

**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, January 30, 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  
Brian D. Barnes, Planning/Land Use Director and Environmental Codes Compliance Officer  
Crystal Whay, Clerk to the Board and Building/Land Use Assistant

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

**CLOSED MEETING**

Motion was made by Mr. Bellows to enter into closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are Personnel, § 2.2-3711.A.1, Legal Matters, § 2.2-3711.A.8 and Contract Negotiation, § 2.2-3711.A.29 of the Code of Virginia, 1950, *as amended*. The subject and purpose falls within the following exemption(s) under § 2.2-3711.A.1 (for the discussion and consideration of the assignment, appointment, promotion, performance or salaries of specific public officers, appointees or employees of the public body), § 2.2-3711.A.8 (for the consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel) and § 2.2-3711.A.29 (for the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.)

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

## **RECONVENE**

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

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

## **CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on January 30, 2020 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Personnel, § 2.2-3711.A.1, Legal Matters, § 2.2-3711.A.8 and Contract Negotiation, §2.2-3711.A.29 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 certification applies and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

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

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

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

## **ROLL CALL**

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

This certification resolution is adopted.

No action taken on the closed meeting matters.

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

Mr. Bellows led everyone in the Pledge of Allegiance.

## **PUBLIC INPUT**

William Barnhardt, a Weems resident, stated that he was present to discuss many concerns that he has about the United States Postal Service's decision to locate an office on James Lane in Weems. He stated that his concerns include, safety, location within the postal district, operations and zoning. He stated that the location on James Lane makes it the most remote location in the postal district. He stated that centrally locating the office would make it more accessible to all postal patrons. He stated that, while the post office will be accessible twenty-four hours a day, it will only be staffed four hours a day, which would be an inconvenience for working patrons.

Mr. Barnhardt stated that James Lane is a very narrow road and also has school buses using the road both morning and afternoon. He stated that locating a post office on that road will increase traffic on an already very narrow road that has many children in the area, which is a safety concern to him as well as other parents.

Mr. Barnhardt included a picture of the bathroom in the proposed building in his presentation. He stated that there will be no running water, so no one would be able to wash their hands while handling the mail.

Mr. Barnhardt referred to zoning issues and stated that it would be a commercial enterprise with excessive lighting in the small rural community. He stated that it will be modular construction, similar to a trailer. He stated that there will be no running water and no drainfield. He stated that the property is zoned R-1 and the area where the postal office will be is not going to be subdivided.

Bruce Sanders, a District 5 citizen, stated that he wanted to follow-up on the boat tax meeting that was held last month. He stated that Lancaster County's strategic goal is to promote economic well-being of the people. He stated that, when there is economic well-being, more people will be attracted to live here, which will increase the tax base and tax revenue. He asked what is the government doing to accomplish economic well-being. He stated that, recently, the Economic Development Authority restated its mission, which is to stimulate economic development and employment through entrepreneurship in business, industry and trade in the County of Lancaster for the general good of its people.

Mr. Sanders stated that he thought most people were familiar with the Northern Neck Comprehensive Economic Development Strategy and goal 3 in that document states: establish a region as a marine hub for the Mid-Atlantic and implement tax policy favorable to marine activity in the region. He stated that the part of having a marine hub for the Mid-Atlantic was very important. He stated that, when the Board of Supervisors eliminated the boat tax in 2015, it

made the most important first step in the County's economic well-being by fostering working waterfront interaction with more people who have become customers for all of the County's businesses. He stated that some of the businesses that his business deals with which have benefitted from not having the boat tax are D & L Marine Construction, Docks of the Bay, Hanley Electrical Service, Earth Resources, Lamberth's Building Materials, the Tides Inn and many others.

Bruce Julian, a District 5 citizen, stated that he wanted to share a random non-scientific survey of business owners that he had conducted. He stated that, over the last month, he had contacted 45 local businesses and entities, which he had personally conducted business with and discussed growing the local economy and creating jobs. He stated that he would give that list and his remarks to Mr. Gill to distribute to the Board of Supervisors.

