

A Work Session of the Westmoreland County Board of Supervisors was held Wednesday, February 28, 2024, in the public meeting room of the George D. English, Sr. Memorial Building, located at 111 Polk Street, Montross, Virginia. Those members present were Darryl E. Fisher, W. W. Hynson, Jeffrey McCormack, Matthew Ingram and Timothy J. Trivett. Also present were Ben Prescott, County Administrator, Donna Cogswell, Assistant County Administrator and Debra Whaley, Finance Director.

1. **CALL TO ORDER:**

Chairman Hynson called the meeting to order at 5:39 p.m.

2. **Approval of/Amendment to Board Agenda:** Chairman Hynson stated that everyone should have received the Agenda and asked if anyone had any changes or comments to the Agenda, if not, he asked for a Motion to approve the Agenda. With no discussion, upon motion by Mr. McCormack, second by Mr. Fisher and carried unanimously the Board approved the Agenda for tonight's meeting.

Chairman then turned the meeting over to the County Administrator to proceed with the Presentations.

3. **Presentations:**

- a) **Health Insurance for County:** Debra Whaley was present to discuss The Local Choice Employee Health Benefits Program Rates for FY 2024-2025. She explained that the County share compared to last year has increased for single premium \$23.00, for dual premium \$42.00 and family premium \$57.00. The calculation is based on 80% of the amount that is calculated and the VA Administrative Code requires that as a condition of local employer participation in this plan that the employer must pay a portion of the plan attributable to a local employee's coverage that participating local employee must contribute a minimum of a percent of the cost and that is what this calculation is based on. No questions asked.

DARRYL E. FISHER
ELECTION DISTRICT NO. 1
HAGUE, VIRGINIA 22469

JEFFREY A. MCCORMACK
ELECTION DISTRICT NO. 2
MONTROSS, VIRGINIA 22520

MATTHEW D. INGRAM
ELECTION DISTRICT NO. 3
MONTROSS, VIRGINIA 22520

W. W. HYNSON
ELECTION DISTRICT NO. 4
COLONIAL BEACH, VIRGINIA 22443

TIMOTHY J. TRIVETT
ELECTION DISTRICT NO. 5
COLONIAL BEACH, VIRGINIA 22443



W. BENJAMIN PRESCOTT
County Administrator
P. O. BOX 1000
MONTROSS, VIRGINIA 22520-1000
PHONE: 804/493-0130
FAX: 804/493-0134
E-mail: prescott@westmoreland-county.org
Web Page: www.westmoreland-county.org

WESTMORELAND COUNTY, VIRGINIA

Board of Supervisors

MONTROSS, VIRGINIA 22520-1000

OPEN ENROLLMENT IS FROM MAY 1, THROUGH MAY 15, 2024.
FORMS ARE DUE BACK TO FINANCE DEPARTMENT BY MAY 15, 2024

RESOLUTION

THE LOCAL CHOICE HEALTH BENEFITS PROGRAM RENEWAL BE IT RESOLVED that the Westmoreland County Board of Supervisors hereby approves Westmoreland County's participation in the local Choice Health Benefits Program for the period of July 1, 2024 through June 30, 2025 based on the following renewal rates:

| | | RENEWAL | RENEWAL | COUNTY | EMPLOYEE |
|------------------------|--|---------|----------|--------|----------|
| | | RATE | RATE | SHARE | SHARE |
| KEY ADVANTAGE EXPANDED | | | FY 24-25 | | |
| FULL TIME EMPLOYEES | | | | | |
| SINGLE | | 1,035 | | 755 | 280 |
| DUAL | | 1,915 | | 1,341 | 575 |
| FAMILY | | 2,796 | | 1,845 | 951 |
| KEY ADVANTAGE EXPANDED | | | | | |
| PART-TIME EMPLOYEES | | | | | |
| SINGLE | | 1,035 | | 378 | 657 |
| DUAL | | 1,915 | | 670 | 1,245 |
| FAMILY | | 2,796 | | 923 | 1,873 |
| | | RENEWAL | | COUNTY | EMPLOYEE |
| | | RATE | | SHARE | SHARE |
| KEY ADVANTAGE 500 | | | | | |
| FULL TIME EMPLOYEES | | | | | |
| SINGLE | | 853 | | 755 | 98 |
| DUAL | | 1,579 | | 1,341 | 239 |
| FAMILY | | 2,304 | | 1,845 | 459 |
| KEY ADVANTAGE 500 | | | | | |
| PART-TIME EMPLOYEES | | | | | |
| SINGLE | | 853 | | 378 | 475 |
| DUAL | | 1,579 | | 670 | 909 |
| FAMILY | | 2,304 | | 923 | 1,381 |

RATES EFFECTIVE FROM
JULY 1, 2024 THROUGH JUNE 30, 2025

| KEY ADVANTAGE EXPANDED W/PREVENTIVE DENTAL ONLY | | RENEWAL RATE | COUNTY SHARE | EMPLOYEE SHARE |
|--|--|-----------------|-----------------|-------------------|
| SINGLE | | 1,018 | 0 | 1,018 |
| DUAL | | 1,882 | 1,317 | 565 |
| FAMILY | | 2,747 | 1,813 | 934 |
| KEY ADVANTAGE EXPANDED W/PD PART-TIME EMPLOYEES | | | | |
| SINGLE | | 1,018 | 0 | 1,018 |
| DUAL | | 1,882 | 659 | 1,223 |
| FAMILY | | 2,747 | 907 | 1,840 |
| KEY ADVANTAGE 500 W/PREVENTIVE DENTAL ONLY | | | | |
| SINGLE | | 836 | 0 | 836 |
| DUAL | | 1,546 | 1,317 | 229 |
| FAMILY | | 2,256 | 1,813 | 443 |
| KEY ADVANTAGE 500 W/PD PART-TIME EMPLOYEES | | | | |
| SINGLE | | 836 | 0 | 836 |
| DUAL | | 1,546 | 659 | 887 |
| FAMILY | | 2,256 | 907 | 1,349 |
| RETIREES WITH MEDICARE | | | | |
| ADVANTAGE 65 | | 183 | | |
| ADVANTAGE 65 & DENTAL/VISION | | 218 | | |

Date

W. W. Hyson, Chairman
Board of Superior
Westmoreland County

b) EMS – Billing: Chief Byrd discussed the billing rate increase discussion before the Public Hearing in March. The last time billing rates were addressed was 2020 and because of inflation it is now necessary to increase the billing rates. It is a two part piece with advertisement and then the Resolution regarding the billing rates. There will be a 20% increase across the board which most County's have already adopted. It standardizes the rates across the board which makes it easier for all those involved, including PDC who does the billing. Are there any questions.

