

A Regular Meeting of the Westmoreland County Board of Supervisors was held Monday, May 13, 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 W. W. Hynson, Jeffrey McCormack, Matthew Ingram and Timothy J. Trivett. Also present were Richard Stuart, County Attorney, Ben Prescott, County Administrator, Donna Cogswell, Assistant County Administrator and Debra Whaley, Finance Director.

Mr. Fisher is absent from the meeting

1. CALL TO ORDER:

Chairman Hynson called the meeting to order at 6:01 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. With no additional discussion, upon motion by Mr. Trivett, second Mr. McCormack and carried unanimously the Board approves the Agenda for tonight's meeting.

- b) Approval of Board Minutes: Chairman Hynson noted that everyone should have received a copy of the minutes for March 25, 2024, April 8, 2024, April 10, 2024 and April 22, 2024. Chairman Hynson asked, if there are no objections, he would like to combine both to be approved (there was no objection). Chairman Hynson asked if there are any other questions, errors or omissions; if not, he asked for a motion to approve the minutes of the meetings as noted above. Upon motion by Mr. McCormack, second by Mr. Trivett and carried unanimously the Board approved the minutes.

c) Approval of Accounts Payable & Payroll Register: Chairman stated all members should have received the Accounts Payable and Payroll Register for April 2024. Chairman 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. Trivett; roll call vote - Mr. McCormack, Mr. Trivett and the Chairman votes "aye", the Board approves the Accounts Payable and Payroll Register for April 2024.

d) Appropriations Increase/Decrease Requests:

i. Consideration of Appropriation from Westmoreland County School to complete capital improvement projects at the Westmoreland High School.

Alexes Chatham was present to discuss a budget resolution for the Westmoreland County School Board a request to appropriate to the FY 23-24 budget (Fund 205) 600,000 to their facilities category from the fund balance for the construction completion of the Westmoreland high school athletic fields and additional security equipment, which entails sewer line for the field house which came in over the estimated cost about \$115,000 and additional paving will cost additional \$94,200; and placement of a backpack scanner for Cople school. She stated that when the County contracted to have the lighting done for the football field they had to jackhammer the concrete so now there is additional paving needed to correct it. Also, have the placement of the school board.

Mr. McCormack asked if we have a joint meeting with the school board and Board of Supervisors? Mr. Prescott stated there was a meeting between the both Chairman's (School and Board of Supervisors) and the Superintendent of Schools and Mr. Prescott but there was no discussion regarding a joint meeting. He stated that would have to be requested through the Board Chairman and he would go to the School Board Chairman to arrange that meeting. Mr. McCormack stated they have some further questions regarding this expenditure.

One of the main concerns is we are funding a bookbag scanner but we do not have a SRO at Cople. If we were to table this what is the impact going to be regarding football season next year? Ms. Chatham stated technically they cannot hold graduation. Mr. McCormack asked if this is part of this Saturday's graduation? Ms. Chatham said it needs to be done because they have to cut concrete and replace it. Mr. Trivett said he missed part of the statement so he wants to clarify the contractor will do 600,000 worth of work before Saturday. Ms. Chatham answered "yes". Mr. Trivett stated not sure why they would have scheduled a meeting for tonight because the has has questions that the Board needs answered. Mr. Trivett said nothing again Ms. Chatham but there are questions that only Dr. Perry could answer, including why the joint meeting hasn't happened that the Board requested because it deals with some of these same issues, including the SRO positions. Mr. Trivett stated that public safety is more important than a football field. He also mentioned that the Sheriff's office bent over backwards trying to get those grants and we have lost those before because the school dropped the ball and I don't see that happening again and he is not willing make a motion or second until these questions are answered. Mr. McCormack stated, this is not directed to Ms. Chatham at all, but he is upset that the Board is put in a situation where this high school graduation is now deflected to the Board of Supervisors. He stated that he was a little outspoken over the weekend and may of overstepped the boundaries but sometimes he doesn't care. When it comes to the school it isn't the Board's place because there is an elected School Board. When they are not answering the phones, it is his place when parents begin calling the County administrator. The fact that we are getting deflected this \$600,000 tonight on Monday when graduation is on Saturday, that is just inexcusable. Ms. Chatham noted they may be able to push the paving off until the beginning of next week. Mr. Trivett piggy backed on what Mr. McCormack asked, he clarified so is this so the graduation can be held

at the new high school. Ms. Chatham said they are pushing forward with graduation on the high school field, she continued they will find ways like caution tape. Mr. Trivett asked why can't the graduation be held where it was last year? Ms. Chatham stated they are actually pushing forward, they will hold graduation on the Westmoreland High School field. Mr. Trivett asked if that is where the petition requested for it to be held or if that the W-L Field or are they the same field? Ms. Chatham stated she doesn't know and stays away from these questions. Mr. McCormack stated the announcement was to have it on the Westmoreland High School field and when that changed the petition was to have it on the W-L Field. So now they will push forward and will have it on the new field regardless if we pass this or not. Ms. Chatham stated "yes". Mr. McCormack stated what he doesn't want is an announcement that they have to have graduation inside because of the Westmoreland County Board of Supervisors. Chairman Hynson stated the Chair will do what he needs to do. He stated he is shocked by the amount requested but you have already said no matter what the graduation will be on the new field and put tape or cones up. Chairman stated at this point you push forward and do it your way and we will have a meeting when the School Board and Board of Supervisors are available to meet and this item will be tabled. Mr. Prescott noted that when this happens it will be advertised as it will be two full boards.

