

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room and via conference call through the Zoom platform on Thursday, December 10, 2020.

Members Present: Jason D. Bellows, Chair

Ernest W. Palin, Jr., Vice Chair

Jack D. Larson, Board Member

William R. Lee, Board Member

Robert S. Westbrook, Board Member

Staff Present: Don G. Gill, County Administrator

James Cornwell, County Attorney

Brian D. Barnes, Planning/Land Use Director and Environmental Codes Compliance Officer

Glenn Rowe, Information Technology Director

Crystal Whay, Clerk to the Board and Building/Land Use Assistant

Mr. Bellows called the meeting to order at 6:00 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, Legal Matters, §2.2-3711.A.8 and Contract Negotiation, §2.2-3711.A.29 of the Code of Virginia, 1950, as amended. The subject and purpose falls within the following exemption(s) under §2.2-3711.A.1 (candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees), §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) and §2.2-3711.A.29 (for the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.)

VOTE: Jason D. Bellows Aye

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

**RECONVENE**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on December 10, 2020 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Personnel, §2.2-3711.A.1, Legal Matters, §2.2-3711.A.8 and Contract Negotiation, §2.2-3711.A.29 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**

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

Robert S. Westbrook                      Aye

This certification resolution is adopted.

No action taken on closed meeting matters.

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

**PLEDGE OF ALLEGIANCE**

Chairman Bellows led everyone in the Pledge of Allegiance.

Mr. Bellows stated that he would like to have a moment of silence for Mr. Carl Smith, who passed away tragically a couple of weeks ago in a plane accident. He stated that Mr. Smith did a lot for the County in helping to stop Dominion Energy from building the towers over the Rappahannock River.

**PUBLIC INPUT**

Dan Russell, the School Superintendent for Lancaster Public Schools, stated that he wanted to give the Board of Supervisors an update on school projects. He referred to the Annex Building and stated that the maintenance staff has started the inside demolition work and they hoped to have the drawings from Guernsey-Tingle sometime after the break. He stated that, after that, they would seek construction bids for that project. He stated that he and the School Board attorney hope to wrap up the contract with the firm, VMDO, on Monday for the middle school renovations.

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

David Beale, the Resident Engineer for the Northern Neck, stated that they are continuing routine maintenance and drainage work. He stated that they are also working on updating the Secondary Six Year Plan for the spring.

Dr. Westbrook referred to the Smart Scale project proposed for the Town of Kilmarnock and stated that the VDOT report states that the project will have a Summer 2027 advertisement. He asked how long was the advertisement period.

Mr. Beale replied that, if the project is advertised in the summer, they would be going to construction in the fall.

Mr. Gill stated that, in June, the County submitted two Smart Scale applications for the next round for improvements at Route 3 and Route 604-Regina Road and at Route 3 and Route 605-Pinckardsville Road. He stated that the Regina Road request was screened out, but the Pinckardsville Road request is still in the running.

Mr. Beale stated that the Pinckardsville Road request has been screened in for needing more safety improvements because of the significant number of crashes at that intersection. He stated that proposed project is moving forward to be screened to compete for funding. He stated that they should know after the first of the year if the project will be funded.

## **PRESENTATIONS**

### **1. Broadband Authority Update**

Michele Craddock, a member of the Broadband Authority, stated that she was present to update the Board of Supervisors on the authority's activities. She stated that one bidder responded to the advertisement for the CARES Act project and Broadband Telecom Systems of Hampton Roads was awarded the contract. She stated that the equipment is currently on order and it should be installed by the end of the month. She stated that, as approved by the Board at its October meeting, a wireless broadcast array will be mounted on the privately-owned tower located on County land behind the Sheriff's Office.

Mrs. Craddock stated that the Broadband Authority has determined that it is not feasible to pursue the Community Connect grant because of the constraints of the grant overall and the limited amount of funds throughout the United States.

Mrs. Craddock stated that they have received a response from the USDA RUS Grant about the ReConnect grant application in what they call a second chance letter. She stated that they have been asked additional questions and plan on getting their responses back in a timely manner.

Mrs. Craddock stated that the Broadband Authority continues to monitor the status of the VATI Grant and any impact that the RUS Grant may have on it.