Mr. Julian stated that he has also contacted some local realtors this week and has found that there are a substantial number of properties for sale in the County. He stated that, as of Monday of this week, there are 63 residential, non-waterfront properties for sale and 103 residential, waterfront properties for sale. He referred to non-waterfront, unimproved land and stated that there were 133 parcels for sale. He referred to waterfront, unimproved land and stated that there were 121 parcels for sale. He stated that, currently, there are 21 commercial properties for sale.

Mr. Julian stated that after all of the interviews he had conducted last month, not one business owner said they had too many customers or had made too much money. He stated that not one business owner said they had too many qualified employees. He stated that, after examining his list, one could conclude that the revenue and jobs generated by his small sample is many times greater than the operating budget of the County. He stated that fully recognizing that our local businesses need to grow and flourish, as well as the continuing demand for more resources to provide for education, safety and health and welfare, the challenges to secure more revenue from a shrinking population are constantly expanding with every budget cycle in the County.

Mr. Julian stated that economic development is the process by which the economic well-being and quality of life of a nation, region or local community are improved. He stated that economic development is a policy intervention endeavor aiming to improve the well-being of people. He stated that economic growth is a phenomenon of market productivity. He stated that sustainable, long-term economic development and growth does not occur in a single fiscal year, nor even over several years. He stated that, in summary and using feedback from local business owners, they must find new and innovative methods of bringing more visitors and new residents here to spend money, purchase property and to improve property. He stated that they do not need to create more reasons and barriers for people not to come here and spend money. He stated that as the Strategic Plan states, they should "work together to promote economic opportunity" for all. He stated that the County's economic future is in the hands of our businesses.

Phillip Oestreich, a District 3 citizen, stated that he wanted to discuss land use for timberland. He stated that he owned timberland and had come from an area where timberland

could have a land use status because it is an agricultural product. He stated that he thought they would begin to see more development if timberland is not considered for land use.

Charlie Costello, a District 2 citizen, stated that he did not agree with the elimination of the boat tax, but it is hard to change it back. He stated that he saw on the agenda where a Business Relations Advisory Committee will be formed. He stated that he thought it would also be a good idea to have a citizen committee established. He stated that the group should include farmers and other stakeholders in the community. He stated that another idea was to have the Board of Supervisors, town council members from the three towns, the Planning Commission and other committees to meet on a semi-annual basis to coordinate with each other and help move the County forward.

Doug Hines stated that he just wanted to introduce himself to the Board and he had given a letter to Mr. Gill for the Board's consideration concerning an issue of his.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mike Bryant of VDOT stated Steve McKeever, the Residency Administrator, had passed away since the last Board of Supervisors' meeting.

Mr. Bryant stated that his crews are continuing to do maintenance and pick up litter.

Dr. Westbrook asked if VDOT had been consulted about the proposed post office in Weems.

Mr. Bryant replied that would be an issue at the residency level, but he had not heard of anything.

Dr. Westbrook stated that the proposed location is on a very narrow road and he was very concerned about it. He stated that he hoped VDOT would look into it.

## **PRESENTATIONS**

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

Margie Armen, a Broadband Authority member, stated the Broadband Authority's meeting with the Virginia Department of Housing and Community Development was scheduled for February 6, 2020. She stated that they expect to present their final project management plan at that time and receive approval to begin using the Telecommunication Planning Grant funds for which they have qualified.

Ms. Armen stated that the Broadband Authority had received several responses to their RFI and have selected a partner to work with on developing a comprehensive plan for delivering service to unserved and underserved areas in the County. She stated that they expected to sign an agreement in the next few days and will have a full description for the Board of Supervisors at next month's meeting. She stated that the agreement will also provide for preparation and submission of a competitive grant application to the US Department of Agriculture Rural Utilities Service for a 100% grant in an amount sufficient to complete all the work to provide top quality service in unserved areas. She stated that, if awarded, this grant would also require a local

government contribution, which they have identified in their budget submission for FY 2021. She stated that they will provide more detailed information on that request during the budget review process.

