

**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, August 27, 2015.

- Members Present: Jason D. Bellows, Chair  
Ernest W. Palin, Jr., Vice Chair  
F. W. Jenkins, Jr., Board Member  
William R. Lee, 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. Bellows called the meeting to order at 7:00 p.m.

**PUBLIC INPUT**

Mr. Bobby Moore, a resident of Lancaster County, stated that he had recently spent time at Westland Beach and had noticed metal debris on the beach as well as erosion on both the public and private beaches. He suggested that the County look into a public-private partnership to address the beach issues.

Mr. Bellows stated that he would look at the beach on the weekend.

Mr. George Bott, a District 1 citizen, stated that the marinas were continuing to pick up business and sign up boats for winter storage. He stated that the marina owners have finalized a reporting form with Dr. Murray and VIMS concerning the baseline.

Mr. Bott referred to the school request on the Consensus Docket and stated that he would like to know the amount of the roll over funds in the request.

Mr. Bott stated that he wanted to let the Board know of the 4<sup>th</sup> annual Hospice Turkey Shoot Regatta being held in October.

**PRESENTATIONS**

None.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mr. David Brown, the Northern Neck Residency Administrator, stated that his department is mowing, cutting back vegetation and working on drainage issues on Windmill Point Road (Route 695). He stated that they will be doing some pavement repairs on Route 615 near Browns Store and Taylors Creek Road (Route 630).

Mr. Brown stated that at a meeting at the Northern Neck Planning District Commission earlier in the week, several localities got together to discuss potential projects for the upcoming six year plan. He stated that the project mentioned for Lancaster County was at the intersection of Route 3 and Route 688 and the restoration of an exclusive left hand turn lane. He stated that before the removal of the turn lane, trucks had to either jump the curb or enter into the turn lane to negotiate the turn onto Route 688. He stated that the proposed project would involve flattening the curve and readjusting it, relocating the existing curb and gutter and widening the pavement, which would require additional right-of-way. He stated that the Town of Kilmarnock had committed to assisting with the project and pursuing the additional right-of-way. He stated that the six year plan can be amended if the Board of Supervisors chooses to do so. He stated that he would like to come back before the Board next month to discuss it further.

Mr. Brown stated that they anticipate the project to cost between \$350,000 and \$400,000 and if the Town of Kilmarnock participates, the cost would be less.

Mr. Pleva asked if there were any other funds available for the project besides the secondary six-year plan funds.

Mr. Brown replied that he was not aware of any other funds.

Mr. Pleva asked if the current six-year plan would need to be modified.

Mr. Brown replied yes and the Board would need to adopt a resolution.

Mr. Jenkins asked Mr. Brown if he could have information on how this project's funding might affect other projects by next month's meeting.

Mr. Brown replied yes.

Mr. Palin referred to the Norris Bridge and asked about replacement plans.

Mr. Brown stated that they are doing a continuous maintenance program on the bridge and there are currently no restrictions. He stated that the Norris Bridge is referred to as a "cusp bridge" which means if conditions change in regard to the structure itself, there may be weight restrictions in the future.

Mr. Bellows stated that there are ridges and bumps on Route 3 as the bridge is exited and he would like to see the pavement redone in that area.

Mr. Brown stated that they would take a look at it.

Mr. Lee thanked VDOT for repairing the pothole on School Street in Kilmarnock.

Mr. Bellows thanked Mr. Brown for attending the bridge summit meeting on Tuesday.

Mr. Jenkins stated that he would like two speed studies. He stated that the first would be on Mulberry Creek Road (Route 748) and Waterview Road (Route 753) resulting from a citizen request for golf cart usage. He stated that the second speed study would be on White Chapel Road (Route 201) in the traditional limits of the Town of Lively also resulting from a citizen request.

Mr. Brown stated that the second speed study had already been submitted.

Mr. Jenkins thanked him.

## **PUBLIC HEARING**

1. Application for Special Exception – Association for the Preservation of Virginia Antiquities (owner) and John and Rennie Dutton (agent and contract purchaser)

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

Mr. Gill stated that the issue was an Application for Special Exception by the Association for the Preservation of Virginia Antiquities and John and Rennie Dutton to expand/enlarge an existing authorized non-conforming residential structure on a 6.3-acre parcel described as Tax Maps #33A-1 and #33A-7. He stated that the property is zoned R-1, Residential General and is located at 176 King Carter Lane in District 5.

Mr. Gill stated that the residential structure on this parcel existed prior to the effective date of the Lancaster County Zoning Ordinance of June 1, 1975 and therefore is an authorized non-conforming structure. He stated that Article 12-4-1 allows for the expansion/enlargement of existing non-conforming structures, with a special exception, if the setbacks of that zoning district can be met.