Mr. McCormack wanted to confirm the way the billing is handled in all local counties; will it be the same including pricing? Chief Byrd said yes, the billing is done the same way and will be the same pricing, once the increase has passed.

NEXT PAGE - INFORMATION

2023 CURRENT AGENCY RATES

| Agency | ALS | BLS | ALS2 | Mileage | Last Update |
|-----------------------|--------------|--------------|--------------|----------------|--------------------|
| Lancaster | \$600 | \$500 | \$750 | \$15 | 1/2022 |
| Northumberland | \$650 | \$500 | \$750 | \$15 | 4/2016 |
| Richmond | \$650 | \$500 | \$750 | \$14 | 7/2022 |
| Essex | \$600 | \$500 | \$700 | \$14 | 8/2016 |
| Westmoreland | \$750 | \$600 | \$850 | \$16 | 7/2020 |

Proposed Increased EMS Rates for 2024:

BLS: \$720

ALS: \$900

ALS 2: \$1020

Milage: \$20

Increase hardship by \$5000 in each category:

| <u>Income</u> | <u>Exemption</u> |
|------------------|------------------|
| Less than 25,000 | 100% |
| 25,000-35,000 | 75% |
| 35,000-45,000 | 50% |
| 45,000-55,000 | 25% |
| 55,000 and above | 0% |

DARRYL E. FISHER, CHAIRMAN
ELECTION DISTRICT NO. 1
HAZLE, VIRGINIA 22869

W. W. HYNSON, VICE CHAIRMAN
ELECTION DISTRICT NO. 4
COLORADO BEACH, VIRGINIA 22943

ROSEMARY MAHAN
ELECTION DISTRICT NO. 2
HAZLE, VIRGINIA 22869

DOROTHY DICKERSON TATE
ELECTION DISTRICT NO. 5
MONTROSS, VIRGINIA 22820

LARRY ROBERSON
ELECTION DISTRICT NO. 3
COLORADO BEACH, VIRGINIA 22943



NORM RIBAVI
County Administrator
P. O. Box 1000
MONTROSS, VIRGINIA 22820-1000
PHONE: (804) 630-0100
FAX: (804) 630-0104
E-mail: nribavi@westmoreland-county.org
Web Page: www.westmoreland-county.org

WESTMORELAND COUNTY, VIRGINIA

Board of Supervisors
MONTROSS, VIRGINIA 22820-1000

RESOLUTION

WHEREAS, upon finding as fact, after notice and public hearing, that the exercise of the powers enumerated in Virginia Code §32.1-111.14 is necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare of the residents and visitors of Westmoreland County; and

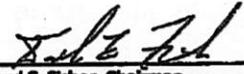
WHEREAS, the Westmoreland County Board of Supervisors has fixed reasonable charges for permitted rescue services to be billed to the users and their insurance providers for such services; and

WHEREAS, the Westmoreland County Board of Supervisors is aware that some citizens and visitors are without insurance coverage and have limited financial means to pay for such services.

NOW, THEREFORE, BE IT RESOLVED that the Westmoreland County Board of Supervisors hereby adopts the following scale of exemptions for the users of rescue services who lack insurance coverage and meet the following income guidelines:

| <u>Total Combined Income</u> | <u>Percentage Exemption of Ambulance Bill</u> |
|------------------------------|---|
| Less than \$20,000 | 100% |
| \$20,001 to \$30,000 | 75% |
| \$30,001 to \$40,000 | 50% |
| \$40,001 to \$50,000 | 25% |
| \$50,001 & above | 0% |

Date of Adoption: October 16, 2013


Darryl E. Fisher, Chairman
Board of Supervisors
Westmoreland County

- c) EMS – NP New Program: Chief Byrd discussed that the County is now looking into an Advanced Practitioner position. He explained some of the goals and objectives model come out of Las Angeles, CA and Wade County NC. The goals would be to enhance available medical availability within Westmoreland County; reduce non-emergent transports to local emergency rooms; provide a non-traditional service via EMS department in a medically underserved community; increase ambulance wear/fatigue by transport reduction; increase ambulance availability for emergent needs; and development of revenue neutral division under Westmoreland EMS.

Chief Byrd then provided statistics regarding Westmoreland County – it is 253 square miles with a population of over 18,000 citizens. EMS has approximately 3,600 calls per year with an average response time of 12 minutes and average time to hospital of approximately 40 minutes. It was also determined there is one primary care provide to every 6000 citizens which shows the need for additional PCP type care in the County.

How can the Advanced Practitioner help Westmoreland – Nurse practitioners, physicians assistants, and doctors are licensed to provide care and treatment models that are more autonomous; EMS has no prescription writing capabilities and require oversight for all actions in the field; reduction of non-emergent transports outside of the county; increase in replacement intervals of ambulances; reduction of fuel and maintenance costs of ambulances; and increased revenue recovery for advanced practitioner versus traditional EMS model.