Ms. Armen stated that the Broadband Authority has been in discussions with Northern Neck Electric Cooperative and Atlantic Broadband about the River Road Project. She stated that the project would provide service along the length of Route 354. She stated that there are some barriers, but they are continuing to pursue this matter, including following up to determine whether any contribution will be requested from the County.

### **PUBLIC HEARINGS**

None.

### **CONSENSUS DOCKET**

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

1. Minutes for December 12, 2019 Personal Property Tax Work Session, Regular Meeting and Organizational Meeting

Recommendation: Approve minutes as submitted

2. Wetlands Board Activity Report 2019

Recommendation: Approve report as submitted

3. Board of Zoning Appeals Activity Report 2019

Recommendation: Approve report as submitted

4. Resolution Supporting Equal Taxing Authority for Virginia Counties

Recommendation: Approve the resolution as submitted

### **SUPPORTING EQUAL TAXING AUTHORITY FOR VIRGINIA COUNTIES**

**Whereas**, under the Code of Virginia, county governments have less authority to raise revenues to meet their responsibilities than do cities and towns; and

**Whereas**, limitations on counties' ability to raise revenues from diverse sources result in an over-reliance on real property taxes to fund basic services of local government; and

**Whereas**, counties are limited in their ability to raise revenues from meals, cigarette, transient occupancy, and admissions taxes that are available to cities and towns; and

**Whereas**, providing counties equal taxing authority merely provides local boards of supervisors the ability to levy the same taxes that may already be imposed by city councils; and

**Whereas**, county governments have the same responsibility as cities for the funding of and meeting state requirements for core services, such as K-12 education, public safety, social services, and public health; and

**Whereas**, relying too heavily on one source of revenue leaves counties vulnerable to downturns in the real estate market and population shifts; and

**Whereas**, additional tools to raise revenues would allow counties options to invest the necessary additional funds to respond to modern-day challenges, such as enhancing election cybersecurity; providing mental health treatment in jails; addressing substance abuse; maintaining vital infrastructure, such as water and sewer systems; and implementing Next-Generation 911 technology; and

**Whereas**, state enabling legislation is required to provide counties with this additional taxing authority; and

**Whereas**, each locality is best positioned to determine the appropriate mix of revenue sources to meet local needs;

**Now, Therefore Be It Resolved**, that the Board of Supervisors of Lancaster County does hereby resolve and express its support and desire for the Virginia General Assembly to enact such legislation as is necessary to authorize Virginia counties to exercise additional taxing authority equal to that of cities and towns; and

**Be It Finally Resolved**, that the Board directs its staff to forward a copy of this resolution to the County's elected representatives in the Virginia General Assembly and the United States Congress and to the Governor of Virginia.

5. Resolution Supporting Legislation to Improve the Process for Review of Legislation with Local Fiscal Impact

Recommendation: Approve the resolution as submitted

**SUPPORTING LEGISLATION TO IMPROVE THE PROCESS FOR REVIEW OF LEGISLATION WITH LOCAL FISCAL IMPACT**

**Whereas**, each year the General Assembly considers thousands of pieces of legislation, many of which have a significant impact on local governments; and

**Whereas**, in recognition of the need for localities to have an opportunity to review and analyze legislation that may require additional expenditures of local funds or reduce local revenues, Virginia Code sets out a process for the Commission on Local Government to develop local fiscal impact statements for such bills, with the assistance of local volunteers; and

**Whereas**, under the current process, the large volume of bills and the rapid pace of the legislative session limit the time that is available for the review of bills with implications for local government finances; and

**Whereas**, the local volunteers who assist with the fiscal impact review process take on this responsibility in addition to their regular duties, often during the same time as local budgets are being finalized; and

**Whereas**, prior to 2010, legislation that had a local fiscal impact was required to be introduced by the first day of the General Assembly session, which allowed some additional time for the legislation to be reviewed by the Commission on Local Government and local staff, but this requirement was eliminated in the 2010 session, compressing the opportunity for review of legislation in subsequent General Assembly sessions; and

