

**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, February 22, 2018.

Members Present: William R. Lee, Chair  
Jason D. Bellows, Vice Chair  
Jack D. Larson, Board Member  
Ernest W. Palin, Jr., Board Member  
Robert S. Westbrook, Board Member

Staff Present: Don G. Gill, Assistant County Administrator and  
Planning/Land Use Director  
Crystal Whay, Building/Land Use Assistant

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

**PUBLIC INPUT**

Judy Ripley, a District 1 citizen, stated that she had spoken to all of the supervisors and the sheriff and represents other citizens who have a real concern about litter in Lancaster County. She stated that she had been a resident of Lancaster County for more than seventeen years and has always picked up the litter on her road. She stated that they used to do it about once a month, but now it needs to be done almost daily. She stated that Lancaster County has many attributes, but littering is not one of them.

Mrs. Ripley stated that she understood the present system was to call VDOT, which generated a work order and then the road was picked up by prisoners. She stated that picking up the litter is not the problem. She stated that when she spoke to Sheriff McCranie, he told her it was a matter of catching the culprits. She stated that her group has come up with an idea for the Board's consideration. She stated that the issue needs publicity to let the public know that littering is not acceptable and is a punishable crime. She stated that pictures and articles in the local paper would be a good start. She stated that her group would like to see signs informing the public of the littering fines. She stated that there should be a slogan for the program and suggested "Littering is Illegal in Lancaster" or "In Lancaster, Littering will cost you \$1000."

Mrs. Ripley stated that suggested times of enforcement and locations were 7to 8 in the morning and 4:30 in the evening with a brief police presence at the signs. She suggested signs also at fast food restaurants and convenience stores. She stated that her group is counting on the supervisors to make a strong stand on this issue and return the County to the beauty that they love.

Mr. Lee asked Mr. Gill to comment on this issue.

Mr. Gill stated that he had spoken with Ben Lewis at the Northern Neck Planning District Commission which manages the pick-up crews that are made up of people doing community service through the court system. He stated that Mr. Lewis asked for specific route numbers and said he would get those routes on the schedule as soon as he could. He referred to additional signs and stated that they would have to go through the VDOT process. He stated that Mr. Harper and Mr. McKeever informed him before the meeting that VDOT does not install littering signs anymore, so it would be up to the County to purchase, install and maintain the signs. He stated that VDOT would have to approve the locations. He stated that VDOT conducts trash pickups when they start their mowing schedule, but, at this time of year, the litter is more visible because of the lack of vegetation. He stated that he would pass route numbers on to Mr. Lewis and look into the things that Mrs. Ripley just spoke of.

Mr. Lee asked if Mr. Lewis had mentioned how often pickups could be made.

Mr. Gill replied that, at the present time, Mr. Lewis had eight individuals in Lancaster with community service requirements and he would get a schedule from Mr. Lewis when it is available.

Dr. Westbrook asked how much the littering fine was.

George Bott replied the fine was \$1000 in Virginia.

Mr. Larson stated that, from his experience when he took someone to District Court for littering, the person was told he could have a \$500 fine or do ten hours of community service. He stated that he was told later that the community service work paid him \$50 an hour. He stated that Mrs. Ripley is correct in saying that the problem is enforcement. He stated that he has been picking up litter for over twenty years and he would say that just about every route in District 1 needs to be picked up. He stated that it is a problem throughout the County.

Mr. Lee stated that they can give Mr. Lewis route numbers and then look into signage costs and locations. He stated that they will also need to talk with the sheriff about enforcement.

Mr. Bellows suggested getting together a small working group that could form an action plan.

Bruce Sanders, a District 5 citizen, stated that he had read a newspaper article about the highway department and the Coast Guard seeking input for the design of the new bridge that will ultimately be built. He stated that his concern was for the proposed center span height of seventy-five feet. He stated that the current center span height is one hundred, ten feet. He stated that the bridge, in its current configuration, does not provide any barriers to navigation. He stated that at this point, they really do not know what the design will be, but they need to have some input, so that it is known what is needed here. He stated that he wanted the County to be proactive about it. He stated that if the height were reduced, it would interfere with sailing activities as well as have impacts on marinas. He stated that he wanted the County to be prepared to make recommendations on the bridge's design when the time came.

