

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, September 27, 2018.

Members Present: William R. Lee, Chair
Jason D. Bellows, Vice Chair
Jack D. Larson, Board Member
Ernest W. Palin, Jr., Board Member
Robert S. Westbrook, Board Member

Staff Present: Don G. Gill, Interim County Administrator and
Planning/Land Use Director
Crystal Whay, Clerk to the Board and
Building/Land Use Assistant

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

PUBLIC INPUT

None.

PRESENTATIONS

None.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Robert Harper, VDOT Superintendent, stated that the paving in the Town of Kilmarnock would begin this Sunday night. He stated that the road will be paved from Virginia Commonwealth Bank to Wal-Mart and will be done in sections. He stated that the project will only be done at night to minimize traffic interruptions and message boards will be displayed, so that the public is aware of the project.

Mr. Harper stated that there was a slope failure on School Street in Kilmarnock and a section of that road from Route 3 to Brent Street has been closed to traffic. He stated that, when the slope was being fixed, they found that the pipe under the road had been destroyed from the many inches of rain that had fallen recently. He stated that they have stabilized the shoulder of the road and will pave it, so it can be opened again to

traffic. He stated that the road will be monitored everyday and their engineers will work on a design for the pipe and they will put a contract in place for that work.

Mr. Harper stated that there was another damaged pipeline near Lively at the Ashburn property across from the Self Woodyard. He stated that they have filled where the pipe had separated and their engineers are looking at a permanent fix for that. He stated that there was no danger to the traveling public.

Mr. Harper stated that they have also repaired two slopes on Route 200 near Irvington using riprap and now they are stabilized.

Mr. Harper stated that the mowing in the lower section of the County on the secondary roads had been completed. He stated that the continuous rain has slowed the mowing process considerably. He stated that the contractor will now start in the Browns Store area and the VDOT crew will be starting in the Merry Point area and then continue to the upper end of the County. He stated that he was hoping that all of the mowing on both the primary and secondary roads would be completed by November 1st.

Mr. Palin referred to the intersection of Regina Road and Mary Ball Road and stated that when looking to the right, there was vegetation in the line of sight that needed to be taken care of.

PUBLIC HEARINGS

1. Proposed Ordinance for the Creation of a Registry for Short-Term Rental of Property

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

Mr. Gill stated that the first public hearing was to take public comment on a proposed ordinance for the creation of a registry for short-term rental of property. He stated that Jim Cornwell, County Attorney, was asked to draft the proposed ordinance. He stated that the purpose of this ordinance would be to document short-term rentals, such as "AirBnb's". He stated that these types of short-term rentals fit in the County's zoning ordinance under "Bed and Breakfast" and "Tourist Home". He stated that a Bed and Breakfast is a permitted use, with a special exception, in the A-2, Agricultural General and R-1, Residential General Districts. He stated that a Tourist Home is a by-right permitted use in the Rural Village Overlay, the R-3, Residential Medium General and the C-1, Commercial Districts. He stated that the proposed ordinance would require these short-term rentals to be registered and enable county staff to confirm zoning ordinance compliance. He stated that this ordinance also provides regulations that would prohibit this use upon multiple violations of state and local laws.

Mr. Gill stated that Chairman Lee asked the Planning Commission to consider this issue at its August meeting. He stated that the consensus from that meeting was that some of these short-term rentals should be by-right and should not require a special

exception. He stated that the rationale was that “whole house” rentals should require a special exception to protect adjoining property owners, but some of these short-term rentals involved only renting one or two rooms and could conform to the by-right home occupation use, if they met the six parameters that are listed under the definition of home occupation.

Mr. Gill stated that the issue had been advertised as required by law. He stated that, other than the discussion at the August Planning Commission meeting and last month’s Board of Supervisors’ meeting, there had been no further response from the public. He asked Mr. Cornwell if he had anything to add.

Mr. Cornwell stated that the proposed ordinance tracks the state code as far as registration and the zoning concern would be a separate issue. He stated that, as Mr. Gill had pointed out, the County does not know of the existence of these short-term rentals and this could be a way of determining that. He stated that, then the Board can decide, with the Planning Commission input, as to whether or not the zoning ordinance needs to be changed. He stated that this was simply a registration and the fee amount of \$50 was a suggestion. He stated that the fee cannot be higher, but it could be lower and that was at the Board’s discretion. He stated that the same thing goes for the penalty amount.