**Whereas**, additional time to review legislation would allow for a more thorough understanding of the potential ramifications of bills affecting local finances; and

**Whereas**, a robust analysis of legislation affecting local governments benefits policymakers, as localities work in partnership with the state to deliver critical services to Virginia residents;

**Now, Therefore Be It Resolved**, that the Board of Supervisors of Lancaster County expresses its support for legislation that would provide additional time for review and analysis of legislation with a fiscal impact on localities, as well as direct further consideration of additional ways to improve the review process; and

**Be It Finally Resolved**, that the Board directs its staff to forward a copy of this resolution to the County's elected representatives in the Virginia General Assembly and the United States Congress and to the Governor of Virginia.

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 December 2019 and January 2020 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for December 2019 in the amount of \$301,882.83 and invoice listings for December 2019 in the amount of \$429,912.17.

Mr. Palin continued his motion to approve the salaries for January 2019 in the amount of \$305,529.64 and invoice listings for January 2019 in the amount of \$1,634,228.69\*.

\*Loan Payments - \$955,509.00

\*Capital Improvements - \$46,000.00

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

2. FY 20 Budget Mid-Year Review and Consideration of Supplemental Appropriations

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

Mr. Gill stated that, as he had done last year, he had compiled a mid-year review of the budget. He stated that he had included a synopsis page that has a column containing the FY 20 adopted revenues and expenditures. He stated that the column to the right of that shows where they stand half way through the fiscal year with information from July 1, 2019 through December 31, 2019.

Mr. Gill stated that, generally speaking, half way through a fiscal year, one would expect to have collected at least 50% of anticipated revenues and spent no more than 50% of approved expenditures. He stated that for the broad categories on the synopsis page, the totals suggest that they have collected 73% of anticipated revenues and spent 42% of approved expenditures. He stated that he thought everything was on track with the way the budget is being executed. He stated that Mr. Larson has an extensive financial background, once serving as the County's Assistant County Administrator and Financial Director, and has reviewed these numbers and also agrees.

Mr. Gill referred to the detailed summary and stated that it was 67 pages and he had highlighted each department for the Board's review, so that they could see how each department was doing.

Mr. Gill stated that there were a couple of obvious things that needed to be addressed. He stated that the Board of Equalization met two additional times on December 18<sup>th</sup> and December 19<sup>th</sup> to complete their work before their terms expired on December 31, 2019. He stated that those meetings resulted in an expense of \$1,000, calculated at \$100 per member per meeting with five members. He stated that there is only \$388.14 left in the budget for that category for FY 20, therefore a supplemental appropriation needs to be made to the Board of Equalization in the amount of \$611.86 to zero that account out. He stated that the 2019 Board of Equalization met 11 times in CY 2019, including a training session. He stated that they issued 673 total orders resulting from the general reassessment in 2018 effective for CY 2019. He stated that he thought they had done a fantastic job and on the last two days that they met, they worked through lunch and stayed late, so they would not have to have another meeting to complete all of their work. He stated that he was requesting that a supplemental appropriation in the amount of \$611.86 be made for that account.

Mr. Gill stated that the second item that needed to be addressed was that at its October 31, 2019 meeting, the Board of Supervisors approved a new contract for wood waste management effective November 1, 2019. He stated that the new contract results in an additional expenditure of \$4,666.67 per month over the previous contract. He stated that when the FY 20 budget was created, they used the figures from the previous contract for the entire year. He stated that a supplemental appropriation needs to be made for Refuse Disposal in the amount of \$37,333, which is \$4,666.67 times 8 months, to account for the 8 months of FY 20 that will be paid at the new contract price.

Mr. Palin made a motion to Approve the Two Supplemental Appropriations for the Board of Equalization and Refuse Disposal.

