

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 \*\***



Westmoreland 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         | Wilson 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       | Wise Pl          | Darl 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](mailto:david.beale@vdot.virginia.gov)

Carter White  
Assistant Residency Administrator  
(804) 333-7942  
[carter.white@vdot.virginia.gov](mailto: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 3<sup>rd</sup> party, Imboden to operate the WWTP in the Town of Colonial Beach;
- March 30<sup>th</sup> Easter Egg Hunt on Town Hill;
- April 13<sup>th</sup> 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  
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



WESTMORELAND COUNTY, VIRGINIA  
*Board of Supervisors*  
MONTROSS, VIRGINIA 22520-1000

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

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       |  | 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    |
| RETIRES 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  
Wetlands Board

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P.O. Box 1000

Montross, 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

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

**Planning Commission**  
**Staff Report**

**Date:** February 21, 2024  
**From:** Beth McDowell, *Planning Director*  
**Case #:** #2403-RZ-01  
**Site Address:** off Leedstown Road  
**Site Location:** ~1 mile north of Leedstown Rd/Rappahannock Rd intersection  
**Magisterial District:** Washington (Election District 3)  
**Site Tax Map:** 17-73  
**Owner/Applicant:** Joshua Iannarelli  
**Site Property Size:** approximately 14 acres  
**Existing Zoning District:** BG Business General  
**Proposed Zoning District:** A-1 Agriculture  
**Utilities:** future private well & septic drainfield  
**Authority:** Zoning Ordinance Article 10-3.9  
**Project Description:** Request to rezone property from business to agricultural in order to allow single-family residential use  
**PC Work Session:** Monday, February 26, 2024 (3:00 pm, English Building)  
**Planning Commission:** Monday, March 4, 2024 (1:30 pm, English Building)  
**BOS Work Session:** Wednesday, February 28, 2024 (5:30 pm, English Building)  
**Board of Supervisors:** 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 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*  
MONTROSS, VIRGINIA 22520



P. O. Box 1000  
Montross, Virginia 22520  
Phone: (804) 493-0121  
Fax: (804) 493-0804

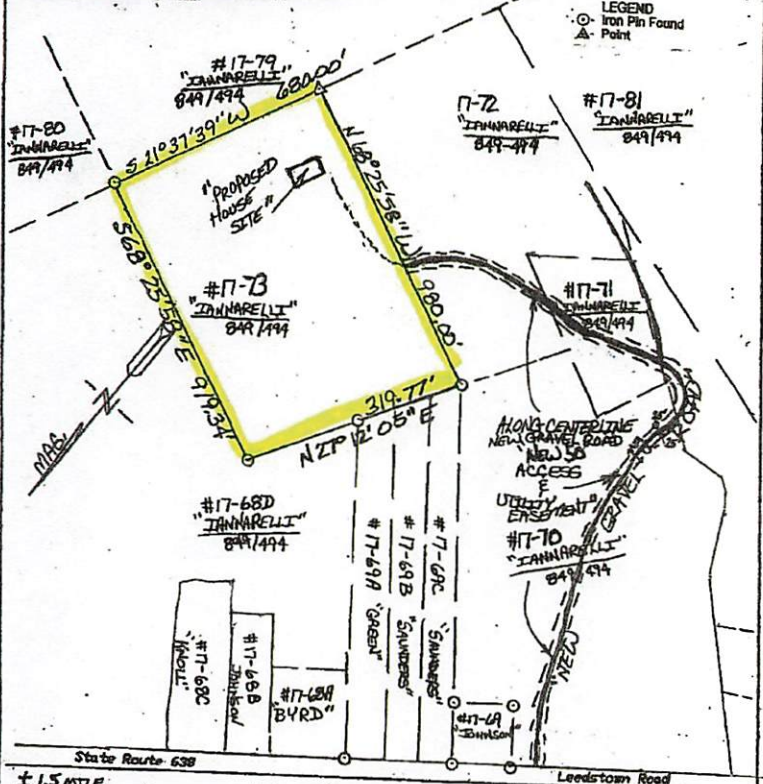
Building Official  
Zoning Official  
Planning Commission  
Board of Zoning Appeals  
Board of Building Appeals  
Wetlands Board







1. Basements, if any, not shown. No title report furnished.
2. This property does not lie within the 100 year Flood Zone as shown of the F.R.M.A. F.I.R.M. Community Panel.
3. Boundary derived from a field survey and from deeds of record as found among the Land Records of Westmoreland County, Virginia, as shown hereon.