Mr. Gill stated that the applicant's existing home is an authorized non-conforming structure as it encroaches in the Chesapeake Bay Resource Protection Area Buffer (60 feet instead of the required 100 feet). He stated that the proposed addition, which measures 7.5 feet x 21.5 feet, on the southwest corner of the home, as depicted on the

attached site sketch, will conform to the requirements of the R-1, Residential General Zoning District. He stated that in addition to the fact that this authorized non-conforming structure is expanding with a larger square footage footprint, the second story is being enlarged to cover most of the footprint of the first floor of the structure. He stated that a Bay Act Site Plan will be required to verify conformance with the Chesapeake Bay Preservation Ordinance, but the applicants did not think it was prudent to commit to that extra expense until after this initial Special Exception request was considered.

Mr. Gill stated that the parcel has an existing on site well and septic system that will accommodate the larger home. He stated that adjoining property owners have been notified and advertising conducted as required by law and that, to date, there have been four responses from adjoining property owners in support of the request. He stated that the Duttons along with their surveyor, Charles Pruett, were present to answer any questions.

Mr. Bellows opened the public hearing.

There was no public comment.

Mr. Bellows closed the public hearing.

Mr. Beauchamp made a motion to Approve the Special Exception for the Association for the Preservation of Virginia Antiquities (owner) and John and Rennie Dutton (agent and contract purchaser).

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

**CONSENSUS DOCKET**

Motion was made by Mr. Jenkins to approve the Consensus Docket with the exception of item 3 and asked for that item be moved to number 2 on the Consideration Docket.

1. Minutes for July 30, 2015 Regular Meeting

Recommendation: Approve minutes as submitted

2. Emergency Services Signatories Resolution

Recommendation: Approve the resolution as submitted

**BE IT RESOLVED** by the Board of Supervisors

**OF THE** County of Lancaster that

Frank A. Pleva, County Administrator, OR

Terrence J. McGregor, Emergency Coordinator, OR

Heather L. Brown, Deputy Emergency Coordinator,

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

Adopted this 27<sup>th</sup> day of August 2015

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of August 2015 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for August 2015 in the amount of \$251,724.69 and invoice listings for August 2015 in the amount of \$533,371.47\*.

\*Capital Improvements - \$93,185.04

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

2. School Request to Rollover FY 15 Funds Received from Outside Parties and Textbook Funds to FY 16

Revenue:		
Textbooks	3-253-041050-0100	\$26,711.23
Kids First	3-251-018990-0005	\$8,454.61

Expenditure:		
Textbooks	4-253-061100-6020-120-100	\$3,518.27
Textbooks	4-253-061100-6020-221-100	\$14,970.69
Textbooks	4-253-061100-6020-230-100	\$8,222.27
Educational Materials	4-251-061100-6013-120-111	\$8,454.61

Mr. Pleva stated that the request came in from the Lancaster County Schools' Director of Finance, Whitney Barrack after the meeting agenda had been finalized. He stated that the request was for carryover funds from FY 15 to FY 16. He stated that the Treasurer had set up separate accounts for the textbook funds last year. He stated that one of the revenue sources was the Kids First program.

Mr. Palin stated that the Kids First program is supported by local organizations and is for three year old children.

Mr. Jenkins asked if the textbook funds were local funds.

Mr. Pleva stated that he was not sure, only that the funds were earmarked for textbooks and now the school wants to roll over the funds.

Mr. Bellows stated that he thought the Kids First program was mostly donated money and the textbook funds were probably local money. He stated that he knew the textbook fund was set up so the school could have the opportunity to buy books in bulk and get better pricing.

Mr. Jenkins stated that he would like to have more detailed information in the future.

Mr. Pleva agreed.

Mr. Lee made a motion to Approve the School Request to Roll Over FY 15 Funds Received from Outside Sources and Textbook Funds to FY 16.

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

3. Award of Contract for the Greentown-Gaskins Road Low Pressure Sewer System Project

Mr. Bellows asked Mr. Pleva to explain the issue.

Mr. Pleva stated that he would like Mr. Ben Burton of Bay Design Group to discuss the project.

Mr. Burton stated that they received the bid for the project on August 14<sup>th</sup> and he had prepared a recommendation for Mr. Pleva. He stated that the only bidder was Franklin Mechanical at a price of \$847,980. He stated that amount was twenty-five percent less than the preliminary engineering report completed in May. He stated that all required information has been provided by Franklin Mechanical, that they have the experience and the equipment and the work can be completed within the contract's time frame. He stated that he recommends that

the Board award the contract for the Greentown-Gaskins Low Pressure Sewer System Project to Franklin Mechanical. He stated that it is a unit price contract, which means there may be variations in the final number depending on the exact lengths of pipe to be installed, but that the base bid is very reasonable.