Dr. Westbrook stated that, personally he would welcome some direction from those directly involved, such as marinas and other water related businesses as to what a reasonable height for the bridge would be. He stated that he did not know if one hundred, ten feet was still needed, but there should be a height recommendation that the Board of Supervisors could support. He stated that those who deal with boats should be able to come up with a consensus on the height. He suggested Mr. Sanders and his colleagues come up with something finite to recommend to the Board.

Mr. Palin stated that he would like Mr. Sanders to get together with the people in his industry and provide some written recommendations for the Board.

Mr. Bellows stated that VDOT has a pretty good reputation of working with localities, but he agreed with Mr. Sanders, in that there was a tremendous risk with water related businesses in Urbanna, Corrotoman and Carters Creek to name a few. He stated that the County has invested a lot to support the marinas by having no boat tax, so it would be a huge economic impact to have the bridge's center span be that low.

Mr. Sanders stated that he wanted to bring it up as an awareness issue, but he doesn't think VDOT is receiving comments yet. He stated that he would try to get a recommendation together that would be good for the community.

## **PRESENTATIONS**

### **1. BoardDocs Web Demonstration**

Mr. Gill stated that at last month's meeting it was decided to have a presentation on BoardDocs, which is a web-based meeting system. He stated that there was a fifteen minute web presentation for the Board and members of the public to view.

Tom Duncan, one of the representatives from BoardDocs, stated in the presentation that they have over three thousand subscribers nationwide and have been in business for over sixteen years. He stated that one of the great things about

BoardDocs is its search capability. He stated that capability allows for searching other localities and governing bodies' public information. He stated that the presentation would include the public facing side as well as what the Board members would see.

Cheryl Domby from BoardDocs showed an example of another locality and how to navigate the system and its features.

Dr. Westbrook stated that he was primarily interested in not only the ability of the community to be able to easily see the agenda and the minutes and he particularly liked the search function, but he was curious to see if research had been done concerning money that was saved by not having to print out separate agendas and meeting materials.

Mr. Duncan replied that he could send several case studies to Mr. Gill and staff to review with the Board of Supervisors. He stated that they had a district in California that saved \$26,000 annually by moving away from paper. He stated that paper expense is an easy number to come up with, but time savings costs can be more intangible. He stated that their clients have also found that the public can search for more information on their own and reduce the amount of calls coming into a locality's office.

Mr. Gill stated that the Lancaster County Public School System had been using BoardDocs since 2014 and he was looking forward to receiving the case study information from the company.

There were no more questions and the presentation was concluded.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mr. Robert Harper, VDOT Brookvale Superintendent, and Stephen McKeever, Residency Administrator for the Northern Neck, were present for VDOT.

Mr. Harper stated that he would like to follow up on Mrs. Ripley's comments. He stated that VDOT just had an inmate crew work from Lively to Kilmarnock and they picked up over 139 trash bags of litter from the end of January to the beginning of February. He stated that when you drive through the same route now, it's as if it was never done.

Mr. Harper stated that he wanted to thank Mrs. Ripley. He stated that she was very dedicated, works closely with VDOT and is interested in keeping the County beautiful.

Mr. Harper stated that there will be one Rural Rustic Road to be done in Lancaster County this year. He stated that it was route 678, Hudnall Lane. He stated that it will probably be completed in late June.

Mr. Harper stated that his crew was working on potholes and drainage and when he receives the surface treatment schedule, he will pass it on to the Board.

