

A Regular Meeting of the Westmoreland County Board of Supervisors was held Monday, March 11, 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 Richard, County Attorney, 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 6:02 p.m.

2) CONSENT AGENDA:

a) 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.

Mr. Trivett asked if he could amend the Agenda to add an Executive Session under Section 2.2-3711(a) to discuss board issues.

With no additional discussion, upon motion by Mr. Trivett, second Mr. Fisher and carried unanimously with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and Chairman Hynson voting "aye", the Board approves the amended Board Agenda for tonight's meeting.

b) Approval of Board Minutes: Chairman Hynson noted that everyone should have received a copy of the minutes for February 12, 2024. Chairman Hynson asked if there are any other questions, errors or omissions; if not, he asked for a motion to approve each date separately. Upon motion by Mr. McCormack, second by Mr. Fisher and carried unanimously the Board approved the minutes for February 12, 2024 meeting.

c) Approval of Accounts Payable & Payroll Register: Chairman stated all members should have received the Accounts Payable and Payroll Register for February 2024. He then asked if there are any questions or comments; if not, he asked for a motion to approve.

With no further discussion, upon motion by Mr. McCormack, and second by Mr. Fisher and carried unanimously with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and the Chairman Hynson voting "aye", the Board approves the Accounts Payable and Payroll Register for February 2024.

d) Appropriations Increase/Decrease Requests:

i) Ms. Whaley, Finance Director was present to discuss the appropriation of funds from the General Fund Balance to cover purchase of five (5) vehicles for the Sheriff's Department in the amount of \$196,145.50. This purchase was approved at the February 12, 2024 Regular Board meeting.

With no further discussion, upon motion by Mr. Trivett, second by Mr. McCormack and carried unanimously with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and the Chairman Hynson voting "aye", the Board approves the Appropriation in the amount of \$196,145.50 to cover the purchase of five (5) vehicles.

3) **STAFF/COMMITTEES/ORGANIZATION REPORTS AND PRESENTATIONS:**

a) VDOT:

i) **Monthly Report:** David Beale, Resident Engineer was present to discuss the monthly report. After his presentation he asked the Board if anyone had any questions or comments.

**** NEXT PAGE - VDOT REPORT****



Wesbnoireland County Board of Supervisors
March 2024 VDOT Report

Maintenance Activity Highlights

Completed:

- Ditch cleaning (Leedstown Rd, New Monrovia Rd, Ebenezer Church Rd, Nomini Hall Rd, Chatham Village Rd, Colonial Circle.)
- Pipe replacements (Rt 612 Nomini Hall Rd)
- Grade gravel roads (ongoing)
- Patch potholes countywide
- Address work orders countywide

Upcoming:

- Ditch cleaning (Sandy Point, Albrough Blvd, Oldhams Rd)
- Grade shoulder (Rt 3)
- Brush cutting countywide
- Grade gravel roads countywide
- Pothole patching countywide
- Pipe replacement (Jerusalem Church Rd)
- Address work orders countywide

Pavement Schedule

Plant Mix

- Rt 3 (beginning of 4-lane to Richmond County line)
- Rt 3 WB (4-lane divided section)
- Rt 205 (Cedar Hill Rd to KG county line)
- Rt 622 Polk St/Pomona Rd (Rt 3 to Wild Sally Rd)

Surface Treatment

Kinsale Bridge Rd	Resolutions Rd	Ebb Tide Dr	Harbor View Cir
Tobacco Rd	Wison Dr	Chatham Ln	Poor Jack Rd
Trigger Ln	Springview Rd	Willis Pl	Pretty Pt Rd
Creek View Ln	Plainview Rd	Marina Dr	Buckner Cr Rd
Oyster House Rd	Buena Vista Dr	Falls Hill Rd	Emmas Dr
Brodfield Rd	VVise Pl	Dari Cir	Colonial Cir
Estates Dr	Oak Grove Rd	Springfield Beach Rd	
Placid Bay Estates	Ebb Tide Estates	Potomac Shores	

Construction Projects

SSYP:

- Rt 735 Grannys Bar Rd; *Under Construction* Rt 652 Charles Way; Summer 2024
- Rt 685 Ashbury Rd; Summer 2025

HSIP:

Rt 202 paved shoulder (Rt 3 to Nomini Creek Bridge); 2025 Construction
Rt 3 paved shoulder (County line to Oak Grove); 2025 Construction

Revenue Sharing:

Deux Rue; Summer 2024	Holly Way Ph III; Summer 2024
Hickory Ln; Summer 2025	Birch Ln; Summer 2025
Woodmount Dr; Summer 2025	Pinewood Ln; Summer 2025
Lakeview Ln; Summer 2026	

Bridge:

Rt. 621 at Tidwells Marsh (replacement); *Complete*
UPC 123364 Rt. 205 over Branch of Rosier Creek; Scour Repair; 2/2024 Ad
UPC 121539 Rt. 658 over Monroe Creek; Summer 2024

Contacts:

VDOT Customer Service Center: 1-800-FOR-ROAD

David L. Beale, P.E.
Resident Engineer
(804) 333-7941

david.beale@vdot.virginia.gov

Carter White
Assistant Residency Administrator
(804) 333-7942

carter.white@vdot.virginia.gov

Ronnie Crabbe Jr.
Hague Area Headquarters Superintendent
(804) 695-6730

Mr. McCormack asked about two locations. There is water build up at Chilton Road; and also standing water at the Grainery on Rt. 3 & Rt 621.

Mr. Ingram noted there is a lot of mud on Mill Road, it is packed in on the road and some scraping was done but still there is a considerable amount of mud on the road.

Mr. Ingram noted on Rt. 3 near King George on Oak Grove Road the surface is breaking up especially in front of Walker Stone & Gravel.

Mr. Ingram noted on Rt 3 going toward Chandlers Mill there is quite a bit of overgrowth and needs to be trimmed back.

Mr. Fisher noted on Jerusalem Church Rd will be closed for 4-6 weeks due to repairs. A 36 in pipe that failed and that needs to be replaced.

Mr. Trivett noted in Westmoreland Shores the roads haven't been done and could he explain again why again because there were some people that didn't hear the explanation last month.

Mr. Beale explained that when the subdivisions were created a developer at the time made an agreement with the County to build state roads. They got the plat recorded and started building houses and building roads. People bought house and for some reason the developer didn't finish the building and didn't finish the roads. So over a period of time they build houses but no one ever built the state road and entered it into the state system. So he is assuming the original developer is out of the picture so the roads haven't been built unless the HOA or County wanted to take on these roads and bring them up to VDOT requirements but there is not road for VDOT to take. VDOT doesn't take in gravel roads anymore so those roads would have to be hard surfaced and build to current standards just like the process today. There is a rural addition for roads that have been around for 20 years but still have to meet state standards to come into the state system. It is a significant effort to bring roads up to state standards. It is VDOTs role to maintain state roads but they do not go out looking for roads that do not meet state standards to maintain. If someone wants to take on the effort to bring these roads up to state standards, VDOT would partner with them. There are some roads in Placid Bay that are on the Revenue

Sharing and the Sanitary District has collected funds for years and it is take under this program. Mr. Prescott asked Mr. Beale how must per foot is the cost to bring a road up to state standards. Mr. Beale said example would be Placid Bay could be approximately \$200 per foot (could be \$50 or could be \$300), it would depend on the needs which could be amount of stone, drainage and easements. There are some gravel roads that VDOT already maintains and VDOT budgets about \$80 per foot for up keep on these roads.

b) Town of Colonial Beach: Natasha Tucker, Town Manager was present to discuss events in the town.

- Promotion of the interim Police Chief to Police Chief;
- WWTP Supervisor is retiring and the Town has decided to hire a 3rd party, Imboden to operate the WWTP in the Town of Colonial Beach;
- March 30th Easter Egg Hunt on Town Hill;
- April 13th Osprey Festival Event on Town Hill; and
- Natasha Tucker was promoted from interim Town Manager to Town Manager.

c) Town of Montross:

- First Fridays at the park begin in May;
- Park work is done and was completed by an Eagle Scout as a project;
- Meter installation has been completed;
- The Town has received complaints about litter on Panorama Rd and are willing to help the County with clean up;
- The Town Zoning Appeals Board had a Public Hearing a few weeks about and we would like to thank the County and Ms. Cogswell for allowing us to use the Board Room.