Chairman ask for a motion to table the item - Mr. McCormack; second Mr. Trivett and the Chairman aske all in favor say "aye" the motion to table was unanimously approved.

Budget Resolution

WHEREAS, The Westmoreland County School Board has a fund balance of 2,959,058.88; and


WHEREAS, Funds are needed to complete capital improvement projects at the Westmoreland High School, consisting of the completion of the WHS Athletic Field and purchase of security equipment.

NOW, THEREFORE, BE IT RESOLVED that the Westmoreland County School Board hereby request that the Westmoreland County Board of Supervisors appropriate to the 2023-2024 School Board Budget (205) the following amount from the school division fund balance:

\$600,000.00 to the Facilities Category

ADOPTED this 7th day of May, 2024.

Westmoreland County School Board:



Ralph Fallin, Chair

ATTEST:



Constance Allen, Clerk of the Board

School Fund Balance as of April 30, 2024	2,959,058.88
Construction Completion of WHS Athletic Field	511,080.00
Security Equipment	88,920.00
Requested Fund Balance	600,000.00
Total Fund Balance Remaining after Transfer	2,359,058.88

3. STAFF/COMMITTEES/ORGANIZATION REPORTS AND PRESENTATIONS:

a) VDOT:

- i. Monthly Report: David Beale, Resident Engineer was present to discuss the monthly report.

Mr. Beale reviewed the report below. He did note that Nenna Road is closed and they are waiting on a type of gout and should be there next week and will be completed in approximately two weeks. At the conclusion asked if there were any questions.

Chairman Hynson asked about flooding at Dragstrip Road and Crockett. Mr. Beale said he passed it onto his team but he will follow up. Mr. Trivett said he spoke with him also and Mr. Beale said there were going to take some equipment out there to fix the flooding.

Mr. McCormack asked about the Rt 3 paving project estimated time of completion. Mr. Beale said they provide them with a two (2) week look ahead and the contractor starts in March and ends in November so that is the time period for the contractor to complete projects. Based on the progress, it should be completed in the next few weeks. Second question is on Cabin Ford Road in Hague on the left. It is a dirt road. Mr. Beale stated it is a private road not a VDOT road.

Chairman Hynson asked about the Placid Bay Ferry Landing Road – there are complaints about the traffic backing up at certain times a day. He thought the project was cancelled last year for turning lanes and would like to know where are we on the turning lanes. Mr. Beale noted the County completed an application for funding for project and that application was not funded, so there is no project. He stated we could use secondary six-year plan and instead of building turn lanes we could buy a site distance easement and cut the trees further back to improve the site distance. That would be less expense but would

have to be prioritized by the Board under the six-year secondary. Chairman Hynson stated the danger is still there and is an accident waiting to happen. Mr. Beale stated he could review the intersection and make sure everything is cut back that can be to improve site distance. Chairman said the problem is that people are sitting there and traffic backs up.

Mr. Trivett asked about the bridge going into Westmoreland Shores campground says 624AD;. Mr. Beale stated it means the project will be advertised for construction bids and it will close in July. They plan to have the contract awarded construction started around Labor Day. Mr. Trivett asked if it would still take nine (9) months. Mr. Beale said if the bids come back way over estimate, they will either have to re-advertise or figure out where the money will come from so that could delay the project.

Mr. McCormack stated there was another accident at Rt 3 and Rt 202. He stated he was approached by the volunteer fire department to see whatever we can do. Mr. Beale said they will look at it again.



