

**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, May 25, 2017.

- 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 7:00 p.m.

**PUBLIC INPUT**

Mr. George Bott, a District 1 citizen, stated that he wanted to thank Robert Harper of VDOT for his quick response to the request for new signs for the Thomas Landing Greenville Creek Boat Ramp. He stated that he also wanted to thank Mr. Harper for filling the wash out at the end of the road there.

Mr. Bott stated that there were several branding initiatives going on like the River Realm and oyster and artisan trails and asked why the County was not advertising “no boat tax” on its website. He stated that he thought that having no boat tax should be part of the local branding efforts.

Mr. Bott stated that the only current working boat ramp in Lancaster County was at Thomas Landing Road and it deserves attention.

Mr. Bott referred to budgeting and stated that he had provided the Board with some of his conclusions based on an analysis of fifteen years of county spending. He stated that, in his opinion, the major factors leading to decreasing reserves are the general county spending, which is at 2.5 times the national inflation rate and is driven by public safety, which is up 3.6 times the national rate, debt service which is up three times the national rate and health and welfare, which is up 2.9 times the national rate. He stated that the major factors that are not leading to a decrease in the fund balance are the 2011

and 2013 real estate tax reductions and the 2015 and 2016 personal property tax reductions. He stated that the personal property tax reductions only slowed the growth in the fund balance. He stated that education is not a contributor. He stated that the local contribution to education has been flat for seven years.

Mr. Bott stated that he had appreciated Jackie Barrack for being his sounding board for over a decade concerning community topics. He stated that he would miss Mr. Barrack at the EDA.

Mr. Ken Knull, a District 1 citizen, stated that he wanted to update the Board about his business since the boat tax removal. He stated that he has added two full time positions since last year and has openings for two more employees. He stated that he has gone from forty-nine to fifty-nine, year round boats in his slips. He stated that boats are coming from other states, not just other localities in Virginia. He asked that the Board keep going with the “no boat tax” initiative.

Mr. Charlie Costello, a District 2 citizen, referred to the Resolution for a Fire Marshal that is under the Consideration Docket and stated that he thought whoever is named Fire Marshal should be trained to be one. He stated that he understood that there is an EMS employee with the training and he should be the appointee.

## **PRESENTATIONS**

### **1. Jackie R. Barrack-Recognition for EDA Service**

Mr. Palin presented a plaque to Jackie Barrack for his many years of service on the Economic Development Authority.

### **2. Re-Establishment of the Weems Post Office**

Mr. Kurtis Bullard with the United States Postal Service stated that he would like to speak about the re-establishment of the Weems, Virginia Post Office. He stated that he wanted to explain the community contact process. He stated that the process starts with having a thirty day comment period from the community or local government with ideas for a viable site for the post office. He stated that they are looking for approximately 700 square feet for a retail location. He stated that once the comment period is over, the facilities management staff will report on the route it thinks it needs to take to re-establish the post office.

Mr. Beauchamp stated that he had never heard of a post office coming back once it had been closed.

Mr. Bullard stated that the U.S. Postal Service has a mandate from the Postmaster General and Congress to provide universal coverage.

Mr. Pleva asked where citizens could direct their comments concerning the Weems Post Office.

Mr. Bullard replied that he would be the primary point of contact for the next thirty to forty-five days. He stated that he could be reached by mail, e-mail or phone.

Mr. Lee asked if citizens could also find information on the U.S. Postal Service's website.

Mr. Bullard replied yes.

Mr. Lee stated that he was glad to see one opening again, instead of closing.

### 3. Greenvale Creek Presentation

Mr. Nick Ferriter, a District 1 citizen, had a power point presentation concerning Greenvale Creek. He showed photographs of the Thomas Landing Boat Ramp, which is located there. He stated that the Corps of Engineers had dredged the creek seven or eight years ago, but there have been more problems since, which the Greenvale Creek Maintenance Association has tried to correct with the County's help. He stated that they hoped to put it to rest this time. He stated that, recently, the Coast Guard has removed the creek's navigational aids, but the Association plans on replacing them. He spoke about the proposed project including dredging and a jetty extension.