4) ACTION ITEMS:

a) Finance:

- i) Motion to Approve Resolution for County's Participation in the Local Choice Health Benefits Program for July 1, 2024 through June 30, 2025 Ms. Whaley was present

and stated that she is asking the Board to approve the Resolution for July 1, 2024 - June 30, 2025 with a 3.2% increase over last year which is good considering. Chairman Hynson asked if there are any questions.

Mr. McCormack asked if current Board members get the same insurance that County employees do-80/20 split. Ms. Whaley said that is correct.

With no further discussion, upon motion by Mr. McCormack, second Mr. Fisher and carried unanimously with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and Chairman Hynson voting "aye" to approve the Local Choice Health Benefits for July 1, 2024 - June 30, 2025.

****NEXT PAGE - RESOLUTION ****

DARRYL E. FISHER
ELECTION DISTRICT NO. 1
MONTROSS, VIRGINIA 22520

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 2248

TIMOTHY J. TRIVETT
ELECTION DISTRICT NO. 5
COLONIAL BEACH, VIRGINIA 2248



WESTMORELAND COUNTY, VIRGINIA



MONTROSS, VIRGINIA 22520-1000

W. BENJAMIN PRESCOTT
County Administrator
P.O. BOX 100
MONTROSS, VIRGINIA 22520-1000
PHONE: 540-331-1344
FAX: 540-331-1344
E-MAIL: wbp@westmorelandva.gov

OPEN ENROLLMENT IS FROM MAY 1, THROUGH MAY 15, 2024.
FORMS ARE DUE 8 AM 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 RATE	RENEWAL RATE	COUNTY SHARE	EMPLOYEE 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 RATE		COUNTY SHARE	EMPLOYEE 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			RENEWAL	COUNTY	EMPLOYEE
W/PREVENTIVE DENTAL ONLY			RATE	SHARE	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			RENEWAL	COUNTY	EMPLOYEE
W/PREVENTIVE DENTAL ONLY			RATE	SHARE	SHARE
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) Land Use

- i) **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.

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

Chairman asked if any Board members have any questions before going to the Public Hearing.

Mr. Ingram asked how many years before a parcel that has been zone commercial reverts back to its previous zoning if it sets empty. Ms. McDowell noted it would not automatically revert back to original zoning, the owner must go through this process to change the zoning.

Chairman Hynson moved to a Public Hearing on this matter only. He asked if there was anyone present to speak on this matter to please come to the podium, state their name and provide their comment on this topic.

Chairman stated to let the record show that no one came forward to comment during the public hearing. The Public Hearing is now closed.

The Chairman came back to the Board and asked if there were any questions, if not, with no further discussion, upon motion by Mr. McCormack, second Mr. Trivett and carried unanimously with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and

Chairman Hynson voting "aye", the Board approved the rezoning of 4618 Leedstown Rd from BG to A-1.

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



Westmoreland County, Virginia
LAND USE ADMINISTRATION

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

P.O. Box 1000

Monross, VA 22520

(804)493-0120

MEMORANDUM

To: Westmoreland County Board of Supervisors
From: Beth McDowell, Land Use Administration, *Planning Director*
Date: March 5, 2024
Subject: Update on rezoning application for Joshua Iannarelli Case # 2403-RZ-01

On Monday, April 4, 2024, the Planning Commission reviewed the Iannarelli rezoning application at their public hearing. At that time, they unanimously recommended approval of the application as presented.

Additionally, the applicant has provided an easement plat, which shows the revised driveway plan and a proposed house location. This has been added to the application file.

Attachment:
Easement plat, prepared by Archie Dodson Jr Surveying, dated January 5, 2024



Westmoreland County, Virginia
LAND USE ADMINISTRATION

PO Box 1000
Montross, VA 22520
804-493-0120

Bedding Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Board of Appeals
WeCards Board

Planning Commission
Staff Report

<u>Date:</u>	February 21, 2024
<u>fmm:</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>	Wednesday, February 28, 2024 (5:30 pm, English Building)
<u>Board of Supervisors:</u>	Monday, March 11, 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 A T V 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, B G 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 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 Cree 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,

2403-RZ-01 Iannarelli

Page 2 of 3

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



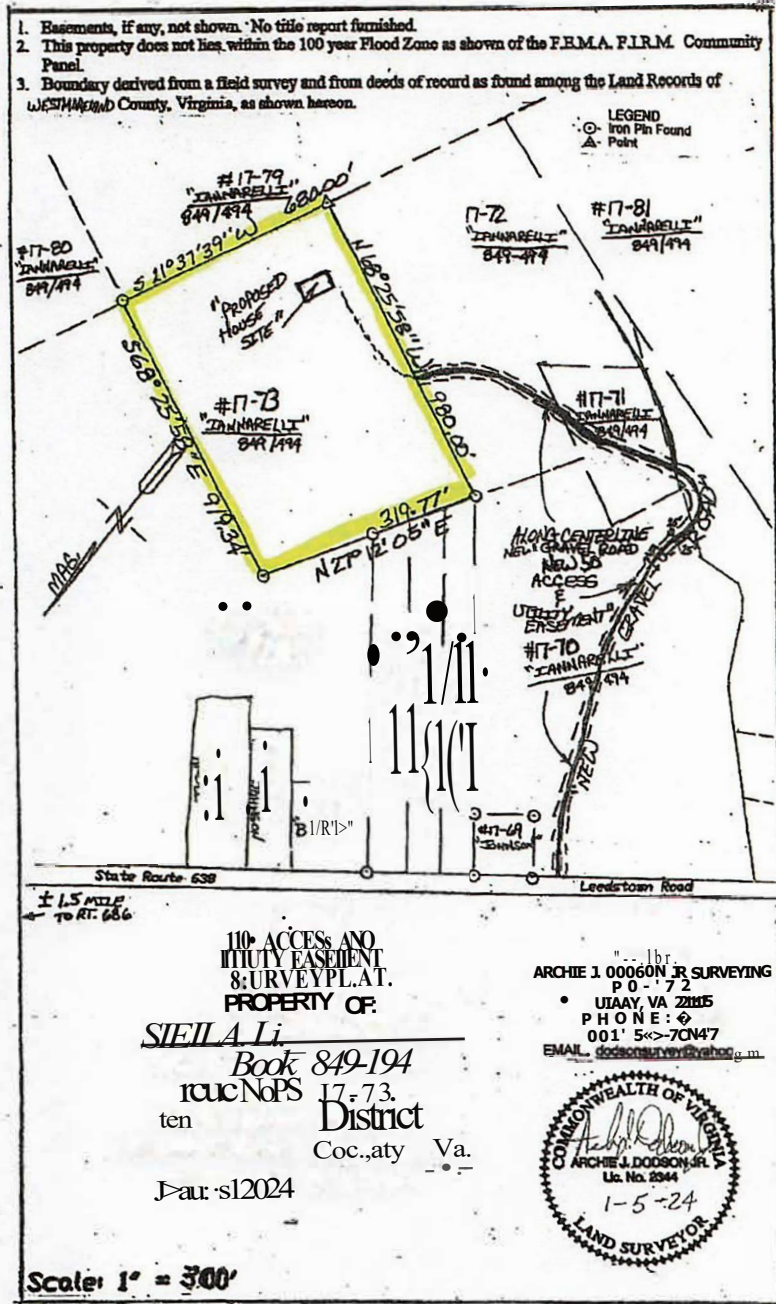
WESTMORELAND COUNTY, VIRGINIA
Land Use Administration
MONTROSS, VIRGINIA 22520

