

**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, April 26, 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, Assistant County Administrator and  
Planning/Land Use Director  
Crystal Whay, Building/Land Use Assistant

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

**PUBLIC INPUT**

Charlie Costello, a District 2 citizen, showed a poster from the County's 350<sup>th</sup> anniversary and stated that he thought it should be the masthead for the County. He stated that it was a depiction of the landmass, but that was not what the County was really all about. He stated that, at a school function in the past, Mr. Palin's students came out with posters that spelled out the word "community". He stated that the definition of community was a grouping of individuals serving a purpose together. He stated that the County was a community and everyone was dependent on each other and should work together.

Mr. Costello stated that, during his campaign for the District 2 Supervisor position in 2007, he answered some questions for the Rappahannock Record. He stated that he wanted to read one of his statements from that time. He read "nonprofit organizations provide many benefits to Lancaster County citizens. Organizations such as the volunteer fire and rescue, community library, health related and transportation all provide services that contribute greatly to the well being of our citizens. The County taxpayers would have to pay even higher taxes to provide many of these services if they became government provided services. Direct service nonprofit organizations should continue to receive sustaining contributions from the County budget. The amount to be provided needs to be weighed against all the needs of the County, but they should receive a high priority. Other nonprofit organizations also contribute to the well being of the community through their activities by providing support to other non-profits and scholarship funds. They are to be commended for all that they do for the community."

Mr. Costello stated that he was involved in many nonprofit organizations and none of those receive County support.

Mr. Costello stated that he had paid his boat tax every year since its elimination and he encouraged others to meet their responsibility. He didn't want to see the non-profits cut and knew that taxes were going to have to be raised.

George Bott, a District 1 citizen, stated that he had a presentation to show entitled "How the Boat Tax Policy is Working". He stated that the first slide referred to the Comprehensive Plan and talked about jobs. He quoted "to pursue economic development and increase the number of jobs" and stated that the Board knew what the Plan said about water access so he wouldn't go into that. He read another statement from the Plan that said "the County government should also take meaningful steps to ensure that water related employment remains a viable economic sector of the local economy." He stated that broadband was another job multiplier that they will see for the County besides the no boat tax policy.

Mr. Bott referred to Dr. Tom Murray's study and stated that the study found that direct spending by boaters in Lancaster County in 2013 totaled \$16 million dollars and indirect spending totaled \$7.6 million dollars and that was before the no boat tax policy was in place.

Mr. Bott stated that there were eleven Lancaster County marinas and boat yards and he challenged the Board to name them. He stated that the County was a boater's paradise and boaters spend money. He stated that he wanted the Board to give the no boat tax policy time because it's working. He stated that it had only been 21 months since the last reduction was taken.

Ken Knull, a District 1 citizen, stated that, in his opinion, it was too soon to make any changes concerning the boat tax and it's only been 21 months. He stated that in the first year all he did was to try to get the word out and basically no change. He stated that in the second year, he saw some changes and this year was looking better. He stated that the Board cannot expect businesses to make big investments in their businesses, if they fear that the boat tax will be reinstated. He stated that he had added three permanent positions, with one opening because someone relocated. He stated that those jobs were created because of the demand caused by citizens not having to pay the boat tax.

Mr. Knull stated that he did not think the County's website did the County justice. He stated that it was very business-like, but would not get anyone to want to move here. He suggested asking around for a creative person, who could build a new website. He stated that they could probably get something done for free and suggested high school students. He stated that the website should contain pictures showing the beauty of the County and its 330 mile coastline.

Mr. Knull stated that people come to the County because it is a beautiful place and has a slow and easy pace. He stated that he did not think they would come here because of a new school building. He stated that he was in favor of excellent schools and giving teachers a good salary to entice them to teach in this County. He stated that he thought the building should come after there was an excellent teaching staff in place and the students' grades had increased. He stated that he did not think that the reason people would move to the County was because of a new school. He stated that he supported any kind of tax increase to help with increasing teachers' salaries, but he did not know about the buildings because it was a pretty big number.

Mr. Knull stated that he had heard from some of his customers about the possibility of the boat tax returning and they did not want it back. He read two customers' letters stating that they did not want to start paying taxes on their boats again.

Kathy Huntsman stated that she currently lived in Stafford County and was a veterinarian. She stated that she had recently purchased property in Lancaster County and wanted the Board to know that the repeal of the boat tax has positively impacted her. She stated that she moved her sailboat to Lancaster County because the boat tax was repealed. She stated that she has friends who were boat owners and they have moved their boats into the County as well. She stated that since moving her boat into the County, she now owns a waterfront home and a commercial property. She stated that the boat tax repeal was a tipping point for her because she had previously thought about retiring to another part of the country.

Shane Humble, a District 1 citizen, stated that he was living proof that the repeal of the boat tax had created jobs in the County. He stated that he was a certified marine mechanic from Stuart, Virginia and moved here because he was offered a job by Ken Knull, who needed more help because of the influx of boats coming into the County.