Mr. Bellows asked if the current jetty was constructed of riprap.

Mr. Ferriter replied that the jetty was wooden.

Mr. Stephen Brice, owner of Greenvale Creek Marina, stated that there was a strong connected community of boaters on Greenvale Creek and quite a bit of boat traffic. He stated that his family is beginning an oyster aquaculture business there and hopes to employ more people in the future.

Mr. Milton Conrad stated that Greenvale Creek is a very active creek. He stated that in 2015, there were approximately thirty oyster boats coming out of the creek. He stated that there were crabbers in the creek from many other localities. He stated that the commercial watermen can bring in a great deal of money.

Mr. Win Schwab, a District 1 citizen, stated that the Association is asking for help from the County to pay for the needed work in Greenvale Creek. He stated that he understood there was money in a capital fund for marine improvements. He stated that the Association has raised approximately \$9,000. He stated that to do the work they would like to do immediately, which is replacing the navigational aids and the jetty extension, they need an additional \$15,850. He stated that the second part of their request would be funds for dredging. He stated that they would like to do the sixty-foot wide by eight foot deep channel, which costs over \$200,000. He stated that at the minimum, they

would like to do the fifty-foot wide by six foot deep channel, which would cost over \$100,000.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### **1. Public Hearing-Six Year Plan-Secondary System of Highways**

Mr. Carter White, Northern Neck Assistant Residency Administrator, stated that the Code of Virginia requires that the Board of Supervisors and VDOT formulate a six year plan for secondary roads. He stated that tonight's public hearing is being conducted for the 2018-2023 plan and the 2018 fiscal year budget for the secondary system only. He stated that the plan is only for improvements and not for maintenance.

Mr. White explained the types of funding for the secondary roads, including telefees and CTB formula. He referred to the priorities and stated that there are twelve unpaved road projects in the plan and nine of those are being completed this year. He stated that the next set of priorities are county wide services and the first of those is traffic services, which include the costs of speed studies and the installation of new signs. He further explained the other ways in which the money is used for the county roadways including engineering and surveying.

Mr. Bellows stated that his comment is not necessarily for this plan, but he would like to see some studies done to see what can be done for Boys Camp Road. He stated that he would like to know what the potential costs might be and if possibly it could be included in a future plan.

Mr. Stephen McKeever, Northern Neck Residency Administrator stated that he had looked at Boys Camp Road that afternoon. He stated that it would be quite costly to widen the road since the shoulders and ditches would need to be pushed out. He stated that right-of-way relocations would have to be done as well. He stated that he would estimate a cost of approximately \$2 to \$3 million dollars. He stated that his department could take a closer look at it and give the Board a better estimate in the future.

Mr. Bellows stated that he would like an estimate. He stated that it is a very narrow road with a lot of traffic and he would like to see some improvements.

Mr. McKeever stated that there might be a possibility of working on it a section at a time.

Mr. Lee opened the public hearing on the Six-Year Plan-Secondary System of Highways.

There was no public input.

Mr. Lee closed the public hearing.

Mr. Bellows made a motion to Adopt the Six Year Plan for Secondary System of Highways and Resolution.

**A RESOLUTION  
ADOPTED BY THE LANCASTER COUNTY  
BOARD OF SUPERVISORS**

**VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY  
SIX YEAR PLAN (SSYP)  
FY 2018-2023**

**WHEREAS**, Section 33.2-331 of the Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and

**WHEREAS**, the Lancaster County Board of Supervisors previously agreed to assist in the preparation of the Plan, in accordance with the Virginia Department of Transportation's policies and procedures, and participated in a public hearing on the proposed Plan (2018 through 2023) as well as the Construction Priority List (2018) on May 25, 2017, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

**WHEREAS**, Steve McKeever, Residency Administrator, Virginia Department of Transportation, appeared before the Board of Supervisors and recommended approval of the Six-Year Plan and budget for Secondary Roads (2018-2023) and the Construction Priority List (2018) for Lancaster County.