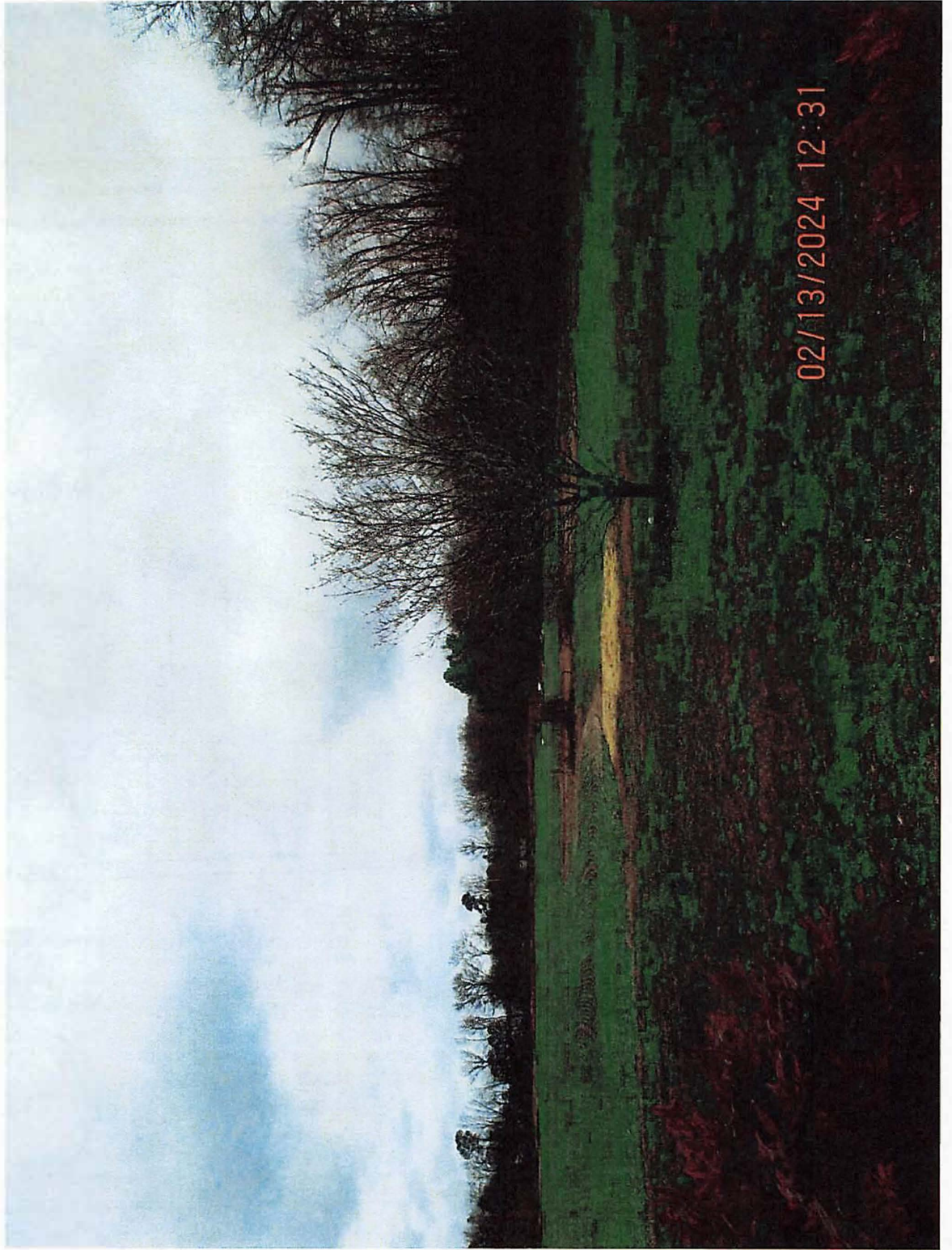


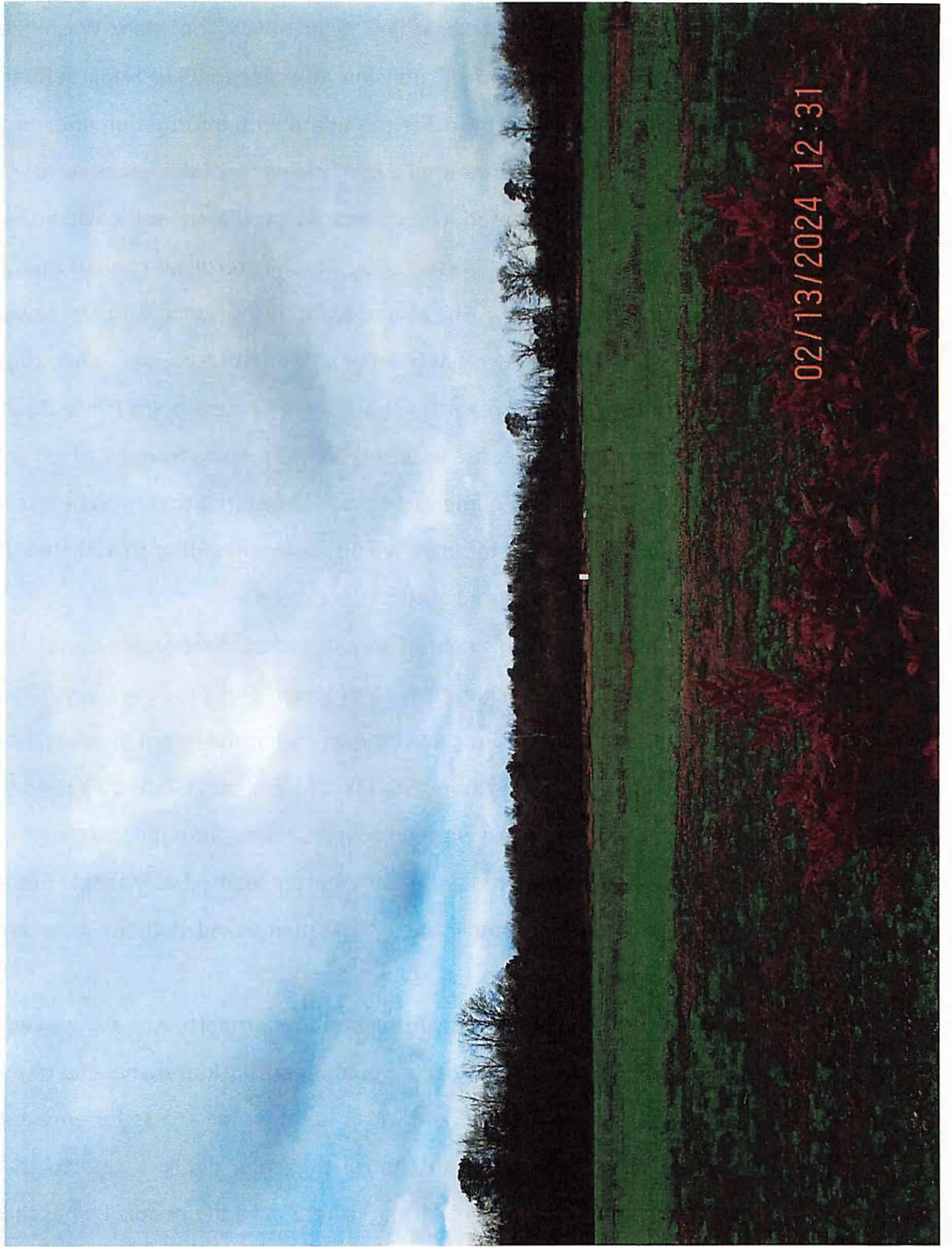
P. O. Box 1000
Montross, Virginia 22520
Phone: (804) 433-2121
Fax: (804) 433-0804

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









ii) **Additional Information Regarding Right-of-Way on Mary Washington Avenue and Petition to Abandon Road Extension Adjacent to 3510 Skipjack Road.** Kelly DeJesus was present to further provide the Board with information prior to advertising for a public hearing. She presented a brief overview of the issues surrounding the right of way at Mary Washington Avenue and Skipjack Road. or it could be sold. Ms. DeJesus stated since her initial presentation, she has received copious amounts of feedback regarding this matter. She also noted that she spoke with Mr. Lewis and he advised her that this right of way has been used for first responders when they receive service calls for boats in distress; this is a possible access point (since 2019 this access has been used on 21 boat fire calls and 30 fire rescues from boat), so within 5 years this point has been used numerous times. She stated there has been rumors that some land owners have stated they would consider renting part of their land for parking, but this is only rumor and nothing confirmed.

Many have agreed this right of way should be temporarily blocked off or barricaded while the County decides how to proceed. This precludes any first responders that need access to the point. Regardless of what the Board decides, the first responders would need access to this point. Ms. DeJesus concluded they need to know whether they can move forward with the advertisement for public hearing.

Chairman Hynson noted at first this matter seemed very simple but as it has gone on it becomes more complicated. Chairman asked if there were any comments or discussion?