Mr. Humble stated that there seemed to be a myth that all boat owners were wealthy. He stated that he made a decent salary, but was not wealthy and he owned a boat. He stated that his boat was his home. He stated that the thinking that if someone owns a boat, they can afford the boat tax was not necessarily true. He stated that a majority of his customers were from the Richmond area and they have told him that if the boat tax was reinstated, they would be moving their boats to Deltaville. He stated that he hoped the Board would consider his comments because the boat tax does affect real people.

Harold Lawry, a District 1 citizen, stated that he was a part-time employee at Yankee Point Marina. He stated that he had noticed a notable increase in the traffic at the marina. He stated that people have moved their boats here and he was seeing more expensive boats than before. He stated that there was a lot more boat work being done, such as painting and that translated into more jobs. He stated that he did not have facts or numbers, he was going by what he has observed on a daily basis.

Sharon Gill, a District 1 citizen, stated that she appreciated Dr. Westbrook's response to her email that she sent last week. She stated that she had reached a level of

considerable disenchantment with the Board of Supervisors and had hoped that her email would provide stimuli to conversation regarding revenue streams for Lancaster County, instead she did not even receive an acknowledgment of receipt from the other four supervisors. She stated that, to anyone questioning her calculations of the large percentage of waterfront properties in Lancaster County being owned by non-residents, she would clarify her process. She stated that, by utilizing available public information, she took a plot plan of the County, identified each waterfront property, both developed and undeveloped, found the registered owners and identified their voting registration, resident and non-resident. She stated that if there had really been an interest or question, she would have thought that a conversation would have followed, but that appears not to be the case. She stated that the lack of interest disappoints her along with the level of desire by the Board of Supervisors to creatively think outside the box, to find solutions to improve the revenue flow to the County, without penalizing the majority of residents.

Mrs. Gill stated that she requested that the Board of Supervisors take under consideration and begin the process to change the rules governing the planning and zoning commissions for Lancaster County. She stated that she applauded everyone who works on those committees and they do a valuable service. She stated that, however, by allowing persons who have served on elected boards, such as the Board of Supervisors, Board of Education or both, for them to serve on either of the commissions makes a potential conflict of interest that could easily jeopardize the County's best interest. She stated that judgment on current and future projects may not be fairly evaluated, if in doing so, past actions of the member are shown to have been in error, or at the minimum, not the best course of action. She stated that it was human nature to justify past actions, but that should not be a factor in looking at future endeavors. She stated that it was obvious during last week's public hearing that the influence of trying to preserve one's legacy was a motivator that could severely handicap future growth. She stated that such conflicts should have been anticipated and avoided, thus she asked that the requested change be considered. She suggested that other committees be reviewed so that such potential conflicts cannot and do not exist.

Mrs. Gill stated that her third and perhaps most important point was related to the manner in which the Board of Supervisors improperly manages public comment. She stated that she was limiting her observations to the Board of Supervisors because she had found that the practice was not followed by the Planning Commission, the School Board and other committees. She stated that those committees actually use public input and have give and take discussion. She stated that, in what appears to be about Roberts' Rules of Order, the Board of Supervisors has made public comment an isolated agenda item. She stated that was not the purpose of the rules of order which were merely structured guides on orderly presentation of agenda items. She stated that, to contain public comment to a one-way endeavor, defeated the purpose and provided no benefit to the County. She stated that it truly frustrated the Board's constituents. She stated that if the Board members were uncomfortable in terms of potential chaos or confrontation, then they needed to find another way to open themselves up to community discussions, such as public roundtables or meet and greets. She stated that the Board members' interaction with the community should not end once they were elected. She stated that the Board members should be

discussing their potential votes and their decisions with anyone in the community. She stated that, once a Board member was elected, they should represent all of Lancaster County, not just their district. She stated that she was sure that the Board researched and vetted issues, but the public doesn't hear that. She stated that, instead, the public hears the decision without any benefit of the thought process behind it, and no chance to challenge or discuss that process. She stated that, as a consultant for over thirty years, she learned that no matter how much experience or technical knowledge she had, when she listened to others' opinions and answered their questions, it often gave her a better way than her original thought. She stated that, in the current environment, the public was allowed its five minutes. She stated that there was no discussion and no true response or answers. She stated that the Board members were allowed to question statements that were made and rarely offered an opportunity for rebuttal or explanation. She stated that, particularly in public hearings, it has become frustratingly obvious that the Board's actions often belie a decision often made before any public statements were issued. She stated that the Board needed to find a way to open themselves up to discussions with constituents. She stated that they have elected leaders that should be willing to listen, discuss, justify and compromise. She stated that history will show that this Board was either the leaders that guided the County down a path to a revitalized Lancaster by making hard decisions or the ones that failed to do so. She stated that choice was up to the Board of Supervisors.