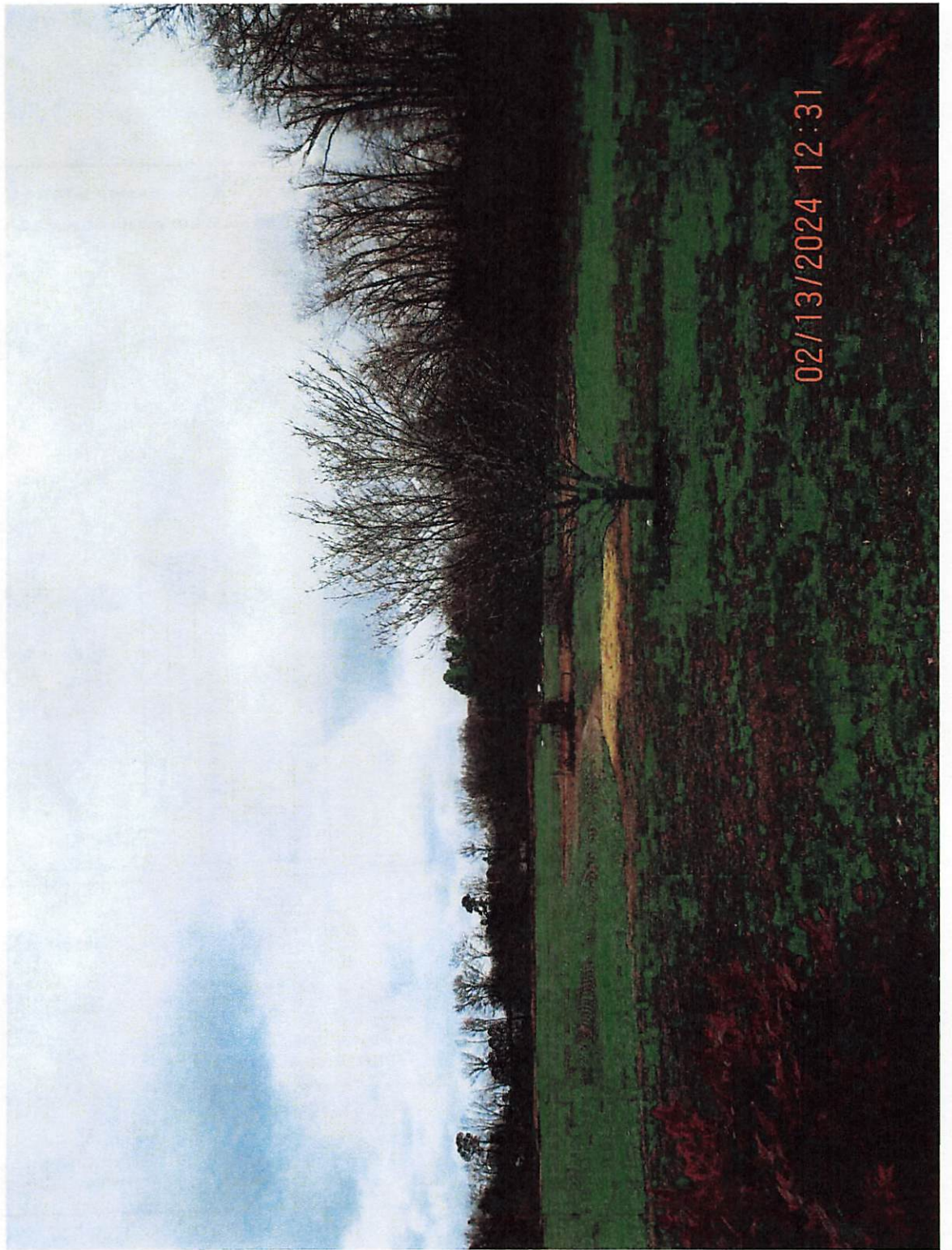
LEGEND  
 O - Iron Pin Found  
 A - Point