Chief Byrd then discussed the cost savings benefits with extended replacement window of ambulances from 5 years to 6 years due to mileage reduction \$100,000 over four years amounting to 400,000; reduction of service intervals cost savings approximately \$10,000; reduction of diesel fuel cost \$10,000; expand the scope of revenue recovery for critical care transports price tbd; and scheduled home visits –

estimated \$90,000 to 110,000 annual return on investments

Cost estimates for the Advanced Practitioner would be approximately \$135,000 salary including benefits; vehicle \$40,365; Vehicle outfitting with radios \$24,000; Medical Malpractice insurance \$10,000; Medical equipment – price dependent upon CIP; Total for 1st year approximately \$234,000 and after approximately \$135,000 - \$140,000 only. Any questions.

Mr. Prescott wanted to expand on the revenue stream. Currently when we send out an ambulance we get reimbursed at different rates by different insurances across the board. In portion of the county a large population is Medicaid based vs Medicare and the Medicare reimbursement rate for a transport is structured by service level, so last year we billed just north of \$2M and received about \$1M or about a 50% return on services. Therefore, the issues is the insurance companies are not reimbursing us at the cost per service so it is a lost model. This methodology will allow us to reimburse and recoup a larger amount for the service based on this model because we are providing a higher level of services. Medical care is very difficult in the county but this will be a step in addressing a larger issue. This is a positive step with a little money invested that will benefit all of the citizens in the County.

Mr. McCormack noted that he thinks this is a great idea after discussions the other day. He just remembers something Mr. Fisher told him be careful what we wish for. If we do this it may increase the number of calls and we will have a “county doctor” that will represent all 18,000 people in the County. Mr. Prescott asked Chief Byrd to address this concern.

Chief Byrd state that much like when a patient is brought into Mobile Healthcare there is an onboarding and the goal is not to keep them permanently and through other

resources put them in a long-term care. This did come up how to determine a case load. Therefore, the goal is never to be a permanent solution.

- d) Land Use Cases: Abandonment of Mary Washington Ave.: Kelly DeJesus was present to discuss this matter again. She stated from historical records the County owns this small right of way and the question is whether to leave as is, abandon property (if yes, consider what can legally be done with property). It could be blocked off and notice posted or it could be sold. Ms. DeJesus explained the topography of the property and the problems that have occurred over the last several years. She noted that there are various signs that are ignored by individuals, including area closed between sunset and sunrise, no loitering and no boat launch at anytime; also, no boaters and no fires and reporting people littering and illegal dumping. There have been many times that Sheriff's office has been called to this location for individuals who trespass, urinate on the side of the roads and are drinking alcohol in public but it takes approximately 40 minutes for Deputies to arrive, so these concerns are not addressed because individuals are gone by the time the Deputies arrive. Also, there are individuals who frequently leave refuse in the area which gets washed into the water during storms, as noted in pictures. Ms. DeJesus discussed the parking issues whereby individuals park on the sides of the roads and make it difficult for two cars to pass due to the narrow road. Ms. DeJesus presented pictures of people who trespass on private property along the water line, ignoring trespassing signs. This goes back to individuals believe this stretch is a public beach, which it is not.

She then noted all the things that are illegal that people continue to do. She also pointed out that there is only a small portion at the end of the road that is public property, as shown by the plat the sandy beach is part of individuals property so that is private property.

Mr. Prescott then asked Ms. DeJesus to discuss liability issues for the County. She stated there have been several individuals who have complained for various reasons. There have been some valid complaints regarding safety concerns to individuals who complain about not being able to drive on the beach because of the drainage issues but per the beaches and dunes act there is no driving on that beach. Other issues surround the type of trash that is being left on the beach, because of what the trash is pose a health risk. People who own the property to the north of the area, when they ask people to leave are threatened and then unfortunately because of the distance from the Sheriff's office individuals are gone. Then there is the drinking and driving issue which we know is occurring because of the trash. Finally, people are using the road to relieve themselves (both) which again poses a health concern. Therefore, all these concerns could pose liability for the County.

Also, the amount of staff time spent in this area, they have received 14 calls over the past 12 months and taking into account the time it takes to drive to and from this area, it equates to about 18.2 hours just assuming one person responded to the call. With that said, it adds to the County's liability issue for this location.

Mr. Fisher stated that this has been an ongoing nightmare for years. He is not for closing access to water but if there has ever been a need to sell or abandon it and keep it or block it off. Leaving it as is would be a nightmare. Mr. Fisher stated that in 32 years it has been one headache after another and just needs to do what is in the best interest of the people that live there now. Unfortunately, the people that use that stretch are not the residents of Tucker Hill or Sandy Point Beach.

Mr. Fisher asked regarding what the process is to get this in motion, if any action to take tonight to move toward abandonment. Ms. DeJesus stated there would need to

be a vote. Then Ms. McDowell stated that there would have to be a motion to advertise for a public hearing to abandonment.

Discussion was had regarding the process for next steps.

****NEXT PAGE - STAFF REPORT ****



Westmoreland County, Virginia
LAND USE ADMINISTRATION
 PO Box 1000
 Montross, VA 22620
 804-493-0120

Building Official
 Zoning Official
 Planning Commission
 Board of Zoning Appeals
 Board of Building Appeals
 Wetlands Board

Board of Supervisors
Staff Report

| | |
|-------------------------------------|--|
| <u>Date:</u> | February 19, 2024 |
| <u>From:</u> | Kelly V. De Jesus |
| <u>Site Address:</u> | Mary Washington Avenue, Kinsale, VA 22488 |
| <u>Site Location:</u> | Villa Sites in the Sandy Point Subdivision |
| <u>Magisterial District:</u> | Cople Magisterial District |
| <u>Site Tax Map:</u> | Not Applicable |
| <u>Owner:</u> | Westmoreland County Board of Supervisors |
| <u>Petitioner:</u> | Bryan S. Peoples, Esq. Agent for Laura Lawler-Beck & Anna Lawler-Beck 3510 Skipjack Road Kinsale, VA 22488 |
| <u>Site Property Size:</u> | 7,525 ± sq ft/ 0.17 ± acres |
| <u>Site Zoning District:</u> | No Zoning Designation |
| <u>Utilities:</u> | No public water or sewer available |
| <u>State Code:</u> | Code of Virginia § 33.2-900 et als |
| <u>Project Description:</u> | Petition to Abandon the Public Right-of-Way known as Mary Washington Avenue in Kinsale, VA |
| <u>Work Session:</u> | Wednesday, February 28 th , 2024 (5:30 p.m.) |
| <u>Public Meeting:</u> | Monday, March 11 th , 2024 (6:00 p.m.) |