Mr. Lee opened the public hearing.

There was no public comment.

Mr. Lee closed the public hearing.

Mr. Bellows stated that he thought there were still a lot of questions about what impact this ordinance would have on county staff. He stated that he would reiterate his comments from the last meeting that it was imposing on property rights where the government was deciding what people can do in their own homes. He stated that the only purpose that can be seen for this is to subsequently adopt the next proposed ordinance, which imposes a tax. He stated that he was not inclined to impose another tax on our citizens without more information.

Dr. Westbrook stated that, in his opinion, the Board needed to look at all sources of revenue that they can reasonably have. He stated that this is not a tax on county residents, it is a pass through from the people who visit here. He stated that he knew they were considering the registry, but the transient tax would come next.

Mr. Larson stated that it was not a tax on the homeowner, but rather the people who were visiting.

Mr. Bellows stated that he knew that the transient tax was on the visitor, but the registry fee was on the property owner, along with fines if they do not register. He stated that this can also turn neighbors against neighbors. He stated that it was also confusing because you may need a special exception for a whole house, but not if just a room is

being rented. He stated that he thought it would be very hard to enforce as well. He stated that he thought the issue should be tabled until they can have a bigger discussion and find out more information about their financial path forward and ways that they can generate revenue without just arbitrarily picking this to impose a tax burden.

Mr. Lee asked Mr. Bellows what other information he would like to have.

Mr. Bellows replied one of the things that he would like to know is what impact the registry would have on staff time and resources.

Dr. Westbrook stated that the County has two towns that have the transient tax already, so they could ask them about it.

Mr. Lee asked if the towns have the short-term rental registry.

Mr. Gill replied that he did not think so, but they did have the transient tax.

Mr. Lee stated that there was no entity that knows how many of these short-term rentals were in the County.

Dr. Westbrook stated that they could ask the two members that were present from the Irvington Town Council.

Mr. Bellows stated that it was not proper to call out to the audience for answers.

Mr. Bellows stated that the County is trying to encourage economic development and this could possibly deter it. He stated that taxes deter economic development.

Mr. Larson stated that he thought there were a fair amount of these short-term rentals that were outside of the towns. He stated that he didn't think it was arbitrary when they have had people come before the Board to talk about the problems that these rentals can create. He stated that it was good to know where they were.

Mr. Bellows stated that they have heard one complaint, which was subsequently dealt with, neighbor to neighbor.

Mr. Larson stated that all he was saying was that it was not arbitrary and had been brought to the Board's attention. He stated that they were being proactive about the issue before they receive more complaints.

Mr. Lee asked what steps would he have to take if he wanted to start operating an Airbnb tomorrow.

Mr. Gill replied that if he wanted to operate a traditional bed and breakfast and lived in the R-1 or A-2 Zoning Districts, he would need a special exception. He stated that he would have to pay the \$400 fee, fill out the application and it is then advertised and a public hearing would be held at a Board of Supervisors' meeting. He stated that the

Board can place conditions on the special exception if they choose to do so. He stated that if a citizen wants to have an AirBnb, he would not know about it.

Mr. Bellows asked if there was a fee for any other home occupation.

Mr. Gill replied that there was no fee if the home occupation fits the six parameters within the definition. He stated that if it does not fit the six parameters, then it becomes a violation and is handled that way.

Mr. Bellows asked if the current ordinance covers complaints such as noise.

Mr. Gill replied that the County has a noise ordinance in place.

Mr. Bellows stated that it would be singling out a particular home occupation and that was being arbitrary.

Mr. Larson stated that, when it comes to home occupancy, he thought it was different. He stated that, with the short-term rentals, people are coming into the home from the outside and with a home occupation, normally people are working inside their home producing something or providing a service and there is not the interaction of people from the outside coming in. He stated that he had been to a number of AirBnBs and they could be great, but, in his opinion, there was very little difference between them and a bed and breakfast because a lot of them do offer some form of breakfast, even if it is just continental.

Mr. Bellows stated that he would disagree that an AirBnb is anything like a bed and breakfast. He stated that a traditional bed and breakfast is like a hotel with multiple people coming in and out at the same time and more like a business. He stated that he thought they should get more information before pushing this issue through.