Richard Gill, a District 1 citizen, stated that the recent budget discussions have informed the community that what was really important to the Board of Supervisors was math and bookkeeping. He stated that, while those were important components of business decisions, they were only that-components. He stated that one of the more interesting aspects of his decades in business was the structure of meetings. He stated that almost always the treasurer or bookkeeper's report comes early in the meeting, was considered and voted on. He stated that was the time to ascertain what had been received, spent and otherwise needed attention and was an important element. He stated that, rarely was it the sole basis for deciding topics that precipitated the meeting to begin with. He stated that his point was while it was important to address the numbers, it was only part of the job. He stated that the other part of the job was to find ways to make those numbers better and with this part, he had not seen or heard any effort whatsoever. He stated that the willingness to account for what might or might not happen while paying short attention to what might be possible was a complete dereliction of duty. He stated that, on Monday, Dr. Westbrook said that Sharon Gill had sent an email to all of the Board members regarding alternatives to the current tax policy. He stated that later, Mr. Larson said he was not sure Mrs. Gill's conclusions were accurate. He stated that his problem was not that Sharon Gill's conclusions were questioned, it was apparently that no one on the Board knew whether or not her conclusions were valid. He stated that, to pretend to do the citizens' business and not have any significant notion as to what the County's potential assets were was inexcusable. He stated that the Board needed to find ways to increase the County's revenues and not keep saying that the money was not there. He stated that all of the public input regarding the school budget was in support of the budget as proposed by the School Board, so it begs the question why was public input sought. He stated that everyone has preconceived notions about almost everything and have blind spots to issues outside one's direct experience and growth was painful, so it was resisted because it can cause

discomfort. He stated that the Board of Supervisors was convinced it was doing its job, but in reality was uncomfortable and/or incapable of thinking outside its realm of experience and as a consequence, has given the community poor representation. He stated that the impression left on the citizens was that the Board of Supervisors was content with providing preferential accommodation to people who don't choose to live here to the detriment of those who do. He stated that this was the first of many decisions that will be improperly addressed because we need to visit the alternatives and unpopular topics. He stated, alternatives, like a progressive real estate tax, might be a bad or marginally good idea, but it was an idea, which was better than no idea at all. He stated that it was time to realize that the status quo no longer cuts it and that a large percentage of the growth of the County remains untapped because solutions were, at best uncomfortable or perhaps the way forward cannot be seen through the lens of the Board of Supervisors.

Clay Holcomb, a District 3 citizen, stated that he was the owner of Chesapeake Boat Basin in Kilmarnock and had been involved with the boat tax committee a few years ago. He stated that the elimination of the boat tax has worked and was working great. He invited any of the members to come to his marina to see what was going on there now. He stated that his marina did more than just rent slips. He stated that his business has service, sales, land storage, ship's store and during the season, he was open seven days a week. He stated that when the Board was considering the boat tax, he had said that he would invest more money in his business if the boat tax was eliminated. He stated that he had done that. He stated that he had spent \$400,000 for a fifty-ton travel lift and the only reason he did it was because of the decision that the Board of Supervisors made.

Mr. Holcomb stated that he has had more business and boat storage than ever before. He stated that his customers patronize local businesses and they spend a lot of money. He stated that he did not think the Board of Supervisors saw it. He stated that he had been able to turn his part-time employees into full-time employees and has been able to bring medical insurance back, which was something he had not been able to do in years. He referred to his boat sales and stated that not having the boat tax was a big part of the purchasing decision because people wanted to know what it was going to cost them to own the boat. He stated that not having the boat tax was working, he had spent his money and did what he said he was going to do and now he wanted the Board to give the no boat tax initiative time to see more results.

Ernie Webb stated that he was the owner of Extreme Power Sports and Marine Fabricators in Kilmarnock. He stated that he started his first business in 1999 and has grown each year. He stated that after the boat tax was changed, he moved Marine Fabricators from Topping to Kilmarnock. He stated that his business had seen an influx for jet skis since the boat tax was eliminated. He stated that, before the boat tax change, his customers were registering their vessels out of town, but now they were registering them in the County. He stated that the reinstatement of the boat tax would hurt his businesses. He stated that he was closing on another Kilmarnock property in a couple of weeks and was going to use it for storage because he was running out of room due to the increased business. He stated that the proposed building for that property would be put on hold if he thought the boat tax would be coming back. He stated that he had hired six new employees

and was looking for more, so the elimination of the boat tax had really helped his businesses and asked that the Board not reverse its decision.

Ron Mihills, a District 1 citizen, referred to the Northern Neck Economic Development Plan from 2012 and stated that it talked about the objective to establish the region as a marine hub for the Mid-Atlantic and implement tax policy favorable to marine activities. He stated that, prior to 2015, the obvious challenge for Lancaster County marine related businesses was to overcome the perception of having one of the highest personal property boat taxes on the Chesapeake Bay, resulting in a lack of business for water related businesses. He referred to Dr. Tom Murray's studies and stated that they show that a no boat tax policy had very positive effects on the jurisdiction's economy. He stated that none of the no boat tax counties have ever reinstated its boat tax. He thanked the Board for its foresight in 2015.