Detailed Staff Report

1. Petition to Abandon the Right-of-Way

a. Pursuant to § 33.2-900 et als of the Code of Virginia, in September 2023, Bryan S. Peoples, Esq. petitioned the Westmoreland County Board of Supervisors to abandon a public right-of-way, called "Mary Washington Avenue" in Kinsale, VA. A detailed report containing subdivision plats, deeds, photographs, and other pertinent information were included in the petition. All items presented

have either been verified by staff, in the case of archival research, or are merited, based on the surrounding features shown in the background of the evidentiary photographs presented.

b. The preliminary discussion, which took place during the regularly scheduled public meeting on February 12th, 2024, culminated in the unanimous decision to entertain the idea of abandonment. Moving forward, the Board of Supervisors can expect to hold two votes, the topics split between two disparate meetings. The first meeting and vote is for the abandonment of the use as a right-of-way. The second will address whether to sell the land.

2. About Mary Washington Avenue

a. Mary Washington Avenue (MWA) is a 43' wide public right-of-way and is located at the terminus of Sandy Point Road (SR #604), wedged between Skipjack Road (SR #610) to the west and the Potomac River to the east in the Sandy Point Neck area of Kinsale, VA.

b. Westmoreland County owns this strip of land. Please note the above-use of the word "public" right-of-way (ROW). Based on available information and publicly recorded deeds, this narrow strip of land is neither deeded to nor owned by the neighboring subdivisions. It does not serve as an access point for a "community" beach, and there are no expressed rights for the residents of the adjacent communities.

c. Staff could not find record of a designated or implied use when the ROW was first created. The ROW was merely eliminated from the inclusive boundaries of the two neighboring subdivision plats, Villa Sites and Sandy Point Beach.

d. While Westmoreland County has never formally planned for or designated a use, there are a series of activities which have been expressly prohibited. Signs erected by the county strictly prohibit certain activities onsite which include its use as a boat ramp "at any time", access/use after sundown, and littering.

3. Existing Conditions

a. MWA is a worn path averaging 11' wide and elevated approximately 4'-5' above the troughs of the flanking drainage ditches. Frequent driving on this path has left the once-improved surface denuded and inadequate for stabilizing vegetation.

b. Freeze/thaw has long-since crumbled the asphalt and concrete onsite and has exposed the soils to erosion, ultimately increasing the turbidity (particles in the water) of the rainwater runoff. This runoff flushes straight into the Potomac River. When this happens, elevated turbidity blocks sunlight from reaching the flora, which inhibits photosynthesis. When flora dies, the fauna has little from which to feed. The Potomac River serves as an economic driving force for the Northern

Neck Area, not just for vacation homes, but for local crabbers, oystermen, fishermen, etc. Without compatible environment for the natural, biological water filters, the river will continue to degrade. Not only will the environment suffer, so will the revenue of the men and women who've relied on these industries for sustenance.

c. While still deliberating on the topic of rainwater runoff, the drainage ditches must be mentioned. Having no nets, presumably broken check dams, little to no outlet protection, nor an engineered plan of record, these ditches become wider and deeper with each storm that passes. As a result, the ditches holding water with unfettered movement are scouring the beach, creating gullies, intersecting with each other, and hollowing out the once flat land mass.

d. The above two site conditions mentioned are only made worse by the individuals who frequent the site and leave behind their discarded refuse. Large quantities of trash, ranging from "protective items" to alcohol containers are scattered along the ROW, get caught in the drainage ditch, then flush straight into the Potomac. The county has also received complaints regarding individuals relieving themselves within the ditches. There are no approved methods of sewage disposal onsite, so cholera and other such diseases still pose a threat to public health and safety.

The ROW is not designed to support such activities.

4. Surrounding Community

a. MWA is encompassed by privately owned property. The region is predominantly comprised of single-family dwellings and farmland, two of the least intensive classifications under Euclidean Zoning Practices, a method to which Westmoreland County subscribes. Creating a commercial-grade/public parking facility would directly compromise the integrity of the county's codified zoning system by increasing the intensity of the established use.

b. If property owners were to decide against voluntarily donating their home and/or farmland in order to construct a public parking facility, then the only course of action for the county would be to annex the privately owned property through eminent domain.

c. The established roadways were designed to meet the needs of a low-volume, residential neighborhood. Skipjack Road is narrow. The width of paving averages 13'-14' and ends on each side without a widened turning point. The grass drainage ditches which trace along the sides of Skipjack Road and Sandy Point Road must remain unobstructed and undamaged to promote safe passage.

d. Neither the unimproved MWA nor the surrounding roads were designed for commercial/public on-street parking. The only district which allows for the establishment of on-street parking as part of the proposed site's design is the Planned Village Development District. In this form of approval, delineated spaces and set ROWs of a specific width must be included within the formalized parking

plan, within the proposed development, within this specific district. MWA does not meet this criteria and the community is already established.