Mr. Bellows stated that he had seen where VDOT was planning on implementing some flashing left turn signals in certain locations. He stated that he had received numerous requests, even though it is not in Lancaster County, about the left hand turn at Harmony Grove Church that turns onto Route 3. He stated that, in his opinion and from comments he had received, that left hand turn light increases bottlenecks on the bridge and the Town of White Stone. He stated that a flashing signal there would be beneficial to help alleviate that issue.

Mr. Harper stated that he would speak to the Saluda Residency concerning Mr. Bellows' request.

Mr. McKeever stated that Mrs. Ripley was "spot on" with her comments concerning the litter issue. He stated that they could use every resource they have and still not eliminate the problem. He stated that he thought it could only be resolved by changing the mindset of people who litter. He stated that the problem is state-wide and probably country-wide.

Mr. Lee stated that he thought it was a national problem. He stated that the County will make every effort to try to get the litter cleaned up. He stated that any signs that go up will need to be enforced.

Mr. McKeever stated that VDOT would provide the bags for anyone who wants to help with litter pick-up.

Mr. Bellows stated that since this is a waterfront community, litter is even a bigger problem because a lot of it ends up in the Chesapeake Bay and its tributaries.

Mr. McKeever stated that he thought the mindset change should begin with children and remembered the anti-littering campaigns when he was younger. He stated that VDOT does care about the litter problem.

Dr. Westbrook stated that if there is a \$1000 fine for littering and people are allowed to go around it by performing community service, then the incentive not to litter goes away and of course, no one can dictate what the judge is going to say. He stated that another point was if someone knows a particular stretch of road that is a magnet for litter, not only pick it up, but also make an effort to try to write down the license numbers of vehicles from which trash is being tossed. He stated that the people that are littering need to be caught in the act.

Mr. Larson stated that he had taken three people to court over littering and more than just the license plate information is needed to get a conviction in court. He stated that the driver must be identified, because someone could simply say that another

person was driving the vehicle. He stated that, if one is willing to do it, they can take rubber gloves and go through the garbage to find an envelope with a name and address. He stated that he did have success in court with that method.

Mr. Lee stated that if they could get convictions for littering and get it in the newspaper, it would help to get the word out on littering.

Mr. Larson stated that the only thing is that littering is a misdemeanor, so the person's name would not be published in the paper.

**PUBLIC HEARING**

None.

**CONSENSUS DOCKET**

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

1. Minutes for January 25, 2018 Regular Meeting

Recommendation: Approve minutes as submitted

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of February 2018 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for February 2018 in the amount of \$274,296.01 and invoice listings for February 2018 in the amount of \$472,933.61\*.

\*Capital Improvements - \$57,500.00

\*Loan Payments - \$4,872.09

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

2. Resolution Supporting the Creation of a Small and Rural Schools Coalition

Steve Parker, Lancaster County School Superintendent, stated that he appreciated the Board of Supervisors’ consideration of the resolution. He stated that two years ago, school divisions in region eight which is in southwest Virginia formed what was known as the Coal Coalition. He stated that the school divisions were experiencing drops in student population, lack of funding and did not have the ability to raise a lot of money locally. He stated that the Coal Coalition came out of a need based on this situation. He stated that this year that coalition has been expanded with the creation of the Small and Rural Schools Coalition because this is not simply a southwest Virginia issue.

Mr. Parker stated that he was asking the Board of Supervisors to pass the resolution supporting the coalition, which will give them more “bite” when they speak to members of the General Assembly. He stated that they already have received the support of their School Board and several Boards of Supervisors have already passed this resolution throughout the Commonwealth of Virginia. He read the following resolution.