Bo Bragg, a District 5 citizen, stated that he owned a real estate brokerage and a construction firm. He stated that he did not represent the marina owners, but he had spoken to Bruce Sanders because he was in Irvington. He stated that, in his business, he spoke to many out of town people who may be looking to move to the area and the subject of no boat tax comes up a lot. He stated that his livelihood was generated by attracting people to the area and he would like to see more people live here. He stated that with a bigger population, there would be more business, even in the winter. He stated that he did not own an expensive boat, so it did not matter to him, personally, concerning the boat tax. He stated that he has seen people moving their boats out of the County when there was a boat tax. He stated that Lancaster County had to compete with other seaside places and not having the boat tax was a way to differentiate from other localities. He asked the Board not to change course after not having the boat tax for less than two years and stated that it would not shed a good light on the community.

Bruce Sanders, a District 5 citizen, stated that, over the last three years, he had provided periodic reports to the Board of Supervisors on the success of the efforts since the boat tax was eliminated. He stated the entire marine industry was devastated by the recession and three years ago, the Board of Supervisors made a smart move to have no boat tax to attract what was left of the customer base for Lancaster County and to position the County for the current expansion mode. He stated that now they need to keep the base here and expand for the future with new infrastructure development on the waterfront. He stated that the expansion in his business since the boat tax was eliminated has prompted him to upgrade his facilities to handle more and larger boats. He stated that he had purchased a new travel lift, upgraded his existing travel lift pier, replaced smaller slips with larger slips and built a new pier. He stated that he had received a \$50,000 cost sharing grant from the state for a pump out and sewer system that has been installed. He stated that the work was in excess of \$300,000. He stated that he had future plans for more expansion. He stated that he has been able to offer his employees more working hours as well. He stated that he hoped this discussion helped the Board realize that the marine industry in a waterfront County was significant to maintain and to protect. He stated that he urged the Board to establish a no boat tax policy for years to come so they can all plan for a no boat tax business model.

Jeff Schroeder stated that he was an Irvington resident and had worked in boat yards. He stated that he had been working for Bruce Sanders since 2015 and Mr. Sanders has hired others since then. He stated that he wanted the Board of Supervisors to know that what they chose to do on the subject of boat tax was important.

Gordon Slatford referred to the prior comments and stated that he thought it proved that the Board of Supervisors had made a good decision a few years ago regarding the boat tax. He stated that the Board really could not flip flop on things like that. He stated that the Board's actions have led to investments in the community. He stated that it was not the business community's responsibility to fund the fundamental responsibilities of the community. He stated that to look at the business community to fund a massive growth in infrastructure would indicate that the supervisors were adhering more strongly to the notion of reelection than fairness in distributing the cost of such funding. He stated that he strongly suggested that the supervisors look to discussions and a public relations exercise to encourage all taxpayers to share in the burden of ensuring the future was secured through great education of our children.

Jo Chamberlain stated that she had been attending County meetings since 1998 and in those days, there were very few citizens at the meetings. She stated that she went to a rural school and explained the difference in the attitudes and successes of the children when they had good leaders versus poor leaders. She stated that when a good and energetic leader took over her school, then the school became successful and the students, including her, had better attitudes. She stated that, after the public hearing on the school budget last week, she understood that it was a "no frills" budget and yet it was cut. She stated that there was no fat to cut. She suggested that the Board look for solutions instead of just saying that things cannot be afforded. She stated that people speak at the public input times because they care and want to be heard.

Mr. Lee stated that he wanted to say, on behalf of the Board, that they appreciate all of the comments on the boat tax. He stated that he wanted to assure the citizens that there has been no discussion at the Board level about doing anything with the boat tax. He stated that there have been no meetings or discussions on the topic. He stated that he was across from Clay Holcomb's business everyday and for the last three years, he has been filled to capacity. He stated that he knew what was happening in the boating industry and he wanted to clear up any preconceived notions.

Jack Chamberlain, a District 1 citizen, stated that he wanted to expand on Sharon Gill's comments about public input. He stated that he had been frustrated sometimes that, when after the public input portion of the meeting was over, there was no other opportunity for people to respond. He suggested experimenting with a public input session at the end of the meeting as well.

Mr. Lee stated to Sharon Gill that he had never received her email and he had some problems with his email correspondence going to another Mr. Lee. He referred to the back and forth dialogue and stated that one of the things that can happen is that the meetings go

on until late into the night because people do not want to adhere to the five-minute time limit. He stated that she made a good point and the Board will take her recommendations under consideration.

Mr. Lee closed the public input session.