5. Liability vs. Asset

a. We must determine whether the land serves as an asset or a liability for the county. What possible function(s) could it serve? At one point the thought of converting MWA into a public-access boat ramp arose. The county has a public boat ramp at Bonum's Landing Boat Ramp, less than 3 miles from this site.

b. Shoreline stabilization is required at this point, so altering the land to meet this end would require far more than merely constructing a ramp. Considering the adjacency to the existing public ramp, the cost of acquiring new land, establishing parking, and hiring professionals to design and subsequently build the ramp should be taken into account. Erosion has caused and will continue to cause long-term damage to the shoreline which has not been properly maintained in recent years.

c. One should also consider the resources required for staff, both monetarily and time-wise, if the county were to keep this site open to the public and maintain it properly. While already operating with finite resources, county staff has had to address several complaints of varying natures by multiple individuals regarding MWA.

d. The Sheriff's Office, in the past year alone, has received 14 calls for illicit behavior, threats, public intoxication, etc. Each trip from the Sheriff's Office to MWA takes 39 minutes. Based on my calculations this means that over the past year 1,092 minutes / 18.2 hours / 2 ¼ business days were spent on this one site alone. This does not include the mandatory documentation and records-management which follows. Naturally, these numbers increase if -at any time- two or more deputies responded. The parties are often gone or leaving by the time the deputy arrives, and the problem persists. With a nearly 40 minute head start, law breakers are frequently able to elude the consequences.

e. County Administration receives complaints by citizens who vocalize their concerns for not being able to drive their vehicles from the disintegrating path, over the gullies, and onto the beach. This is an expressed desire to break the law under § 28.2-1406 of the Code of Virginia, which states no activities requiring permits can be done without first obtaining the required permits. Recreation.gov facilitates permits for driving on specific beaches throughout the commonwealth. MWA did not make its very short list. Citizens have further expressed their disapproval of the homeowners requesting their private property be treated as private property. It appears they unwittingly wish to trespass and would like staff to coerce the owners to allow it. The complaints also include the "overgrown vegetation" within the drainage ditches. They further expressed concern for the safety of themselves and their fellow citizens, implying the county is liable for potential injury. The overgrowth is the only feature able to divert trash from reaching the beach and somewhat slowing the velocity of the water flow.

f. The local homeowners have also shared a plethora of concerns with the Land Use Office. Among them are threats they've received by trespassers when asked to leave, the abundance of trash and debris littering their property, and frequent exposure to illicit behavior even in the presence of children. One set of property owners were forced to go to the Board of Zoning Appeals to request a fence taller than that which is allowed by the Zoning Ordinance as an attempt to establish a small semblance of safety and protection from citizens with malicious intent. Unfortunately, the fence was the only suggestion staff could offer for relief as government employees are not permitted to entertain civil disputes or claims.

g. Westmoreland County has a fiduciary responsibility to properly maintain land within its ownership regardless of how far from the beaten path it may be. More importantly, the county has an obligation to safeguard its citizens from undue hardship caused by a plethora of human and geographic factors. From neglected degradation of the land, to human excretions of every type, to litter, to drunk driving, and the county's knowledge of such activities, but lack of resources to properly address these matters, what message is being sent?

6. Keeping the ROW Open to the Public

a. *In order to act as proper stewards of the land*, and understanding the amount of maintenance, upkeep, and staff that would be required, one must consider the additional expenses this property will incur for the county. If the county would like to keep the use as a public ROW, then the county *should* consider allocating funds for:

1. Staffing for regular maintenance, stabilization, upkeep, and frequent patrols
2. Employ the services of an engineer to design a shoreline stabilization plan and/or stormwater management
3. Submit a Joint Permit Application (JPA) to the Virginia Marine Resource Commission with best practices as prescribed by the Virginia Institute of Marine Science
4. Purchase the materials and employ professionals to construct the plans mentioned above
5. Create ways to safeguard the environment from trash and debris, along with supplying some proper method of trash disposal
6. Construct public restrooms to prevent further human waste from polluting the county's water supply

7. Abandonment

a. What does it mean to abandon the right-of-way? Simply put, it would no longer serve as an access point for public travel.

b. The 43' wide beach front is unlevelled due to the erosion. Trash and excrement fill the flanking drainage ditches and spill onto the beach. One could assume it's less than sanitary, and the surrounding property is private. The question is, to what extent if any, should the county grant

access? Does the ROW truly benefit Westmoreland County citizens when it's become a magnet for refuse, disease-spreading excrement, illegal behavior, and unstable land conditions? Does the county have the resources to allocate several employees to and repair this small site? Is the forced annexation of private property through eminent domain for public parking in the best interest of the citizens? Where would the public restrooms be constructed? Who would maintain them? Is all of this worth the expense of keeping the narrow 43' wide strip of unbuildable land?

To abandon or not to abandon. That is the question.

Attachments:

Table of Contents

Staff Report

Petition to Abandon Road Extension adjacent to 3510 Skipjack Road, Kinsale, VA

Code of Virginia, Abandonment of a Public Right-of-Way

Revised Map of "Villa Sites"

Map of "Sandy Point Beach"

Photograph: "This Area Closed" Sign

Photograph: "Clean County" Sign

Photograph: Trash Flushed Toward the Beach

- e) Sheriff: Sheriff gave a quick update as to the vehicles that are currently available. He stated the five (5) that were approved at the last meeting have been locked in but the additional vehicles are still available but they could be gone at any time.

Mr. Ingram asked when the expected delivery date is. Sheriff stated arrival is June. Mr. Ingram asked if that is turnkey and ready to go on the road. Sheriff said that is arrival but then would need to be "outfitted" so expected road ready would be late summer.

Mr. Prescott noted the additional vehicles, if approved, would not be outfitted or on the road until the next couple of FYs. Mr. Prescott then asked the Sheriff to explain how he recycles the vehicles. Sheriff noted that the vehicles approved would go on the road until FY24-25 and replace or recycle vehicles. They recycle a lot of them with part time folks or civil process employees. The additional vehicles would go into the vehicles in FY25-26 and FY 26-27. The savings for an additional five (5) vehicles would save about 50,000-60,000. No questions at this time.