Mr. Fisher asked the County Attorney if the property was abandoned as a public right of way, his understanding is it would revert back to ownership of the County. If we own it we can gate it off and it can be open for access for emergency use only. It would allow the County to control the open public access to that land. County Attorney said that is correct. Mr. Fisher noted the people he has talked with are not concerned about the emergency use, that is not a problem. The problem is the public

use and that is what's drive the abandonment. He stated he would be in favor of moving forward because he has had to live with that nightmare for 30 years. Mr. Fisher stated we need to get control of it and move forward with abandonment of public access the County can remain in control and gate it off other than for emergency use.

Mr. McCormack asked if we maintain control, which he is okay with, but will the clean up debris on the sides and make sure the ditches drain appropriately? Is the fire department using it as a boat ramp or just water access because there is a good drop off at the end of the road? Ms. DeJesus said no just only as water access and not for vehicles. Mr. McCormack said he is good with it as long as the County cleans it up.

Mr. Fisher also stated that if the County abandons it, we could put in a condition where the drainage is maintained and controlled that runs off of the drainage ditches. If we gate it off we can control the vandalism and litter down there also and possibly work with VDOT could take care of drainage issue.

Chairman stated that he is asking for a motion for Land Use to move forward with the advertisement of public hearing of abandonment and/or subsequent sale of the right-of-way or abandonment and the County retaining it and gating it off.

County Attorney stated he would advised the Chairman to make a motion to authorize the County Attorney, County Administrator and Land Use to proceed down that process to abandonment, noting there is a statutory procedure whereby there are steps that include - advertise it, posting a notice at the courthouse, posting notice at the property and if this is not done per the statute, it is subject to appeal to the circuit court and we don't need to get into litigation. County Attorney noted he believes between the three, they can make sure we don't end up in court.

With no further discussion, upon motion by Mr. Fisher, second McCormack and carried unanimously, with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and Chairman Hynson voting "aye", the Board authorizes the County Attorney, County

Administrator and Land Use to proceed with the process to abandon the right-of-way on Mary Washington Avenue, per the statutory procedure noted by the County Attorney.

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



Westmoreland County, Virginia
LAND USE ADMINISTRATION
 PO Box 1600
 Middleburg, VA 22120
 804-488-0120

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

Board of Supervisors
Staff Report

<p> Title: February 2024 Name: Kally V. Do Joshua Address: Mary Washington Ave. Kinross, VA 22488 Property: Villa Siles Industrial Subdivision Agency: Capitol Mountain District Applicable: N/A Authority: Westmoreland County Board of Supervisors Applicant: EMUS, Pappas, Esq. Agent: Laura Lawler-Bock & Anna Lawler-Bock 3510 Sidpelt Road Kinross, VA 22488 7,525 sq ft / 0.1111 acres No Zoning Designation No public water or sewer available Code of Virginia 33.2-900 et seq. Petition to Amend the Public Right-of-Way known as Mary Washington Ave. in Kinross, VA Wednesday, February 21, 2024 (5:30 p.m.) Monday, March 11, 2024 (6:00 p.m.) </p>	<p> Title: February 2024 Name: Kally V. Do Joshua Address: Mary Washington Ave. Kinross, VA 22488 Property: Villa Siles Industrial Subdivision Agency: Capitol Mountain District Applicable: N/A Authority: Westmoreland County Board of Supervisors Applicant: EMUS, Pappas, Esq. Agent: Laura Lawler-Bock & Anna Lawler-Bock 3510 Sidpelt Road Kinross, VA 22488 7,525 sq ft / 0.1111 acres No Zoning Designation No public water or sewer available Code of Virginia 33.2-900 et seq. Petition to Amend the Public Right-of-Way known as Mary Washington Ave. in Kinross, VA Wednesday, February 21, 2024 (5:30 p.m.) Monday, March 11, 2024 (6:00 p.m.) </p>
---	---

Public Hearing

I. Petition to Amend the Right-of-Way

a. Pursuant to Code of Virginia 33.2-900, the Board of Supervisors, on February 21, 2024, at 5:30 p.m., held a public hearing to consider the petition to amend the public right-of-way known as Mary Washington Avenue in Kinross, VA. A detailed report on the petition is available at the following link: [https://www.westmorelandva.gov/DocumentCenter/View/1114/Olba-padaaat-infomtlaw-e-inaladal-in-the-pcttdaa-All-11am-pwat-Dd-pls-atograph](#).

development
is ahead

I

Ass

whether the land
did it. At one po
a con e public
ability f
ing MW
nding B

I

requires
quoting a
quits land
could t should
farm d to the streets
land to
facency
thing p
posion b
properly

HUI

the rese
also e the rese
keep open
ources staff
duals -garding MW
begin mon
it proper
compl

Jr

Off - the part
tion, tip
s this that over
his ca: na. This
which Naturally
gued: tickets are
ets. Wll. Usually 40
14 calls
MWVA.
-ees / 18.
ratory
case if.
the time
deers are

hulhi

Ministers receives complaints
that vel
sed death
quiring
joy-facill
of make .
request
wish req
do the "ov
for the safer
injury. The overgrowth is
what slowing
vocalize
the gull
ie Code
obtains
obtain
express
privat
owns to
laga dishes.
flans, imply
S divert trash

Hh nH

— Petition to Abscon (Sign-off) Why

the local government's obligations to the public are not limited to the use of public funds. The government has a duty to protect the public from harm, and this duty is not limited to the use of public funds. The government has a duty to protect the public from harm, and this duty is not limited to the use of public funds.

2- Westmoreland County has a fiduciary responsibility to properly maintain land within its ownership. The county has a duty to protect the public from harm, and this duty is not limited to the use of public funds. The county has a duty to protect the public from harm, and this duty is not limited to the use of public funds.

6. Ksmfnsthe1t0w.QeFP,1Ptho.Pphlc

L. I I _ , to act III p, oper " 8 w n o flta la, z4 and mdc6 l mading lml l l l O l m t o f m a i n t e r v m c o .
upkeep, a d stat f t b a t w o u l d b e r o q u e d , a n a m u s t : c m s d a r t h o a c d l l l o n a J a x p e a s e s t h i s p m p e r t y
will l i m m f o r t h e c o u n t y . I f t h e c o u n t y w o u l d l i k e t o k e e p t h e u s e a s a p u b l i c R O W , t h a n t h e c o u n t y
m n d 4 c a u s e r a l l o c a t i n g f u n d s t o r :

1. Staff for CSU& maintenance, stabilization, upkeep. Bid 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 Department of Marine Resources with best practices as prescribed by the Virginia Institute of Marine Science
4. Purchase the materials and equipment necessary 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. Commit public resources to prevent further litter from polluting the county's water supply

7. AtitrhTTS

L. What does it mean to abandon the dog-tail-way? Simply put, it would no longer be an access point for public travel.

b. The 43' wide beach is now closed due to the closure. The county should fill the remaining dune area and spill onto the beach. One could assume it's loss is minimal, and the surrounding property is private. The question is, to what extent, if any, should the county permit

PtpJ5-Pctddol1fdAlmdall=Blpt,ol-Vty

Does the ROW truly benefit Westmoreland County citizens when it's become a major source of noise, dust, and pollution? Does the county have the resources to allocate some of the ROW to and for this small site? Is the forced acquisition of private property through eminent domain for public purposes in the best interests of the citizens? Who would maintain the public easement? Who would maintain the 43' wide strip of unbuildable land?