**Resolution to Support the Creation of a Small and Rural Schools Coalition**

**Whereas**, over 80 school divisions across the Commonwealth could be defined as Rural and/or Small;

**Whereas**, Small Rural Localities and Stakeholders have determined that working collaboratively will enhance their collective voice in legislation and other matters, and

**Whereas**, Local Stakeholders include School Boards, Boards of Supervisors, City Councils, Town Councils, Industrial Development Authorities, Chambers of Commerce, etc.; and

**Whereas**, Small Rural Stakeholders believe that PK-12 public education is critical to the vitality of their region and to the Commonwealth as a whole; and

**Whereas**, Rural School Divisions have seen a decline in K-12 enrollment of over 5,000 students since 2009 which represents a 6% decline; and

**Whereas**, 18% of students in the Rural School Divisions live below the Federal Poverty Level; and

**Whereas**, 50% of students in Rural School Divisions are eligible for Free or Reduced Priced Lunch; and

**Whereas**, the State share for school operations has decreased by 4.7% in Rural School Divisions since 2009 while the Local share for operations has increased by 4.3%; and

**Whereas**, these Rural Localities have the ability to raise only \$19,469,500 by increasing property taxes by one penny (.01); and

**Whereas**, local poverty and tax revenues prevent Rural Localities from funding schools at the same level as affluent Localities.

**Now, Therefore Be It Resolved** that the Lancaster County Board of Supervisors does hereby support the creation of a Small and Rural School Division Coalition in order to better advocate for our students, teachers, staff and stakeholders.

Mr. Palin made a motion to Adopt the Resolution Supporting the Creation of a Small and Rural Schools Coalition.

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

3. Scheduling Work Sessions to Review the Draft FY 19 County Operating Budget

Mr. Gill stated that the Board of Supervisors just had its joint budget work session with the School Board before this meeting. He stated that the working draft budget is in the process of being completed and he wanted to thank Mr. Larson for all of his assistance. He stated that it was now time for the Board to think about scheduling some work sessions to review the budget. He stated that last year, the first work session for the County budget was April 27<sup>th</sup>. He stated that the dates were at the Board's discretion and it's easier to schedule a date when all members are present.

Mr. Gill asked who the Board would like him to invite to the first work session. He stated that, in the past, they have had one session for the department heads and another session for the non-government organizations. He stated that last year, it was combined into one session, which made for a very long meeting.

Mr. Lee stated that he preferred two separate meetings.

Mr. Larson stated that, in his experience, he did not see much value in having the department heads attend the work session unless their budget was going to be changed in some way. He stated that perhaps they would target some department heads and not necessarily bring everyone in.

Mr. Larson referred to the non-government organizations and stated that Mr. Gill, at the Board's request, had asked them to provide information of the last five years of fund raising efforts, as well as the number of salaried employees in the organization. He stated that this information would allow the Board to make better determinations on those organizations' needs. He stated that the Board may want all non-government organizations to attend a work session.

Mr. Lee stated that he agreed, in that the department heads who have not requested changes to their budget need not come to a work session.

Mr. Larson stated that there are a number of department heads or fund administrators where there is very little discretionary spending in their account.

Mr. Palin stated that if there are no changes to the department's budget, he sees no need to bring anyone in.

Mr. Larson stated that no one should assume that they are going to get what they have asked for. He recommended having the first work session without inviting anyone, so they can work out what they intend to fund and then invite the department heads and non-government groups to tell the Board what they can or cannot do at the funding level proposed.

Mr. Lee stated that was a good suggestion, so that's what they will do.

The consensus was to have the first budget work session on Tuesday, March 13<sup>th</sup> at 5:30 p.m.

**BOARD REPORTS**

Mr. Larson made a motion to nominate Sharon Gill as the District 1 representative to the Historic Resources Commission. He stated that Mrs. Gill has experience in the management of historic resources and has an interest in government in general.

