

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, December 13, 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, County Administrator and
Planning/Land Use Director
Crystal Whay, Clerk to the Board and
Building/Land Use Assistant

Mr. Lee 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 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 consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.)

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| 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 December 13, 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.

Mr. Lee called the regular meeting to order at 7:03 p.m.

Mr. Lee stated that the Board wanted to confirm Don Gill as the County Administrator and that everyone was in agreement with his contract.

Mr. Lee made a motion to adopt Mr. Gill’s contract.

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

PUBLIC INPUT

None.

PRESENTATIONS

1. Broadband Authority Update

Gary Silverman, a District 1 citizen, stated that he was representing the Broadband Authority. He stated that the Authority was changing its meeting time and day to the first and third Wednesdays of the month at 4:30 p.m. starting in January. He stated that their logo and by-laws have been approved and their website is under development.

Dr. Silverman referred to discussions with Dominion Energy and stated that there was no more space for them to put a blank conduit in when the power company runs its lines. He stated that what would need to happen is to have a separate easement through

the state legislature and VMRC. He stated that Dominion Energy is supposed to be supplying them with the contractor's contact information so they can obtain estimates.

Dr. Silverman stated that the Broadband Authority was looking at two potential funding sources at the present time. He stated that they would be on the Lancaster County Economic Development Authority's January agenda to ask for funds. He stated that the other potential source was a federal grant through the Virginia Department of Housing and Community Development. He stated that the first formal briefing in regards to Atlantic Broadband would be tomorrow, December 14th in the Administrative Building with briefings to follow to catch everyone up.

Dr. Westbrook asked if a resolution was required to allow the Broadband Authority to establish a bank account.

Dr. Silverman replied yes and that in order for the Broadband Authority to accept funds, it will need to have a bank account established. He stated that it will be needed in January. He stated that he forgot to mention it in his presentation.

Mr. Cornwell stated that he had consulted with the Certified Public Accountant and he suggested that the best thing would be to set up the Broadband Authority's account as part of the County's account versus a separate account.

Mr. Larson asked if it would be an account maintained by the County Treasurer.

Mr. Cornwell replied yes.

Mr. Larson asked if it would be permanent or temporary.

Mr. Cornwell replied that he would assume it would be permanent because the Broadband Authority is permanent.

Paul Lee of Robinson, Farmer, Cox Associates, the County's auditing firm, stated that the County Treasurer would make payments out of that account and would be directed by the Board of Supervisors to do so.

Dr. Westbrook stated that the Broadband Authority has its own treasurer and authority to issue bonds and other financial tasks. He stated that it seemed to him that it would be cleaner if the Authority had its own bank account.

Mr. Gill stated that the Economic Development Authority has its own bank account.

Paul Lee stated that it would be better if the County Treasurer was the custodian of the account, but that was his opinion.

Dr. Westbrook stated that the members of the Broadband Authority are very knowledgeable and this is what their research has led them to do. He stated that they could print out the resolution before the end of the meeting if that would help the timeline.

Dr. Silverman stated that they could come back with the resolution at next month's meeting for the Board of Supervisors' review.

Mr. Lee stated that he did not think waiting until the next regular meeting would really change anything.

2. VA Information Technologies Agency – Next Generation 911

Steve Marzolf, the Integrated Services Program Director for the Virginia Information Technologies Agency, described his background, which included being involved with the 911 system for thirty-two years as well as being a firefighter. He stated that he wanted to talk about Next Generation 911. He stated that, simply put, they have to upgrade the 911 network and one of the reasons is that, in Virginia, there is not a single 911 system, but rather nine different systems. He stated that, as a result, the systems do not always work together. He stated that the current 911 network is all voice-based and basically 1970's technology.

Mr. Marzolf stated that, with the Next Generation 911, they will be doing a replacement of the network that brings the 911 calls into the 911 center. He stated that, instead of the calls coming in on the voice circuits, they would come in on IP circuits which would allow them to integrate the voice and the data into a single, seamless network. He stated that not everybody has to agree on the service provider, similar to choosing from different internet service providers.

Mr. Marzolf stated that they knew this was coming. He stated approximately three years ago a feasibility study was done and as a result, Fairfax County said that they would like to be first and was awarded a grant to get started. He stated that Fairfax County did a request for proposals and selected a vendor to start the deployment. He stated that they eventually selected AT & T. He stated that the contracts are in place and can be used by any locality in Virginia, but it is up to the individual locality to make that choice. He stated that the state is not mandating that any particular service provider be used. He stated that they are recommending AT & T because it is available now.

