

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, October 25, 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, Interim County Administrator and
Planning/Land Use Director
James Cornwell, Jr., County Attorney
Crystal Whay, Clerk to the Board and
Building/Land Use Assistant

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

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 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.1 (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 (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. Palin 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 October 25, 2018 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss 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. Palin called the question. A roll call vote was taken:

ROLL CALL

VOTE:	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.

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

PUBLIC INPUT

Gary Silverman, a District 1 citizen, stated that he had an issue with roaming dogs because his wife had an incident earlier in the week when she was riding her bike. He stated that the dogs were showing their teeth and she felt like she had to ride her bike very fast to get away from them. He stated that he wanted the incident documented and he was concerned about the practicality of enforcement when it came to roaming dogs. He stated that he understood there were only two full-time employees in the Animal Control Department and they have a lot to do for the entire County. He stated, however, it can be a serious issue, especially when people get bit by these dogs. He stated that he was not sure how it could be handled and asked about a leash law.

Mr. Larson stated that a leash law has never really been entertained by the County.

Mr. Gill stated that the Town of Kilmarnock has a leash law.

Dr. Westbrook stated that, in the Town of Irvington, your pet must be under your control.

Mr. Lee asked if the dogs Dr. Silverman was speaking about were wild.

Dr. Silverman replied no. He stated that they had collars and were owned by someone. He stated that he would like some options concerning this and he did not have the answer.

Mr. Bellows asked if the County had an ordinance regarding dangerous dogs.

Mr. Cornwell replied yes, there is a dangerous and vicious dogs ordinance and he had prosecuted a case in Lancaster County.

Mr. Larson stated that, at any given time, there is only one Animal Control officer on duty for the entire County. He stated that one thing that could be done is that the Animal Control officer could go to the address of the owner of the dogs, if an address is known, and give them a verbal warning.

Cassie Thompson, chair of the Lancaster County Broadband Authority, stated that October had been a busy month for the group. She stated that their Articles of Incorporation had been accepted and they are now working on their by-laws. She stated that one of the aspects of their by-laws was to do a monthly report to the Board of Supervisors. She read the following report: “The Authority is continuing to pursue discussions with the Center for Innovative Technology (CIT) about the timing and content of our access and utilization survey. Unfortunately, CIT is behind schedule in making their survey instrument available. The survey will be a key element in determining the most appropriate way to scope and schedule future broadband expansion projects. The Authority is focusing on budget concerns and in this regard is preparing to apply for a planning grant from the federally funded Community Development Block Grant program administered by the Virginia Department of Housing and Community Development. The Authority will also be approaching the Lancaster County Economic Development Authority for planning funds. The Community Development Block Grant application is due in January and the EDA request will be submitted in November. The Authority further evaluated the proposal from homeowners at Eagle Landing to apply for a grant from the Virginia Technology Initiative to underwrite eighty percent of the construction costs for Atlantic Broadband to install its cable and bring service to their homes. Eagle Landing homeowners initially proposed a project to serve twenty-six homes in their development and another twenty-eight on the route for a total of fifty-four homes. The Authority felt that the project was too small to warrant serious consideration by the Virginia Technology Initiative funding. Accordingly, they recommended expanding the project to reach one hundred, ninety-nine homes. Eagle Landing HOA was in favor of the larger project, but Atlantic Broadband declined to participate citing a lack of resources. Without Atlantic Broadband’s participation, the project cannot proceed and will be shelved.”

Mr. Lee asked if Atlantic Broadband had specified the resources that they lacked.

Ms. Thompson replied no. She stated that the wording was that they neither had the budget or the resources for the proposed project.