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

Attachments:

Table of Contents

811 Report

Petition to Abandon Road Extension adjacent to 3510 Sandjack Road, Kingsport, VA

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

Revised Map of "Villa Sites"

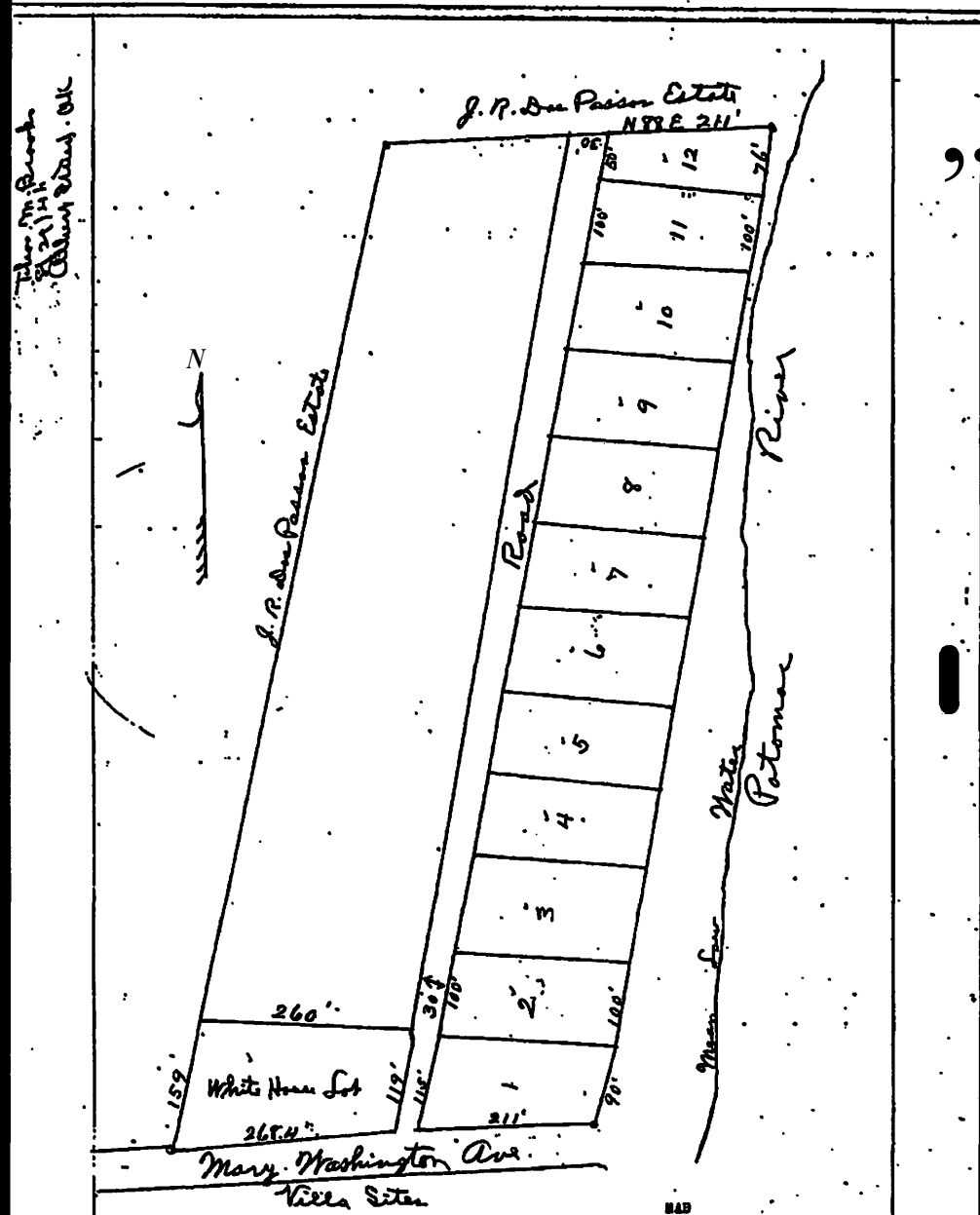
Map of "Sandy Point Beach"

Photograph: "Hills Closed" Sign

Photograph: "Clean County" Sign

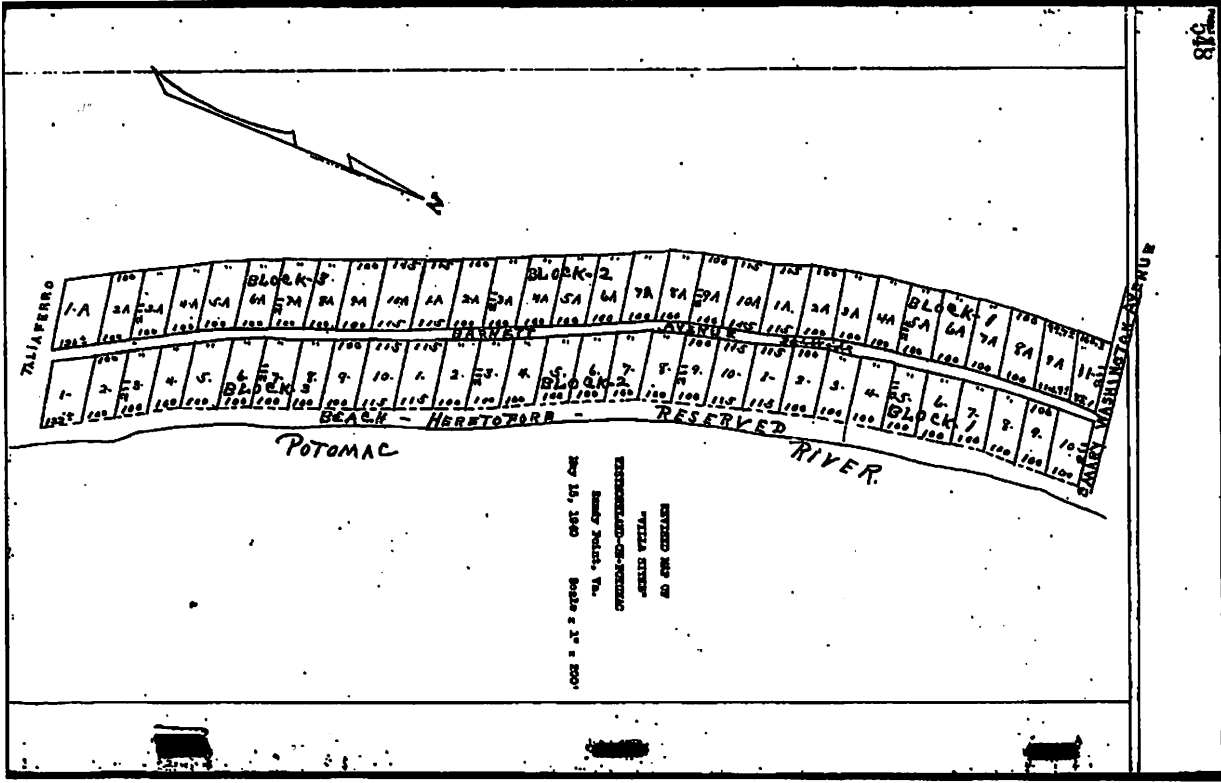
Photograph: Trash Piled Toward the Beach

fl



MAD
of
SANDY POINT BEACH
Situating in
Westmoreland Co Va.
Scale 100 Feet June 1 1941
- Surveyed by T D Mayo
County Surveyor
All Lots except No. 1 and No. 12
are 100 x 211 Feet.

VIRGINIA,
Clark's Office of the Circuit Court of Westmoreland County, June 18th, 1941.
The foregoing Plat of SANDY POINT BEACH was this day received in the said Office and upon
the request of Thomas N. Brooks, admitted to record, recorded and examined.
Teste: Alber Stover Clerk.



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

W. Code of Virginia, Title 55.1, Chapter 55.1-200, Subchapter 55.1-200.1, Article 55.1-200.1-3, Abandonment of a Public Right-of-Way
Chapter 55.1-200.1, Article 55.1-200.1-3, Abandonment of a Public Right-of-Way
Chapter 55.1-200.1, Article 55.1-200.1-3, Abandonment of a Public Right-of-Way

§ 55.1-200.1-3. Abandonment of a Public Right-of-Way

§ 55.1-200.1-3. Abandonment of a Public Right-of-Way

A. The provisions of this article shall apply mutatis mutandis to county roads maintained by a county and not part of the secondary state highway system and to roads dedicated to public use but that are not part of the primary or secondary state highway system.

a. For the purposes of this article:

• "Governmental body" means the governing body of a county.

• "Road" includes streets and alleys dedicated to public use and any existing easements by the lines of a railroad company of such road and a railroad crossing by such road of the lines of a railroad company.

§ 55.1-200.1-3. Abandonment of a Public Right-of-Way

A. When a section of a road not in the secondary state highway system or an existing crossing by such road of the lines of a railroad company or a crossing by the lines of a railroad company of such road, is deemed by the governmental body in which it is located to be no longer necessary for public use, the governing body may abandon such section of the road or such crossing by proceeding as prescribed in this article.

B. In considering the abandonment of any section of road under the provisions of this section, due consideration shall be given to the historic value, if any, of such road.

§ 55.1-200.1-3. Abandonment of a Public Right-of-Way

In the case of a proposed abandonment of a road not part of the primary or secondary state highway system, the governmental body shall give at least 30 days' notice of its intention to do so by posting notice at the front door of the courthouse, by posting notices on at least three places along and visible from the road proposed to be abandoned, and by publishing notice in at least two issues in a newspaper having general circulation in the county. All such notices shall state the time and place at which the governmental body will meet to consider the abandonment of such road.