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

### 3. Proposed FY 21 Budget Meeting Dates

Mr. Gill stated that the Board of Supervisors has said that they would like to finish their budget process earlier than in years past. He stated that, for whatever reason, Lancaster County usually approves its budget the last week of the fiscal year. He stated that he had tried to capture every board and commission that must meet during the budget process and put together a calendar for the Board's review. He stated that he had circulated the calendar and

had hoped that the members had a chance to review their personal calendars to check for any conflicts.

Mr. Lee made a motion to Approve the Proposed FY 21 Budget Meeting Dates.

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

#### 4. Consideration of Appointing a Business Relations Advisory Committee

Mr. Gill stated that the Board of Supervisors adopted its Strategic Plan on February 28, 2019 and listed in that plan under Initiative One “Promote Community and Economic Well-Being” an action item to “Appoint a Business Relations Advisory Committee that will aid the county’s business development commitment”. He stated that when Paul Sciacchitano made his Economic Development presentation at the November 21, 2019 Board of Supervisors’ meeting, Mr. Sciacchitano stated that he, Jimmie Carter and Julien Patterson were willing to lead that committee.

Mr. Bellows asked if the Business Relations Advisory Committee would be set up like the Broadband Authority with by-laws and terms for its members.

Mr. Gill replied that he did not think this committee needed to be that formal. He stated that he envisioned it to be a business leaders’ committee that would make recommendations to the Board of Supervisors as a whole.

Mr. Lee stated that he would like to see a good cross-section of the community in the group.

Mr. Sciacchitano stated that he agreed that they needed to get a good sized cross-section of the community involved in promoting economic development. He stated that he would like some feedback about whether all of the people on the committee had to be County residents. He stated that he thought they needed to start a program of public education about the need for economic development.

Mr. Cornwell stated that he did not think they wanted this committee to be a formal board that would be subject to such things as the Virginia Freedom of Information Act, but rather an ad hoc committee, so they could have any members that they wanted to have.

Mr. Sciacchitano stated that, in the Strategic Plan, it talks about a 2035 Economic Development Plan and a formal commission. He stated that the Business Relations Advisory Committee will not be able to do their work without looking towards the future. He stated that they will be doing some of that future planning in their scope of work.

Dr. Westbrook stated that they would be counting on the new committee to help form the future plan. He stated that he was very grateful for Mr. Sciacchitano, Mr. Patterson and Mr. Carter to be involved in this.

Mr. Larson made a motion to Request Mr. Sciacchitano, Mr. Patterson and Mr. Carter's Assistance in Forming a Business Relations Advisory Committee, which will be an ad hoc committee and will make recommendations to the Board of Supervisors.

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 Resolution Supporting Omega Protein

Mr. Gill stated that he had been asked to draft a resolution of support for Omega Protein. He stated that he had used an example of a resolution that Northumberland County had passed on December 12, 2019 with an unanimous vote. He stated that Westmoreland County had passed a similar resolution on January 13, 2020. He stated that Richmond County has this resolution on their agenda for their February 13<sup>th</sup> meeting. He stated that Omega Protein is the third largest employer in Lancaster County. He stated that there was potential legislation in this session of the General Assembly that could adversely affect them.

Mr. Larson stated that he was concerned about the fact that this resolution came to them in the last couple of days and he did not see any reasonable explanation for that. He stated that this is an issue that has been on-going for well over seven years. He stated that he did not understand why this resolution could not have been in the time frame required for materials for the Board meetings. He stated that the resolution contains some wording that he has concerns about and would like to see the issue continued until the February meeting. He stated that he would also like to see some of the wording changed as well. He stated that he would like to see board materials come to them in a timely manner, so they can be prepared for them.

Dr. Westbrook stated that he agreed with Mr. Larson. He stated that, in the January 2, 2020 edition of the Rappahannock Record, there was an article about the moratorium on menhaden fishing as a result of the federal government saying that there was overharvesting. He stated that June 17, 2020 was the date for the moratorium if they don't comply with what they are supposed to do. He stated that the question for him was who is the best entity to enforce regulations on this

fishery. He stated that his opinion was the best entity was the Atlantic States Marine Fisheries Commission.