**Westmoreland County Board of Supervisors
May 2024 VDOT Report**

Maintenance Activity Highlights

Completed:

- Ditch cleaning (Rt 203 Oldhams Rd, Queens Way)
- Pipe cleaning (Ebb Tide Dr, Potomac Ln, Tucker Hill Rd, Salisbury Park Rd)
- Brush cutting (Rt 203 Oldhams Rd)
- Asphalt patching (state park)
- Pipe replacement (Jerusalem Church Rd)
- Address work orders countywide

Upcoming:

- Ditch cleaning (Westmoreland Shores)
- Pothole patching countywide
- Shoulder repairs (Rt 203 Oldhams Rd, Chiltons Rd)
- Pipe cleaning (Ebenezer Church Rd)
- Brush cutting (Ashbury Rd, Chestnut Level Rd)
- Asphalt patching in the state park
- Address work orders countywide

Pavement Schedule

Plant Mix Under Construction

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; **Complete** 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:

UPC 123364 Rt. 205 over Branch of Rosier Creek; Scour Repair; 5/2024 Ad
UPC 121539 Rt. 658 over Monroe Creek; 6/2024 Ad
Rt 600 Neenah Rd closed for scour repair

Contacts:

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

David L. Beale, P.E

Resident Engineer

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Carter White

Assistant Residency Administrator

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Ronnie Crabbe Jr.

Hague Area Headquarters Superintendent

(804) 695-6730

b) Town of Colonial Beach: No one in attendance

c) Town of Montross: No one in attendance

4. AMENDED ITEM

a) Transfer Station – Republic Contract (Dan Ciesla, Manager)

Mr. Prescott introduced Dan Ciesla, Municiple Manager and the District Manager from Republic. Mr. Ciesla discuss proposed changes they would like to implement between Republic and Westmoreland County for the operations at the Montross Transfer Station. He noted opportunities like this are rare and exciting. Rare in the sense that he is often coming before municipalities and boards begging for money. This is a win-win for the County and Republic. They will be able to improve their business and make the transfer station profitable but also save the County money. This opportunity is due to the new County administration's willingness to come to the table and analyzed what has happened at the transfer station over years and an openness to look outside the box and to be true partners with us. He continued discussing the original agreement in 2009 and the fact that costs have not kept pace with the contract increases in the contracts. Over the last 15 years profitability has fallen further and further in the red, and when this was brought up with past administrations there was no willingness to renegotiate the contract. He noted being able to increase the rate we are charging the County will stem the monthly losses but through the additional changes proposed the County will see a significant reduction in your costs as well. Over the last few months he has been working with administration to identify companies that have been utilizing the transfer station and who the County has actually been paying for their disposal services. Transitioning most of these customers off the County account to third party accounts will drastically free up tax payor money but will also allow those companies to still utilize the Transfer Station but as a third party. He asked if there were any questions.

Mr. McCormack stated he has a comment. He continued that we all pay for the waste through taxes that pay for the transfer station and two convenience centers. Some people have and pay for trash services and some of the commercial trash services are not paying at the transfer station to dump their trash. In some cases, they are not paying at all, it goes on the County account. The tax payers should not have to pay for other's trash. He stated what he believes the motion will be is to authorize vendors to have third party contracts directly with Republic and they will pay a different rate.

Mr. Trivett asked how did this happen. Is this is happening everywhere. Mr. Ciesla stated that Westmoreland is unique. Over the years there has been policy with past administration where we would get a phone saying to allow "folks" to dump and it would continue on. Most was done verbally past hand to hand through employees but very little was done in writing so that we could keep track of it. What ended up over time was there are companies that at one time were allowed to dump and continue to do so, but Republic was never told to stop allowing them to do so.

Mr. Trivett stated the County paid an additional \$750,000 and this year it looks like it could possibly be more this year. So if I am hearing you correctly this will resolve that to what? You said it is going to save us money but will it bring us back to what it should be. Mr. Ciesla stated he would leave that to the County Administrator. They have some initial projections but he would hate to just throw numbers out there but he believes the \$1M you would expect to spend would not be the case. Mr. Trivett asked if we were to ask for an audit of those accounts do you have those records. Mr. Ciesla stated absolutely. He noted he and Ms. Cogswell have been going through some of the records and we can identify companies on the County account. He continued on that he has been trying to figure out who, why they have been allowed to dump and who shouldn't be. Mr. Trivett asked if these instructions were all verbal. Mr. Ciesla responded "yes" typically they would get a phone call. He stated he had not received the calls because he has only been in this roll for two (2) years but it was the prior operations manager and employees (some

whom are still there) he is trying to find out more information as to when it was done, when did it start, who called. This is an ongoing process.

Mr. Prescott stated that the Motion tonight would allow the County Administrator to review all the commercial contracts on the county account and make a determination if they belong on that account and bring it back to the Board for a determination if they should be removed from the County account. all CA review the 23 contracts to come in under the County main account and move this to 3rd party; upon supervisor approval Republic will notify the companies that they will set up third party accounts with them. Mr. Prescott also state that this will not change the contract pricing. Mr. Ciesla stated there would be adjustments to the pricing as far as the rates for the third parties and the county rate. Mr. Trivett asked if this has been reviewed by the attorney. Mr. Stuart stated it has not and he is concerned about the wording of the third party where it states "other stuff". He is hoping we can define better than stuff? Mr. Ciesla stated unfortunately we cannot. Mr. Stuart stated we will have to find a way to do that. Mr. Stuart stated the motion should be to have the County Administrator explore the possibility of amendments that would be beneficial to the County to bring back to the Board for review. Mr. Trivett added with the County Attorney's assistance.