Mr. Lee asked if the \$50 registry fee was a one-time fee.

Mr. Gill replied that the \$50 registry fee was an annual fee.

Mr. Bellows made a motion to Table the Proposed Ordinance for the Creation of a Registry for Short-Term Rental of Property until more information could be gathered.

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

Motion failed. (1-4)

Dr. Westbrook made a motion to Approve the Proposed Ordinance for the Creation of a Registry for Short-Term Rental of Property.

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

Motion passed. (4-1)

Mr. Cornwell stated that, at last month's meeting, he had asked Chairman Lee to ask for a show of hands during the votes from the Board of Supervisors to make it clear who was voting for what.

2. Proposed Transient Occupancy Tax Ordinance

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

Mr. Gill stated that the second public hearing was tied to the first ordinance that the Board just passed. He stated that the public hearing was to take public comment on a proposed transient occupancy tax ordinance. He stated that, Jim Cornwell, County Attorney, was asked to draft this ordinance as well. He stated that the purpose of this ordinance was to collect two percent of the amount paid for lodging at any hotel, motel, boardinghouse, travel campground or other facility offering guest accommodations rented out for fewer than 30 consecutive days. He stated that this ordinance would apply within the County's jurisdiction, outside of the incorporated towns.

Mr. Gill stated that this issue had been advertised as required by law and to date, other than the discussion at last month's Board of Supervisors' meeting, there had been no further response from the public.

Mr. Cornwell stated that the proposed ordinance in front of the Board was primarily out of the Code of Virginia and two percent was the statutory limit.

Mr. Lee opened the public hearing.

There was no public comment.

Mr. Lee closed the public hearing.

Mr. Lee stated that this was the ordinance that Dr. Westbrook was speaking of during the last public hearing. He stated that some of the towns do have this tax.

Mr. Lee made a motion to Approve the Proposed Transient Occupancy Tax Ordinance.

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

Motion passed. (4-1)

3. Proposed No-Wake Zone in a Portion of the Northern Branch of Carter Creek

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

Mr. Gill stated that the public hearing deals with a request to establish a “no wake” zone along a 3,500 feet section of the Northern Branch of Carters Creek in District 5. He stated that the applicants want to establish this “no wake” zone as described and depicted in the Board members’ packages. He stated that the east side of the Northern Branch of Carters Creek borders the Town of Irvington. He stated that the Town Council of Irvington considered this request at its regular meeting on August 9, 2018 and the draft minutes had also been included. He stated that the Town Council had submitted a letter asking the Board of Supervisors to consider this request.

Mr. Gill stated that the west side of the Northern Branch of Carters Creek borders properties located in the Weems area. He stated that pursuant to Section 29.1-744 of the Code of Virginia, the applicants must get the Board of Supervisors’ approval at an advertised public meeting before this request can be sent to the Virginia Department of Game and Inland Fisheries (DGIF) for ultimate approval. He stated that the applicants will be responsible for all costs associated with the placement and maintenance of the four buoys and the Virginia Conservation Police would be responsible for the enforcement of the “no wake” zone.

Mr. Gill stated that this will be the third “no wake” zone request since 2014 that the Board of Supervisors has considered in Lancaster County. He stated that the Board of Supervisors approved a “no wake” zone request near the Merry Point Ferry in January 2014 that was ultimately approved by DGIF on June 25, 2014. He stated that applicant

has subsequently requested that DGIF rescind that “no wake” zone. He stated that the Board also approved a “no wake” zone request on Dymer Creek in August 2017 that was ultimately approved by DGIF, with revisions, on June 4, 2018.

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

Mr. Lee opened the public hearing.

Tom Chapman, a District 5 resident, stated that he was one of the applicants to the Virginia Department of Game and Inland Fisheries. He stated that the other applicants were Bruce Sanders and Carroll Davies and all of them would be responsible for the installation and maintenance of the buoys. He showed a power point presentation concerning the no wake zone. He explained the area in Carters Creek for which they were applying for the no wake zone designation. He stated that they wanted two buoys at the mouth of the Northern Branch and two more buoys down the branch. He stated that some of the reasons that they need a no wake zone were marina workers safety and productivity, marina slip holders’ and residents’ claim that the creek is “rough” for on-board activities, paddleboard and kayak safety and shoreline erosion.