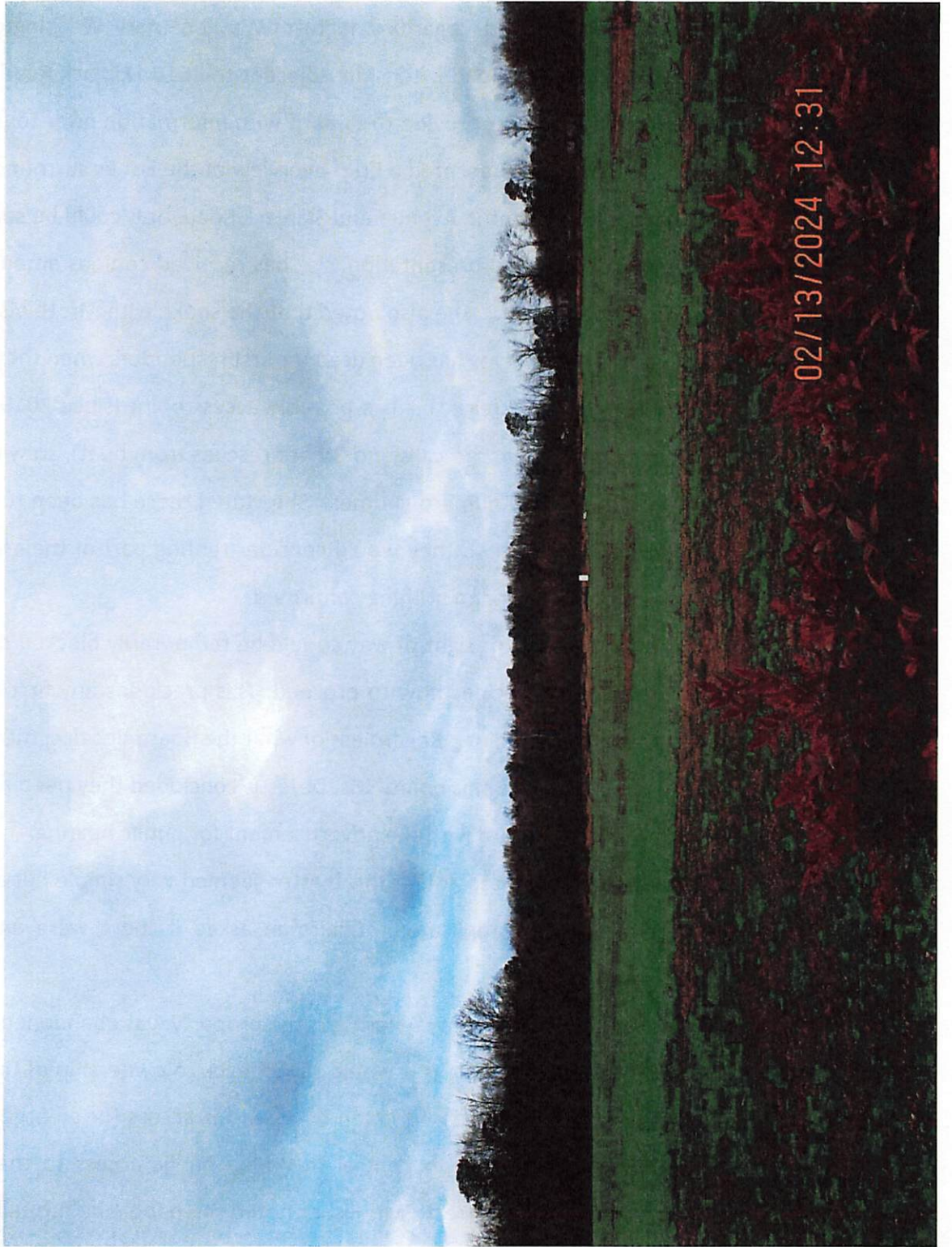
State Route 638  
 1.5 MILE TO RT. 686  
 "NEW"  
 50' ACCESS AND UTILITY EASEMENT SURVEY PLAT  
 PROPERTY OF:  
**SHEILA IANNARELLI**  
 Deed Book 849-494  
 Tax Maps 17-73  
 Washington District  
 Westmoreland County, Va.  
 Date: JANUARY 5, 2024