**NOW, THEREFORE BE IT RESOLVED**, that since said Plan and budget appear to be in the best interest of the Secondary Road System in Lancaster County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2018-2023) and Construction Priority List (2018) are hereby approved as presented at the public hearing by the Lancaster County Board of Supervisors.

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

Jason D. Bellows                      Aye

B. Wally Beauchamp                Aye

Mr. Robert Harper, VDOT Superintendent for the Brookvale Headquarters, stated that surface treatment had started in the upper end of the County. He stated that mowing started on May 15<sup>th</sup>, but they are running behind because of the rain. He stated that they have completed the sweeping of the curb and gutters. He stated that the new Brookvale office should be completed by August 1<sup>st</sup> and they hope to be moved in by September 1<sup>st</sup>.

Mr. Jenkins referred to his prior request about the turn on Oak Hill Road going towards Yankee Point Marina.

Mr. Harper stated that it was on his to-do list and he plans on working on it soon.

### **PUBLIC HEARING**

#### **1. Application for Special Exception-David J. and Pauline R. Dudley**

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

Mr. Gill stated that the issue was an Application for Special Exception by David J. and Pauline R. Dudley to place a single-wide individual manufactured home on a 2.895-acre parcel described as Tax Map #27-22A. He stated that the property is zoned R-1, Residential General and is located on Haypit Lane off Moran Creek Road in District 5.

Mr. Gill stated that this issue was tabled from last month's meeting after some adjoining property owners asserted that there were deed restrictions on the placement of single-wide manufactured homes in this neighborhood. He stated that the Board of Supervisors wanted to give those adjoining property owners the opportunity to produce such documents since staff could not find any such deed restrictions, but nothing had been provided to date.

Mr. Gill stated that Article 5-1-3 of the Zoning Ordinance requires a special exception for the placement of individual manufactured homes such as this, which is 16 feet by 76 feet. He stated that previous similar approvals by the Board of Supervisors have been based on whether any legitimate concerns could be raised by adjacent property owners.

Mr. Gill stated that the property has approved septic and well sites permitted with the Virginia Department of Health under HDID #151-06-0164. He stated that all front, rear and side setbacks can be met.

Mr. Gill stated that this issue had again been advertised and adjoining property owners notified as required by law and to date, he had received one e-mail from an

adjoining property owner, who stated that she was still in opposition as she was the previous month.

Mr. Gill stated that the Dudleys were present if the Board had any questions for them.

Mr. Beauchamp stated that two of the neighbors, who were his constituents, had researched their deeds and could not find any restrictions on manufactured homes associated with a homeowners' association.

Mr. Lee opened the public hearing.

There was no public comment.

Mr. Lee closed the public hearing.

Mr. Beauchamp stated that he visited the property this morning and the site for the mobile home is in the back of the property, where it would be difficult to be seen.

Mr. Beauchamp made a motion to Approve the Application for Special Exception by David J. and Pauline R. Dudley.

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

**CONSENSUS DOCKET**

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

1. Minutes for April 20<sup>th</sup> School Budget Public Hearing, April 27<sup>th</sup> Regular Meeting, April 27<sup>th</sup>, May 4<sup>th</sup> and May 11<sup>th</sup> Budget Work Sessions

Recommendation: Approve minutes as submitted

2. Termination of Declaration of Local Emergency 4-6-2017

Recommendation: Approve declaration as submitted

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of May 2017 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for May 2017 in the amount of \$263,733.71 and invoice listings for May 2017 in the amount of \$597,069.20\*.