Mrs. Craddock stated that the Broadband Authority would like to acknowledge the exceptional service of Margie Armen. She stated that Mrs. Armen was one of the founding members and served as the Secretary and has worked very hard for the Broadband Authority. She stated that Mrs. Armen's term expires at the end of this month and her position will be filled by Cherie Kiser.

Mr. Lee referred to the RUS Grant and the modified service areas and asked for more clarification.

Mrs. Craddock replied that the USDA RUS wants the Broadband Authority to go back and identify areas that may overlap with the Rural Digital Opportunity Fund (RDOF).

Mr. Gill stated that the federal government held an auction for census blocks that would be covered under RDOF. He stated that several census blocks in Lancaster County overlap areas that the RUS ReConnect Grant was going to serve. He stated that they cannot have a duplication of federal funds in the same area, so USDA has asked us to go back and remove areas within our application that would now be covered under the RDOF auction. He stated that this was what the

Broadband Authority was in the process of doing now. He stated that there were also some issues with the financial statement that had been submitted, so those revisions are on-going. He stated that the goal is to submit the revised RUS Grant application as soon as possible and hopefully get awarded some amount.

Mr. Lee stated that it sounded like the bottom line was that, if the County receives something, it will cover fewer residents.

Mr. Gill stated that was correct.

Dr. Westbrook referred to the Community Connect Grant and asked if that was an annual application.

Cassie Thompson, a Broadband Authority member, stated that grant was new this year and she didn't know if it would be an annual grant.

Dr. Westbrook suggested that the Broadband Authority talk to the members of the Business Relations Advisory Committee about a possible collaboration in creating a business hub.

Mrs. Thompson stated that she would speak to Jimmie Carter about that.

## 2. FY 20 Audit – Robinson, Farmer, Cox Associates

Paul Lee of Robinson, Farmer, Cox Associates stated that he was in attendance to present the FY 20 audit for Lancaster County. He stated that, as in past years, the County ended up with an unmodified opinion on its financial statements and there were no internal control or material weaknesses. He stated that there were no reportable conditions that needed to be addressed. He stated that they had no federal compliance items either and these were all good things.

Mr. Lee referred to the fund balance and stated that the general fund ended up with approximately \$4.8 million dollars, which is about fifteen percent of the County's total budget. He stated that he would point out that the growth had nothing to do with the CARES Act funds because most of those funds were deferred on the financial statements where they were shown as a liability rather than revenue. He stated that he would anticipate that when the audit is done for FY 21, a federal compliance audit would be done for the CARES Act funds that have been received by the County.

Mr. Lee stated that one of the things that his firm has seen in all of the localities that they serve this year is that the sales tax money has increased and that was the case in Lancaster County as well. He stated that the tax collection percentage has remained high at 98.8 percent as well. He stated that, overall, it was a good audit and he would commend the staff for their assistance.

Mr. Bellows asked, in regards to the COVID crisis, if Mr. Lee had any idea how it would affect the County financially going forward.

Mr. Lee replied that he would have thought that the County might have seen a decrease in tax revenue, but he had not seen that. He stated that he thought that was good news.

Dr. Westbrook asked Mr. Lee why did he think the County had an increase in its reserve fund.

Mr. Lee replied that, this year, there was a new reassessment, so he thought that would be the primary thing to consider.

Mr. Larson stated that another consideration was that he did not think any single department over expended its budget this year and that was probably a first. He stated that all of the departments needed to continue to operate that way.

Mr. Bellows made a motion to accept the FY 20 audit from Robinson, Farmer, Cox Associates.

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

## **PUBLIC HEARINGS**

### 1. Application for Special Exception – Jason P. Oliveira

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

Mr. Barnes stated that this special exception request was for a home-based professional office located on Rocky Neck Road on a 25-acre parcel that is zoned R-1 and is described as Tax Map #19-83B in District 1. He stated that this parcel is currently being used as a farm field. He stated that this special exception is found in the County’s zoning ordinance, under article 5-1-19. He stated that a professional office is defined in the County’s zoning ordinance and may consist of only one unit with a maximum of four workers. He read the following: *“The office, studio, or occupational room, whether located in a residence or in a building separate from a residence, of a doctor, architect, artist, musician, lawyer or similar professional person. This includes persons who are required to obtain professional certification or provide a professional service, excepting any mortuary. Related goods may be offered for sale only as a secondary function of the business.*

Mr. Barnes stated that the request has some opposition and he had provided the Board of Supervisors with the emails from citizens who have expressed opposition. He stated that there was also an email that was in favor of the request. He stated that, since no homes or buildings were currently located on the parcel, he thought people were naturally concerned since they could not see what it would look like. He stated that, with a special exception, conditions may be imposed by the Board of Supervisors and generally include things like hours and days of operations, screening and parking area limitations.