Motion to have County Administrator explore the possibility of amendments to the Republic Contract that would be beneficial to the County to bring back to the Board for review.

With no further discussion, Chairman asked for a motion – Mr. Trivett; second – Mr. McCormack; roll call vote – Mr. Trivett – aye; Mr. McCormack – aye; Chairman – aye. The Motion is approved.

5. ACTION ITEMS:

a) **PUBLIC HEARING & Motion to Consider Westmoreland County Secondary Six Year Plan FY 2025-2030**

Chairman asked Mr. Beale to provide a quick overview before we go to the Public Hearing. Mr. Beale stated he would provide the same presentation for the Secondary Six Year Plan FY 25-30 as he did in April. He noted this is the annual update to the plan. It is a six-year plan and noted this is secondary routes (600 and above) not primary routes. Funding comes from Tele fees (utility companies – pay usage fees); second source is district unpaved roads grant, those are existing state-maintained gravel roads and that funding is used to hard surface them. He noted VDOT does not accept gravel roads into the system anymore and this funding is set aside to hard surface existing gravel roads. The projects currently in the plan are Granny's Bar Road; Skip Jack Road – this is a revenue share project that the County applied for and the CTB indicated they will approve funding for this project. The County applied for approximately \$500,000 spread out over two years. There will be Local Funds matched with State funds and the Revenue Sharing funds also. The Tele fees would be used to make a difference of the total. All the Tele fees over the next two years would be used for Skip Jack Road. Mr. Beale is optimistic this price estimate for the project will not be as much so it is possible some of the Tele fees will be returned. Other projects already in the plan are Charles Way and Ashbury Road. Countywide is where the leftover money is parked and likes to keep about \$25,000 for unexpected costs. It is kept there until we find another area to use it. The Unpaved Roads funds are three years out until another road is named to paved. He then discussed the Rural Rustic Roads program which is the program they use to hard surface existing state-maintained roads. It must be an unpaved road in the system, no more than 1500 vehicles per day, needs to be a line item within the SYSP, must be predominately local traffic, and must have sufficient road drainage. He then reviewed the list of state maintained gravel roads. The ones in yellow have more than 1500 vehicles per day

based on the last count from 2022. Until that list is exhausted the unpaved road funds have to be used for those roads. If you want to use telefees to improve one of the roads that have less than 50 vehicles per day than you could do that. The telefees could also be used for easements, such as site distance or drainage easements. Grannys Bar, Charles Way and Ashbury have the Y meaning those are already on the Six Year Secondary Plan. 2.4 miles of the roads are in the State Park, Jenkins Point .25 mile, and New Monrovia Rd .75 miles. There is a little over \$190,000 that is unallocated, \$120,000 of which is in the unpaved road fund. The secondary six year plan is updated every year because the County receives more than \$100,000. No need to add a project, if you want to add Skip-jack.

Mr. Stuart reviewed the process regarding the six-year secondary plan, he just wants to make sure Mr. McCormack knows that.

Mr. McCormack said he has one question regarding the highlighted unpaved roads, those are the roads we will focus on the the six year plan? The are only two roads that we can use the unpaved road fees. Telefees can be used for other things. Mr. McCormack said he is specifically looking at Weavers Road. Mr. Stuart stated the Board would have to adopt a motion to change or amend the list. Mr. Trivett asked Mr. Beale about Skipjack and he missed it. Mr. Beale stated there was a prior revenue share application that the Board applied for using Revenue Sharing - 50/50 match, and to make up the difference we would use telefees or you could apply for additional revenue sharing in future years but that would increase the County's match as well. Mr. Trivett stated there were some issues, he can't remember. Mr. Beale said the cottages on the shoreline on Sandy Point they have a lot of visitors that make that loop on golf carts, bicycles, walkers and that conflicts with the industrial plan that has a lot of truck traffic. The thought was that if we widen the road it would make more room for all the users. Mr. Stuart stated it is very important to Mr. Fisher that has to do with Bevans Oyster Company, one of the largest employers in the County, and those trucks come in and out on Skipjack Rd. The County and VDOT have been

working on this for several years trying to figure out how to make it work. The cost has gone from \$250,000 to over three times that cost. Chairman stated there is a problem on that road and we will have to do something. Mr. Trivett said it definitely needs to be added. Mr. Beale stated it has applied and awarded, the revenue sharing and the question is do you want to use the telefees to make up the difference. Mr. Beale explained that the Revenue Sharing is funded over two years FY 27-28 and it requires \$127,000 + match from the County in both fiscal years. So after all funding with 50/50 match, there is still a gap so to complete the estimate we are using telefees from every year until 2029 to make up the difference so the county doesn't have to come out of pocket. But the County could apply for more revenue sharing and you would be on the hook for more match money. Mr. Beale did state that he is fairly confident it will come in less than that and if it does come back less we will get the telefees back. Mr. McCormack stated that that makes sense, we just won't have telefees for a few years. Mr. Beale did say they still have unpaved road funds. Mr. McCormack clarified there has to be no more than 50 cars? Mr. Beale said yes.