Mr. Chapman stated that they have support for the no wake zone from the Irvington Town Council, the Tides Inn and others. He stated that during the town council meetings, there were only two issues that were brought up and one of them was that this would encumber other uses of the water, but the 3,500 feet section that is being considered is only twenty percent of the wide areas of the creek. He stated that the other issue was concern for the watermen’s activities, since a lot of watermen use the creek to access Kellum Seafood. He stated that there were also some tugboats that use the creek to access the Ampro shipyard. He stated that the proposed placement of the buoys will enable the watermen to continue their activities, as long as they stay to the south of the buoys.

Mr. Chapman stated that he requested that the Board of Supervisors send a letter to the Virginia Department of Game and Inland Fisheries recommending approval of the no wake zone proposal.

Bruce Sanders, a District 5 citizen, stated that the Northern Branch of the creek is probably the busiest section of any creek in the County. He stated that there was a lot of activity such as boat traffic, kayaks, paddleboards, commercial vessels and there is also a sailing school. He stated that it can be dangerous at times and he appreciated the Board’s consideration to help them gain some control in that section of the creek.

Fred Minton, a District 5 citizen, stated that he agreed with Mr. Sanders. He stated that the boats in the creek create huge wakes and it can be dangerous at times. He stated that a lot of children are using the water there, as well, and he was concerned for them. He asked that the Board consider their request and it would be a benefit to the residents and businesses on the creek.

Carroll Davies, a District 5 citizen, stated that the question has been asked why was a no wake zone needed now. He stated that there were more boats, more homes and more people. He stated that the boats were larger, as well, and everyone was in a hurry and they want to keep it as safe as possible.

Fran Westbrook, a District 5 citizen, stated that she was an Irvington Town Council member, but wanted the Board to know that, at this meeting, she was not officially representing the town council. She stated that, however, the comment she wanted to make is directly attributable to being a member of the council. She stated that in a letter that the Board of Supervisors received from the Irvington town attorney and which had been included in the Board's meeting packets, it was stated that the Town Council of Irvington, Virginia after hearing from our appointed No Wake Advisory Committee and after receiving public comments at several public meetings, respectfully requested that the Board place consideration of a no wake zone on its September agenda. She stated that, however, the letter did not include the council's motion, which authorized the letter and in doing so, left out a salient fact. She stated that she wanted the Board to know that the motion that was made and unanimously passed, not only asked for inclusion on the Board's agenda, but additionally asked that the Board please consider approval of the no wake zone. She stated that she realized this may be a small point to the Board, but it is an important point to those who support the no wake zone on Carters Creek. She thanked the Board for its consideration.

Charlie Costello, a District 2 citizen, stated that he did not live on Carters Creek, but other places in the County have no wake zones. He stated that no wake zones are honored because it protects the boats and the area. He stated that no wake zones are important, especially where there is congestion. He stated that he supported this.

Ian Ormesher, a District 5 citizen, stated that he had sailed around the area and Carters Creek can be difficult with the boat traffic and wakes. He stated that his observations have shown that boats slow down, but usually too late to not cause wakes. He stated that most boaters are unaware of the wakes they are causing. He discussed the dangers of boat wakes and how having a no wake zone would improve the conditions on the creek.

Julie Harris, a District 5 citizen, stated that she was in opposition to the proposed no wake zone and whether they like boat wakes or not, they need to keep in mind that this is public water. She stated that public water should remain open and available to the public. She stated that the no wake area around Urbanna is approximately 1,760 feet and the proposal for Carters Creek is 3,500 feet, which is approximately two-thirds of a mile and almost twice the size of Urbanna's no wake zone. She stated that a VMRC representative stated that the proposed area was extensive. She stated that, at the July meeting of the Irvington Town Council, five watermen spoke in opposition to the no wake zone proposal. She stated that it was difficult for watermen to attend evening meetings because of the hour in which they need to get up for work. She stated that there were many watermen that crab and oyster on the main branch of Carters Creek. She

stated that 75 to 90 watermen go to Kellum Seafood to sell their catch. She stated that the first proposed buoy was directly across from Carter Cove on which Kellum Seafood is located. She stated that, establishing a no wake zone in this area, will adversely affect the watermen's travel and their livelihood.