## **PRESENTATIONS**

None.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### **1. Secondary Six Year Plan Work Session**

Stephen McKeever, Residency Administrator for the Northern Neck Residency, stated that this would be the work session for the Secondary Six Year Plan. He stated that they would be advertising for the public hearing at next month's regular Board meeting. He referred to page one of the plan and stated that the Code of Virginia requires the County Board of Supervisors and VDOT to formulate a secondary six-year improvement plan and a priority list for the secondary improvement budget. He stated that the plan was only for improvements in new construction on the secondary system and does not include maintenance work. He referred to page one and stated that it listed the types of funding that go into the secondary six-year plan. He stated that the first line was the CTB Formula. He stated that was for unpaved state roads and was based on the prorated share of the amount of roads in each county that has fifty vehicles a day or greater. He stated that the second type of funding was Telefees and those funds were received from the utility companies that have facilities in the right-of-ways. He referred to the third type of funding, which is a District Grant-unpaved and stated that it was a similar funding to the CTB Formula funding. He stated that the District Grant will replace the CTB Formula starting in fiscal year 2021.

Mr. McKeever referred to the second page of the secondary six-year plan and stated that it showed the priorities. He stated that the first priority was Route 1206, Forest Haven Drive. He stated that this one was actually completed and they were going through the financial closure for the project. He stated that the second priority was Route 615, Hudnall Lane and carried thirty vehicles per day. He stated that the current estimate for this road was \$180,000. He stated that the project was fully funded and will be constructed later this summer. He stated that the next priority was Route 620, Green Road and carried thirty vehicles per day. He stated that this road was estimated at \$50,000 and would be fully funded and constructed in FY 19. He stated that the final priority on the plan was Route 726, Norris Road and carried twenty vehicles per day. He stated that the estimate for this road was \$60,000 and was expected to be fully funded in FY 21 and FY 22, with no date for construction yet.

Mr. McKeever referred to the third page of the plan and the countywide traffic services. He stated that included the costs for speed studies, signage and other traffic

controls on the secondary system. He referred to the countywide right-of-way engineering line and stated that it showed a current amount of \$66,373. He stated that those funds were typically used for completed projects, charges, attorneys' fees and acquisition costs. He referred to the countywide engineering and surveying and stated that these funds were used for preliminary engineering and minor survey work on the secondary system. He referred to the last line item, which was future unpaved funds and stated there were no funds shown there currently.

Carter White, Assistant Residency Administrator for the Northern Neck Residency, stated that nine secondary roads were paved last year in the County.

Mr. McKeever stated that they were not looking to add any more priorities to the plan this year. He stated that they would be looking at the plan, as it is, for adoption at next month's public hearing.

Mr. Lee asked to clarify that VDOT was not looking for anything additional to the presented plan.

Mr. McKeever replied that was correct. He stated that, unless there was some identified funding, additions could not be put on the plan. He stated that he had provided a list of the remaining unpaved roads in the County with the vehicles per day number.

Dr. Westbrook stated that, in January, he had asked Robert Harper about the intersection of Route 3 and James B. Jones Memorial Highway. He stated that instead of fixing the curb that the tractor trailers were running over, VDOT restricted the turning lanes which impacted the traffic on both roads. He stated that he asked a simple question about why the situation could not be fixed and the answer he received was that it was being studied in Fredericksburg. He stated that he did not get a direct answer and has not heard from anyone else since then. He referred to the countywide right-of-way engineering and asked if the solution for that intersection could be part of those funds.

Mr. McKeever stated that was not what this fund was for. He stated that the project that Dr. Westbrook was speaking of with the improvements and purchase of the right-of-way would need to go through the Smart Scale application. He stated that there was commercial development on both sides of the intersection. He stated that the extra right-of-way that was needed could be donated, but the County was responsible for submitting the application through Smart Scale. He stated that his office had been in conversations with Mr. Gill and they were preparing to submit the application. He stated that they have sketches of the intersection and were getting estimates for the project. He stated that the right-of-way will have to be purchased for the project. He stated that, with Smart Scale, the locality has to go through a scoring system that was complicated.

Dr. Westbrook stated that VDOT was a state agency that did not seem to be listening to the people that it was supposed to serve.

Mr. Gill stated that he had reached out to the Fredericksburg District office and they have told him that they would be assisting the County with the Smart Scale application. He stated that he did not know how good the chances were of scoring high enough to get funding, but was giving it a shot.

Dr. Westbrook asked who required the intersection to be changed.

Mr. McKeever replied he did not know. He stated that, with the current size of the intersection, a large truck cannot turn there through the radius, without encroaching over the curb or into the other lanes of traffic.

Mr. Larson stated that he did not understand Mr. McKeever's comments about the County being responsible for the intersection. He stated that it was his understanding that anything to do with the roads went through VDOT.

Mr. McKeever stated that he did not say the County was responsible for the work, but was responsible for submitting an application for the Smart Scale funding.

Mr. Larson stated that there were approved VDOT plans for how the intersection was originally and then all of a sudden, the white poles were installed to keep trucks from running over the curb and the right turning lane was eliminated on James B. Jones Memorial Highway. He stated that the question was asked about this in January and here it is at the end of April and they still don't have an answer.

Mr. Bellows asked if what was being said was that when the site plans were approved, VDOT made a mistake in its engineering and the requirements at that intersection.