Chairman stated we will now move to the Public Hearing on this matter regarding the Secondary Six Year Plan FY 25-30. Please come to the podium, state your name and address and provide your comments on this topic only within three-minute time limit.

Richard Wilkins – Price is going up and if we don't do it now it will cost more later. Go ahead and do it because it is a safety issue.

Chairman asked if there was anyone else that would like to speak. No one else came forward regarding this matter and therefore the Public Hearing is closed.

Chairman Hynson said we will come back to the Board, and asked for a motion. Mr. McCormack made a motion to adopted the SSYP 25-30, as presented; Second – Trivett Roll call vote – Mr. Trivett – aye; Mr. McCormack – aye; and the Chairman vote “aye”.



Westmoreland County
Draft Secondary Six Year Plan (SSYP)
FY2025 – 2030

May 13, 2024
David L. Beale, P.E.
Northern Neck Resident Engineer

122274

ROUTE 662 - CHARLES WAY

2.00 Project652096633

ROUTE 628 (MP 0.00)

ROUTE 628 (MP 0.20)

Previous	Budget	Projected	Total	PE		RW		CN		
	\$100,000	\$0	\$100,000	Schedule:				9/25/2024		
Total Estimate		\$100,000		Estimate:		\$0		\$100,000		
Balance:		\$0								
Funding Detail				Previous	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
6030606 Secondary Formula - Telecommunications : Westmoreland				\$0	\$0	\$0	\$0	\$0	\$0	\$0
6071700 HB2 DG: Unpaved - Westmoreland				\$0	\$67,120	\$32,880	\$0	\$0	\$0	\$0

122273

ROUTE 685 - ASHBURY ROAD

3.00 Project685096634

ROUTE 3 (MP 0.00)

END OF STATE MAINTENANCE (MP 0.37)

Previous	Budget	Projected	Total	PE		RW		CN		
\$0	\$160,000	\$0	\$160,000	Schedule:				9/23/2028		
Total Estimate		\$160,000		Estimate:		\$0		\$160,000		
Balance:		\$0								
Funding Detail				Previous	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
6030606 Secondary Formula - Telecommunications : Westmoreland				\$0	\$0	\$0	\$0	\$0	\$0	\$0
6071700 HB2 DG: Unpaved - Westmoreland				\$0	\$0	\$35,472	\$68,352	\$56,176	\$0	\$0



112685 COUNTYWIDE ENGINEERING & SURVEY										
9999.00		Project 9999096		VARIOUS LOCATIONS #1 COUNTY			VARIOUS LOCATIONS #1 COUNTY			
Previous	Budget	Projected	Total	PE		RW		CN		
\$0		\$169,724	\$169,724	Schedule:				01/17/18		
Total Estimate		\$0		Estimate:		\$0		\$0		
Balance:		\$169,724								
Funding Detail				Previous	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
6030606 Secondary Formula - Telecommunications - Westmoreland				\$25,000	\$0	\$0	\$0	\$0	\$0	\$48,728
				\$71,728						

12229 FUTURE UNPAVED FUNDS - YR4-YR6										
9999.00		Project 1204001		VARIOUS LOCATIONS #1 COUNTY						
Previous	Budget	Projected	Total	PE		RW		CN		
\$0	\$0	\$0	\$121,300	Schedule:						
Total Estimate		\$0		Estimate:		\$0		\$0		
Balance:		\$121,300								
Funding Detail				Previous	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
6071700 HB2 DG: Unpaved - Westmoreland				\$0	\$0	\$0	\$0	\$12,176	\$68,352	\$40,772
				\$121,300						



RURAL RUSTIC ROADS

- The Rural Rustic Road program is a practical approach to paving Virginia's low-volume roads. It aims to keep traditional rural lane ambience, while improving road surfaces within the current right-of-way.
- Criteria:
 - Must be an unpaved road already within the State Secondary system
 - Must carry no more than 1,500 Vehicles Per Day
 - Must be a priority (line item) in the approved SSYP if the funding source is from the secondary system allocations; if secondary allocations are not used it is not required to be in the SSYP
 - Must be predominately for local traffic; Board of Supervisors must make an effort to limit growth on roads improved under the program
 - Must have sufficient roadway drainage or require only minor improvements
 - For additional requirements, please reference the Local Assistance Division website; <http://www.virginiadot.org/business/local-assistance.asp>