- f) Land Use: Case #2403-RZ-01: Joshua Iannarelli 4618 Leedstown Rd Colonial Beach VA 22443 request approval to rezone property from BG to A-1 Agriculture to construct a new single-family dwelling. The property is located off of Leedstown Rd in Colonial Beach VA. TM 17-73 Washington Magisterial District.

Ms. McDowell was present to discuss this case. The applicant is asking to rezone this 14 acre lot from BG to A-1 to build a SF Home. This property was rezoned from agriculture to business and a special exception was approved in 2010 for the commercial recreation to have mud bog events.

Chairman Hynson asked if this is the same family and are we sure this will be a home and no more events because there were many problems.

Ms. McDowell said the applicant is the son of the applicant in 2010 has sold everything from the mud bog events and has completed septic work and cannot build a SF home until the rezoning is completed.

Mr. Fisher asked if this was heard by the Planning Commission. Ms. McDowell stated this was heard at the Planning Commission Work Session last week and will be heard by the Planning Commission on Monday for final approval and then back to the Board on March 11th for vote.

**** NEXT PAGE – STAFF REPORT ****



Westmoreland County, Virginia
LAND USE ADMINISTRATION
 PO Box 1000
 Montross, VA 22520
 804-493-0120

Building Official
 Zoning Official
 Planning Commission
 Board of Zoning Appeals
 Board of Building Appeals
 Wetlands Board

Planning Commission
Staff Report

| | |
|---|--|
| <u>Date:</u> | February 21, 2024 |
| <u>From:</u> | Beth McDowell, <i>Planning Director</i> |
| <u>Case #:</u> | #2403-RZ-01 |
| <u>Site Address:</u> | off Leedstown Road |
| <u>Site Location:</u> | ~1 mile north of Leedstown Rd/Rappahannock Rd intersection |
| <u>Magisterial District:</u> | Washington (Election District 3) |
| <u>Site Tax Map:</u> | 17-73 |
| <u>Owner/Applicant:</u> | Joshua Iannarelli |
| <u>Site Property Size:</u> | approximately 14 acres |
| <u>Existing Zoning District:</u> | BG Business General |
| <u>Proposed Zoning District:</u> | A-1 Agriculture |
| <u>Utilities:</u> | future private well & septic drainfield |
| <u>Authority:</u> | Zoning Ordinance Article 10-3.9 |
| <u>Project Description:</u> | Request to rezone property from business to agricultural in order to allow single-family residential use |
| <u>PC Work Session:</u> | Monday, February 26, 2024 (3:00 pm, English Building) |
| <u>Planning Commission:</u> | Monday, March 4, 2024 (1:30 pm, English Building) |
| <u>BOS Work Session:</u> | Monday, March 25, 2024 (4:30 pm, English Building) |
| <u>Board of Supervisors:</u> | Monday, April 8, 2024 (6:00 pm, English building) |

FINDING OF FACTS

Project Description:

The applicant would like to rezone Tax map 17-73 in its entirety from BG Business General to A-1 Agriculture. The approximately 14-acre property to be rezoned is located off Leedstown Road, behind the homes at 4638 through 4776 Leedstown Road. The land is primarily an open field with trees along three of the sides.

Property History:

This particular property was rezoned from agriculture to business in 2008 and a Special Exception was approved in 2010 for the use "Commercial Recreation." Specifically, the intended purpose at that time was the operation of a commercial mud bog on the property. The recreational facility operated for several years but was later discontinued. A zoning permit was

issued in 2019 to open an ATV park on the site but that business has also ceased. According to aerial imagery, the land appears to have been mostly used for agricultural purposes prior to and since that time.

Need for Board Action:

The existing zoning, BG Business General, doesn't allow the use "Single-Family Dwelling," which is the landowner's current intended use of the property. The rezoning of a property requires review and recommendations by the Planning Commission and ultimately approval from the Board of Supervisors.

Surrounding Zoning and Development:

All lots in the surrounding area are zoned A-1 Agriculture. There are numerous smaller lots (one acre or less in area) developed with single-family homes along the roadways, along with larger properties consisting of farm fields or timberland. The most recurrent neighboring landowner in the immediate area is Ingleside Plantation Nurseries.

Site Topography:

At this time, the site is mostly an open field, sloping gently to the south and east. There are no designated flood zones, as well as no known Resource Protection Area features or isolated wetlands on the property. Stormwater runoff from the land ultimately discharges as sheet-flow into drainageways flowing into Peedee Creek and Troy Creek, tributaries of the Rappahannock River.

Water/Sanitary System:

The property will be served by private well and septic drainfield.

Transportation:

A commercial driveway entrance was previously installed for the mud bog. This entrance will be more than acceptable for low-density residential development.

Projected Impacts on Public Facilities:

When contemplating a change in zoning or use of a property, one of the considerations is the projected impacts on public services including roads/traffic, public schools, emergency services, public utilities such as sewer systems, etc. For this project, we anticipate negligible impacts on public agencies and facilities as a result of the intended use.

Comprehensive Plan Considerations:

This property has been designated as Rural Lands in the County's Comprehensive Plan. "Rural Lands are intended to retain their existing character as much as possible. That is, they will remain primarily for agricultural or forestland use, but also with some areas of residential,

commercial, institutional, and industrial uses...”

In addition, Maps 8.22c and 8.22d designate this property as part of a Natural Area Core. Natural Area Cores are natural areas of 100 contiguous acres or more. The Plan advises that consideration be given to a proposed project’s impact on these areas and natural resources such as forests, wetlands, and wildlife areas.

RECOMMENDATION

Staff recommends approval of this application. The proposed zoning district and use of the property will be consistent and compatible with the neighboring properties.

*Please note that the Board cannot place conditions upon rezonings, although the applicant may voluntarily proffer conditions to mitigate impacts of the rezoning and the possible future development on the property.