Mr. McKeever replied that he was not here during that time and did not know the history personally.

Mr. Bellows stated that he thought the frustration was coming from the fact that there have been a lot of questions about this intersection for quite some time and this was the first time that the Board has learned that the project must go through the Smart Scale application process.

Mr. White stated that the radius at that intersection cannot be improved without additional right-of-way.

Mr. Lee stated that they had heard that more right-of-way was needed.

Mr. McKeever stated that he would find out the history of the intersection and be better prepared for the next meeting.

Mr. Gill stated that he thought what the Board was concerned about was the fact that VDOT approved the plans for the intersection, the intersection has ultimately failed

according to the original plans, so why has it become a County problem instead of a VDOT problem.

Mr. Bellows stated that given the fact of where transportation funding was in the Commonwealth of Virginia, the majority of the Smart Scale funding was going to larger localities.

Mr. McKeever stated that given the nature of Smart Scale, the scores were going to be better in urbanized areas.

Dr. Westbrook stated that the impact that intersection has had on this community may have been greater than some of the projects in more urban areas.

Mr. McKeever stated that he would not debate that.

Mr. Lee referred to the Secondary Six-Year Plan and asked if VDOT would take care of the advertising for the public hearing next month.

Mr. McKeever replied yes. He stated that he would also have more information on the intersection next month.

## **PUBLIC HEARING**

1. Amendments to the Zoning Ordinance:-Article 18 – Waterfront Residential Overlay, All Districts, W-1 and Article 19 – Major Recreational Equipment

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

Mr. Gill stated that the issue was the proposed amendments to the Zoning Ordinance for Article 18 – Waterfront Residential Overlay, All Districts, W-1 and Article 19 –Major Recreational Equipment. He stated that one concurrent public hearing may be held for both Articles instead of two separate public hearings, but each Article must be voted on individually by the Board of Supervisors. He stated the Planning Commission had unanimously forwarded Articles 18 and 19 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 17 have already been amended and now the Planning Commission has forwarded amendments to Articles 18 and 19.

Mr. Gill stated that proposed changes were in the form of additions, deletions and modifications to permitted uses and regulations as part of a regular review of the Zoning Ordinance. He stated that, generally, the recommended changes seek to further clarify vague language, make the treatment of accessory structures consistent throughout the zoning ordinance and remove contradictory language.

Mr. Gill stated that Article 18-Waterfront Residential Overlay District deals with properties that are within 800 feet of tidal waters and has been in effect since May 11, 1988. He stated that, on page 1, the wording of “*the underlying district and the overlay*” has been recommended for more clarification because an overlay district means that one must conform to requirements of both the underlying and overlay districts or the more restrictive of the two. He stated that on page 2, the requirement for a boat pier being twenty-five feet from an extended property line infers a riparian line over the state owned bottom of state waters, which the County does not have jurisdiction over, so the recommendation was to remove the word “*extended*”. He stated that, also, the ordinance, as it is written now, contradicts itself on accessory structures, since it states both five feet and twenty-five feet as setbacks for an accessory structure. He stated that the Planning Commission’s recommendation was for accessory building setbacks to reflect the other zoning districts, so that a one-story accessory structure has a five-foot setback from property lines and any structure over one-story has a twenty-five foot setback, which is the same as the main structure. He stated that language was added on page 3 to that effect, as well as language that accessory structures may be attached to the main structure by uncovered walkways, decks, patios or steps, which was also consistent with the other zoning districts. He stated that, finally, on page 3, the recommendation was to remove the language that states that a seventy-five foot buffer was permissible, since it contradicts state law that requires a 100-foot buffer.

Mr. Gill stated that Article 19 deals with major recreational equipment. He stated that the emergency occupation of a recreational vehicle when one’s house has been destroyed by fire or other natural disaster was recommended to be increased from 90 days to 6 months, which was the same allowance as building a new house, since major renovations after natural disasters often take as long as new construction. He stated that the only other recommended change was to increase the temporary occupation limit for vacation use from 7 days to 14 days, since two weeks of vacation was standard practice.

Mr. Gill stated that the Planning Commission held its public hearing on these proposed amendments at its February 15, 2018 meeting and all changes have been made that were requested. He stated that he had included copies of the Planning Commission’s minutes when the articles had been discussed in the Board of Supervisors’ packages.

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

Mr. Lee opened the public hearing.

Jo Chamberlain, a District 1 citizen, stated that, after attending the Planning Commission meetings where the zoning ordinances were being discussed, she asked that the Board of Supervisors accept the changes that the Planning Commission had recommended.

George Bott, a District 1 citizen, asked what was the definition of a major recreational vehicle.

Mr. Gill replied that the definition was in Article 1 of the Zoning Ordinance and he did not have the article in front of him, but it was basically a camper-style vehicle.

Mr. Bott asked if it was just for land and not water.

Mr. Gill replied that was correct.

Mr. Lee closed the public hearing.