Mr. Barnes stated that this special exception request has been advertised as required and the applicant is present.

Mr. Cornwell asked Mr. Barnes if the applicant owned the parcel.

Mr. Barnes replied that Mr. Oliveira was the contract purchaser. He stated that Mr. Oliveira would like to have this answer before he follows through with his purchase.

Mr. Barnes stated that several of the concerns he has heard revolves around the size of the parcel, which, in his opinion, could be a benefit. He stated that Mr. Oliveira would also be using a separate driveway and not be using the existing Sunset Shores Subdivision driveway.

Mr. Bellows opened the public hearing.

Jason Oliveira, the applicant, stated that he was currently under contract to purchase the land. He stated that the people that would be living on the parcel would include him, his wife, his mother and father and his sister and brother-in-law. He stated that their goal was to subdivide the parcel into three lots. He stated that he would situate his house away from Leland Road on the bottom right of the parcel with a driveway coming from Rocky Neck Road. He stated that this would keep his business away from Leland Road.

Mr. Oliveira stated that he was a registered dietician and he does nutrition counseling. He stated that, since the COVID crisis, almost one hundred percent of his counseling is done through telehealth. He stated that he schedules one client per hour and, in reality, he probably would not see more than 2 clients per day in person, with the rest being seen through the telehealth process. He stated that he was also a certified personal trainer and his dream is to have a personal training studio as well. He stated that he would be the only person working there.

Mr. Palin asked what the personal training facility would look like.

Mr. Oliveira replied that his goal was to have a garage attached to his house that would have his office along with space for such things as weights, treadmills and other equipment.

Mr. Palin asked if, once this was built and he was a person that was not aware of what was going on there, would he know that there was a personal training business there just by driving by.

Mr. Oliveira replied that he planned on having a sign to advertise his services.

Mr. Palin asked if, other than a sign, would the parcel look like a residence.

Mr. Oliveira replied that was correct.

Mr. Cornwell asked Mr. Oliveira what road he had said he would not be on.

Mr. Oliveira replied Leland Road. He stated that was the road that the existing development uses.

Mr. Cornwell asked if Mr. Oliveira would be the only person working there.

Mr. Oliveira replied yes.

Mr. Cornwell asked if the house that Mr. Oliveira intends to build will, for all intents and purposes, look like a residence.

Mr. Oliveira replied yes.

Mr. Lee stated that he knew that Mr. Oliveira had heard about the County's broadband concerns and asked him if he had checked into broadband coverage for the area in which he intends to build.

Mr. Oliveira replied that he knew that one of the neighbors was using something similar to a hot spot and he knew that, over time, he would have service.

Mr. Lee asked what was Mr. Oliveira's time frame.

Mr. Oliveira replied that they were scheduled, if everything works out, to close on the parcel in February. He stated that, after that, they would find a builder and hoped to have his house built in two years.

Mr. Palin stated that he had seen a concern about parking and asked Mr. Oliveira what his plan was for parking.

Mr. Oliveira replied that his plan was to create two or three parking spaces in front of the business. He stated that he was only planning on seeing one client at a time.

Dr. Westbrook stated that there were empty and available commercial spaces located in the County. He asked Mr. Oliveira, if his request was not granted, would he consider one of those locations.

Mr. Oliveira replied probably not because this venture between him and his family included being in their forever homes and part of that venture for him was to have his home-based business there as well.



Robin Newberry, an adjacent property owner, called in and stated that she bought her property because this area was advertised as a residential gated community. She stated that she did not understand why someone would want a business in this area. She stated that all businesses have to grow to stay viable and there is a possibility that Mr. Oliveira could expand and hire up to four employees. She stated that she has learned not to take people at their word because plans change. She stated that she was very upset with the prospect of having a business right next to her property and she adamantly opposes the request.