Attachments:

- Application
- Aerial photo of lot and surrounding area
- Site photos (2)
- Previous rezoning action letter dated April 22, 2008



Westmoreland County, Virginia

Land Use Administration

P. O. Box 1000
Montross, VA 22520
Phone 804-493-0120 FAX 804-493-0604

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board

202418738

REZONING APPLICATION

(Amended March 26, 2014)

Case #: _____ Fee Check #: _____ Date Received: 1-16-24
Assigned Date for: Planning Commission: March 4 24 Board of Supervisors: March 11, 24
Fee: (\$500 plus \$30 per acre or portions of: (Acres 14) x (\$30) = 420 + \$500 = 920
DEFERRAL FEE: Any deferral requested by the applicant will require an added 50% of the original fee (above) unless it is a result of a County error. Deferral Date: _____ Fee (50%): _____

To: The Honorable Board of Supervisors and Planning Commission
Pursuant to the Zoning Ordinance, the undersigned owners of the following described property hereby request a change in zoning district classification as described. We further request that this item be scheduled for consideration of the Planning Commission on _____, 20____.
Additionally, I hereby authorize the Land Use staff, or assigns thereof, to enter upon the property during reasonable hours.

Tax Map Identification: 17-73 Acreage: 14. # Lots _____
Existing Zoning District: BG Proposed Zoning District: A-1
Project Description: construct a single-family home

Owner(s): Joshua A Iannarelli
Address: 4618 Leedstown RD
City: Colonial Beach State: VA Zip: 22443
Phone #: 540-642-8815 Phone #: _____
Email Address: JIannarelli:44@gmail.com

Agent (if applicable): _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ Phone #: _____
Email Address: _____

(OVER)

Applicant (e.g. prospective owner, if applicable): Joshua Lannarelli
Address: 4618 Reedstown RD
City: Colonial Beach State: VA Zip: 22443
Phone #: 540-642-8815 Phone #: _____
Email Address: JLannarelli44@gmail.com

Owner Signature: [Signature] Date: 1/13/2024

Date: _____

Date: _____

Date: _____

Date: _____

Agent Signature: _____ Date: _____

Applicant Signature: _____ Date: _____



WESTMORELAND COUNTY, VIRGINIA
Land Use Administration
MONTROSS, VIRGINIA 22920

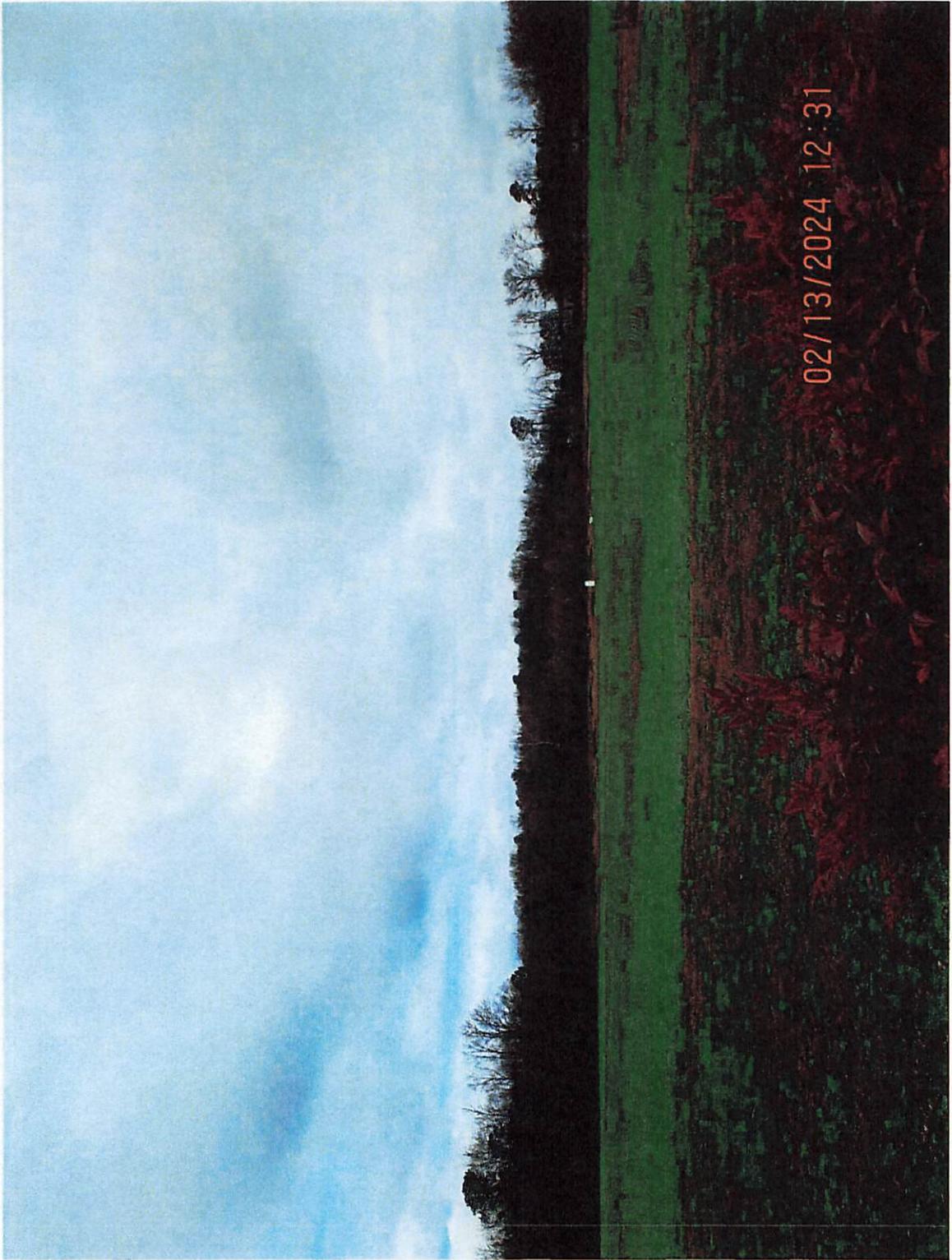


P. O. Box 1000
Montross, Virginia 22920
Phone: (804) 483-0121
Fax: (804) 483-0601

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board







April 22, 2008

Frank Iannarelli & Shirley Kennedy
4618 Leedstown Road
Colonial Beach, VA 22443

Case 0803-RZ-01 - Frank Iannarelli & Shirley Kennedy, 4618 Leedstown Road, Colonial Beach, VA 22443 - Pursuant to Article 10-3.9 of the Zoning Ordinance, the owner requests a change in zoning district classification from Agricultural, A-1 to Business General, BG. The property is located at 4618 Leedstown Road, parcel 73 as shown on Zoning District Map 17, Washington Magisterial District. The purpose of the rezoning is for "commercial recreation."