Prepared by:  
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COMMONWEALTH OF VIRGINIA  
 ARCHIE J. DODSON JR.  
 Lic. No. 2944  
 1-5-24  
 LAND SURVEYOR

Scale: 1" = 300'





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 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**

|                                     |  |
|-------------------------------------|--|
| <b><u>Date:</u></b>                 | February 19, 2024  |
| <b><u>From:</u></b>                 | Kelly V. De Jesus  |
| <b><u>Site Address:</u></b>         | Mary Washington Avenue, Kinsale, VA 22488  |
| <b><u>Site Location:</u></b>        | Villa Sites in the Sandy Point Subdivision   |
| <b><u>Magisterial District:</u></b> | Cople Magisterial District   |
| <b><u>Site Tax Map:</u></b>         | Not Applicable   |
| <b><u>Owner:</u></b>                | Westmoreland County Board of Supervisors   |
| <b><u>Petitioner:</u></b>           | Bryan S. Peoples, Esq.<br>Agent for Laura Lawler-Beck<br>& Anna Lawler-Beck<br>3510 Skipjack Road<br>Kinsale, VA 22488 |
| <b><u>Site Property Size:</u></b>   | 7,525 ± sq ft/ 0.17 ± acres  |
| <b><u>Site Zoning District:</u></b> | No Zoning Designation  |
| <b><u>Utilities:</u></b>            | No public water or sewer available   |
| <b><u>State Code:</u></b>           | Code of Virginia § 33.2-900 et als   |
| <b><u>Project Description:</u></b>  | Petition to Abandon the Public Right-of-Way known as<br>Mary Washington Avenue in Kinsale, VA                          |
| <b><u>Work Session:</u></b>         | Wednesday, February 28 <sup>th</sup> , 2024 (5:30 p.m.)  |
| <b><u>Public Meeting:</u></b>       | Monday, March 11 <sup>th</sup> , 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 12<sup>th</sup>, 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 unleveled 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:**

