

**VIRGINIA:**

A special meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Monday, February 8, 2016.

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

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

**DISCUSSION ON PROPOSED DOMINION VIRGINIA POWER PROJECT**

Mr. Pleva stated that this process started over a year ago when the Dominion Virginia Power representatives met with County representatives to talk conceptually about the project. He stated that the upgrades included not only the proposed transmission lines across the Rappahannock River, but also upgrading at the Ocran substation and at the Harmony Grove substation in Middlesex County. He stated that after that meeting, it was discovered that the proposed towers would be much bigger in scope and size than the existing towers. He stated that there has been quite a bit of concern expressed by citizens about the visual impacts of the proposed towers. He stated that no one is opposed to the upgrading of service, just how the viewshed will be affected by the towers, as well as the adverse effects on tourism.

Mr. Pleva stated that the Lancaster County Board of Supervisors, as well as Middlesex County and some other communities adopted resolutions that supported the upgrading of the electrical service, but opposed the proposed overhead transmission lines. He stated that they had found out that the General Assembly, in its previous session, had granted Dominion Virginia Power an easement to go over the Baylor Oyster Grounds. He stated that Dominion Virginia Power went to the Virginia Marine Resources Commission for a permit since they would be doing work on state owned river bottom. He stated that the County spoke at the VMRC hearing in opposition, but the permit was granted. He stated that the Board authorized the County Attorney to file an appeal of the VMRC

decision. He stated that the appeal has yet to be heard in court, the County Attorney asked for an injunction until the issue with the permit was resolved and the injunction was not granted. He stated that the actual litigation challenging the VMRC permit is still on file, but nothing is being pursued at this time because an appeal was made by a citizen, who owns Willaby's Restaurant, that challenged Dominion Virginia Power's contention that their proposed transmission lines would be exempt from the State Corporation Commission's review and approval. He stated that the County, as well as the attorney for the citizen group, challenged that the towers were designed to accommodate a larger voltage line, which would bring the towers under the purview of the SCC, and following a hearing last fall, the SCC agreed with that position and said that Dominion Virginia Power must seek a SCC permit for this particular project. He stated that it was his understanding that Dominion Virginia Power is in the process of applying for the SCC permit, but has not submitted anything to this point.

Mr. Pleva stated that Dominion Virginia Power has a couple of open houses scheduled in the next couple of weeks in Lancaster and Middlesex counties.

Mr. Pleva stated that he had spoken to the County Attorney earlier in the day and he had said there were not a lot of statutory deadlines in the SCC's actions. He stated that the process was basically that once the SCC gets the application, a hearing officer will be assigned and they will do research on the application and may or may not hold a local hearing. He stated that the hearing officer, after doing his or her due diligence, will make a recommendation to the SCC and then the SCC will act. He stated that if the SCC's decision is contrary to someone's position on the matter, that person or persons would be allowed to file an appeal with the Virginia Supreme Court.

Mr. Lee asked if Mr. Bellows had anything to add.

Mr. Bellows replied that he did not.

Mr. Pleva stated that he understood that Dominion Virginia Power is working on its application to the SCC, but it has not been received yet. He stated that he is certain that the SCC will notify both Lancaster and Middlesex once the application is received.

Mr. Lee asked if any member of the Board had anything further to discuss on the matter other than legal matters.

Mr. Jenkins asked if there was any update on where the opposition stands on the crossing of the James River.

Mr. Bellows replied that the matter is pending before the court and still debating on whether or not to do an environmental impact study. He stated that James City County is basically in a waiting period with Dominion Virginia Power until the court acts.

Mr. Jenkins asked if James City County made any indication that it would give the necessary approvals on the land side.

Mr. Bellows replied that the James City County Planning Commission voted to deny the necessary rezoning permit and Dominion Virginia Power is awaiting the decision of the Board of Supervisors. He stated that the Board of Supervisors and Dominion Virginia Power have agreed to postpone any discussion until after the Army Corps of Engineers acts, because if the Corps denies the permit, they will have to start over.

Mr. Bellows stated that Lancaster County is in the beginning stages of the SCC process and the public meetings that they are holding in the next few weeks are also part of the first step. He stated that after more information is received and Dominion Virginia Power looks at alternatives, then their application will go to the SCC and the process could take one to two years.

Mr. Lee stated that he thought he had seen where Dominion Virginia Power would have their application filed with the SCC by the end of the first quarter.

Mr. Bellows stated that was correct and that is what they intend to do.

Mr. Jenkins asked if it was known how much time the County would have for reaction if Dominion Virginia Power files by March 31<sup>st</sup>.

Mr. Bellows replied that the County would be notified as to the schedule once the application is received by the SCC.

Mr. Bellows stated that given the controversy, a local hearing will most likely be held.

Mr. Lee asked if there was no more discussion, was there a motion to go into closed session.

**CLOSED MEETING**

Mr. Jenkins made a motion to enter into closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matter to be discussed in the closed meeting is Legal Consultation, § 2.2-3711.A.7 of the Code of Virginia, 1950, *as amended*. The purpose of the closed meeting is to discuss legal consultation. The subject and purpose falls within the following exemption under § 2.2-3711.A.7 (for briefings by staff members pertaining to actual or probable litigation, where such briefings in open meeting would adversely affect the negotiating or litigating posture of the public body.)

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye

F. W. Jenkins, Jr.	Aye
Jason D. Bellows	Aye
B. Wally Beauchamp	Aye

**RECONVENE**

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

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

**CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on February 8, 2016 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Legal Consultation, § 2.2-3711.A.7 of the Virginia Freedom of Information Act;

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

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

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

Before a vote is taken on the 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. Lee called the question. A roll call vote was taken:

**ROLL CALL**

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

This certification resolution is adopted.

Mr. Jenkins stated that no action was taken in the closed session.

Mr. Jenkins made a motion to request the County Administrator to contact the County Attorney for more consultation related to the legal issues before the Board and if possible, arrange that consultation for the next regular Board of Supervisors' meeting and if not possible, a special meeting be held and in either case, a closed meeting portion may be necessary.

Mr. Lee asked if the consultation would be in person.

Mr. Jenkins replied yes.

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

**ADJOURNMENT**

Motion was made by Mr. Jenkins to adjourn.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye

F. W. Jenkins, Jr.                      Aye

Jason D. Bellows                      Aye

B. Wally Beauchamp                      Aye