Ms. Harris stated that concern has been mentioned regarding damage from boat wakes to docks and bulkheads. She stated that she has personally talked to local dock builders and they have told her that docks, riprap and bulkheads are built to sustain pressure from wave action. She stated that it has also been mentioned that the no wake zone is needed for the safety of kayakers, paddleboarders and young sailors. She stated that her grandchildren use the water without concern for boat wakes because they were taught how to angle their craft and handle wakes.

Ms. Harris stated that the needs of everyone using the public waters may be better met by enforcing the current laws. She stated that, according to the Code of Virginia, reckless operation of a motorboat is a class 1 misdemeanor punishable by a fine up to \$2500. She stated that an infraction of a no wake stipulation is only a class 4 misdemeanor that has a much lower fine. She stated that she urged the Board of Supervisors to acknowledge that this no wake request covers a huge expanse of 3,500 feet of public water. She stated that, to support her request, she would like to present to the Board of Supervisors a petition of 157 signatures of individuals who are in opposition to the no wake zone request. She stated that many of these people are local residents and watermen who were not able to attend tonight's meeting.

Mr. Lee closed the public hearing.

Mr. Lee stated that the placement of the proposed buoys is subject to revision by the Virginia Department of Game and Inland Fisheries. He stated that what is shown on the diagrams could shift and that department has the last word on it. He stated that he had some concerns about how it would affect the watermen, but the placement of the buoys looks like it will not affect their travel.

Mr. Palin stated that Mr. Sanders had addressed the concern for the watermen and how it would not be a violation if a wake hit the first buoy as they come into the creek.

Mr. Bellows stated that his opinion on no wake zones is that they are like speed limit signs on public roads and one cannot speed through town without getting a ticket. He stated that it is the same way on the water. He stated that this is a part of the creek that is very congested with a lot of commercial activity, similar to a town versus the open water where there is no such activity.

Dr. Westbrook stated that he thought it made sense to have the no wake zone. He stated that the watermen can go south of the buoys to get to Kellum Seafood. He stated that it is a congested area and it will make it safer if boaters travel at slower speeds.

Dr. Westbrook made a motion to Approve the Proposed No Wake Zone in a Portion of the Northern Branch of Carter Creek and send a Letter to the Virginia Department of Game and Inland Fisheries recommending approval.

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 August 30th Regular Meeting

Recommendation: Approve minutes as submitted

2. Affirmation of Declaration of Local Emergency on September 9, 2018

Recommendation: Approve declaration as submitted

3. Resolution Recognizing September 14th as Star-Spangled Banner Day

Recommendation: Approve the resolution as submitted

RECOGNIZING STAR-SPANGLED BANNER DAY

WHEREAS, “The Star-Spangled Banner”, our National Anthem, was written during the War of 1812; and

WHEREAS, By the dawn’s early light on September 14, 1814, Francis Scott Key saw the American flag flying over Fort McHenry, signifying an American victory and was inspired to write the words of “The Star-Spangled Banner”; and

WHEREAS, men and women from Lancaster County, Virginia served with distinction in the Armed Forces during among other wars, the Revolutionary War and the War of 1812, WWI, WWII, Korea and Vietnam; and

WHEREAS, “The Star-Spangled Banner” became our National Anthem on March 3, 1931 when President Herbert Hoover signed Public Law 823; and

WHEREAS, millions of Americans cherish and respect the words and music of “The Star-Spangled Banner”; and

WHEREAS, sporting and public events begin with the singing or playing of the National Anthem as a reaffirmation of patriotism and love of country; and

WHEREAS, The Cobbs Hall Chapter, Daughters of the American Revolution and the Rappahannock Chapter, The National Society of the United States Daughters of 1812 call for a day to observe the historical significance of the “Star-Spangled Banner” and to celebrate the words that Francis Scott Key penned in 1814;

NOW, THEREFORE, BE IT RESOLVED that the Lancaster County Board of Supervisors hereby encourages all citizens to remember, recognize and commemorate the anniversary of the birth of our country’s National Anthem, September 14th as “Star-Spangled Banner Day”.

4. Resolution Recognizing September 17th – 23rd as Constitution Week

Recommendation: Approve the resolution as submitted

Recognizing Constitution Week 2018

WHEREAS, September 17 marks the two hundred and thirty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE BE IT RESOLVED that the Lancaster County Board of Supervisors proclaims September 17 through 23, 2018 to be **Constitution Week** and asks the citizens to reaffirm the ideals the framers of the Constitution had in 1787.