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

**Revised Map of "Villa Sites"**

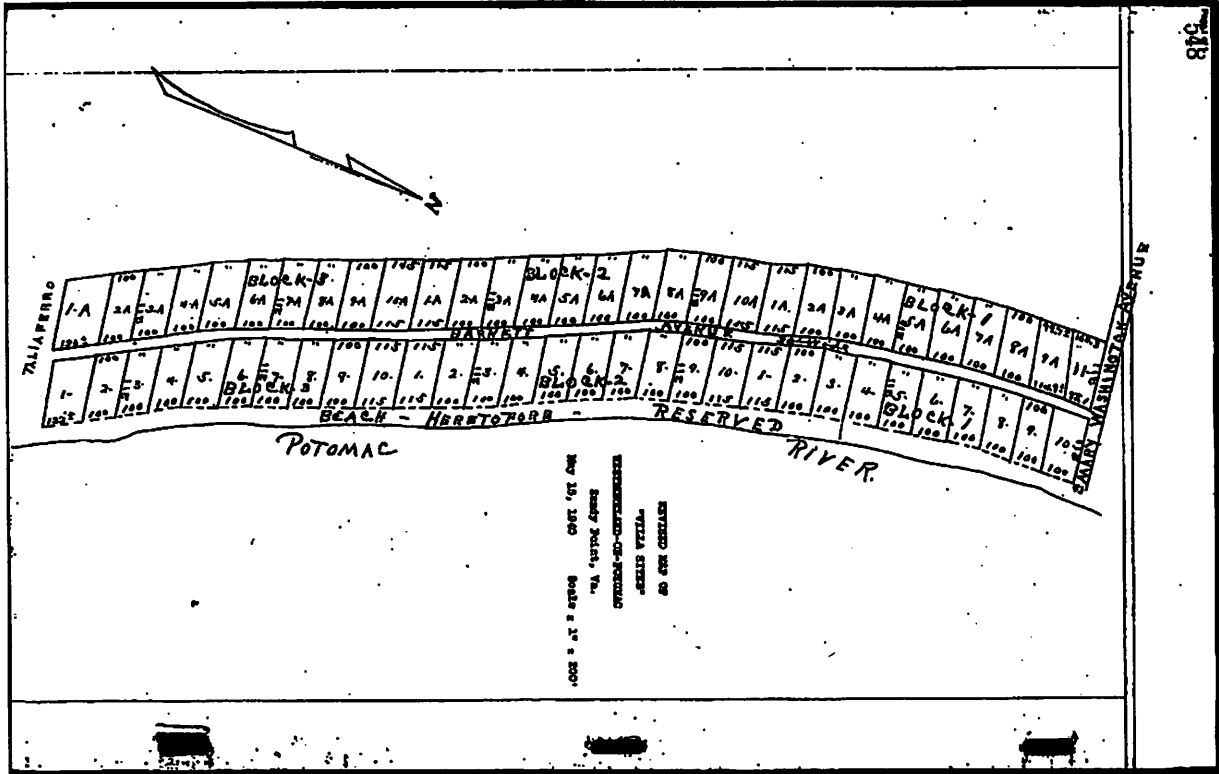
**Map of "Sandy Point Beach"**

**Photograph: "This Area Closed" Sign**

**Photograph: "Clean County" Sign**

**Photograph: Trash Flushed Toward the Beach**





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

**Title 33.2. Highways and Other Surface Transportation Systems » Subtitle II. Modes of Transportation: Highways, Bridges, Ferries, Rail, and Public Transportation » Chapter 9. Abandonment and Discontinuance of Highways and Roads » Article 3. Abandonment of Roads Not in Primary or Secondary State Highway System**

**§ 33.2-913. Conveying sections of highways, landings, or other property no longer necessary.**

**§ 33.2-914. County roads not part of primary or secondary state highway system: definitions.**

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.

B. For the purposes of this article:

"Governing body" means the governing body of a county.

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

**§ 33.2-915. Abandonment of certain roads and railroad crossings by governing body.**

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 governing 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.

**§ 33.2-916. Notice of proposed abandonment.**

In the case of a proposed abandonment of a road not part of the primary or secondary state highway system, the governing 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 governing body will meet to consider the abandonment of such road.

**§ 33.2-917. Petition for abandonment.**

Any person desiring to have a road abandoned may petition the governing 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 governing body and in the clerk's office of the county. The governing 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.









c) EMS:

i) Public Hearing & Consideration of Resolution Proposed Fee Schedule Increase for the Ambulance Fee for Service and 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 Proposed Fee Schedule Increase for the Ambulance Fee for Service and the Revised EMS scale of Exemptions.

**\*\* NEXT PAGE – EMS RESOLUTION \*\***

**2023 CURRENT AGENCY RATES**

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

**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%               |

- 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 payor 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 (5) 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 1<sup>st</sup>.

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 1<sup>st</sup> 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 8<sup>th</sup> 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 1<sup>st</sup> 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.

DARRYL E. FISHER  
ELECTION DISTRICT NO. 1  
HAGUE, VIRGINIA 22486

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 22440

TIMOTHY J. TRIVETT  
ELECTION DISTRICT NO. 5  
COLONIAL BEACH, VIRGINIA 22440



W. BENJAMIN PRESCOTT  
County Administrator  
P. O. BOX 1000  
MONTROSS, VIRGINIA 22520-1000  
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E-mail: [prescott@westmoreland-county.org](mailto:prescott@westmoreland-county.org)  
Web Page: [www.westmoreland-county.org](http://www.westmoreland-county.org)

WESTMORELAND COUNTY, VIRGINIA

*Board of Supervisors*

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 10<sup>th</sup> 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 parameters 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 23<sup>rd</sup> 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.

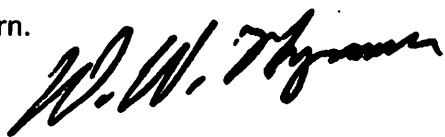
Mr. Trivett again withdraws his motion and that we adjourn.

Motion to adjourn to April 10<sup>th</sup>

Chairman aske 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,  \_\_\_\_\_