Mr. Larson stated that the recommended changes were an improvement and reflected a good review. He stated that his only concern was the pier and extending one out into the riparian right-of-way. He stated that the point was very well made that we don't have jurisdiction out there, but, as he remembered the County ends up enforcing it anyway. He stated that what could happen was, in many cases, the pier may start out at twenty-five feet from the property line, but can shift as it goes out to move towards an adjoining property, sometimes in an effort to get to an adequate water depth. He stated that he was concerned about the enforcement of the pier position if it was taken out of the zoning ordinance.

Mr. Gill stated that the Virginia Marine Resources Commission reviews the pier permits and they have jurisdiction over state-owned bottom and that was where he would rely when it came to enforcement.

Mr. Larson asked if Mr. Gill was satisfied that VMRC would resolve the issue if an adjoining property owner opposed a neighbor's pier because they felt it was shifting in front of their property.

Mr. Gill replied yes.

Mr. Lee stated that issue was discussed in the Planning Commission meetings as well.

Mr. Bellows made a motion to Approve Article 18-Waterfront Residential Overlay, All Districts, W-1 of the Zoning Ordinance as amended.

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 19-Major Recreational Equipment of the Zoning Ordinance as amended.

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 March 20<sup>th</sup> and March 29<sup>th</sup> Budget Work Sessions, March 29<sup>th</sup> Regular Meeting, April 11<sup>th</sup> Budget Work Session and April 11<sup>th</sup> School Budget Public Hearing

Recommendation: Approve minutes as submitted

2. EMS Week Proclamation Resolution

Recommendation: Approve resolution as submitted

**EMS Week Proclamation  
To Designate the Week of May 20-26, 2018 as Medical Services Week**

**WHEREAS**, Emergency Medical Services is a vital public service; and

**WHEREAS**, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

**WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS**, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care and access to telemedicine; and

**WHEREAS**, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

**WHEREAS**, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

**WHEREAS**, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

**NOW, THEREFORE**, the Board of Supervisors of Lancaster County, in recognition of this event do hereby proclaim the week of May 20-26, 2018 as

**EMERGENCY MEDICAL SERVICES WEEK**

With the theme, **EMS Strong: Stronger Together**, We encourage the community to observe this week with appropriate programs, ceremonies and activities.

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 April 2018 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for April 2018 in the amount of \$272,282.06 and invoice listings for April 2018 in the amount of \$575,716.81\*.

\*Capital Improvements - \$21,464.15

\*Loan Payments - \$4,872.09

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

## 2. Locality Options to Address the Opioid Crisis

Jim Cornwell, County Attorney, stated that Lancaster County had been approached by three law firms that were working together and requested Lancaster County enter into an agreement for litigation against several different parties relating to the opioid problem. He stated that he was recommending it to the County and he would tell the Board why.

Mr. Cornwell stated that, according to the National Institute on Drug Abuse, everyday more than 115 people in the United States die from overdoses of opioids. He stated that the Center for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse was \$78.5 billion dollars a year, including the cost of healthcare, loss of productivity, addiction treatment and criminal justice that was involved. He stated that, in the late 1990's, pharmaceutical companies reassured the medical community that patients would not become addicted to opioid pain relievers and health care providers began to prescribe them at greater rates. He stated that approximately twenty-one to twenty-nine percent of patients prescribed opioids for chronic pain misuse them. He stated that between eight and twelve percent develop an opioid use disorder and an estimated four to six percent who misuse opioids transition to heroin. He stated that in 2017, 1,227 people in Virginia died from opioid overdoses.

Mr. Cornwell referred to the 2016 prescribing rate map and stated that the average rate of prescriptions, across the United States, was 66.5 per 100 persons. He stated that the rate for Lancaster County was 156.9 prescriptions per 100 persons, which is much higher than the national average. He stated that Lancaster County rates much higher than any other jurisdiction on the Northern Neck. He stated that the County was in the same category as many of the southwest counties in Virginia, who have experienced great harm from opioid misuse. He stated that Lancaster County has two big drug stores and some people from other counties may use them, but it cannot account for all of the difference.

Mr. Bellows stated that he thought the fact that Lancaster County had one of the oldest populations in Virginia probably played a part.

Dr. Westbrook asked who was being sued.

Mr. Cornwell replied that the law firm had proposed a two-step process. He stated that the first step would be to do an analysis of Lancaster County and see what the County expenses were relating to prescription use, such as EMS, schools, Social Services and the Sheriff's Department. He stated that a report would be delivered to the Board of Supervisors with the analysis results. He stated that the Board would then have the option to go forward into litigation. He stated that, presently, he thought there were 400 localities that were suing pharmaceutical companies, PBM companies and marketing companies.

Mr. Lee asked what was the County's obligation for the initial survey.

Mr. Cornwell replied nothing.

Mr. Lee asked what would be the cost if, after the Board learns the survey results, it decides to join in with the litigation.