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 September 2018 Salaries and Invoice Listings

Mr. Palin made a motion to approve the salaries for September 2018 in the amount of \$288,997.38 and invoice listings for September 2018 in the amount of \$1,395,669.99*.

*Loan Payment - \$822,772.63

*Capital Improvements - \$90,000.00

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

2. Consideration of MPNNCSB FY 19/20 Performance Contract and Resolution of Approval

Mr. Gill stated that the issue was consideration of the Middle Peninsula Northern Neck Community Services Board (MPNNCSB) FY 19/20 Performance Contract and Resolution of Approval. He stated that Chuck Walsh, Executive Director, was present to address the Board.

Mr. Walsh thanked the Board of Supervisors for its past support and stated that his organization couldn't do what it does without the support of the agencies that they interface with such as the Sheriff's Department, the school system and the Department of Social Services. He stated that his board approved the performance contract at its August meeting and the Virginia Department of Behavioral Health and Developmental Services gave tentative approval, but before final approval, he has to visit the ten counties that established the MPNNCSB for their approval. He explained their services

and programs and gave a short history of the organization. He stated that Medicaid expansion would be coming in January, which means they will be able to bill Medicaid for services for the uninsured or under insured that they would have normally had to subsidize. He stated that there were no consequences for the locality to approve the performance contract.

Mr. Lee referred to the requirements for patients re-entering the community after treatment and asked who made those decisions about whether or not the patients were ready for that.

Mr. Walsh replied that it was supposed to be a treatment team meeting between the Community Services Board and the treatment team at the hospital, such as Eastern State. He stated that it does not always happen the way it should because there is a major crisis with overcrowding.

Mr. Palin referred to Medicaid expansion and asked what it would mean for the localities.

Mr. Walsh replied that there was no consequence for the County from the Community Services Board's point of view for the localities concerning Medicaid expansion. He stated that he did not know about the Social Services Department's view.

Mr. Bellows stated that he suspected that the Medicaid surplus will be treated much like the lottery fund surplus was when it was supposed to help with education. He stated that it will be used as an excuse to divert money from healthcare to somewhere else in the budget. He stated that the organization that the money was designed to help or improve will never see it.

Mr. Bellows thanked Mr. Walsh for all his organization does for the community.

Mr. Bellows made a motion to Approve the Middle Peninsula Northern Neck Community Services Board FY 19/20 Performance Contract and Resolution of Approval.

APPROVAL OF PERFORMANCE CONTRACT

WHEREAS, §37.2-508 of the *Code of Virginia, 1950, as amended*, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, a biennium Performance Contract for community mental health, intellectual disabilities and substance use services for its approval prior to submission of the contract to the Virginia Department of Behavioral Health and Developmental Services; and

WHEREAS, the Middle Peninsula Northern Neck Community Services Board has put forward its proposed FY 19-20 Biennium Performance Contract for approval by the Boards of Supervisors of its governing counties of Essex, Gloucester, King and

Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond and Westmoreland;

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Lancaster County that the Performance Contract prepared by the Middle Peninsula Northern Neck Community Services Board is hereby approved and may be forwarded to the Virginia Department of Behavioral Health and Developmental Services as further required.

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

3. Consideration of a Proposed Precious Metals Dealers Ordinance

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

Mr. Cornwell stated that Detective Steve Sorensen proposed the precious metals dealers ordinance to the Board last month and he was asked to draft the ordinance.

Mr. Sorensen stated that the proposed ordinance has everything that he had asked for. He stated that the fees were not his decision to make.

Mr. Bellows made a motion to Forward the Proposed Precious Metals Dealers Ordinance to Public Hearing.