VDOT

WESTMORELAND COUNTY UNPAVED ROADS						
ROUTE	NAME	FROM	TO	LENGTH (mi)	VPD 2022	SYIP
684	Westmoreland Parr Roads	Route 347	2.40 Mi N Route 347	2.40	142	
735	Granny's Bar Rd	Route 679	Dead End	0.35	120	Y
822	Charles Way	Route 628	Dead End	0.62	105	Y
685	Ashbury Rd	Route 3	Dead End	0.37	80	Y
708	Jenkins Point Rd	Route 645	Dead End	0.25	55	
632	New Monrovia Rd	0.25 Mi N Route 205	1.01 Mi N Route 205	0.76	55	
653	Waverly Rd	Route 640	Route 624	0.55	43	
747	Halbrook Ln	Route 729	Dead End	0.30	43	
689	Erins Dr	Route 649	Dead End	0.50	40	
601	Kings Mill Rd	Route 600	Route 602	3.00	34	
733	Bull Neck Rd	Route 615	Dead End	0.75	34	
743	Kelly Ln	Route 622	Dead End	0.28	33	
734	Weavers Rd	Route 643	Dead End	0.35	29	
762	Woods Rd	Route 610	Dead End	0.17	29	
634	Meadow Lane	Route 3	Dead End	0.30	29	
636	Cottage Farm Rd	Route 634	Route 638	1.95	28	
602	Vault Field Rd	Route 601	Dead End	0.65	25	
737	Walnut Farm Rd	Route 621	Dead End	0.18	24	
719	Route 719	Route 202	Dead End	0.10	24	
742	Foxhall Rd	Route 634	Dead End	0.60	22	
1403	Shore Ln	Route 1401	Route 1402	0.22	21	
1005	Sigourney Dr	Route 1003	Dead End	0.11	20	
648	Stratford Hall Rd	Route 643	Dead End	0.40	19	
651	St Pauls Rd	Route 3	Route 621	0.43	19	
740	Pleasant Retreat Ln	Route 690	Dead End	0.15	19	
721	Haywood Ln	Route 3	Dead End	0.35	19	
649	Deep Point Rd	Route 645 E	Dead End	0.40	19	
1402	Long St	Route 671	W Route 1403	0.20	17	
669	Old Park Rd	Route 3	Route 347	0.50	15	
1403	Shore Ln	W Route 1402	E Route 1403	0.18	15	
673	Cedar Field Rd	Route 621	Dead End	0.20	14	
1404	Cave Ln	Route 1402	Dead End	0.04	14	
675	Itt Pleasant Rd	Route 612	Dead End	0.84	11	
717	Weeks Rd	Route 643	Dead End	0.45	10	
709	Meadow Dr	Route 645	Dead End	0.08	10	
648	Norwood Dr	Route 645	Dead End	0.10	10	
700	Pine Rd	Route 701	Dead End	0.50	10	
642	Cloverdale Ln	Route 3	Dead End	1.00	5	
678	Harts Landing Rd	Route 625	0.76 Mi S Route 625 (@ Turnaround)	0.76	4	
TOTAL Unpaved				21.34		
TOTAL > 50 VPD				4.75		

VDOT



Questions?

- i. Motion to Consider to Authorize County Administrator to Amend Contract with Republic to move all commercial trash companies to 3rd Party Agreements at their Pricing (Except for Companies that are Reviewed and Approved by Board and Properly Contracted with the County).

Mr. Prescott asked to table this until next month to give County Administrator, County Attorney and Republic time to review the Contract. Chairman asked for a Motion – Mr. McCormack; Second – Mr. Trivett; Chairman – aye; all in favor – approved by unanimous vote.

THIRD AMENDMENT TO CONTRACT FOR SOLID WASTE DISPOSAL

This Third Amendment to Contract for Solid Waste Disposal (this "Third Amendment") is entered into as of June 1, 2024, between Westmoreland County, Virginia ("County") and BFI Transfer Systems of Virginia, LLC ("Contractor") (County and Contractor referred jointly as the "Parties")

Recitals

A. The Parties entered into that certain Contract for Solid Waste Disposal effective December 17, 2009, relating to the operation of a Transfer Station in Westmoreland County, VA during a ten-year period from April 30, 2009 until April 30, 2019 (the "Agreement")

B. The Parties entered into the First Amendment to the Agreement on April 30, 2019 extending the Agreement for an additional ten-year period through April 30, 2029.

C. The parties entered into the Second Amendment to the Agreement on July 1, 2021 to address costs associated with a Transfer Station Scale.

D. Whereas, the Parties seek to amend the Agreement as described below to address the rates the Contractor charges and its ability to charge third party customers.