Mr. Marzolf stated that legislation states that the date of July 1, 2023 is the deadline for a locality to do something about Next Generation 911. He stated that his agency believes it can be done sooner and the plan is to have it in place by 2021. He stated that his agency has come up with a migration proposal to help localities figure out what they need to do to help with the deployment. He stated that the migration proposal looks at what the County already has in place, as well as at the diversity and IP connectivity and what the 911 Board may fund. He stated that, during the transition from E-911 to Next Generation 911, both networks will have to be supported. He stated that

the 911 Board has said that it will pay the cost of the old network during the transition. He stated that Lancaster County is in the time period of January through June 2020. He stated that was the period that the 911 Board would like the deployment to happen. He stated that the 911 Board has money in its budget to help with the upgrades for the localities. He stated that the monthly recurring cost will go up from what the County is currently paying, mainly because of the connectivity. He stated that the 911 Board will cover the first twenty-four months of the increase.

Mr. Marzolf stated that the link to the Fairfax County contract is in the migration proposal and he encouraged the Board and Mr. Cornwell to look it over. He stated that they think it is usable in every county in Virginia, but it is a local decision. He stated that, if it is determined that the Fairfax County contract is right for this county, then a proposal acceptance letter will need to be completed, which will include the funding request for the deployment. He stated that the County could also do its own RFP. He stated that, because it is highly technical, he would not suggest that one locality do it, but rather it be done as a region with other localities.

Dr. Westbrook stated that he had read that Mr. Marzolf's agency was going to provide some guidelines about issuing the RFPs. He stated that he understood the Fairfax County RFP was so detailed that Mr. Marzolf's agency decided it was the one to go with. He stated that whatever the County chose would still have to integrate with the Fairfax model.

Mr. Marzolf stated that it was a requirement for any subsequent provider to be able to be compatible with the AT&T solution. He stated that VITA was going to issue a state-wide contract, but they were invited into the Fairfax County's procurement process and found that the Fairfax model could acclimate with other localities, no matter the size or the population.

Dr. Westbrook asked if there was any way that the fiber that will be laid for the Next Generation 911 would be available for expanded broadband in the County.

Mr. Marzolf replied that he thought they were only talking about approximately four thousand feet of fiber, but if it can be included, then absolutely. He stated that VITA can facilitate meetings between the County, Verizon and AT&T to discuss it.

3. FY 18 Audit – Robinson, Farmer, Cox Associates

Paul Lee with Robinson, Farmer, Cox Associates stated that he was presenting the 2018 audit for the County. He stated that the audit report was larger this year and one of the reasons is that GASB 75 was adopted and enforceable this year. He stated that GASB 75 deals with post-employment benefits through the Virginia Retirement System. He stated that both the School Board and County numbers are included in the audit.

Mr. Lee stated that the unassigned fund balance decreased by approximately \$360,000. He stated that balance, at the end of the year, represents about eleven percent of the expenditures. He stated that they would like to see the percentage higher at fifteen to twenty percent for this size locality.

Mr. Larson stated that the percentage has been at fifteen in the past. He stated that the Board had set a rate of seven percent to maintain in the fund balance earlier in the year.

Mr. Lee stated that the fifteen to twenty percent rate is about two to three months of cash flow on the total budget.

Mr. Lee stated that the tax collection rate is 99.8 percent, which is important to know when setting tax levies.

Mr. Lee stated that the audit had no material weaknesses and no problems with federal compliance. He stated that the overall opinion on the financial statements was unqualified, which is good. He stated that a management letter was issued with three things to focus on. He stated that the first item was a reimbursement that was duplicated involving the Comprehensive Services program, the second was some finance charges on the credit card accounts, which need to be avoided as much as possible and the third item was an overdraft charge associated with the petty cash account.

Mr. Bellows made a motion to Accept the FY 2018 Audit from Robinson, Farmer, Cox Associates.

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

VIRGINIA DEPARTMENT OF TRANSPORTATION

None.

PUBLIC HEARING

1. Application for Special Exception – Jon B. Hill (Withdrawn by Applicant)

Mr. Gill stated that the application for special exception for an individual manufactured home was withdrawn by the applicant, so there is no action required by the Board.

