are replacing a trailer, he did not think that could.

Mr. Larson made a motion to Approve the Proposed Purchase of a New Recyclables Transport Trailer and Recyclables Container for the Solid Waste Department.

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

9. Business Relations Advisory Committee Update and Funding Commitment Request

Paul Sciacchitano, a member of the Business Relations Advisory Committee, stated that his committee has been working on a grant for CARES Act funds through the federal Economic Development Authority. He stated that the grant proposal was for approximately \$450,000 over three years. He stated that they have been working with their consultants, Camoin and Associates, to learn more about the process and have found out that, when submitting their application, they had to have a commitment for the twenty percent match.

Mr. Sciacchitano stated that it is the committee's understanding that the federal Economic Development Authority has begun to review the grant requests, so there is a priority now to get the grant application officially submitted. He stated that the signing entity for the grant would be the Lancaster County Economic Development Authority and his committee will be approaching them for funding over three years at \$20,000 a year. He stated that the Business Relations Advisory Committee is requesting, from the Board of Supervisors, \$10,000 a year, for three years, conditioned on the federal Economic Development Authority approving the \$450,000 grant. He stated that, if the grant is not approved, no money will be expended. He stated that they were also looking into corporate sponsorships, as well.

Mr. Bellows made a motion to Approve the Business Relations Advisory Committee Funding Commitment Request.

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

Mr. Gill asked Mr. Bellows if the Board would like those funds to be committed from the Poorhouse Tract Fund since those funds have been earmarked for economic development.

Mr. Bellows replied yes.

Mr. Bellows amended his motion and stated that he moved to Approve the Business Relations Advisory Committee Funding Commitment Request with Funds from the Poorhouse Tract Fund.

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

**BOARD REPORTS**

Mr. Palin stated that he would like to revisit his idea of asking Representative Rob Wittman to help with trying to have the local watermen qualify to be able to receive CARES Act funds through the small business grants.

Dr. Westbrook suggested that farmers be included in that initiative as well.

Mr. Palin agreed.

Mr. Palin made a motion to have the County Administrator contact Representative Rob Wittman and his staff about the possibility of having both watermen and farmers being able to qualify their businesses for access to CARES Act funds through the small business grant program.

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

Dr. Westbrook stated that he was very impressed with the letter that all Board members received from Maurice Savoy, who was the coach for the 1969 Brookvale High School Warriors Baseball Team.

Mr. Larson made a motion to Appoint Taryn Brice Rowland to the Lancaster County Economic Development Authority as the representative from District 1.

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

Mr. Larson made a motion to Reappoint William H. Clark, Jr. to the Lancaster County Building Code Appeals Board as the representative from District 1.

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

Mr. Bellows asked Mr. Gill if he would readvertise the opening on the Historic Resources Commission.

Mr. Gill replied yes. He stated that he had heard from two people who had expressed interest, but he needed to verify if members of the Historic Resources Commission had to be appointed by district.

Mr. Bellows asked Mr. Gill if the two people he mentioned were in his district.



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

Mr. Gill stated that, on October 17<sup>th</sup>, the County held its household hazardous waste collection day and it was the biggest one to date.

Mr. Bellows asked if the County was still only holding one a year due to the funding issue with the Soil and Water Conservation District.

Mr. Gill replied yes. He stated that he thought the County could do this type of collection on its own, if the Board desired. He stated that this one-day event cost the County \$39,000.

Mr. Bellows asked why they couldn't collect this type of material on an on-going basis. He asked if it was possible to collect and store the material until they can discard it.

Mr. Gill replied that they would have to store that material in a certain way. He asked Mr. Brown to elaborate.

Mr. Brown stated that they would need to be licensed to handle and store that material and structures to store the material would also be an issue.

Mr. Larson stated that it has come to his attention that the Clerk of the Circuit Court does not allow citizens to come into the records room with a few exceptions, such as surveyors. He stated that he had spoken to the clerk and she has reasons for her decision, due to COVID-19. He stated that she had emailed him and told him that she would be willing to open the records room back up to the public if she could hire an employee at eight dollars an hour to screen people before they walk in to help control the flow of foot traffic. He stated that he thought the Board could allow the County Administrator to work with Mrs. Mumford on this and use CARES Act funding because this situation was directly related to the crisis. He stated that he would like the Board's approval on this.

Mr. Larson made a motion to have the County Administrator work with the Circuit Court Clerk to have an additional employee hired for COVID-19 screening purposes.

Mr. Gill stated that Mrs. Mumford had asked for two employees in her email.

Mr. Larson suggested that be left up to Mr. Gill and Mrs. Mumford.