Ms. Thompson continued with her report, “ Finally, prior to the formation of the Authority, the Board of Supervisors had requested the informal Broadband Advisory Group to provide a briefing on issues surrounding the renewal of the County’s cable television franchise. The Authority continues to pursue the information necessary to properly advise the Board of Supervisors. They are in touch with Fran Bradley of Atlantic Broadband to obtain mapping and rate information and they are in the process of

obtaining information from the Towns of Kilmarnock, Irvington and White Stone concerning their respective contracts or agreements with Atlantic Broadband. When they have the necessary information, they will schedule individual meetings with each of the Supervisors to prepare them for a meeting with Atlantic Broadband.” She stated that if any of the Board members hear from Atlantic Broadband, she would like for them to be directed to the Broadband Authority.

Dr. Westbrook stated that Mr. Gill had provided the Board members with the documentation concerning the past agreements. He also stated that, while the Broadband Authority could meet with individual Supervisors, they could also meet with two Supervisors at a time and it would not be considered a public meeting.

Ms. Thompson stated that whatever schedule would suit the Supervisors was fine and that her group would be in contact considering their recommendations and how to proceed.

Mr. Bellows asked if the Broadband Authority would be coming every month with a report.

Ms. Thompson replied yes.

Mr. Bellows stated to Chairman Lee that he would request that the Broadband Authority’s report be placed on the agenda as an item, outside of the public input period.

Mr. Lee suggested having them under the presentations heading.

PRESENTATIONS

None.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Lee stated that the representatives from VDOT could not attend tonight’s meeting. He stated that Robert Harper had called him and Mr. Gill to give an update. He stated that VDOT is still working twelve-hour shifts and cleaning up after Tropical Storm Michael. He stated that all of the County roads are back open including Route 3 and School Street with permanent fixes. He stated that all mowing should be finished by November 1st.

PUBLIC HEARINGS

1. Application for Special Exception – Arthur A. Fisher

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

Mr. Gill stated that the issue was an application for special exception by Arthur A. Fisher to place a single-wide individual manufactured home on a 0.571-acre parcel described as Tax Map #34G-1-9. He stated that this property was zoned R-1, Residential General and was located off Turner Lane off Ocran Road in District 4.

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. He stated that the property had approved septic and well sites permitted with the Virginia Department of Health under HDID #151-80-0034. He stated that all front, rear and side setbacks can be met and similar types of homes exist in this neighborhood. He 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. He stated that Mr. Fisher was present to answer any questions.

Mr. Lee opened the public hearing.

There was no public comment.

Mr. Lee closed the public hearing.

Mr. Lee made a motion to Approve the Application for Special Exception for an Individual Manufactured Home for Arthur A. Fisher on Tax Map #34G-1-9.

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

2. Proposed Precious Metals Dealers Ordinance

Mr. Gill stated that the issue was to take public comment on a proposed replacement precious metals dealers ordinance. He stated that the County already has a Precious Metals Dealers Ordinance in the Lancaster County Code of Ordinances Section 18-26 through 18-34, which was included in the Board members' packages. He stated that Detective Steve Sorensen first proposed revising/replacing that ordinance at the July 28, 2016 Board of Supervisors' meeting. He stated that additional discussion was held at the October 27, 2016 Board of Supervisors' meeting and it was decided that a public hearing could be scheduled in December 2016, but that never occurred.

Mr. Gill stated that Detective Sorensen asked that this issue be discussed again since he believes it is needed and will greatly aid law enforcement in checking for and recovering stolen merchandise. He stated that County Attorney, Jim Cornwell, drafted the ordinance and the Board of Supervisors considered it at last month's meeting and decided to hold the public hearing to adopt it this month.

Mr. Gill stated that the issue had been advertised as required by law and to date, there had been no response from the public. He stated that he knew that Detective Sorensen was concerned about the \$200 permit fee that was suggested in the draft ordinance. He stated that fee could be reduced if the Board wished and wanted to remind the members that it was an annual fee.

Mr. Cornwell stated that the proposed ordinance was in line with the Code of Virginia. He stated that, one of the things that he did not quite understand, was that the ordinance contained a coin definition, but towards the end of the document, it states that coin dealers are exempt from the requirements of the ordinance. He stated that he did not write the language in the Code of Virginia, but it should be used in the ordinance.

Dr. Westbrook asked Mr. Cornwell what page he was referring to.