2. Amendments to the Zoning Ordinance:

Article 20 – Manufactured Home Parks

Article 21 – Rural Village Overlay, All Districts, RV-1

Article 22 – Site Plans (Commercial, Industrial, Multifamily)

Article 24 – Intensive Agricultural Facilities

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

Mr. Gill stated that the issue was to take public comment on the proposed amendments to the zoning ordinance. He stated that one concurrent public hearing may be held for all articles instead of four separate public hearings, but each article must be voted on individually by the Board of Supervisors. He stated that the Planning Commission has unanimously forwarded Articles 20, 21, 22 and 24 to the Board of Supervisors recommending approval of the proposed amendments.

Mr. Gill stated that Chapter Seven of the Comprehensive Plan states that following the completion of a 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 and 11 through 19 have already been amended and now the Planning Commission has forwarded proposed amendments to Articles 20, 21, 22 and 24.

Mr. Gill stated that the Planning Commission held its public hearing on the proposed amendments for Article 20 at its August 16th meeting, Articles 21 and 22 at its September 20th meeting and Article 24 at its November 18th meeting.

Mr. Gill stated that, generally, the proposed amendments to Article 20 – Manufactured Home Parks strengthen access road requirements, address maintenance of recreation and open space and require road improvements to be bonded through a surety bond process identical to our subdivision ordinance.

Mr. Gill stated that the proposed amendments to Article 21 – Rural Village Overlay, All Districts, RV-1 revise the statement of intent to enhance the appeal of this overlay district to traditional village areas that have historically had a mixed residential/commercial use composition. He stated that the number of permitted uses has been reduced by eliminating some and combining others and a statement limiting the size of floor area of all businesses permitted in the district has been added, similar to the language in our C-2 Commercial Limited District, along with the ability to apply for a special exception if additional space is needed. He stated that language has also been

suggested to make the treatment of accessory structures and parking requirements consistent throughout the zoning ordinance.

Mr. Gill stated that the proposed amendments to Article 22 – Site Plans (Commercial, Industrial, Multifamily) and Article 24 – Intensive Agricultural Facilities are basically grammatical and further clarify vague and/or outdated language.

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 further response from the public.

Mr. Palin referred to section 21-1-37 of Article 21 that reads “Flower sales and supplies” and stated that it had been marked through. He asked if flower sales were included somewhere else in the article or was that now a part of the previous section 21-1-36 “Horticultural nurseries, and greenhouses with garden and plant supplies”.

Mr. Gill replied that he thought flower sales and supplies would fall under section 21-1-36.

Mr. Palin stated that there was a difference between horticultural nurseries and a flower shop. He stated that a florist is basically retail and he thought there was a difference there, even though the horticultural nurseries can be retail as well. He stated that he would like to combine the two sections, so that section 21-1-36 also includes the words “flower sales”.

Mr. Palin referred to section 22-2-6 of Article 22 where the words “aesthetically pleasing” had been crossed out and asked if there was another word that could be used there.

Mr. Gill stated that the Planning Commission thought that the words “aesthetically pleasing” were subjective or vague.

Mr. Bellows stated that he thought the word “harmonious”, which is included in the section, gets the point across that the signage should blend in with its surroundings.

The consensus was to leave section 22-2-6 as it was written in the draft.

Mr. Larson referred to section 22-2-5 of Article 22 and suggested that they stop the section after the word “art”, crossing out the words “and the use of building and paving”. He stated that the sentence seems to dangle with the extra wording.

Mr. Lee opened the public hearing on Articles 20, 21, 22 and 24.

There was no public input.

Mr. Lee closed the public hearing.

Mr. Bellows made a motion to Approve Article 20 – Manufactured Home Parks.

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

Mr. Palin made a motion to Approve Article 21 – Rural Village Overlay, All Districts, RV-1, with the change that was made.

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

Mr. Bellows made a motion to Approve Article 22 – Site Plans (Commercial, Industrial, Multifamily), with the changes that were made.

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

Mr. Bellows made a motion to Approve Article 24 – Intensive Agricultural Facilities.

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 November 1st EMS Work Session, November 15th Regular Meeting and November 19th Special Meeting

Recommendation: Approve minutes 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 November 2018 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for November 2018 in the amount of \$276,222.43 and invoice listings for November 2018 in the amount of \$711,532.16*.