VOTE:	William R. Lee	Aye
	Jason D. Bellows	Aye
	Jack D. Larson	Aye
	Jason D. Bellows	Aye
	Robert S. Westbrook	Aye

Dr. Westbrook stated that he was the Board of Supervisors’ representative to the Northern Neck-Chesapeake Bay Regional Partnership. He stated that he had a hard time finding out what the mission of the partnership was. He stated that he went on-line and found it to be a well hidden secret. He stated that he had spoken with the Northern Neck Planning District Commission Director and found that the state used to provide some funds for that entity, but no longer does. He stated that there are three citizen representatives on the committee and they are Wally Beauchamp, Jimmie Carter and Paul Sciacchitano. He stated that, quite frankly, he did not get anything out of the meeting and doesn’t think that any Board member needs to waste their time by attending the meetings. He stated that was just his personal opinion. He stated that he was not saying they don’t do good work, but couldn’t tell that from one meeting. He stated that he thought the Board should revisit some of these positions that they decide upon because he thought some of it was just tradition. He stated that he wasn’t sure if he should go on record saying it, but he did.

Mr. Lee made a motion to nominate Fran Westbrook as the District 5 representative to the Historic Resources Commission.

VOTE:	William R. Lee	Aye
	Jason D. Bellows	Aye
	Jack D. Larson	Aye
	Jason D. Bellows	Aye

Robert S. Westbrook Abstain

Dr. Westbrook abstained from the vote because Fran Westbrook is his wife.

Mr. Bellows, County representative and Region Two Director of the Virginia Association of Counties stated that he had given information to his fellow Board members concerning some of the bills that have come before the General Assembly. He stated that the ones he has listed, in his opinion, have a negative impact on the local community. He stated that the first one concerns tower placement. He stated that House Bill 1258 and Senate Bill 405 would gut local zoning and allow “by-right” placement of such towers without any local input or control. He stated that companion bills, House Bill 1427 and Senate Bill 823 would set limits on what localities could charge the telecommunications companies for those right-of-ways. He stated that VACo was adamantly opposed to these bills since they would be detrimental to local authority. He stated that, it was his opinion, that the Lancaster County Board of Supervisors go on record to also oppose these bills.

Mr. Bellows made a motion that the Lancaster County Board of Supervisors oppose House Bill 1258, Senate Bill 405, House Bill 1427 and Senate Bill 823. He stated that the key votes for these bills come up next week. He stated that the logic behind these bills was that it may increase the possibility of more local broadband, but the laws and regulations have no such requirement for the companies to do so. He stated that the bills were more or less a “give-away” of our resources to mega communication companies without any oversight and another unfunded mandate.

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

**COUNTY ADMINISTRATOR**

Mr. Gill referred to the board and commission appointments and stated that there were three positions on the Board of Zoning Appeals to consider. He stated that one is a currently held position and the other two are alternate positions. He stated that, in December, the Board of Supervisors approved the addition of two alternate members to the Board of Zoning Appeals. He stated that the addition would make it easier to have a five member board at all times. He stated that the appointments for the Board of Zoning Appeals take a little longer to become effective because the Circuit Court judge has to approve the suggested appointee. He stated that he would suggest approximately forty-five days for appointees to be approved for the Board of Zoning

Appeals. He stated that the two new positions are considered at-large, so the appointees can come from any of the five districts.

**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 Real Property, § 2.2-3711.A.3, Personnel, § 2.2-3711.A.1 and Legal Matters, § 2.2-3711.A.8 of the Code of Virginia, 1950, *as amended*. The subject and purpose falls within the following exemption(s) under § 2.2-3711.A.3 (acquisition of real property, for the discussion and consideration of the acquisition of real property for a public purpose (proposed school and EMS capital projects), where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body), § 2.2-3711.A.1 (personnel, for the discussion and consideration of the assignment, appointment, promotion, performance or salaries of specific public officers, appointees or employees of the public body) and § 2.2-3711.A.8 ( legal matters, 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.)

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

**RECONVENE**

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

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

**CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on February 22, 2018 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Real Property, § 2.2-3711.A.3, Personnel, § 2.2-3711.A.1 and Legal Matters, § 2.2-3711.A.8 of the Virginia Freedom of Information Act;

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

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

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

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

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

**ROLL CALL**

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

This certification resolution is adopted.

No action taken on the closed meeting matters.

**ADJOURNMENT**

Motion was made by Mr. Bellows to adjourn.

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