Agreement

In and for consideration of \$1 paid in hand and the mutual promises contained herein, the receipt and sufficiency of which are acknowledged, the Parties, intending to be legally bound, agree as follows:

ATTACHMENT B

1. As compensation to BFI Transfer Systems of Virginia, LLC for transportation and disposal of acceptable waste, the County agrees to pay \$74.50 per ton for actual waste delivered to an approved landfill under this agreement. This is the Contractor's approved rate for actual delivered tons of acceptable waste during the first contract year. The County or Contractor may adjust the Base Fee Schedule (See Attachment C), the Construction/Demolition/Debris Waste Fee Schedule and other Waste Fee Schedule on or before April 1st of each year, rates will be increased on the anniversary of the effective date of this agreement ("Anniversary Date") by an amount equal to the greater of (a) four percent (4%) or (b) any increase in the applicable CPI as calculated below. Such adjustment will be effective on such Anniversary Date and shall be recalculated and effective each Anniversary Date thereafter. The increase to the CPI will be based on the percentage increase in the CPI for the twelve (12) month period ending one month prior to the Anniversary Date. "CPI" means the Consumer Price Index- All Urban Consumers (CPI-U), Garbage and Trash Collection, (Not Seasonally Adjusted, 12-month rolling average) as published by the United States Department of Labor, Bureau of Labor Statistics (1982-1984=100). In the event this CPI is no longer viable or no longer reflective of consumer prices in the applicable geographic region, another consumer pricing index or method of adjustment may be used as a replacement for the CPI, subject to the mutual agreement of the parties. Failure by a party to submit such CPI price adjustment shall not preclude the retroactive implementation of such adjustment as of the Anniversary Date. Downward adjustments to the base fee Schedule

shall be made by the County, using the method described above, without a request of the Contractor. The County shall give the Contractor notice of any downward adjustment of the Base Fee Schedule on or before April 1st of each year in the year prior to the Fiscal Year for which such adjustment is to become effective and it shall be effective in the same manner as an increase by the Contractor.

2. As compensation for Transfer Station Operation, the County agrees to pay the Contractor \$37,814.88 per month fixed charge. This amount will remain fixed throughout the first year of the contract and be subjected to adjustments in the same manner outlined above pertaining to the solid waste fee rate schedule.
3. The contractor will be permitted to charge a separate "Gate Rate" for any third-party customer. The rate will be determined solely by the Contractor with notification given to the county of any change made.

ATTACHMENT C

1. Remove Non-Friable/Friable Asbestos from Fee Schedule.

Continuing Effect. Except as expressly modified or amended by this Amendment, all terms and provisions of the Agreement, as amended, shall remain in full force and effect. In the case of a conflict in meaning between the Agreement, the First Amendment, Second Amendment, and this Third Amendment, this Third Amendment shall prevail.

Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original and all of which combined shall constitute one and the same instrument. Facsimile and/or electronic copies of the Parties' signatures shall be valid and treated the same as original signatures.

IN WITNESS WHEREOF, the Parties have entered into this Third Amendment to become effective June 1, 2024.

- ii. Motion to Consider Proclamation of Emergency Medical Services Week, May 19-25, 2024.

Mr. Trivett asked to read the Proclamation. After the Chairman asked for a Motion to approve the Proclamation of Emergency Medical Services Week, May, 19-25. Motion Mr. McCormack; Second Mr. Trivett; all in favor say "aye". The Proclamation has been approved by a unanimous vote.

DARRYL E. FISHER
ELECTION DISTRICT NO. 1
HAQUEL, VIRGINIA 22469
JEFFREY A. MCCORMACK
ELECTION DISTRICT NO. 2
MONTROSS, VIRGINIA 22520
MATTHEW D. INGRAM
ELECTION DISTRICT NO. 3
MONTROSS, VIRGINIA 22520
W. W. HYNSON
ELECTION DISTRICT NO. 4
COLONIAL BEACH, VIRGINIA 22443
TIMOTHY J. TRIVETT
ELECTION DISTRICT NO. 5
COLONIAL BEACH, VIRGINIA 22443



W. BENJAMIN PRESCOTT
County Administrator
P.O. BOX 1000
MONTROSS, VIRGINIA 22520-1000
PHONE: 804-462-0130
FAX: 804-462-0134
E-mail: prescott@westmoreland-county.org
Web Page: www.westmoreland-county.org

WESTMORELAND COUNTY, VIRGINIA

Board of Supervisors

MONTROSS, VIRGINIA 22520-1000

**PROCLAMATION
EMERGENCY MEDICAL SERVICES WEEK
MAY 19-25, 2024**

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and **WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

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

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

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

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

THEREFORE, Westmoreland County Board of Supervisors in recognition of this event do hereby proclaim the week of May 19 - 25, 2024, as

EMERGENCY MEDICAL SERVICES WEEK

The 50th Anniversary of EMS Week theme is EMS WEEK: Honoring Our Past. Forging Our Future. I encourage the community to observe this week with appropriate programs, ceremonies, and activities.

