

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, September 28, 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. Tom Smith, a District 3 citizen, stated that he wanted to talk about the public boat ramp at Windmill Point. He thanked the Board of Supervisors for finally getting a boat ramp, but was disappointed because he could not use it. He stated that the ramp was too flat. He stated that he had taken some measurements of the depth and the slope. He stated that the Department of Game and Inland Fisheries' design criteria states that the slope should be twelve to fifteen percent. He stated that a twelve percent slope drops 1.4 inches per foot. He stated that it was not possible to back a truck a foot or more into the water to unload a boat. He stated that he had heard that it was going to be corrected and his point was that because the design criteria was not met, he thought the County had the right to have the contractor and possibly the Department of Game and Inland Fisheries pay for the corrections. He asked when the corrections would be made.

Mr. Pleva replied that there are materials on site and they had hoped to get it done by Labor Day, but the contractor had prior obligations.

Mr. Smith asked who would be paying for the correction.

Mr. Pleva replied that the Department of Game and Inland Fisheries' grant program now has zero dollars and has been phased out. He stated that he would look into other options.

Mr. Beauchamp stated that the grass near the ramp has gotten very high.

Mr. Pleva replied that he would take care of that.

Mr. Bellows asked for an update on road repairs there.

Mr. Gill replied that, through his budget, gravel has been added to the potholes on Windjammer Lane on a couple of different occasions. He stated that he had requested additional information from VDOT on possible funding for roads that serve public access areas.

PRESENTATIONS

None.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Robert Harper, VDOT Superintendent for the Brookvale Headquarters, stated that nine rural rustic routes were completed this year. He stated that if there is still funding available, they will also be paving Hudnall, Green and Norris roads. He stated that rural rustic projects are a “pave in place” project. He stated that they basically add stone and surface treatment to existing roads and may correct small drainage problems if necessary.

Mr. Bellows asked if Mr. Harper had any information on potential costs for improving Boys Camp Road.

Mr. Harper replied that Carter White was looking into that issue.

Mr. Beauchamp referred to James B. Jones Memorial Highway at its intersection with Route 3 and stated that he was still getting calls concerning the re-opening of that turn lane. He stated that he had spoken to the Kilmarnock Town Manager and understood that some studies had been done, but had not heard of anything recently.

Mr. Harper replied that Steve McKeever, the VDOT Residency Administrator, had put that project on the scoping list for future projects.

PUBLIC HEARING

1. Application for Special Exception – Charlie H. Poindexter, Jr.

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

Mr. Gill stated that the issue was an application for special exception by Charlie H. Poindexter, Jr. to place a single-wide individual manufactured home on a 0.663-acre parcel described as Tax Map #13-141B. He stated that the property was zoned R-1, Residential General and located at 938 Nuttsville Road in District 2.

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 one with dimensions of 14 feet by 50 feet. 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 this property has existing septic and well sites that once served a prior double-wide home that has since been removed. He stated that all front, rear and side setbacks can be met and similar types of homes exist in this neighborhood.

Mr. Gill stated that the applicant has entered into a contract to sell this parcel to Darren and Rosha Cook, who intend to make this their primary residence. He stated that successfully obtaining the special exception for the single-wide manufactured home is a contingency of the sale.

Mr. Gill stated that this issue had been advertised and adjoining property owners notified as required by law and to date, there had been no response from the public.

Mr. Lee opened the public hearing.

There was no public input.

Mr. Lee closed the public hearing.

Mr. Palin made a motion to Approve the Application for Special Exception for Charlie H. Poindexter, Jr. to place a single-wide manufactured home on Tax Map #13-141B.

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

2. Amendments to the Zoning Ordinance: Article 11 – Sign Regulations, Article 12 – Non-Conforming Uses and Article 13 - General Provisions

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

Mr. Gill stated that the issue was proposed amendments to Articles 11, 12 and 13 of the Zoning Ordinance. He stated that one concurrent public hearing may be held for all three articles instead of three separate public hearings, but a separate vote is required for each article.

Mr. Gill stated that Chapter Seven of the Comprehensive Plan states that following the completion of the comprehensive plan update, the County will undertake a review of the zoning ordinances to identify any provisions that negatively impact desired development patterns. He stated that the zoning ordinance will be revised to encourage and support appropriate nonresidential growth, while protecting those resources, features and qualities that comprise the local rural character and quality of life. He stated that Articles 2 through 9 had already been amended and now the Planning Commission has forwarded proposed amendments to Articles 11, 12 and 13.