Mr. Cornwell replied page six.

Mr. Lee stated that he questioned the annual permit fee of \$200.

Mr. Larson asked if that proposed fee was reasonable and in line with other localities.

Mr. Cornwell replied that he could not answer that and asked Detective Sorensen.

Detective Sorensen stated that he had seen a \$25 fee. He stated that, in his opinion, a \$200 fee that had to be paid annually seemed high.

Mr. Cornwell stated that he was trying to cover the costs associated with the ordinance because the Sheriff's Department is going to have responsibilities related to it. He stated that the Board can set the fee lower if they want, but they cannot make it higher, because it had been advertised at \$200.

Mr. Larson asked how many people would be taking out these permits.

Detective Sorensen replied that it was hard to know because at the present time, there is no business in the County subject to this ordinance. He stated that all the businesses are located in the Town of Kilmarnock. He stated that it was his hope that once the ordinance is adopted at the County level, Kilmarnock, White Stone and Irvington would follow suit.

Mr. Larson asked if these added responsibilities of the Sheriff's Department could be handled with the existing workforce.

Detective Sorensen replied yes.

Mr. Bellows asked if the towns had any sort of ordinance relating to this issue.

Detective Sorensen replied that he was not sure.

Mr. Bellows stated that it costs teachers \$50 to go through the background check, so his suggestion would be for this permit to have a \$50 fee.

Dr. Westbrook stated that he thought they should keep the fee at \$200 and see if they get any resistance and amend it later if needed. He stated that he did not foresee any problems because the fee is basically the cost of doing business. He stated that he thought the fee was reasonable.

Detective Sorensen stated that he thought the \$200 fee would be fine.

Mr. Larson stated that he supported the \$200 fee.

Mr. Lee stated that adjustments could be made later if it is deemed necessary. He stated that there were no businesses that the fee would apply to in the County at the present time.

Mr. Palin stated that was his opinion, as well.

Mr. Bellows stated that he did not have a strong opinion either way, so that was fine with him.

Dr. Westbrook made a motion to Adopt the Precious Metals Dealers Ordinance.

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

CONSENSUS DOCKET

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

1. Minutes for September 27th Regular Meeting

Recommendation: Approve minutes as submitted

2. Permit Fee Waiver for Repair of Damage Caused by Tropical Storm Michael

FEE WAIVER POLICY

FOR COUNTY PERMITS ISSUED FOR

**REPAIR OF DAMAGE CAUSED BY TROPICAL STORM
MICHAEL ON OCTOBER 11-12, 2018**

The County of Lancaster's (hereinafter, "county") code enforcement offices/staff shall implement the following policy pertaining to the waiver of county permit fees for demolition, repair and/or other construction activities that directly and solely address damage caused by Tropical Storm Michael on October 11-12, 2018 (hereinafter, "storm event"):

- (1.) Waive all county building, demolition, zoning, wetlands and any other county-imposed permit fees for demolition, repair and/or other construction activities that directly and solely address damage caused by the storm event.
- (2.) Fees shall not be waived for county permits that include in part or in whole demolition, repairs, expansions, additions and/or construction activities pertaining to non-storm event-related (caused) damage. A separate county permit must be obtained for non-storm event-related (caused) demolition, repair and/or other construction activities to be eligible for the waiver of fees for county permits that pertain solely to storm event-related (caused) damage.
- (3.) Fee waivers shall apply to eligible county permit applications received by the appropriate county code enforcement office for a six (6)-month period, which shall commence at the start of business on Monday, October 15, 2018 and shall expire at the end of business on Monday, April 15, 2019.
- (4.) This fee waiver policy shall not apply to any fees or charges for permits or other regulatory approvals that are imposed/assessed by any department or agency of any other political subdivision of the Commonwealth of Virginia, the Commonwealth of Virginia or the United States of America.

Recommendation: Approve waiver 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 October 2018 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for October 2018 in the amount of \$274,895.01 and invoice listings for October 2018 in the amount of \$572,315.19*.