Chad Thomas called in and stated that he had just purchased a lot in this area and if the proposed development has a large footprint, then he would be adamantly opposed to the request. He stated that the uncertainty of it was making him nervous and he needed more information. He stated that he does not know of any other commercial businesses in this area.

Dan, who was the brother-in-law to the applicant, called in and stated that their home would be situated on lot one and the home-based business that Mr. Oliveira is considering would not be near any other neighbors.

Mr. Bellows closed the public hearing.

Mr. Larson stated that he had the opportunity to talk to Mr. Oliveira a couple of times, but, unfortunately, he has not had the opportunity, nor have any of the other Board members, to look over the emails that have come in the last two days. He stated that, when he briefly reviewed them before the meeting, he saw that almost every one of the emails referenced that this would be commercial. He stated that was not in fact the case. He stated that, if it was truly commercial and not what the applicant is asking for, then the parcel would have to be commercially zoned. He stated that there have also been concerns about having multiple homes on the parcel and the applicant could not proceed with that until he had a subdivision done.

Mr. Larson stated that he had been and still is favorably inclined to this request, but he did not feel that he had adequate time to digest the comments being made. He stated that he hoped that by explaining and educating, he could convince some of the citizens to support the request.

Mr. Larson made a motion that, because they have held the public hearing tonight, that they continue the request until next month's meeting and have this item listed under the consideration docket.

Dr. Westbrook asked if it was appropriate for the Board to see more detail about what the applicant is planning to do and he could share that information with his neighbors also.

Mr. Larson stated that Mr. Oliveira has made efforts to talk to his neighbors and he thought the more information that Mr. Oliveira could provide, the better. He stated that one of the objectives, if the request should be approved, is that he did not want Mr. Oliveira to come into a hostile environment when they can do something to keep that from happening. He stated that he envisioned working with Mr. Barnes and the applicant to come up with some conditions for the request.

Mr. Lee stated that one of the members of the public referred to the community in this area as being a gated community. He asked if the community was gated.

Mr. Barnes replied that he had not seen a gate there. He stated that this special exception request is for the 25-acre parcel only and not for any of the lots located in the Sunset Shores community.

Mr. Bellows called the question concerning Mr. Larson's motion.

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

Mr. Cornwell stated that he would write some proposed conditions for the request and email them to the Board of Supervisors and Mr. Barnes.

2. Consideration of Joining a Proposed Northern Neck Regional Industrial Facility Authority

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

Mr. Gill stated that, at last month's meeting, Jerry Davis, the Executive Director for the Northern Neck Planning District Commission, presented this proposal to create the Northern Neck Regional Industrial Facility Authority. He stated that the authority would be composed of the four Northern Neck counties, as well as King George. He stated that the agreement and by-laws that were provided in the Board members' books have already been approved by Richmond, Westmoreland and Northumberland counties. He stated that it was his understanding that King George would be holding a public hearing on the matter this month and was expected to join.

Mr. Gill stated that, at last month's meeting, the Board of Supervisors had several questions related to getting out of the agreement and also being held responsible for expenses for buildings that would be of no benefit to Lancaster County. He stated that Mr. Lee had asked that the Business Relations Advisory Committee review this proposal and provide comment concerning it. He stated that the committee has done that and forwarded those comments to the Board of Supervisors. He stated that Susan Cockrell, the Kilmarnock Town Manager and also on the Business Relations Advisory Committee, is joining the meeting via Zoom and can give further comment. He stated that Jim Cornwell, the County Attorney, was very familiar with the proposed agreement and he could answer any of the Board's questions as well.

Mr. Bellows opened the public hearing.

Susan Cockrell stated that she was there on behalf of the Business Relations Advisory Committee. She stated that the agreement that other counties have adopted has wonderful potential and has worked in other areas of the state. She stated that, because of the configuration of the Northern Neck itself, the committee feels like Lancaster County might not come in on the strong end with this agreement. She stated that there was also a financial requirement that was on-going as well. She stated that the recommendation from the Business Relations Advisory Committee is that this agreement would not be something to pursue at this time.

Mr. Bellows closed the public hearing.