§ 55.1-200.1-3. Abandonment of a Public Right-of-Way

Any person desiring to have a road abandoned may petition the governmental body to abandon such road by filing the petition and a reasonably accurate plat and description of the section proposed to be abandoned with the governmental body and in the clerk's office of the county. The governmental body may proceed to have such road abandoned as provided in this article, but the expenses shall be borne by the petitioner.

§ 33.2-918. Petition for public hearing on proposed abandonment.

If one or more landowners affected by a proposed abandonment file a petition for a public hearing with the governing body within 30 days after notice is posted and published, the governing body shall hold a public hearing in the county for the consideration of the proposed abandonment.

§ 33.2-919. Action of governing body.

If a petition for a public hearing is not filed as provided in § 33.2-918, or if after a public hearing is held the governing body is satisfied that no public necessity exists for the continuance of the section of road as a public road or the railroad crossing as a public railroad crossing or that the welfare of the public would be served best by abandoning the section of road or the railroad crossing as a public road or public railroad crossing, the governing body shall (i) within four months of the 30-day period during which notice was posted where no petition for a public hearing was filed or (ii) within four months after the public hearing adopt an ordinance or resolution abandoning the section of road as a public road or the railroad crossing as a public railroad crossing, and with that ordinance or resolution the section of road shall cease to be a public road. If the governing body is not so satisfied, it shall dismiss the application within the applicable four months provided in this section.

§ 33.2-920. Appeal to circuit court.

Any one or more of the landowners who filed a petition or the governing body may within 30 days from the action of the governing body on the proposal appeal from the action of the governing body to the circuit court of the county. Where the governing body fails to adopt an ordinance or resolution pursuant to § 33.2-919, such person named in this section shall within 30 days from such failure have a right of appeal to the appropriate circuit court. Such appeal shall be filed by petition in the clerk's office of such court, setting out the action or inaction appealed from and the grounds for appeal. Upon the filing of such petition, the clerk of the circuit court shall docket the appeal, giving it a preferred status, and if the appeal is by any of the landowners who filed a petition with the governing body for a public hearing, notice of such appeal shall be served upon the attorney for the Commonwealth and the governing body. No such appeal shall be tried by the court within 10 days after notice is given as provided in this section unless such notice is waived. The circuit court shall hear the matter de novo with further right of appeal as provided by law. The court may appoint viewers to make such investigation and findings as the court requires of them. Upon the hearing of the appeal, the court shall ascertain and by its order determine whether public necessity exists for the continuance of the section of road or the railroad crossing as a public road or public railroad crossing or whether the welfare of the public will be served best by abandoning the section of the road or the railroad crossing as a public road or public railroad crossing and shall enter its order accordingly.

Upon any such appeal, if it appears to the court that by the abandonment of such section of road or such railroad crossing as a public road or public railroad crossing any party to such appeal would be deprived of access to a public road, the court may cause the railroad company and the governing body, or either, to be made parties to the proceedings, if not already parties, and may enter such orders as seem just and proper for keeping open such section of road or such railroad crossing for the benefit of such party or parties.



LIFFIS AREA CLOSED

**Between Sunset and Sunrise
No Loitering
Violators Subject to Fine**

**No Boat Launch at anytime
Westmoreland County**

ÁREA CERRADA

**Entre el atardecer y el amanecer
No Merodear
Violadores Sujetos a Multa**

Area no. se puede utilizar para entrar laneha
• Condado de Westmoreland





KEEP A CLEAN COUNTY?

IT'S UP TO YOU!

**REPORT AND TESTIFY AGAINST
LITTERERS AND ILLEGAL DUMPERS**

CALL 493-8066

PENALTY FOR LITTERING IS A
MAXIMUM FINE OF \$2588

AND FOR ONE YEAR IN JAIL.



c) EMS:

i) **Public Hearing & Consideration of Resolution regarding EMS Scale of Exemptions.**

Chief Byrd provided a brief recap of the billing rate increase discussion noting there will be a 20% increase across the board which most counties have already adopted. This will standardize the rates across the board which will make it easier for everyone involved.

Chairman Hynson moved to a Public Hearing on this matter only. He asked if there was anyone present to speak on this matter to please come to the podium, state their name and provide their comment on this topic.

Chairman stated to let the record show that no one came forward to comment during the public hearing. The Public Hearing is now closed.

The Chairman came back to the Board and asked if there were any questions, if not, with no further discussion, upon motion by Mr. McCormack, second Mr. Fisher and carried unanimously with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and Chairman Hynson voting "aye", the Board approved the Resolution for the Revised EMS scale of Exemptions.

**** NEXT PAGE- EMS RESOLUTION****

2GDCURIIINTAGINCYIIA11S

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 Incident EMS Rates for 2024:

81.S:\$720

AIS:\$900

ALS2:\$1020

Mflse:\$20

Increase hardship by \$5000 in each category,

mmml	Exemption
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
HAGUE, VIRGINIA 22669

W. W. HYNSON, VICE CHAIRMAN
ELECTION DISTRICT NO. 4
COLORADO BEACH, VIRGINIA 22643

ROSEMARY MAHAN
ELECTION DISTRICT NO. 2
HAGUE, VIRGINIA 22669

DOROTHY DICKERSON TATE
ELECTION DISTRICT NO. 3
MONROSE, VIRGINIA 22680

LARRY ROBERSON
ELECTION DISTRICT NO. 5
COLORADO BEACH, VIRGINIA 22643



NORM FIBAVI
County Administrator
R. O. BOX 1300
MONROSE, VIRGINIA 22680-1300
PHONE: (804) 624-4100
FAX: (804) 624-4104
E-mail: norm@westmoreland-county.org
Web Page: www.westmoreland-county.org

WESTMORELAND COUNTY, VIRGINIA

V
MON 11088 V Relat M H 1000

RESOLUTION

WHEREAS, upon finding the fact, after notice and public hearing, that the duties of the powers enumerated in Virginia Code Article 11-415.18C, it is the duty of the Board of Supervisors to provide for the public health, safety and welfare of the citizens of the County of Westmoreland, Virginia, and

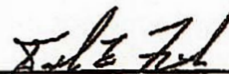
the Westmoreland County Board of Supervisors has filed a petition for permission to be billed to the State of Virginia for the purpose of providing for the health, safety and welfare of the citizens of the County of Westmoreland, Virginia;

WHEREAS, the Westmoreland County Board of Supervisors is of the opinion that the citizens and residents of the County of Westmoreland, Virginia, should be provided with the services of the State of Virginia;

NOW, THEREFORE, BE IT RESOLVED that the Westmoreland County Board of Supervisors do hereby adopt the following resolution for the use of the Board of Supervisors of the County of Westmoreland, Virginia:

DCglAam#DalloAmr	fm ltd l9 r f r V f p p n f c W i i P A A r l l
Less than \$20,000	100%
\$20,001 to \$30,000	75%
\$30,001 to \$50,000	50%
\$50,001 to \$100,000	25%
\$100,001 and above	0%

Date of Adoption: November 16, 2013


Deryll Asher Chinn
Board of Supervisors
Westmoreland County

- ii) **NP New Program:** Chief Byrd came before the Board to ask for a motion of consideration authorizing the County Administrator and EMS Chief to move forward with the New NP program, as long as it can be included in the budget. As he previously discussed 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.

The Chairman asked if there were any questions, if not, with no further discussion, upon motion by Mr. Fisher, second Mr. McCormack and carried unanimously with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and Chairman Hynson voting "aye", the Board authorizes the County Administrator and EMS chief to move forward with the new NP Program, as described by the EMS Chief.

d) **Sheriff's Office: Additional Vehicles.**

- i) Sheriff Balderson was present to discuss the history of this topic and noted that he has been informed that there are only three vehicles left but the five {5} that the Board approved last month are locked in. Sheriff stated he is happy with the five (5) but if the Board approves more that is great.

Chairman asked if the Board "what they think" due to the Board needs to be careful how they spend tax payer money since the budget has not been approved.

Mr. Trivett asked how much is the savings for the three (3) vehicles. Sheriff said approximately \$4,000 - \$6,000 per vehicle, so approximately \$18,000 for the three (3).