To Whom It May Concern:

The Westmoreland Board of Supervisors considered the aforementioned request at their regular meeting held on Monday, April 14, 2008 in the Circuit Courtroom at the George D. English Sr. Memorial Building, Montross, Virginia.

Upon motion by Mr. Roberson, second by Mr. Culver and carried unanimously, the Board approved CASE #0803-RZ-01 with the following conditions:

- (1) The property, known as tax map 17, parcel 73, be rezoned to Business General (BG) with the condition that the allowed uses upon the property be limited to those proffered and described as:
 - a. Agriculture, Silviculture and Aquaculture
 - b. Small engine repair
 - c. Nursery wholesale and retail
 - d. Offices
 - e. ATV sales and service
 - f. Boat sales and service
 - g. Trailer sales
 - h. Accessory uses allowed by the Zoning Code (Article 4).
- (2) Cash proffers shall be paid to the County Treasurer within 30 days of the owner being notified of the rezoning request being approved. The applicant shall submit a copy of the receipt to the Land Use Department for validation that the proffers have been paid.
- (3) Compliance with VDOT entrance requirements.

The Board also accepted the following voluntary proffers from the applicant:

- (1) The maximum number of charged mud bog events shall be 3 per month.**
- (2) The hours of operation for charged mud bog events shall begin at 9:00 a.m. and end at 9:00 p.m. daily.**

Please contact me if you have any questions regarding this letter.

Sincerely,

**Gary Ziegler
Zoning Administrator**

- g) Administration: Donna Cogswell was present to discuss the trash around the County and the Transfer Station. She stated that there are two different issues one trash along the side of the roads and vacant lots; and second the transfer station.

Ms. Cogswell stated during research it has been found there are certain process that have not been followed, first according to Westmoreland County Code Sec. 38-4 The Board of Supervisors is authorized and empowered to adopt such operational procedures for landfill and transfer sites as it deems proper for the health, welfare and safety of persons disposing of refuse. It was also discovered that the process for business licenses was not followed in the past, as well as the refuse dumping permit. The Commissioner of Revenue has put in place a complete application process for County Business Licenses; and we are working on the Application for company's to obtain a refuse dumping permit.

Second area of concern is the waste discarded on vacant lots and roadways. VDOT assists with some road clean up but we would like to develop committees to partner with the County to have regular volunteer clean up days throughout the County and call it Westmoreland County Beautification Day. We have also had conversations with the Sheriff's office and have come up with some ideas for property owners who have had the problem with vacant lots and illegal dumping.

Finally, based on lots of community feedback we would like the Board to consider waiving the Household Hazardous Waste event fees. The risk of people disposing of their hazardous waste on the side of the road or in a vacant lot is not worth the amount of money we make at these events.

Mr. Ingram stated these are great ideas and this is an opportunity to bring back pride

in the community and work together to stop the illegal dumping and to keep the County clean. We need more people to have pride in Westmoreland county and to send a message that we will not accept this type of behavior in our County. This is a great opportunity.

Mr. Prescott now turns the meeting back over to the Chairman.

h) Closed Session: Closed session for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. Discussion of Chairman of the Board of Supervisors performance and County Administrators performance pursuant to Virginia Code Section 2.2-3711(A)(1).

i. The Chairman noted that the Board would move into Closed Session under Section 2.2-2711.A1 for discussion of the Chairman's performance and discussion of the County Administrator's performance. The Chairman asked for a motion to enter into Closed Session, given by Mr. Fisher, and second Mr. Trivett and carried unanimously, the Board moves into closed session.

THE RECORDING IS STOPPED UNTIL BOARD RETURNS FROM CLOSED SESSION

ii. The Board returns from Closed Session and the Chairman asks for a motion to return to the Regular Work Session, given by Mr. McCormack, second Mr. Fisher with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and the Chairman votes "aye" to return to the Regular Work Session.

iii. The Chairman then asked for a motion to confirm that nothing other than what was listed under Section 2.2-3711.A1 was discussed during Closed Session and

no action was taken, given by Mr. Fisher, second Mr. Trivett with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and the Chairman votes "aye" that nothing else was discussed and no action was taken.

The Chairman asked if there was anything that the Board would like to discuss.

Mr. Fisher asked to mention the passing of Teresa McDowney, employee of the Sheriff's office who was the Animal Shelter Manager, Animal Control Officer, and Animal Advocate. A Service of Remembrance will be held on Tuesday, March 5 at 11AM in the sanctuary of the Little Zion Baptist Church, 7748 Leedstown Road, Oak Grove, Virginia. A viewing would be from 5 p.m. to 8:00 p.m. on Monday March 4 at New Monrovia Baptist Church, and 10:00 a.m. on Tuesday March 5 at Little Zion Baptist Church.

ADJOURNMENT:

There being no further business to come before the Board at this time, upon motion by Mr. McCormack, second Mr. Fisher and carried unanimously, the Board adjourned the meeting at approximately 8:44 p.m. The Board's next regular meeting will be held on Monday, March 11, 2024 at 6:00 p.m. The meeting will be held in the public meeting room at the front entrance of the George D. English, Sr. Memorial Building.

Chairman,  _____