Mr. Bellows made a motion to accept the recommendation from the Business Relations Advisory Committee and for Lancaster County not to join the Northern Neck Regional Industrial Facility Authority.

Mr. Larson stated that he was opposed to joining this authority and his comments that were expressed in the minutes from the last meeting captured what he thought and his opinion had not changed. He stated that they have the Chamber of Commerce, the Economic Development Authority, the Business Relations Advisory Committee, the Planning District Commission and other entities that already work on these issues and he thought they could do a lot more working with the existing groups.

Dr. Westbrook stated that he was also opposed to joining the Northern Neck Regional Industrial Facility Authority.

Mr. Bellows called the question on his motion.

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

### **CONSENSUS DOCKET**

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

1. Minutes for the November 19, 2020 Regular Meeting

Recommendation: Approve minutes as submitted

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Award of Contract for CARES Act Renovation to the Board Meeting Room

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

Mr. Gill stated that they have had discussions about renovating the meeting room to be more in compliance with COVID requirements and to also have cameras for live streaming the meetings. He stated that part of those renovations will be to reconfigure the dais to allow all five Board members to sit there while still being socially distanced. He stated that the Building Official received bids from three contractors and the lowest bidder was Connemara Corporation at \$40,940. He recommended that the Board award the contract for the renovations of the meeting room to Connemara. He stated that, if the contract is awarded, the meeting room will start to be demolished tomorrow.

Mr. Lee made a motion to award the contract for CARES Act renovations to the Board's meeting room to Connemara Corporation.

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

2. Award of Contract for CARES Act Wireless Broadband Project on Cell Tower Behind the Sheriff's Office

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

Mr. Gill stated that the Board of Supervisors approved the wireless broadband project on the cell tower behind the Sheriff's Office at its October 29, 2020 meeting. He stated that bids were solicited and there was one respondent, Broadband Telecom. He stated that the contract was for \$296,661. He asked that the Board award the contract to Broadband Telecom in that amount.

Mr. Gill stated that there was one change to the contract which was under the scope of work section. He stated that the fixed amount of "\$10 per customer" will be changed to "25 percent per customer" that will be paid back to the County. He stated that there is also the antenna site agreement for the tower behind the Sheriff's Office tied into this project. He stated that, at last month's meeting, the Board authorized him to execute that agreement with three-year terms. He stated that, at last month's meeting, the siting agreement with SBA was stated to cost \$1400 per month, which would have been a wash with the revenue that the County receives from SBA, since the County owns the land that the tower sits on along with the real estate taxes that the County receives from them. He stated that the contractor determined that, to guarantee the 25/3 speed at the five-mile perimeter radius around the tower, they would have to beef up their equipment by putting a second emitter on each arm on the tower array. He stated that, because of the additional equipment, the amount that SBA will now be charging is \$1650 per month. He stated that the aforementioned charge to Broadband Telecom's contract from "\$10 per customer" to "25 percent per customer" will generate sufficient revenue to more than offset SBA's increase in its monthly fee. He asked that the Board award the contract to Broadband Telecom in the amount of \$296,661 and approve the revised antenna siting agreement.

Mr. Bellows made a motion to award the contract for the CARES Act wireless broadband project on the cell tower behind the Sheriff's Office and the approve the revised antenna siting agreement.

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

3. The Northern Neck Orchestra CARES Act Funding Request

Mr. Bellows asked if any of the Board members had questions or concerns about this request.

Mr. Larson stated that he would like to address the costs for professional musicians. He stated that one of his concerns is that this is an after the fact request. He stated that he understood that some musical performances were canceled, but wondered if there were some offsets. He stated that they needed to keep in mind that the CARES Act funds are tax payer dollars even if they are not coming out of the general fund.

Ammon Dunton, Jr, the Chairman of the Board of the Northern Neck Orchestra, stated that the Northern Neck Orchestra hopes to provide cultural vibrancy to the community. He stated that they were unable to hold their usual concerts because of the COVID-19 crisis. He stated that they had decided to hold a couple of concerts, with stringed instruments only, for small groups of people in an effort to keep alive some cultural activity. He stated that, at these concerts, they used only professional musicians in an effort to reduce the number of rehearsals needed. He stated the cost for those musicians was \$125 per session and included a conductor.