Mr. Pleva stated that he has received good reports on Franklin Mechanical's work from previous customers.

Mr. Beauchamp stated that it is rare to receive a bid that is twenty-five percent less than the projected cost.

Mr. Jenkins asked how much of the cost would be covered by grant money.

Mr. Pleva replied the USDA grant is for \$600,000.

Mr. Beauchamp made a motion to Award the Contract for the Greentown-Gaskins Road Low Pressure Sewer System Project to Franklin Mechanical.

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

VOTE: 4-1

#### 4. Award of Contract for County Engineering Services as Needed

Mr. Bellows asked Mr. Pleva to explain the issue.

Mr. Pleva stated that there had been discussion to retain engineering services not just for the upcoming Windmill Point Boat Ramp, but also for other future purposes as needed. He stated that a request for proposals was done following the Virginia Public Procurement Act and six proposals were received. He stated that the panel, made up of Mr. Lee, Mr. Gill and himself interviewed four firms and then chose two by consensus. He stated that the panel recommended awarding contracts to Bay Design Group and Resource International. He stated that both firms had done extensive work in the Northern Neck area. He referred specifically to the Windmill

Point Boat Ramp and stated that the suggestion would be for Bay Design Group to do the necessary work for that project since they have already completed extensive survey work there which could speed up the process by one to two months as well as a non-binding estimate of \$18,000 for their work.

Mr. Burton stated that Mr. Pleva and Mr. Gill had done a lot of “leg work” to get the adjacent property owners near the boat ramp site to be comfortable with the project, so he suggested seeking bids during the permitting process to help move things along.

Mr. Bellows made a motion to Approve the Award of Contract to the two firms Bay Design Group and Resource International for County Engineering Services as Needed and to Award the Windmill Point Boat Ramp project to Bay Design Group.

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

5. E-911 Upgrade, Grant Approval and Emergency Communications Radio System Change Orders Resolution

Mr. Bellows asked Chief McGregor to explain the issue.

Chief McGregor stated that Lancaster County has received a grant for \$150,000 to upgrade the E-911 call receiving equipment at the Lancaster County Sheriff’s Office, which will cover the entire cost of upgrades to the existing equipment. He stated that in order to begin the project, the Board must accept the awarded funds and appropriate those funds for upgrading the E-911 call handling equipment.

Chief McGregor stated that a change order for the Public Safety Communications System is required to add the E-911 upgrades to the existing Public Safety Communications Upgrade project and to address design changes, resolve compatibility issues with surrounding jurisdictions and equipment availability.

Chief McGregor explained the contents of the change orders, which included, the addition of another dispatch console, upgrading school radios, increasing the

height of the Ottoman tower and other upgrades. He stated that the total is still lower than the approved amount in the capital improvement budget.

Mr. Lee referred to the third dispatch console and asked if that would be idle the majority of the time.

Sergeant Jeffrey Haywood replied that the number of emergency calls continues to increase each year and cell phone users tie up the dispatch lines with repeated calls often about the same incident. He stated that the third console will help with the redundancy of similar calls during an emergency.

Mr. Beauchamp made a motion to Accept the E-911 Upgrade and Grant and Approve the Change Orders Resolution.

**RESOLUTION FOR THE ACCEPTANCE OF A GRANT AWARD FOR THE  
UPGRADE OF COMMUNICATIONS EQUIPMENT FOR A PUBLIC SAFETY  
ANSWERING POINT, APPROPRIATION OF AWARDED FUNDS AND  
AUTHORIZATION FOR CHANGE ORDERS TO THE COMMUNICATIONS  
SYSTEM AGREEMENT**

**WHEREAS**, the County of Lancaster is currently undertaking a capital improvement project for the replacement of the public safety communications system to improve the reliability of existing radio communication and in order to improve the safety of the community and its first responders; and

**WHEREAS**, the County of Lancaster has applied for funding from the Virginia E-911 Services Board for the upgrade of telephone systems and equipment for the E-911 Public Safety Answering Point located at the Lancaster County Sheriff's Office; and

**WHEREAS**, the Virginia E-911 Services Board has approved the requested funds for the County of Lancaster, in the amount of one hundred fifty thousand dollars (\$150,000.00) for the upgrade of E-911 telephone systems and equipment; and

**WHEREAS**, the Communications System Agreement between the County of Lancaster and Radio Communications of Virginia, Inc. was executed June 26, 2015 to upgrade the public safety communications system; and

**WHEREAS**, the work authorized by the Virginia E-911 Services Board is integrated in the systems and equipment of the radio communications system upgrade, and is able to be installed at the same time as other equipment resulting in efficiencies by combining the E-911 telephone systems and equipment upgrades with the upgrades required by the radio system upgrades; and,

**WHEREAS**, Radio Communications of Virginia, Inc. is qualified and capable of providing the equipment and services expected at a fair and reasonable cost.