Mr. Gill stated that the Planning Commission held its public hearing on these proposed amendments at its August 17, 2017 meeting. He stated that all changes requested by the Planning Commission have been made and are highlighted on the drafts of each individual article. He stated that a detailed discussion of the proposed changes are in the minutes from the three prior Planning Commission meetings that were included in the Board packages. He stated that the changes that have been recommended for Article 11 were to add the R-4 Residential Community District to Section 11-4-3, which regulates signs in residential districts and to add a new Section 11-11 to regulate illuminated signs. He stated that illuminated signs have always been regulated under our Highway Corridor Overlay District, but that district only applies to Routes 3, 200 and 354. He stated that this added language is identical to the illuminated sign language in our Highway Corridor Overlay District and makes regulation of illuminated signs consistent on all roads countywide. He stated that the only change recommended for Article 12 is the addition of the word “aquaculture” in Section 12-1-3. He stated that the changes recommended for Article 13 are basically “housekeeping” issues in which language has been updated in Section 13-16 to reflect current language in the Code of Virginia.

Mr. Gill stated that advertising had been conducted as required by law and other than the discussion at the prior Planning Commission meetings, there had been no response from the public.

Mr. Lee opened the public hearing.

There was no public input.

Mr. Lee closed the public hearing.

Mr. Lee made a motion to Adopt Article 11-Sign Regulations of the Zoning Ordinance with amended changes.

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

Mr. Palin made a motion to Adopt Article 12-Non-Conforming Uses of the Zoning Ordinance with amended changes.

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 made a motion to Adopt Article 13-General Provisions of the Zoning Ordinance with amended changes.

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. Bellows to approve the Consensus Docket and recommendations as follows:

1. Minutes for August 22nd Special Meeting and August 31st Regular Meeting

Recommendation: Approve minutes as submitted

2. Emergency Medical Services – Appropriation of Grant Funds

Recommendation: Approve request as submitted

3. Resolution Recognizing National Fire Prevention Week

Recommendation: Approve resolution as submitted

FIRE PREVENTION WEEK

WHEREAS, each year since 1922, Fire Prevention Week is observed across the nation to remind people of fire dangers in homes and in their communities; and

WHEREAS, the importance of public education about simple fire prevention steps is vital in keeping everyone safer; and

WHEREAS, recognizing the efforts of all firefighters, fire service agencies, and other first responders aids in preventing and combating fire dangers; and

WHEREAS, home fire escape plans should be developed by all members of the household; and

WHEREAS, practicing a home fire escape plan twice a year ensures that everyone in the household knows what to do in a real fire situation; and

WHEREAS, the 2017 Fire Prevention Week theme, “Every Second Counts: Plan 2 Ways Out!” effectively serves to educate the public about the vital importance of developing a home fire escape plan with all members of the household and practicing it twice a year;

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors hereby designates the week of October 8 through 14, 2017, as “National Fire Prevention Week”; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors would like to thank Kilmarnock, White Stone and Upper Lancaster Volunteer Fire Departments for their service as first responders for Lancaster County.

4. Resolution Recognizing First Responders Day

Recommendation: Approve resolution as submitted

LANCASTER COUNTY FIRST RESPONDERS

WHEREAS, first responders risk their own safety in the performance of their duties; and

WHEREAS, first responders are our first and best defense against all emergencies that threaten our community; and

WHEREAS, first responders are highly trained, specialized workers who contribute their excellent skills for the public good; and

WHEREAS, first responders sacrifice much of their personal time with family and friends to ensure the safety of their community; and

WHEREAS, the Commonwealth of Virginia has recognized September 27, 2017 as **FIRST RESPONDERS DAY**;

NOW THEREFORE BE IT PROCLAIMED THAT THE Lancaster County Board of Supervisors in recognition of this **FIRST RESPONDERS DAY** does hereby thank Kilmarnock-Lancaster Volunteer Rescue Squad, Upper Lancaster Volunteer Rescue Squad, Kilmarnock Volunteer Fire Department, White Stone Volunteer Fire Department, Upper Lancaster Volunteer Fire Department, Lancaster Sheriff's Office, Lancaster Department of Emergency Services and other organizations in the public safety sector for their service and sacrifice to our community.