Mr. Dunton referred to the offsets question and stated that, in his letter, he had included the amount of \$3,600, which represents the money pre-paid by ticketholders. He stated that these concerts were provided to people who had pre-paid for season tickets. He stated that the amount of money that they were requesting also includes five music lectures.

Mr. Bellows made a motion to approve the Northern Neck Orchestra CARES Act funding request of \$10,329.

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

VOTE: 4-1 (Motion carried.)

#### 4. The Youth Club of Lancaster County CARES Act Funding Request

Mr. Bellows asked the other Board members if they had any questions or concerns about this request.

There was no response.

Mr. Bellows made a motion to approve the Youth Club of Lancaster County CARES Act funding request of \$15,000.

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

5. CARES Act Funding Request for Tutoring/Educational Daycare for Children of Local Government Employees

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

Mr. Gill stated that the Town of Kilmarnock used some of its CARES Act funds to provide the service of offering tutoring for the children of local government employees at the library. He stated that the Kilmarnock Town Manager, Susan Cockrell, has advised him that they will not have enough CARES Act money to continue the program for the second semester and has asked the County if it will pay for the service with its CARES Act funds. He stated that Mrs. Cockrell has found out that enrollment will drop for the second semester, so they will only need one tutor and the cost will be \$15,200.

Mr. Lee asked how many children were enrolled in the program.

Mr. Barnes replied that his two children are enrolled and several of the town employees' children use the service. He stated that people may think that Lancaster County is going to move to a hybrid schedule in the spring semester, but he wouldn't count on it. He stated that may be why they think the enrollment will drop.

Mr. Lee stated that he would like to ask Mrs. Cockrell about the enrollment numbers.

Mrs. Cockrell, who was joining the meeting through the Zoom platform, stated that they had eight children during the first semester and employed two tutors. She stated that there was a lot of uncertainty with the school situation and there may be more employees who take advantage of the program for the second semester, when they did not in the first semester. She stated that, at the present time, only two children of town employees are enrolled.

Dr. Westbrook asked if that meant there were two town children and two County children enrolled.

Mrs. Cockrell replied that was her understanding.

Mr. Larson asked if there was any effort made to identify other entities, such as the Boys and Girls Club, that may have been providing the same type of service and would have been able to accommodate these students. He stated that CARES Act funds are intended for all persons and asked why was the determination made that this service would be provided for only the children of government employees. He stated that this was the first time that he had known about this service and he would hope that, if this service was open to County employees, that the Board would have known about it.

Mr. Gill stated that Mrs. Cockrell had sent him an email that asked if there were any County employees that were interested in having their children attend these tutoring sessions. He stated that the question was asked of the employees in-house. He stated that he forgot to copy the Board on that email and he apologized for that.

Mrs. Cockrell referred to Mr. Larson's question about identifying other options and stated that her office contacted the YMCA and they had no spaces for their kids. She stated that her office was in a situation where there were public employees making the hard choice between not being able to work and how to address the school situation. She stated that there were no other available options for those kids, so they made the conscious decision that to be able to operate their own operations, they had to provide this support that they could not find elsewhere. She stated that she reached out to Mr. Gill about the plan to ask if his staff had any needs that could be supported with this service.

Dr. Westbrook stated that he believed that in-person instruction was far superior to online instruction. He stated that if he was a parent of school aged children and an employee of the County and his choice was to either take his children to work with him or have the opportunity for his children to learn from a tutor, there would be no question in his mind that he would choose the tutor.

Dr. Westbrook asked, if the price was \$21,600 for two tutors, why isn't the amount that is being requested half that amount for one tutor.

Mrs. Cockrell stated that there was a fee for the library for the use of space there and the tutors are not identical in their skill set and experience, so they were not paid identically.

Dr. Westbrook referred to the fee that was being charged by the library and stated that the County gives over \$100,000 a year to the library. He stated that they are now charging a fee for just providing a room for tutoring to happen. He stated that he thought there was a negotiating point there. He asked what the library fee was for providing the room.

Mr. Gill replied that the library was charging \$4,000 for the room per semester.

Dr. Westbrook stated that their employees and children deserve the service, but they thought they should be having a talk about that fee.

Mr. Palin made a motion to approve the CARES Act funding request for tutoring/educational daycare for the children of local government employees.