- \*Capital Improvements - \$28,900.50
- \*Greentown/Gaskins Road - \$32,250.00

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

2. Resolution Appointing a Fire Marshal for Lancaster County

Chief McGregor stated that he had no further comments to add to what he had said at last month’s meeting. He stated that this proposition came to his department at the request of the volunteer fire departments to fill a need for a fire investigator due to the length of time it takes for the Virginia State Police to arrive on a fire scene. He stated that he has a staff member who has the necessary credentials. He stated that the Sheriff was on board as well.

Mr. Beauchamp made a motion to Approve the Resolution Appointing a Fire Marshal for Lancaster County.

**RESOLUTION FOR APPOINTMENT OF A FIRE MARSHAL FOR THE PURPOSE OF CONDUCTING FIRE INVESTIGATIONS FOR THE COUNTY OF LANCASTER**

**WHEREAS**, §27-30 of the Code of Virginia provides for the appointment of a fire marshal who may also be referred to as the local fire investigator; and

**WHEREAS**, the volunteer fire chiefs of Kilmarnock Volunteer Fire Department, Upper Lancaster Volunteer Fire Department and White Stone Volunteer Fire Department have expressed a need for a local fire investigator; and

**WHEREAS**, the Sheriff of Lancaster County has agreed to support the mission and the needs of the volunteer fire departments, and the services of a local fire investigator; and

**WHEREAS**, the Board of Supervisors wishes to authorize the Fire Marshal to exercise all police powers as set forth in §27-34.2 and §27-34.2:1 of the Code of Virginia when all state required training has been satisfactorily completed and maintained as required by state law; and

**WHEREAS**, the Board of Supervisors wishes to authorize the Fire Marshal to exercise the powers of right of entry as set forth in §27-37.1 of the Code of Virginia to investigate the release of hazardous material, hazardous waste, or regulated substances; and

**WHEREAS**, the Board of Supervisors, pursuant to §27-36 of the Code of Virginia, wishes to authorize the Fire Marshal to appoint Deputy Fire Marshals, as deemed necessary, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the Fire Marshal.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Lancaster does hereby confirm the appointment of Terrence J. McGregor to serve as the Fire Marshal for the County of Lancaster, in accordance with §27-30 of the Code of Virginia, with the responsibility and grant of authority to perform all of the duties of that office as set forth in state law and in the preambles of this resolution.

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

B. Wally Beauchamp                      Aye

Chief McGregor stated that he will be providing a recommendation for a change in EMS fees. He stated that neighboring localities have changed their service fees in the last couple of years. He stated that the proposed increases in fees would not affect hardship cases.

Chief McGregor stated that his department will be hosting a public information session for the proposed EMS/EOC Building on June 13<sup>th</sup> at 6:30 p.m. He stated that they will be requesting a work session with the Board of Supervisors following the information session. He stated that Guernsey Tingle, the architectural firm, will be available June 19<sup>th</sup> or June 21<sup>st</sup> for the proposed work session.

Mr. Jenkins suggested postponing that work session until July because of the on-going budget sessions.

Mr. Pleva suggested that they decide on a work session date in July at the regular June meeting.

Mr. Lee referred to the EMS fees and asked Chief McGregor if he could get the Board the fee schedules from neighboring localities.

Chief McGregor replied yes.

Mr. Lee asked how a citizen would obtain information for a hardship waiver.

Chief McGregor replied that the citizen would need to fill out the form provided by the Northern Neck Planning District Commission. He stated that they would need to demonstrate what their household income is with tax returns, pay slips or statements.

**BOARD REPORTS**

Mr. Bellows reappointed David Nichols to the Board of Zoning Appeals as a representative from District 3.

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

Mr. Bellows reappointed Cecil Little to the Wetlands Board as a representative from District 3.

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

Mr. Lee reappointed Edward Davis, Jr. to the Board of Zoning Appeals as a representative from District 4.

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

**COUNTY ADMINISTRATOR**

Mr. Pleva asked when the Board would like to consider the request from the Greenvale Creek Maintenance Association that they heard tonight.

Mr. Lee replied that the request will be considered at the next budget work session scheduled for Thursday, June 1, 2017 at 5:30 p.m.

**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