**NOW, THEREFORE, IT IS RESOLVED** that the County of Lancaster hereby accepts the grant funds awarded by the Virginia E-911 Services Board in the amount of one hundred fifty thousand dollars (\$150,000.00); and,

**IT IS FURTHER RESOLVED** that the awarded funds be appropriated for the purpose of upgrading the systems and equipment for the E-911 Public Safety Answering Point; and,

**IT IS FURTHER RESOLVED** to authorize the County Administrator to execute Change Order No. 1 for the Communications System Agreement, executed on June 26, 2015 between the County of Lancaster and Radio Communications of Virginia, Inc., in the amount of seventy thousand two hundred four dollars and eighty four cents (\$70,204.84) for finalization of the equipment list for the radio communications system upgrade project; and,

**IT IS FURTHER RESOLVED** to authorize the County Administrator to execute Change Order No. 2 for the Communications System Agreement, executed on June 26, 2015 between the County of Lancaster and Radio Communications of Virginia, Inc., in the amount of one hundred forty nine thousand nine hundred seventy dollars (\$149,970.00), to complete the upgrade of the E-911 Public Safety Answering Point.

Approved this 27<sup>th</sup> day of August, 2015.

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

**BOARD REPORTS**

Mr. Jenkins asked Mr. Pleva to check out the metal debris at Westland Beach that Mr. Moore spoke of during the public input session.

Mr. Bellows stated that he would personally go to Westland Beach and check on the conditions.

Mr. Jenkins stated that there was never erosion there before. He stated that it is the County's only public beach and it needs to be addressed.

Mr. Beauchamp referred to a federal program called H2B that allows companies such as Kellum Seafood in Weems to bring in authorized legal workers from Mexico to shuck oysters. He stated that the oyster season starts on October 1 and there will be hundreds of bushels of oysters to be processed, but if Mr. Kellum does not get approval to bring back the employees that he has had for at least five years, he will not be able to run his business and fill the orders. He stated that Mr. Kellum has had issues with local workers who do not want to work.

Mr. Beauchamp stated that Kellum Seafood is the last seafood dealer in Lancaster County and he wants to support them in any way he can.

Mr. Beauchamp made a motion to authorize Mr. Pleva and Mr. Gill to obtain more information and write a letter or resolution in support of Kellum Seafood in obtaining the H2B employees that he has had for years.

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

Mr. Pleva stated that Mrs. Helen Louise Howard Doggett is turning 100 years old in September. Mr. Jenkins made a motion to have staff prepare a resolution in her honor, which he will present at Mrs. Doggett's birthday party on Saturday, September 12<sup>th</sup>.

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

Mr. Bellows stated that the Dominion Virginia Power project summit was held on Tuesday, August 25<sup>th</sup> and he thought it went well. He stated that Dominion Virginia Power and VDOT representatives were in attendance along with a large number of supporters for the underground cables. He stated that both Lancaster and Middlesex

counties have passed resolutions opposing the proposed towers, as well as the Town of Irvington and the Town of Urbanna.

Mr. Bellows stated that a lot of good information was passed on at the summit and Dominion Virginia Power said that the cables could run under the river and the main reason they did not propose it was because of the additional costs. He stated that he found out that there were other underground projects, mostly in Northern Virginia, and that rates were only affected by pennies. He referred to reliability and stated that he had found out that the line had been turned off for months during the bridge painting. He stated that transmission lines represent only about one percent of all outages. He stated that the position of the Board is the correct one and they need to continue to push for the underwater cable. He stated that the Norris Bridge is the gateway to the Northern Neck and is a precious resource.

Mr. Jenkins asked if there had been any outreach to the groups that are opposing similar transmission lines that are proposed across the James River.

Mr. Bellows replied yes. He stated that he and Mr. Pleva and other community members attended a James City County Planning Commission meeting recently and spoke against the proposed towers. He stated that at that meeting, the Planning Commission voted to deny Dominion Virginia Power's request to rezone property to build the switching stations that are required to hook up the transmission lines. He stated that the request still has to go in front of the James City County Board of Supervisors, but that the Planning Commission's decision was a small victory.

**COUNTY ADMINISTRATOR**

None.

**ADJOURNMENT**

Motion was made by Mr. Jenkins to adjourn.

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