Mr. Larson stated that he heard what Dr. Westbrook was saying, but he still wanted to know why this service was not opened up to all children. He stated that, in his opinion, it should be open to everyone in the general population.

Mr. Bellows stated that there were programs open to the general public at the YMCA and the Boys and Girls Club and they filled up quickly. He stated that the school has its own internal program that is being run for the school employees' children.

Mr. Bellows called the question on Mr. Palin's motion.

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

VOTE: 4-1 (Motion carried.)

6. Supplemental Appropriation to Equalize the Compensation Board Bonuses Recently Approved in the State Budget

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

Mr. Gill stated that, in the most recently approved budget after the special session of the General Assembly, a \$500 bonus for Compensation Board funded Sheriff's Office employees was approved. He stated that there were 22 Sheriff's Office employees funded through the Compensation Board. He stated that, as in the past, whenever Compensation Board increases are given, the County usually matches those increases to equalize those pay increases for other positions not funded by the Compensation Board.

Mr. Gill stated that they have 82 full-time employees, excluding the schools, and 22 of those employees are going to receive this bonus. He stated that he was asking that the Board approve the identical bonus for the other 60 full-time positions at a cost of \$30,000 from the General Fund. He stated that, in his memo, he had made a note that 56 of the 82 full-time positions will also receive hazard pay that the Board approved in October under the CARES Act. He stated that 26 of their 82 full-time employees do not qualify for it under the federal guidelines for hazard pay, even though the buildings have been open to the public since June 8, 2020. He stated that those 26 employees will see no increase in pay this year if this bonus is not granted. He stated that he would also point out that the school employees received a three percent raise on July 1<sup>st</sup> by finding room in their budget to make those increases. He stated that 56 of the

County’s employees are receiving hazard pay and 22 of those same 56 are getting this \$500 bonus as well, so he was trying to look out for the 26 employees who would get no increase. He stated that those employees are in the Administration Building and in the new courthouse and they have been serving the public and have been exposed to the same risks as those employees who qualified for hazard pay. He stated that, if the Board wanted to give the identical \$2500 hazard pay bonus to those same 26 employees, it would cost \$65,000.

Mr. Palin made a motion to approve the supplemental appropriation to match the Compensation Board bonuses recently approved in the state budget.

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

7. CARES Act Agreement with Town of Kilmarnock for Specific Municipal Utility Relief

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

Mr. Gill stated that the Governor announced on November 20, 2020 a Municipal Utility Relief Program which requires municipalities to apply for an award and enter into a “Certification for COVID-19 Municipal Utility Relief Program to Assist Customers”. He stated that this will help customers who have gotten into arrears with their utility bills because of the COVID-19 situation. He stated that the Town of Kilmarnock had applied for and been awarded \$20,789.66 towards this program for their customers. He stated that Lancaster County is required to act as the fiscal agent and receive the money from the state and then turn the money over to the town. He stated that Jim Cornwell, the County Attorney, has drafted an agreement between the County and the Town of Kilmarnock that states that the funds must be used appropriately. He stated that it was basically the same as the earlier agreement, but with a different pot of CARES Act money. He stated that he was asking the Board to approve the agreement.

Mr. Larson stated that this was basically a pass through of funds and the Town of Kilmarnock is responsible for the use of these funds.

Mrs. Cockrell stated that she knew the responsibility of those funds was on them.

Mr. Lee made a motion to approve the CARES Act Agreement with the Town of Kilmarnock for specific municipal utility relief.

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

**BOARD REPORTS**

Mr. Palin made a motion to reappoint Charles Lee to the Northern Neck Planning District Commission.

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

Mr. Lee referred to water access and stated that he wanted to keep the Board informed and let them know that there is a citizen volunteer, Bruce Julian, who has agreed to help him and Mr. Barnes as they continue to look for potential public access sites. He stated that they all will be meeting on Monday and will probably be asking Mr. Cornwell for some advice as well.