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 September 2017 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for September 2017 in the amount of \$271,176.86 and invoice listings for September 2017 in the amount of \$1,346,482.68*.

*Capital Improvements - \$79,871.72

*Loan Payments - \$805,887.63

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

2. Supplemental Appropriation for Circuit Court Clerk

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

Mr. Pleva stated that County Treasurer, Bonnie Dickson, had requested that the Board of Supervisors approve a supplemental appropriation for Diane Mumford, Circuit Court Clerk. He stated that Mrs. Mumford had been recognized in her career development program by the state compensation board. Her annual salary will be supplemented by \$9,002 effective August 1, 2017. He stated that no local funds were involved. He stated that for the remaining eleven months in the fiscal year, the amount would be \$8,252 and that is what should be appropriated to the Circuit Court Clerk's budget.

Mr. Lee made a motion to Approve the Supplemental Appropriation for the Circuit Court Clerk.

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

3. Proposed Revised EMS Fees and Resolution

Mr. Lee asked Chief McGregor to present the issue.

Chief McGregor stated that there was a proposal to adjust the EMS fees. He stated that, periodically, Medicare and Medicaid will adjust their maximum rates of reimbursement. He stated that the proposed fee structure allows them to bill at the maximum rate authorized by Medicare and Medicaid. He stated that neighboring localities have also made some changes. He stated that he believed the last increase for the County was in 2011.

Chief McGregor stated that the revised fees and associated resolutions include new charges, which are public assistance, patient refusal (when the call is initiated by the patient), treatment, no transport and an interfacility surcharge. He stated that no changes have been recommended to the fee waiver resolution which provides relief to those who cannot afford their ambulance bills.

Mr. Lee asked about Medicare payments.

Chief McGregor replied that Medicare and Medicaid will only pay for transportation to a hospital, unless there has been a preauthorization.

Mr. Beauchamp stated that there have been extensive discussions with other localities and they are in the process of changing their fees as well.

Mr. Pleva stated that, according to County code, Lancaster would adopt new fees by resolution and not by ordinance.

Mr. Lee asked if the proposed EMS agreement and the proposed EMS fees and resolutions intertwine in any way.

Chief McGregor replied that the only way they intertwine has to do with the mileage reimbursement to the rescue squads.

Mr. Palin asked why the fees resolutions had a July 1, 2017 effective date.

Chief McGregor apologized and stated that the date should be October 1, 2017.

Mr. Palin made a motion to Approve the Proposed Revised EMS Fees and Resolutions with the correction of October 1, 2017.

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

B. Wally Beauchamp Aye

4. Proposed EMS Agreement

Mr. Lee asked Chief McGregor to present the issue.

Chief McGregor stated that the EMS Agreement is an agreement between the County and the volunteer rescue squads. He stated that the agreement reflects the changes since 2005 and the current practices. He stated that the agreement covers the current staffing model for both the County and volunteer squads. He stated that all organizations will be working with the same policies and participating in the same training. He stated that the agreement transfers responsibility of providing disposable patient care equipment from the rescue squads to the County.

Chief McGregor stated that another addition to the agreement on page fourteen was that, should a squad dissolve, the tangible assets of the squad would become the property of the County.

Mr. Pleva asked if there had been discussion with both squads concerning the proposed agreement.

Chief McGregor replied yes and stated that the membership had approved the agreement pending their attorney's review. He stated that the County Attorney has also reviewed the document.

Mr. Beauchamp made a motion to Approve the Proposed EMS Agreement.

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

BOARD REPORTS

None.

COUNTY ADMINISTRATOR

None.

CLOSED SESSION

Motion was made by Mr. Lee 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 Matters, § 2.2-3711.A.1 and Real Property, § 2.2-3711.A.3 of the Code of Virginia, 1950, as amended. The subject and purpose falls within the following exemptions under § 2.2-3711.A.1 (candidates for employment or the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees) and § 2.2-3711.A.3 (acquisition of real property for a public purpose where public discussion would jeopardize the County’s bargaining or negotiating position.)

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. Beauchamp 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 September 28, 2017 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Personnel Matters, § 2.2-3711.A.1 and Real Property, § 2.2-3711.A.3 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 that 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.

The only formal action taken in the closed meeting was to promote Don G. Gill, Planning and Land Use Director to the position of Assistant County Administrator, effective October 1, 2017.

ADJOURNMENT

Motion was made by Mr. Bellows to adjourn.

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