*Capital Improvements - \$68,338.73

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

2. Consideration of Purchasing a Replacement Forklift for Refuse Disposal

Mr. Lee asked Donald Brown, Refuse Disposal Department Supervisor, to present the issue.

Mr. Brown stated that recently their approximately 20-year old Toyota forklift, that is located at the Kilmarnock Convenience Center, broke down. He stated that estimated repair costs exceed the value of that forklift.

Mr. Brown stated that the Refuse Disposal Department uses a forklift on a daily basis at the Kilmarnock collection site to move the recyclable cardboard bales

from the baler and then stack them for pickup by semi trucks from the recycling company. He stated that, without the forklift, his department would not be able to successfully process and bale cardboard, which generates revenue back to the County. He stated that the total cardboard sales from FY 16 to date is \$32,763.35. He stated that the forklift is also used to move heavy appliances that are brought in by citizens and for repositioning the waste and recyclable containers on site. He stated that the repair quote from Gregory Poole Equipment was \$17,338.80 and that company had serviced the forklift in the past. He stated that the County has been renting a forklift, at \$1068 per month, while the repair diagnosis and estimate was ongoing and obviously, it will cost more to fix the old machine than it is worth.

Mr. Brown stated he had obtained three bids for a replacement forklift-1) a reconditioned Yale forklift from Northern Tool and Equipment, which is twenty years old and has a 30-day warranty for \$11,999, 2) a used Caterpillar forklift from Gregory Poole Equipment for \$15,100, with a 30-day warranty, which is the machine that is currently being rented and 3) a new Yale forklift from Gregory Poole Equipment, with a 12-month, 2000 hour manufacturer's warranty with a 36-month, 6000 hour power train warranty for \$26,551.08. He stated that he recommended the purchase of the new Yale forklift because it would be more reliable and longer lasting than the used models.

Mr. Lee asked where the cardboard sales figure was listed in the budget.

Mr. Gill replied that the cardboard sales were listed in the General Fund, account #16080-0005 under recycling. He stated that there is budgeted revenue of \$14,000 for it in FY 19 and currently we have received \$1148, but also received a \$3100 check today, so that brings the total to approximately \$4248 received so far.

Mr. Lee stated that it did not seem like they were getting good deals on the used models.

Mr. Bellows stated that he did not think they should purchase one that had been rented because they didn't know if those machines had been abused.

Dr. Westbrook asked what would happen to the forklift that was broken down.

Mr. Brown replied that the company only wanted to give the County \$300 for the broken forklift, so his plan was to shop around and sell it in the scrap metal market.

Mr. Lee made a motion to Approve the Purchase of a New Forklift for the price of \$26,551.08.

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

Jack D. Larson	Aye
Ernest W. Palin, Jr.	Aye
Robert S. Westbrook	Aye

BOARD REPORTS

Mr. Larson made a motion to reappoint Alice Coates to the Middle Peninsula/Northern Neck Community Services Board for another three-year term.

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

Dr. Westbrook made a motion to reappoint Bruce Sanders to the Lancaster County Economic Development Authority for a four-year term.

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

Dr. Westbrook made a motion to reappoint Jeff Szyperski to the Lancaster County Economic Development Authority for a four-year term.

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

Robert S. Westbrook Aye

Dr. Westbrook made a motion to appoint Frank Tetrick to the Middle Peninsula Detention Commission – Merrimac Center for a four-year term.

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 stated that he wanted to remind the Board that their regular meeting in November will be held earlier than usual on November 15th because of the Thanksgiving holiday as was voted on during the Organizational Meeting last January.

Mr. Gill stated that the doodle poll that was sent out concerning the Emergency Medical Services work session established the date of Thursday, November 1st at 6:00 p.m. as the date that everyone could attend. He stated that he would like the Board to adjourn tonight’s meeting to that date and time.

ADJOURNMENT

Motion was made by Mr. Bellows to adjourn the meeting to Thursday, November 1st at 6:00 p.m.

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