Mr. Cornwell replied that the law firm would take the case on a twenty-five percent contingency. He stated that it would be a no recovery, no fee situation. He stated that, in the best case, the County would recover funds that it has spent for expenses related to opioid misuse.

Mr. Bellows stated that it would probably be similar to the tobacco litigation where a major settlement was won and could be appropriated to the jurisdictions that participated.

Mr. Larson asked if doctors were named in the suit.

Mr. Cornwell replied no. He stated that if the doctor had a history of over prescribing, it would probably be taken care of with licensing.

Mr. Cornwell stated that at least five or six jurisdictions have agreed to enter into this including Northumberland County. He stated that the Board had a proposal and he would recommend having either Mr. Lee or Mr. Gill enter into the agreement. He stated that the law firm will do the analysis for free and make a presentation to the Board and then the Board can decide whether or not to proceed further. He stated that the attorneys were filing suits in the counties and not on the federal level.

Mr. Lee made a motion to Enter into the Retainer Agreement Concerning Possible Litigation for the Opioid Crisis and to instruct Don Gill, Assistant County Administrator to sign the agreement.

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

Ernest W. Palin, Jr.                      Aye

Robert S. Westbrook                      Aye

## **BOARD REPORTS**

Dr. Westbrook stated that the broadband committee had met once and had another meeting tomorrow. He stated that he was very impressed with the knowledge of the committee members and their courage to take it on.

Mr. Bellows stated Mr. Gill and he met with Dominion Energy personnel this morning in White Stone to review preliminary plans for the transition station required for the underground line. He stated that the meeting went well and Dominion seemed to be further ahead than he would have expected and they already have contracts on the land that was needed. He stated that Dominion had been working very closely with the landowner for screening and landscaping and the landowner was happy with what had taken place so far. He stated that he asked Dominion to reach out to the remaining nearby landowners, so their concerns might be mitigated as well.

Mr. Bellows stated that Dominion said they want to present the Special Exception application to the Board of Supervisors in July. He stated that Dominion was planning on having all permits in place by the end of the summer, start construction in the fall, drill in the winter and be finished sometime late in 2019.

Dr. Westbrook stated that he had seen where Middlesex County had a broadband authority and when he was reading through the minutes, he saw where they were considering requiring conduit to be laid in a ditch they are digging for water pipes going to Deltaville. He stated that, if the Board recalled, they had talked about asking the construction company that would be installing the power line underwater, what the cost would be to lay conduit with the power line for future fiber. He stated that he had spoken to Mr. Koontz, who was a member of the Middlesex County Board of Supervisors and they were also going to inquire about it.

Mr. Cornwell stated that he had received an email that had been forwarded to Mr. Pleva that said Dominion Energy had said it would not be possible to lay additional conduit with the electrical line and it would have to be a separate drilling.

Mr. Bellows stated that he thought the County could look into finding a contractor separate from Dominion Energy and additional right-of-way would potentially be needed.

## **COUNTY ADMINISTRATOR**

Mr. Gill referred to the anti-littering initiative and the issue of signage and stated that he had received some estimates on three signs to add to the “Welcome to Lancaster County” signs. He stated that the proposed signs would be 10” x 30” to fit on the existing signs, be made of white vinyl with black lettering and the cost with hardware was approximately \$45 each. He asked the Board how involved they wanted to be. He stated that he could present sketches to them or they could rely on him to get the signage installed.

Mr. Larson stated that he thought Mr. Gill could take care of it.

Mr. Lee agreed.

Mr. Larson stated that his only concern was the approval by VDOT.

Mr. Gill stated that what he was proposing was additional signage on existing signs. He stated that the larger signs have to go through Virginia Logo, who coordinates with VDOT, so the larger signs were being pursued as well, but it was not going to happen as quickly. He stated that he could find the money in his Land Use budget for the three smaller signs and would take care of it.

Mr. Gill stated that there was an Eagle Scout candidate, Thomas Wilson, who was also a Lancaster High School Junior, who wants to clean up the old Chesapeake Nature Trail between Lancaster and Lively. He stated that Mr. Wilson wants to remove the dead and dying brush along the old trails, make it more usable for the public again and place a picnic table by the parking lot. He stated that it would be his Eagle Scout project. He stated that he was looking for a consensus from the Board for this.

Mr. Larson stated that Mr. Wilson should sign a liability release before he began his work.

The consensus of the Board was for Thomas Wilson to improve the Chesapeake Nature Trail for his Eagle Scout project.

Mr. Gill stated that the County’s Animal Shelter recently underwent an inspection by the state and he was pleased to say it was the twelfth inspection in a row where nothing wrong was found. He stated that Jamie Abbott and Michelle Lackert do a great job with one part-time person. He stated that they cover the shelter 365 days a year, 7 days a week and 24 hours a day.

## **ADJOURNMENT**

Motion was made by Mr. Lee to adjourn the meeting until Thursday, May 3, 2018 at 5:30 p.m. for a budget work session.

VOTE:                      William R. Lee                      Aye

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