Dr. Westbrook stated that he would be in favor of a resolution that supports the workers of Omega Protein. He stated that he strongly disapproved of some of the wording in the proposed resolution because he thought it was an opinion. He stated that he was not in support of the resolution as it is written tonight.

Mr. Lee stated that he agreed with Dr. Westbrook about supporting the workers at Omega Protein. He referred to over harvesting and stated that he went to the Atlantic States Marine Fisheries Commission website and there is a statement that reads that Atlantic Menhaden are neither over fished or are experiencing over fishing. He stated that was their findings and they need to deal with facts. He stated that menhaden fish are not being over fished according to the source that Dr. Westbrook said should be regulating the fishery.

Dr. Westbrook stated that the extent of his understanding is that the Atlantic States Marine Fisheries Commission covers the entire Atlantic region and many of those places don't have menhaden factories. He stated that it seemed to him that the reason that the federal government came up with the moratorium was because Virginia is overharvesting for its waters, even though the average of the entire Atlantic fisheries is not overharvested. He stated that it is something that needed to be looked into, so they could come up with something that is fair.

Mr. Bellows stated that the reason the resolution was brought to the Board in such a short time frame is because of the way the General Assembly works, and if they waited until the February meeting, the bills would be either already approved or nearing approval, so that was why it was time sensitive to bring before the Board at tonight's meeting.

Mr. Bellows stated that the issue is that the Atlantic States Marine Fisheries Commission did not reduce the quota, but took some of Virginia's quota and assigned it to the other states. He stated that they want Virginia to give up some of its quota to some of the states that don't even have these fisheries. He stated that, essentially, those other states can use it as a bargaining chip for whatever purpose they want. He stated that it does not have anything to do with overfishing.

Dr. Westbrook stated that he did know that the striped bass population is hurting and menhaden fish are the main food for striped bass.

Mr. Palin stated that he was ready to vote on the Omega Protein resolution tonight. He had talked to some of the fishermen and they had said that boats from other localities, such as Maryland, have been known to fish in Virginia waters. He stated that he also knew that some of the information that is being published is not based on scientific fact.

Mr. Bellows made a motion to Adopt the Resolution Supporting Omega Protein Corporation.

## **SUPPORTING OMEGA PROTEIN CORPORATION**

**Whereas**, Lancaster County has an enormous tradition and heritage of commercial fishing in the Chesapeake Bay; and

**Whereas**, an Omega Protein facility is located in our neighboring county of Northumberland and is one of Lancaster County's largest employers; and

**Whereas**, Omega Protein has been unjustly criticized for over-harvesting menhaden for many years with very little scientific evidence; and

**Whereas**, the Atlantic States Marine Fisheries Commission (ASMFC) recommended cutting Omega Protein's allowable catch in the Chesapeake Bay by 41% in 2017 with no scientific justification stating it was for conservation reasons, while they simultaneously increased the catch for Maryland and Potomac River Fisheries Commission fisherman inside the Chesapeake Bay; and

**Whereas**, the ASMFC recently voted that Virginia is out of compliance involving the overfishing of menhaden in the Chesapeake Bay although they continue to have no scientific data to support their conclusions; and

**Whereas**, recent efforts in a letter by Governor Ralph S. Northam have been drafted to place a moratorium on Omega Protein's fishing operations; and

**Whereas**, Omega Protein has been operating in the Northern Neck since 1878 and is an asset to our community, our way of life and a company that has proven to be extremely environmentally conscience; and

**Whereas**, Omega Protein is a substantial regional economic benefit to those businesses located in the Northern Neck region from which Omega Protein receives goods and services;

**Now, Therefore Be It Resolved** that the Lancaster County Board of Supervisors supports the fact that the menhaden population is extremely healthy and feels that the moratorium is an attack of a successful Virginia company; and

**Be It Further Resolved** that the Lancaster County Board of Supervisors does not support any additional legislation involving the commercial menhaden fishing industry and desires that consideration only be given to science as the controlling factor in determining the need for menhaden restrictions and not politics; and

**Be It Finally Resolved** that a copy of this resolution be sent to Wilbur L. Ross, Secretary of the United States Department of Commerce, Senator Mark Warner, Senator Tim Kaine, Delegate Margaret Ransone, Senator Ryan McDougle, Congressman Rob Wittman, Governor Ralph S. Northam, the Virginia Association of Counties and adjoining counties.