Mr. McCormack said he likes to save money but don't like to spend and feel there are other budget items that the Board needs to focus on.

Mr. Fisher asked how long do we have to decide. Sheriff said it is a roll of the dice. Mr. Fisher then stated, he would concur with Mr. McCormack and the Board has a lot of pieces that are moving and all for a deal but not knowing where we are, we are hard pressed to say yes now.

Sheriff again noted he is happy with the five (S) but suggested to table the matter until after the budget and if there are any vehicles left, he will bring the matter back to the Board.

Mr. Fisher asked if the Board would be willing to keep this matter open and bring back at a later time.

Chairman Hynson stated we would table the matter until after the budget meetings.

Mr. Fisher said if the Board tables the matter it doesn't obligate them to do anything with it.

Mr. Fisher made a motion to table until the next meeting and second Mr. Trivett County Attorney noted, to Mr. Fisher's point, it may be May before the County knows anything. He also noted that under the budget that was adopted, teachers and all local and state employee's get a raise each year of the budget and the County would have to match it which is significant.

Mr. Prescott mentioned there was a first and second....

Mr. McCormack said the motion to table will push this to next month, why do we have to table it? We can always bring it back when we want, whether it be May it can be back on the agenda but if we keep kicking the can down the road we will be talking about it every month. County Attorney noted Mr. McCormack is correct but you do have to put it on the agenda a head of time, you cannot put matters on the agenda at the table per the Board's rules.

Mr. Fisher noted that is the only reason is because our rules are, unless it is an emergency, we cannot act on it if added at last minute. It looks like we are going to have to find money to deal with things and Sheriff you may just have to take one for the team. Sheriff said as the budget time gets closer he will let us know.

County Attorney stated there is a motion and second on the floor; if Mr. McCormack wants to make a substitute motion that would take precedent. Mr. McCormack stated he is okay either way.

Chairman stated at the rules are now it takes about a month to get to the point of a vote. With the possible salary increase we don't know what that will be but at this point he will asked the Board that we have a motion and a second should we go with it....

With no further discussion, motion by Mr. Fisher, second Mr. Trivett and carried unanimously with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and Chairman Hynson voting "aye", the Board approved to table until after budget meetings.

e) Administration:

- i) Prohibiting Boats at the Transfer Station - County Administrator provided a quick recap that the Transfer Station cannot safely dispose of boats. Republic, who is the contractor at the Transfer Station, has asked over the last several years to have this process stopped. The County pays for this extra service due to they don't have the appropriate equipment due to the upcoming budget challenges, this will help with some costs at the Transfer Station. So we are asking the Board to consider a motion to prohibit boats at the Transfer Station.

The Chairman asked if there were any questions -

Mr. McCormack stated that it is a running joke there is a 20ft boat sitting at the Transfer Station and the tax payers are paying for it. He said the owner should pay for the disposal, not the County. We have a budget for the trash and we have gone way over budget several years and this is one reason why. Mr. McCormack noted at one-point Montross was a landfill but it isn't anymore but some people this it still is. He noted he will not continue to allow the tax payers to dispose of others personal property.

Mr. Trivett, add that way over budget it was, to the tune, of approximately \$750,000 last year. It isn't a little bit of money, it is a lot of money. He asked how much it would cost us to dispose of such size boats. Mr. Prescott said he could get that information but we do not have it at this time.

Mr. Ingram stated that the acronym is correct "break out another thousand" so it goes back to the owner of the vessel.

Mr. Fisher noted this is just one component of the problem. Westmoreland is growing and people are coming in so we have more trash which are driving our costs up as well as what we assumed we could handle, brush pile, boats. We need to get the information out to the public as to what we can handle because we cannot handle these vessels as well as other things at that site.

Chairman asked for a motion to prohibit boats at the transfer station.

Mr. McCormack said he believes we should table this until the next meeting to get public comments and receive feedback from the public.

With no further discussion, upon motion by Mr. McCormack, second Mr. Fisher and carried unanimously with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and Chairman Hynson voting "aye", the Board agrees to table this matter until the next meeting.

- ii) Household hazardous Waste Events - County Administrator explained the history of this event and why the fee was put in place. We are now asking the Board to consider removing this fee going forward. It was reminded this is only for household, not commercial.

The Chairman asked for any comments.

Mr. Trivett asked if this would be advertised as household and will the County incur a cost or does it matter.

Mr. Prescott stated there is a risk that a resident may come in with a trailer full of hazardous waste but that can always be cross-checked. However, a household has a large amount of hazardous we would want them to bring it in.

Mr. McCormack noted he would rather see people bring it into the event than on the side of the road.

With no further discussion, upon motion by Mr. McCormack, second Mr. Ingram and carried unanimously with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and Chairman Hynson voting "aye", the Board authorized to waive the fees going forward at the Household Hazardous Waste Events.

5) BOARD OF SUPERVISOR'S MATTERS

- a) Discussion regarding Real Estate Tax Exemption & Motion to Authorize Commissioner of the Revenue to Extend the Application Deadline Thirty (30) Days.

Mr. Hoover was present to discuss changing the County Ordinance regarding Real Estate Tax Exemption. He noted that there are several reasons but primarily due to social security benefits increasing, members of the elderly and disabled real estate relief program have lost their exemption for 2023. He did mention the total loss revenue for 2023 was \$20,000. There were 67 members in the program with 45 in the districts, 21 in Colonial Beach and 2 in Montross, between 5-10 members were removed. Mr. Hoover said he submitted a recommendation last June, it should be in your pack, to solve this problem but was not addressed. Mr. Hoover is recommending to increase the maximum income per household for tax year 2024 to 30,000.00 (an increase of \$5,000). Also, the current tax relief amount does not exceed \$325.00 and he would recommend increasing the maximum tax relief amount to \$425.00. If the Board would like to explore adjusting the amounts, he is asking for the Board to extend the due date another 30 days due to the Code stating applications are due April 1st.

Chairman Hynson asked if the Board has any questions.

Mr. McCormack explained that there may be an elderly couple and one is disabled and the other is the caretaker. They both get social security and met the threshold two years ago but now don't because social security has increased and we didn't not adjust our amounts, they don't. They still pay taxes but at a reduced rate of about 40%. This will

not hurt the County to help these people that make 30,000.00 and own property. We need to help these people out.

Mr. Ingram agrees that we need to help the vulnerable and he would support this.

Mr. McCormack noted that the Board would also need to approve to extend the deadline because it is currently April 1st and ask to extend it thirty (30) days so we can vote on it in April.

County Attorney asked if it was advertised, we have not but it is ready to advertise and we will be able to have the public hearing at the April 8th meeting and at that time the change to the Ordinance can be voted on and deadline extended.

Mr. McCormack asked how that would impact the April 1st deadline.

CA stated you need to have a public hearing by law so you will have to wait until the next meeting to do it but you can then extend the deadline to apply for 30 days or what the Board thinks is reasonable if the Board amends the Ordinance and increase the threshold.

Mr. McCormack then asked if it would be amended the Ordinance at the Work Session.

County Attorney said that is ok but you make and amend the laws but I don't know if you can get it in on time but if you can you would have to do it at the next regularly scheduled meeting but it has to be advertised for two (2) weeks.

Discussion ensued regarding the process.

The Chairman asked if there were any questions, if not, with no further discussion, upon motion by Mr. McCormack, second Mr. Trivett and carried unanimously with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and Chairman Hynson voting "aye", the Board authorizes the Commissioner of the Revenue or County Administrator to advertise a change in ordinance regarding the real estate tax exemption for public hearing.

QARRV E. FISHER
ADMINISTRATIVE

JEFFREYA MCCORT W:K
ADMINISTRATIVE

MATTHEW O. INGRAM
DISTRICT 1

W. W. HYNSON
DISTRICT 2

TIMOTHY J. TRIVETT
DISTRICT 3



W BENJAMIN PFEESOTT
County Administrator
11ta.emc-

PHONE: 540-853-1111
E-MAIL: wbenjamin@emc-va.gov

WESTMORELAND COUNTY, VIRGINIA

Plkawio!!

MONTROSS, VIRGINIA 22520-1000

MEMORANDUM

TO: Board of Supervisors
FROM: William Hoover, Commissioner of the Revenue
DATE: March 11, 2024
SUBJECT: Real Estate Tax Exemption

Due to social security benefits increasing, members of the elderly/disabled real estate relief program have lost their exemption for 2023. My recommendation is to increase the maximum income per household for tax year 2024 to \$30,000.00 (an increase of \$5,000).