Dr. Westbrook stated that his wife, Fran Westbrook, is the chair of the Historic Resources Commission and her term expires at the end of the month. He stated that she does not want to be reappointed. He stated that the Historic Resources Commission is one of those commissions or boards that have historically had appointments made by district, but, in his opinion, it should be county-wide because they want someone who has some expertise on the subject. He stated that he did not have another candidate from District 5 to replace her and he thought the position could be advertised county-wide through any media that is possible. He stated that he thought that future appointments should also be considered county-wide rather than district-wise. He stated that it matters more of what they can bring to the table, than where they live within the County. He stated that the only two of their commissions and boards that require members from each district are the Economic Development Authority and the Planning Commission per the statute.

Mr. Gill stated that he was aware of one person who was interested in serving on the Historic Resources Commission and he believed that person did live in District 5. He stated that the Board had directed him to advertise the vacancies on the various boards and commissions

and he did run an ad in September. He stated that he could run the same advertisement in January.

Mr. Bellows suggested a generic ad that would run continuously in the local paper. He stated that could create a list of names for the Board to choose from in the case that they don't have anyone interested in a certain position that is in their district.

Dr. Westbrook stated that social media was another avenue to reach people.

Mr. Gill stated that he could run as many ads as the Board wants, but the costs needed to be considered. He stated that, originally, it was decided to run the ad every six months.

Mr. Larson suggested that an ad run in intervals instead of every week.

Mr. Bellows stated that maybe once a month or every three months an ad be placed on a continual basis.

Mr. Gill stated that he would run the ad in January for not only the vacant positions, but for positions that will be coming up in the first part of next year.

Mr. Bellows stated that was a good idea and they will see what names that ad might generate. He stated that, if the ad does not generate any interest, they can look into using social media.

### **COUNTY ADMINISTRATOR**

Mr. Gill stated that, at last month's meeting, he forgot to acknowledge that Chairman Bellows is now VACo's First Vice President. He stated that VACo had its annual conference virtually in November. He stated that Mr. Bellows is in line to assume the Presidency in two years.

Mr. Gill stated that Jamie Abbott, the Animal Control Warden, had told him that the County's animal shelter received a perfect score on its most recent inspection and that was the eleventh one in a row. He stated that department is staffed by 2 full-time and 1 part-time person, 24 hours a day, 365 days a year and they do a great job.

Mr. Palin made a motion that Mr. Gill write an official letter, on behalf of the Board, congratulating Mr. Abbott and his staff.

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

William R. Lee                      Aye

Robert S. Westbrook              Aye

Mr. Gill stated that the General Assembly has given counties the ability to assess and collect a cigarette tax effective July 1, 2021. He stated that the Northern Neck Planning District Commission has been discussing this with the four counties of the Northern Neck, plus King George. He stated that they have discussed the idea of having a regional cigarette board to oversee this, similar to the regional billing board for ambulance services. He stated that the Towns of Kilmarnock and White Stone already collect taxes on cigarettes. He stated that White Stone has a twenty-cent tax and it generates about \$38,000 to \$40,000 per year. He stated Kilmarnock has a thirty-cent tax and it generates about \$100,000 per year. He stated that he could think of at least six establishments in the County's jurisdiction that sells cigarettes and would be subject to this tax. He stated that he knew how the Board felt about regional entities and asked if they wanted him to pursue learning more about a regional cigarette board.

Mr. Lee asked why did they need a regional board for this.

Mr. Gill replied that the Towns of Kilmarnock and White Stone do it themselves, but stamps have to be purchased and placed on the cigarette packs and there is enforcement involved with that. He stated that this idea would create a full-time position at the Planning District Commission and King George has offered to pay that salary for the first year. He stated that, after the first year, the salary would be funded according to a proration.

Mr. Lee stated that, starting with the second year, each county would give up a portion of its revenue from the cigarette tax to pay for that position.

Mr. Gill replied yes and that the expense would be on a prorated basis.

Mr. Bellows asked if the PDC would collect the money, pay the person's salary and then send the remainder of the funds to the counties.

Mr. Gill replied that they had not gotten that far in discussions. He stated that this regional board was being modeled after Northern Virginia's cigarette board.

Mr. Cornwell asked if they intended to make a uniform cigarette tax over all of the localities.

Mr. Gill replied that he did not think so.

Mr. Bellows stated that he thought Mr. Gill could get more details and let the Board know what he finds out.

## **ADJOURNMENT**

Mr. Bellows adjourned the regular meeting to the 2021 organizational meeting.

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