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

VOTE: 3-2 (Motion carried.)

### **BOARD REPORTS**

Mr. Larson stated that Harry Sadler, the District 1 representative to the Social Services Board, had come to him and requested that he be reappointed when his term ends on April 30<sup>th</sup>. He made a motion to reappoint Harry Sadler to the Social Services Board for another term beginning May 1<sup>st</sup>.

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

Mr. Larson stated that, last year, he had held an informational meeting to give citizens, primarily in District 1, the opportunity to ask questions. He stated that there was some concern raised about the fact that two other Board members were in attendance that evening and whether or not it was considered an illegal meeting. He stated that he was planning on holding another informational meeting this year on February 24<sup>th</sup> and wanted to make sure that it is alright if other Board members come.

Mr. Cornwell stated that, as long as the other Board members do not participate and are simply there as citizens, then it is not considered a meeting.

Mr. Larson stated that he would like to have some clarification on “participating”. He stated that he may be discussing an issue at the informational meeting and ask one of his colleagues on the Board to weigh in on a particular subject.

Mr. Cornwell stated that the safest thing to do, if they don’t know about the level of participation, is to advertise it as a meeting to comply with the Freedom of Information Act. He stated that Mr. Gill can handle the meeting notice on the County’s website.

Dr. Westbrook stated that he has a problem with hearing and wears a hearing aid. He stated that there was a device called a T-coil that can be installed around the perimeter of a room and tied into the microphones. He stated that this allows people with hearing aids to be able to

hear much more clearly. He stated that it would be good for the audience as well. He asked Mr. Gill to look into obtaining some information on the device.

Dr. Westbrook stated that he had concerns about the proposed post office building in Weems. He stated that, in his opinion, a post office is a business and there is a process that should have happened, but has been completely ignored. He stated that the postal service is proposing to put a commercial building on a residentially zoned parcel. He stated that if it was anyone else, the County would require advance notice and have restrictions such as subdivision of the property, among many other things. He stated that he would not want to get mail from someone who had used a chemical toilet.

Mr. Bellows asked about health codes concerning that kind of facility.

Mr. Larson stated that the Mollusk post office is set up that way and it is not a good situation. He stated that Dr. Westbrook's comments are well made.

Mr. Barnes stated that he had been in email correspondence with the post office representatives and in an August 19<sup>th</sup> email, he stated that the proposed post office was in the R-1, Residential District and a post office is not a permitted use there. He stated that post offices were allowed in the C-1, Commercial District and the C-2, Commercial Limited District. He further explained to them that obtaining commercial zoning in a residential neighborhood would probably be difficult. He stated that, in one of the email threads, a postal service attorney said that they did not need to comply with zoning.

Mr. Bellows stated that in the Supreme Court case of James City County versus Dominion Energy, James City County won the rights to have zoning locally controlled.

Mr. Cornwell stated that he knew about that case. He stated that the federal act concerning post offices says that each building constructed or altered by the post office shall be constructed or altered only after consideration of all requirements other than the procedural requirements of zoning laws. He stated that land use laws and applicable environmental laws of the state or a subdivision of the state would normally apply to the buildings, if it were not a building constructed or altered by an establishment of the government of the United States. He stated that for purposes of meeting the requirements of paragraph one and two with respect to a building, the postal service shall (a) prepare plans for the building and consult with the appropriate officials of the state or subdivision or both, in which the building will be located, (b) on request, submit such plans in a timely manner for such officials for review for a reasonable period of time, not exceeding thirty days and (c) permit inspection by such officials during construction or alteration of the building in accordance with the customary schedule of inspections for construction for the locality. He stated that appropriate officials of the state or subdivision may make recommendations to the postal service concerning measures necessary to meet the requirements of paragraphs one and two. He stated that such officials may also make recommendations to the postal service concerning measures that should be taken in the construction or alteration of the building to take into account local conditions. He stated that the postal service shall give due consideration to any such recommendations.