If this is done we would also need to alter the scale for the exemption. The current scale is as follows:

<u>Total Combined Income</u>	<u>Percentage Exemption of Tax</u>
\$0-\$16,000	100%
\$16,001-\$18,000	80%
\$18,001-\$20,000	60%
\$20,001-\$25,000	40%

My recommendation for 2024 is as follows:

<u>Total Combined Income</u>	<u>Percentage Exemption of Tax</u>
\$0-\$21,000	100%
\$21,001-\$23,000	80%
\$23,001-\$25,000	60%
\$25,001-\$30,000	40%

The current tax relief amount does not exceed \$325.00. I would also recommend increasing the maximum tax relief amount to \$425.00 for 2024.

Mr. Fisher stated we come to the work sessions to discuss issues that we are going to vote on but because of our own rules this is another one of those cases that we need to act on but cannot.

County Attorney noted that per rule the Board cannot take action at a work session, but the Board can adjourn to another date, or it be the same date as work session. However, the Board can adjourn to a regular session also. The problem is there isn't time to advertise for a public hearing and that won't help in this case. You can also adjourn to a special session if you would like but again the problem is you need to advertise pursuant to the Code.

Mr. Fisher stated when we come together for a work session and there may be things that come up that we cannot take action on because our own rules prohibit us from doing that.

County Attorney noted that if the Board knows that something is coming up you can also have a special session on the same day as the work session. It just needs to be three (3) days prior but it doesn't have to be just as long as the public receives notice the same day as the Board.

Mr. Trivett asked if the meeting could just be continued.

County Attorney said yes it could be continued to take action on a specific matter. Usually, it had to do with the school.

6) COUNTY ADMINISTRATOR COMMENTS

- a) Chandler Mill Pond Update: Mr. Prescott noted he was out there a couple weeks ago and saw a second pour. They appear to be making steady progress. There is an expected end date of June 1-30. Hopefully, they will come through with the updated timeline.
- b) OSHA/VRSA Update: Mr. Prescott informed the Board that the County continues to make progress putting together the OSHA procedures.
- c) Coles Point WWTP Drip System: Mr. Prescott stated there is continued growing pains with the system and we are trying to ensure we get maximum capacity out of the system.

We have had to face severe weather challenges with rain (4-6 inches above norma.) We have moved to pump n haul which is expensive. Mr. Prescott will keep the board up to date on this matter in the coming weeks.

- d) Budget Work Session Dates: Mr. Prescott stated that we would like to sent a work session for budget presentations. We would like to have all the presentations in one day, at one time, to come make a short presentation to the Board members. If there is any date that is better, otherwise we can go another way.

Mr. McCormack asked how long the presentations would last. Mr. Prescott stated we should get it done by 7:00 or 7:30. Mr. McCormack noted he is good any date.

Chairman Hynson asked if the Finance Director is available any of those dates.

Mr. Prescott stated April 10th at 2:00 would be the date and time we are looking for. The County will schedule the presentations so everything will be ready for the Board.

7) AMENDED AGENDA ITEM

- a) Discussion and Consideration to Approve NNRJ's OPIOID Abatement VOAA Cooperative Partnership, due March 31, 2024.

Mr. Prescott asked if Mr. Fisher would like to speak to this matter. Mr. Fisher deferred to Mr. Prescott. He stated that the NNRJ is in the process of applying for a grant regarding OPIOID issues for the inmates. NNRJ has been active in the OPIOID process, however, this grant will pick up where there current funding drops off and offer more funding for the OPIOID crisis in the jail system. There is no charge for the County and all the jail to treat more inmates who have opioid issues. He asked if there are any questions.

County Attorney asked if the County entered into litigation regarding opioid abatement issue and the County is receiving money that needs to be spent on opioid abatement. Mr. Prescott stated he is aware of the litigation and the funds the County has in speaking with the attorney who is helping with that funding stream and we have requirement but we will check.

County Attorney noted this is just a cooperative agreement with several counties and he is sure it is fine but just wanted everyone to be aware and have it checked on. If this isn't done properly all the money must be paid back.

Mr. Fisher stated that did come up at the meeting and the jail attorney and jail superintendent are well aware and have looked at it and believe they can meet both paraments if this is successful.

Mr. McCormack stated that Gloucester is giving around \$20,000 and the jail is giving \$12,000 and it appears it is asking for each County to give money to add to this. It is broken down by how many inmates are served by each County.

Mr. Fisher stated he didn't believe so, but he will check. If there is a cost by County it would be absorbed in the NNRJ budget.

Chairman asked for a Motion to Approve the submittal of the NNRJ Opioid Abatement VOAA Cooperative Partnership; Motion Mr. Trivett, second Mr. McCormack and carried unanimously with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Trivett and Chairman Hynson voting "aye", the Board approves the submittal of the NNRJ Opioid Abatement VOAA Cooperative Partnership.

8) PUBLIC COMMENT PERIOD

Keri Cusick Director of DSS and Yolanda Fisher COO and Owner of Angel Care Community Services. They have partnered together to host the first free community Easter egg hunt on Saturday, March 23rd 11-1. It will be held at the old W-L football field, ages newborn to 13 years old. Free lunch, prizes, crafts and the Easter Bunny will make an appearance. Mr. Fisher stated this will bring awareness to Boys and Girls club coming to Westmoreland County and would like to provide good things for them to do.

Larry Hinson - stated there is trash along Rt 202 near the Transfer station.

Chole Hodges - Introduced herself to the Board as a representative of a company called Energy Rights, non-profit to educate on clean energy. She stated she would be happy to present to the Board regarding what her company does or meet with individuals to discuss

what services her company offers.

9) CLOSED SESSION (PER AMENDED AGENDA/MR. TRIVETT)

Mr. Trivett made a motion to move into Closed Session under Section 2.2-2711.A1, 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 Board of Supervisors issues; second by Mr. Fisher and carried unanimously, with Mr. McCormack, Mr. Ingram, Mr. Trivett, Mr. Fisher and Chairman Hynson voting "aye", the Board will now move into Closed Session.

RECORDING STOPPED UNTIL RETURN FROM CLOSED SESSION

Chairman asks for a motion to return to regular session from closed session. Upon motion by Mr. Fisher, second by Mr. McCormack and carried unanimously, with Mr. McCormack, Mr. Ingram, Mr. Trivett, Mr. Fisher and Chairman Hynson voting "aye", the Board is now in Regular Session.

Chairman asks for a motion to confirm that nothing other than what is listed under section 2.2-3711.A1 was discussed during Closed Session and no action was taken. Upon Motion by Mr. Fisher, second by Mr. Trivett and carried unanimously, with Mr. McCormack, Mr. Ingram, Mr. Trivett, Mr. Fisher and Chairman Hynson voting "aye".

Chairman asks if there are any motions that the Board members would like to make.

Mr. Trivett made a motion to consider a change of leadership in the chairman position; second, Mr. Fisher; Chairman asked for discussion.

Mr. McCormack stated that we vote for Chairman and Vice Chairman for twelve month terms. He stated he would not set precedent and change either position at this time and replace them. When roll call vote is had he would vote nay.

Mr. Fisher noted that in light of what Mr. McCormack has stated, the motion would have to be to amend the term of office, unless we will suspend the rules that have already been put in place.

Chairman asked if there is any further discussion.

Mr. Trivett motion is still on the floor.

Mr. Fisher stated that we cannot proceed with that motion if it is in violation of the rules of procedure that have been approved. He would respectfully revert back to the motion maker to provide clarity.

Mr. Trivett withdraws his motion

Mr. Fisher withdraws his second

Mr. Trivett is asking that we make a motion to suspend the rules for the one year term to make it less than one year?

Mr. Fisher stated he isn't certain that can be done in the middle of a term. He would advise we need to consult with the County Attorney but he is not clear on that.

Mr. Trivett again withdraws his motion and that we adjourn.

Motion to adjourn to April 10th

Chairman asked for roll call with Mr. McCormack, Mr. Ingram, Mr. Trivett, Mr. Fisher and Chairman Hynson voting "aye".

WE DID NOT GET A SECOND

Received a second from Mr. Fisher after the meeting was assumed adjourned but did not receive the final vote after the second to adjourn.

Chairman, --- /d#, --- ' ' ---

10/10/10