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

Mr. Gill stated that the Board of Supervisors voted last month to authorize the bond issuance under the Virginia Public School Authority for the middle school renovation project. He stated that those bonds have been sold and the documentation will be signed next week. He stated that the Board also authorized bond issuance through the Virginia Resources Authority (VRA) for the refunding of the 2014 and 2019 existing bonds and also for new money of \$8.3 million dollars for matching RUS Grant funds and \$1.1 million dollars for the emergency radio upgrade. He stated that they have not been notified of the RUS Grant award yet, so the new money portion of the VRA bond had to be removed. He stated that now, instead of being \$16.2 million, the VRA bond is \$6.8 million. He stated that documentation will also be signed next week.

Mr. Gill stated that he wanted to remind everyone that Election Day is now a state holiday, so County government offices will be closed.

#### **WORK SESSION (CONTINUED)**

Mr. Bellows stated that they would resume the broadband discussion about potentially using CARES Act funding for a proposed wireless broadband project. He stated that, at this time, they need to make a decision about moving forward on something that could potentially have some risk involved with future RUS grants. He stated that they also know that even if they do get the grant, it will take eighteen to twenty-four months to implement. He stated that the proposal in front of them could put a fair amount of people on-line in a few months.

Mr. Lee stated that he was thinking about making a motion that they approve the 60-degree cone shaped antenna array, instead of the 360-degree array.

Mr. McKercher stated that the grant submittal was for the 360-degree antenna array. He stated that, if they implemented the 60-degree array, they would not reach as many users and they would have to send back some of the money. He stated that he wanted the Board to keep that in mind.

Mr. Lee stated that he was trying to lessen the impact of what the County might lose if the RUS Grant comes through.

Mr. Bellows asked Mr. McKercher what would happen if they decide to move forward with this proposal and they hear that the RUS Grant has been approved next week. He asked if they could forget this proposal and move on with RUS.

Mr. McKercher replied yes. He stated that they would have about a ten-day leeway as the invitation to bid was being prepared.

Mr. Palin asked Mr. McKercher if they find out that the RUS grant has been approved, could this process be stopped and the money returned.

Mr. McKercher replied yes.

Mr. Palin asked if all of the equipment had to be installed by the end of the year to meet the CARES Act guidelines.

Mr. McKercher stated that the equipment has to be procured, installed and operating, but there is some wiggle room on procurement because they understand that everybody is trying to do the same thing.

Mr. Bellows stated that he would be in favor of moving forward with this application because it is money that won't be paid out of the taxpayers' coffer and it provides access essentially within a couple of months and any of the other proposals could be years down the line.

Mr. Gill asked, if this proposal is approved, could it be stated in any future RUS applications that if a grant is awarded, this service would be turned off.

Mr. Bellows asked would they really need to shut it down because, at the end of the day, even with fiber installation, there will still be some people who will not have service.

Mr. Palin referred to Lara Road in his district and stated that there was a fair amount of people who lived there and the homes were close together.

Mr. McKercher stated that those citizens would be captured with the 360-degree array, but would not be with the 60-degree cone array.

Mr. Palin asked how would this proposed service compare to fiber.

Mr. McKercher stated that the proposed service would not be as good as fiber.

Mr. Palin stated that he knew a few business people in that area that have been waiting for good internet service.

Mr. Larson stated that, in his opinion, they needed to move ahead and get some capability.

Mr. Bellows asked if it was correct that anything they decided tonight would not affect the RUS Grant application that has already been submitted and would only affect future RUS applications.

Mr. McKercher replied that was correct.

Mr. Bellows stated that, even if the RUS Grant comes through in the next week or month and even if they have already expended money on this proposal, it's COVID money and the taxpayers of this County would not be out of a dime, but they would have internet service.

Mr. Cornwell reminded the Board that, with this proposal, the County would lose the cell tower revenue.

Mr. Gill stated that revenue was about \$15,000 a year.

Mr. Palin stated that there were too many unknowns for him with this proposal. He stated that this was in his district and he had to think about his constituents. He stated that he did not think he could support it.

Mr. Bellows stated that he thought they needed to get capability to this area and they will not be using County money to do it. He stated that he felt it was too risky to rely totally on the RUS Grant. He stated that the money to do this proposal is there and the process could start tomorrow. He stated that something is better than nothing.

Dr. Westbrook stated that, as far as the money goes and if they don't get awarded the RUS Grant, they could change the personal property tax and raise enough money to do it on their own without the CARES Act money. He stated that the money was the least of it, it was what they would be doing to their citizens if they don't qualify for the RUS Grant because they took a shortcut. He stated that his argument was that it was better to wait and do the right thing, rather than just do something.

Mr. Larson stated that he was concerned about putting too much faith in the RUS Grant. He stated that they were supposed to hear about the award in August or September and now they are at the end of October and still have not heard anything. He stated that he did not think they would be able to serve every citizen with fiber or that everyone will need it and that wireless service would be a part of any system they chose.

Mr. Bellows made a motion to Approve the Proposed CARES Act Broadband Project with the 360-degree array.

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

VOTE: 3-2 (Motion carried.)

**ADJOURNMENT**

Motion was made by Mr. Bellows to adjourn.

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