Mr. Cornwell stated that there were numerous cases in federal court that zoning ordinances are not applicable and building code requirements are not applicable, regardless of whether or not the facility is owned by the postal service or leased by the postal service.

Dr. Westbrook stated that the act itself says those things and they were totally ignored.

Mr. Cornwell stated that he believed that a complaint could be made to the United States Postal Service stating that the act is not being followed in this case. He stated that whether they would do anything about it is another question.

Mr. Barnes stated that the postal service has made a formal submittal and this was about the time that he would normally be submitting the plan to VDOT for their review for a commercial entrance. He stated that he would also be beginning to review the plan for zoning and erosion and sediment control compliance.

Mr. Lee asked about the postal service not having to go through VDOT to construct a commercial entrance.

Mr. Barnes replied that it did not seem like they did.

Dr. Westbrook stated that one of the things that Mr. Cornwell did not read from the act was the statement that reads “in addition to consulting with local and state officials, the postal service shall establish procedures for soliciting, assessing and incorporating local community input on real property and land use decisions.”

Dr. Westbrook stated that there was a meeting held on Monday night in Weems. He asked the citizens if any of them had been contacted by the postal service concerning the proposed post office and the answer was no.

Mr. Bellows asked William Barnhardt, the Weems resident who made the public input presentation, if they had thought about an alternative site for the post office.

Mr. Barnhardt replied that he did not think they had gotten that far along. He stated that he thought the postal service should be looking at a central location in the 22576 district.

Mr. Cornwell stated that he was assuming, under federal regulations, that the post offices establish such terms and conditions and that would need to be looked at to see if they can be addressed. He stated that what has been proposed violates the Subdivision Ordinance and the Zoning Ordinance and probably violates VDOT regulations, too.

Mr. Bellows asked where does the County stand at stopping it.

Mr. Larson asked if the postal service had submitted a site plan with BMPs for stormwater runoff.

Mr. Barnes replied that the plan does show a BMP that is near the property line of the homeowner in the back yard, which is something he would not normally approve from an erosion and sediment control standpoint.

Mr. Larson asked Mr. Barnes if he would disapprove the submitted site plan if it does not meet the requirements.

Mr. Barnes replied that he would do whatever the Board instructed him to do.

Mr. Larson stated that there needs to be some push back from the County.

Mr. Bellows agreed.

Mr. Cornwell stated that if the site plan does not meet the County ordinances, the postal service needs to be told that, as well as Rob Wittman and anyone else who will listen. He stated that he suggested that the County treat this as a normal submission and deny what would normally be denied.

Mr. Bellows stated that they should apply whatever pressure they can because the proposed location is not good.

Mr. Cornwell stated that he was assuming that the Board of Supervisors was instructing staff and counsel to review this submittal from the postal service and make the same findings that they would for any other property.

Mr. Bellows stated that was correct.

Mr. Bellows stated that he had received a letter from Bill Pennell in regards to his appointment on the Rappahannock Community College Board. He stated that Mr. Pennell is nearing the end of this term and cannot be reappointed, so he is requesting that the Board of Supervisors appoint Cassie Thompson to take his place at the end of his term and Mrs. Thompson has agreed.

Mr. Bellows made a motion to appoint Cassie Thompson to the Rappahannock Community College Board once William Pennell's term has expired.

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

Mr. Larson stated that he would like the Board's agreement that they would ask the County Administrator to get the information as to what the impact would be if they were to grant the land use designation on forested areas.

Mr. Gill stated that Mr. Lee had asked him to do that earlier and he would work on it and get back to the Board.

## **COUNTY ADMINISTRATOR**

Mr. Gill stated that he would like to remind the Board members that the Statement of Economic Interest forms were due on Monday, February 3<sup>rd</sup>.

## **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