*Capital Improvements - \$129,474.84

Mr. Larson asked for a clarification about the difference in the amount of capital improvements between the initial \$9,894.84 and the revised \$129,474.84.

Mr. Gill replied that Mrs. Stevens had not included a school capital improvement payment of \$119,580 to VMDO in her initial capital improvement calculations.

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

2. Application for Special Exception – Rappahannock Solar, LLC (Tabled after November 15, 2018 public hearing)

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

Mr. Gill stated that the issue was an application for special exception by Rappahannock Solar, LLC to locate a 2 megawatt solar farm in the White Stone area on property owned by the Heirs of B.H.B. Hubbard, Jr., LLC described as tax map #34-373 and zoned M-1, Industrial Limited. He stated that the property is 184 acres, however only 15 – 25 acres will be leased and used for the proposed solar farm. He stated that the property is located off of Ocran Road across from Turner Lane in District 3. He stated that a special meeting was held by the Board of Supervisors on December 4th to go over suggested conditions and six conditions were recommended.

Mr. Gill read the solar farm conditions: “1) All vegetation must be native, non-invasive species and maintained mechanically and aided only by non-restricted use herbicides, if needed. The perimeter buffering shall consist of a minimum of 4 trees and 12 shrubs every 100-feet. The trees must be a minimum of 6-feet tall at planting and reach and maintain a height of at least 10-feet within 2 years. The purpose of the perimeter buffering is to visually screen the solar facility from the road. Any open spaces in that vegetative screening that may arise in the future that allows any part of the facility to be seen from the road must be filled in and corrected by new plantings as soon as weather and growing conditions allow. 2) The solar panels must be non-reflective and the facility must be designed and operated to prevent the direction of concentrated solar radiation or glare onto neighboring property and public roads. 3) Construction hours will be limited between 7 AM and 7 PM and once the solar farm is operational, noise levels must not exceed 65 decibels (dBA) as measured at the boundary lines of the leased area. 4) Prior to construction, an emergency services plan, acceptable to the Lancaster County Chief of Emergency Services, must be submitted to address possible hazards. 5) Prior to construction, the applicants must provide a surety bond, from an entity authorized to do business in Virginia, in a form acceptable to the county attorney, of 1.5 times the initial decommissioning cost estimate listed in the decommissioning plan to secure the decommissioning of the project at the end of its useful life. The decommissioning plan will be reviewed every 5 years and the amount of the bond adjusted as needed. The surety bond will be \$90,000 initially and renewed annually. 6) The Rappahannock Solar LLC Decommissioning Report prepared by The Timmons

Group and dated November 2018 must be revised to remove any reference to “cutting the steel piles at a depth of about 1 meter below grade.” Steel pilings must be completely removed from the ground.”

Mr. Gill stated that the Board of Supervisors held its public hearing of this special exception request at its November 15th meeting, but tabled any decision until conditions could be finalized in writing. He stated that, at the December 4th meeting, it was decided that the conditions, along with a final site plan will be recorded in the Circuit Court Clerk’s Office.

Mr. Bellows made a motion to Approve the Application for Special Exception for Rappahannock Solar, LLC.

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. Bellows stated that he had a nomination for the vacant at-large position with the Economic Development Authority. He stated that he would like to nominate Lisa Shultz.

Mr. Larson stated that he had a nominee for the position as well. He stated that he wanted to nominate Charlotte Silverman, who was in attendance.

Mr. Bellows stated that he would withdraw his nomination.

Mr. Larson made a motion to appoint Charlotte Silverman to the at-large position on the Economic Development Authority.

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

Robert S. Westbrook Aye

Mr. Larson stated that he thought they were going to recommend Board of Equalization members at tonight's meeting.

Mr. Lee asked Mr. Gill if they should give those names to him tonight.

Mr. Gill replied yes, so he could submit those names to the Circuit Court Judge.

Mr. Bellows asked if it required any board action.

Mr. Gill replied no.

Mr. Larson stated that he wanted Mr. Gill to submit Ken Knull's name as the Board of Equalization's representative from District 1.

COUNTY ADMINISTRATOR

None.

ADJOURNMENT

Motion was made by Mr. Lee to continue to the 2019 Organizational Meeting.

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