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

4. Consideration of Animal Control Vehicle Purchase

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

Mr. Gill stated that since the last Board of Supervisors' meeting in August, one of the Animal Control Department vehicles has broken down. He stated that the Animal Control Department is managed by Jamie Abbott and Michelle Lackert 365 days a year with limited part-time help. He stated that the department has two vehicles. He stated that Mr. Abbott drives a 1996 Dodge dually pickup truck with 197,000 miles and that vehicle is in good operating condition. He stated that Mrs. Lackert drives a 2001 Dodge pickup truck with 132,000 miles that recently had a rear axle break down. He stated that the truck was taken to Rapid Lube for repair and it has been found that the parts for the truck have been discontinued and none could be located in salvage yards. He stated that Mrs. Lackert's vehicle is inoperable, so now she is sharing the one vehicle with Mr. Abbott. He stated that the Animal Control Department has spent \$9,530.68 over the last three years in vehicle repair and maintenance. He stated that, as far as County departments go, and he believed Mr. Larson would agree, the Animal Control Department has been well managed. He stated that, in the eleven years that he has been working with the County, the Animal Control Department has never made a request under the Capital Improvement Budget.

Mr. Gill stated that he had obtained a quote under state contract for a replacement truck that totals a little over \$28,600. He stated that it was a basic 2019 Ford XL 4x4 extended cab truck. He stated that the problem is that this vehicle will not be available until February 2019 at the earliest and the Animal Control Department needs a truck immediately. He stated that a possible alternative to the new vehicle purchase would be to authorize spending an amount, not to exceed the 2019 state bid amount, to allow Mr. Abbott to go out and find a used vehicle that would serve the department and be readily available. He stated that a camper shell was not included in the state bid, but would be needed, and he estimated that cost to be approximately \$900 to \$1000.

Mr. Bellows asked if they were required to buy the vehicle under state contract.

Mr. Gill replied that they were not required to buy the vehicle under state contract, but one would think that a locality would, so that was why he obtained the bid.

Mr. Bellows referred to the long wait time and asked why they couldn't just buy something off the lot.

Mr. Gill replied that he had spoken to Sheehy Ford, who is the main supplier of state contract trucks, and they have none on their lots. He stated that they have all been dispersed and sold. He stated that, in talking with Mr. Abbott and Mrs. Lackert, they have told him that they would like to find a good used vehicle.

Mr. Bellows asked about leasing a vehicle for this purpose.

Mr. Gill replied that he had not inquired about a lease.

Mr. Larson stated that he would like to echo Mr. Gill's comments about the efficiency and quality of the management of the Animal Control Department. He stated

that he did not believe that they have ever received a new vehicle and certainly not since Mr. Abbott has been there. He stated that Mr. Abbott goes out and gets the best deal he can and when needed, works on the vehicles himself. He stated that, given the fact that they need a vehicle now, they should be authorizing Mr. Abbott to go out and get the best deal that he can. He stated that he had full confidence that Mr. Abbott would execute the best possible deal.

Mr. Bellows stated that he had some concerns about Mr. Abbott's vehicle with 197,000 miles.

Mr. Abbott stated that he planned to drive that vehicle indefinitely.

Mr. Larson stated that Mr. Abbott's vehicle had a diesel engine, so that would help with its longevity.

Mr. Lee asked Mr. Abbott if he was confident that he could find a used vehicle to meet their needs.

Mr. Abbott replied yes. He stated that it would need to be four-wheel drive because of the road conditions they encounter.

Mr. Palin asked Mr. Abbott if he was suggesting going the used route instead of waiting for a new truck to be built.

Mr. Abbott replied yes.

Mr. Larson stated that the County bought a pickup truck a few years ago that does nothing more than plow snow and asked if that could be used until another truck was purchased.

Mr. Abbott stated that they would have to let Mr. Revere know about it since he drives it.

Mr. Larson stated that pickup truck was not Mr. Revere's.

Mr. Lee asked if Mr. Revere used the pickup truck on a daily basis.

Mr. Gill replied that Mr. Revere does drive that truck daily. He stated that he and Mr. Abbott could work it out.

Mr. Gill stated that he had included the state bid so that the Board would know the cost of a new vehicle and could set a ceiling for Mr. Abbott to work with.

Mr. Cornwell suggested that the motion include that there would be an amendment to the Capital Improvement Budget and authorize the purchase of a vehicle

under the Small Purchase Procurement Policy. He stated that they would need three bids before the purchase.

Mr. Larson asked about bidding.

Mr. Cornwell replied that they could get verbal bids.

Mr. Gill stated that the Small Purchase Procurement Policy requires them to look at three bids, but they would not have to advertise.

Mr. Bellows made a motion to Amend the Capital Improvement Budget and Authorize the purchase for a Replacement Vehicle for the Animal Control Department up to \$32,000.

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

Mr. Lee stated that he appreciated the good reports that the Animal Control Department gets each year concerning their inspections.

BOARD REPORTS

Mr. Larson stated that the Lancaster Community Library's fundraiser featuring the Bobby Black Hat Band had been rescheduled to Monday, October 22, 2018.

Dr. Westbrook stated that there had been meetings with the Emergency Services Department during the preparation for the storm a couple of weeks ago. He stated that they also met afterwards for a debriefing. He stated that he was proposing a meeting of the Board of Supervisors with the Emergency Services Department and the volunteer departments to get an idea of their future financial needs and how it will impact the County budget. He proposed the date of Tuesday, October 9th.

Mr. Larson and Mr. Palin stated that they could not attend on that date.

Mr. Lee stated that they will try another date.

Dr. Westbrook asked about a doodle poll concerning the meeting date, since there were so many people involved.

Mr. Gill stated that could be done.

Mr. Lee stated that one of the things that they should try to accomplish is to get information out to the public on the call volume for emergency services. He stated that he thought there was some feeling in the public that there were too many EMS employees. He stated that EMS was the fastest growing department in the County and they need to think about what it will look like in the future.

Mr. Larson stated that he had a constituent tell him that during the storm preparations, she tried to access the state emergency operations center the day before the County activated its emergency operations center and did not receive a satisfactory response.

Mr. Lee stated that they had a post-hurricane meeting last Monday with the Red Cross, EMS and Social Services and tried to address a manpower issue. He stated that the meeting went well.

Dr. Westbrook referred to the local shelter and stated that it was well organized and there were some citizens who used it during that week.

Mr. Bellows stated that it was good practice for the next storm event.

COUNTY ADMINISTRATOR

Mr. Gill stated that the clerk of the Middle Peninsula Juvenile Detention Center had emailed him and advised that the previous County Administrator's four-year term had expired and another appointment was needed. He stated that he would be willing to take the appointment if the Board desired.

Dr. Westbrook asked Mr. Gill if he would do it in his spare time.

Mr. Larson asked if Mr. Gill would rather have an appointee from the community.

Mr. Gill replied that would be the Board's decision.

Mr. Larson stated that Mr. Gill had enough on his plate and would for an indefinite period of time.

Mr. Gill stated that he did not have any suggestions for anyone else to take the appointment.

Dr. Westbrook asked Mr. Gill to send the appointment request in an email and he would talk to some people about it.

Mr. Gill stated he would do that.

Mr. Gill stated that he had received an email from Jimmie Carter that said Mr. Beale, the current owner of the property under contract for the proposed school project, had informed the farmer that rents from him not to plant anything for next year.

Mr. Larson suggested telling Mr. Beale to let the farmer use the land again.

Mr. Bellows stated that, until the sale is closed, it is Mr. Beale's decision.

Mr. Lee stated that it was really Mr. Beale's call, since he was the landowner and currently collects rent from the farmer.

Mr. Gill stated that he wanted to make the Board aware of it.

Mr. Gill stated that, at last month's meeting, the Board asked him to do some research on the hazardous household waste collection dates. He stated that it was timely because the one that was scheduled for September 15th was postponed until October 27th due to the impending storm. He stated that the County pays for this service. He stated that the Northern Neck Soil and Water Conservation District and the Extension Office provide help with manpower and advertising. He stated that the Hazardous Household Waste Collection Day held in May cost the County \$19,735.35. He stated that there was a \$3900 mobilization fee to get the company to set up before any waste was collected. He stated that it was approximately a \$20,000 cost per event and he wanted to make the Board aware of it.

Mr. Lee stated that was good to know.

Dr. Westbrook asked if there was an agreement where citizens could go to other counties with their waste and other counties' citizens could come to Lancaster.

Mr. Gill stated that could happen, as far as he knew. He stated that each County does two of the collection days a year. He stated that Richmond County was a little different because at one of their collection days, they also accept tires, whereas the other three counties do not.

Mr. Bellows asked, since tires are part of the litter problem, if they could inquire about including tire collection during the waste collection for Lancaster County.

Mr. Gill replied yes.

ADJOURNMENT

Motion was made by Mr. Palin to adjourn.

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

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