W.W. Hynson, Chairman
Board of Supervisors, Westmoreland County

- iii. Motion to Consider Proclamation of National Police Week, May 12-18, 2024.

Mr. McCormack read the Proclamation. Chairman asked for a Motion to approve the Proclamation of National Police Week, May, 12-18. Motion – Mr. McCormack; Second Mr. Trivett; all in favor say “aye”. The Proclamation has been approved by unanimous vote.

DARRYLE E. FISHER
ELECTION DISTRICT NO. 1
HAGUE, VIRGINIA 22449
JEFFREY A. MCCORMACK
ELECTION DISTRICT NO. 2
MONTROSS, VIRGINIA 22620
MATTHEW D. INGRAM
ELECTION DISTRICT NO. 3
MONTROSS, VIRGINIA 22620
W. W. HYNSON
ELECTION DISTRICT NO. 4
COLONIAL BEACH, VIRGINIA 22443
TIMOTHY J. TRIVETT
ELECTION DISTRICT NO. 5
COLONIAL BEACH, VIRGINIA 22443



W. BENJAMIN PRESCOTT
County Administrator
P. O. BOX 1000
MONTROSS, VIRGINIA 22620-1000
PHONE: 804/483-0130
FAX: 804/483-0154
E-mail: wbprescott@westmoreland-county.org
Web Page: www.westmoreland-county.org

WESTMORELAND COUNTY, VIRGINIA
Board of Supervisors
MONTROSS, VIRGINIA 22620-1000
**PROCLAMATION
NATIONAL POLICE WEEK
MAY 12-18, 2024**

To recognize National Police Week 2024 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the WESTMORELAND COUNTY SHERIFF'S OFFICE; and

WHEREAS, since the first recorded death in 1786, more than 24,067 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of the dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

WHEREAS, 282 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 118 officers killed in 2023 and 164 officers killed in previous years; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 36th Candlelight Vigil, on the evening of May 13, 2024; and

WHEREAS, the Candlelight Vigil is part of National Police Week, which will be observed this year May 10th-16th; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff; and

THEREFORE, BE IT RESOLVED, the Westmoreland County Board of Supervisors, will observe May 12-18, 2024, as National Police Week in Westmoreland County, VA, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

W.W. Hynson, Chairman
Westmoreland County Board of Supervisors

Supervisor Ingram joined the meeting at 7:01

a. EMS

- i. Motion to Consider the Memorandum of Understanding between Westmoreland Emergency Management Services and Colonial Beach Volunteer Rescue Squad.

Chief Byrd reviewed the MOU between Westmoreland EMS and CBVRS and this allows them to complete the merger of both entities. He stated that they are on course to complete the merger by May 31st and have a unit in Town on June 1st. Chief Byrd stated the Board has received the MOU, that has been reviewed by the County Attorney, for approval. Are there any questions or comments?

With no further discussion, the Chairman asked for a Motion to approve the MOU between EMS and CBVRS – Mr. McCormack; Second – Mr. Trivett; all in favor “aye” and the MOU is approved by unanimous vote.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
WESTMORELAND COUNTY DEPARTMENT OF EMERGENCY SERVICES
AND
COLONIAL BEACH VOLUNTEER RESCUE SQUAD**

This Agreement is made this ____ day of _____, 2024, by and between the Westmoreland County Department of Emergency Services and the Colonial Beach Volunteer Rescue Squad

WHEREAS, the Westmoreland County Department of Emergency Services, hereinafter "Westmoreland," has agreed to hold a singular EMS license and incorporate EMS certified volunteer members from the Colonial Beach Volunteer Rescue Squad, hereinafter "Rescue Squad," and the rescue squad is desirous of participating with Westmoreland, it is hereby agreed:

WESTMORELAND EMS WILL:

- 1.) Ensure compliance with all Virginia Office of EMS requirements for new member onboarding (drug testing/background checks). The closest facility for such testing/evaluation will be used as a primary location so long as they remain a viable option. In the event that the closest location does not remain an option the next closest will be utilized.
- 2.) Provide all scope of practice updates set forth by the Virginia Office of EMS.
- 3.) Provide a patient care reporting platform for data entry of all EMS related incidents.
- 4.) Furnish all necessary medical equipment set forth by Virginia Office of EMS regulation: 12VAC5-31-800.
- 5.) Provide continuing education related to the appropriate service level of the volunteer member.
- 6.) Provide uniforms for new volunteers that wish to participate in an operational role.
- 7.) Provide applicable items for rendering 24/7 staffing within the rescue squads quarters.

COLONIAL BEACH VOLUNTEER RESCUE SQUAD WILL:

- 1.) Provide all EMS related certifications applicable to those that wish to transition to an operational role with Westmoreland.
- 2.) Transfer ownership of all related items (ambulances, diagnostic equipment, etc.) for the provision of patient care to Westmoreland ownership pursuant to Virginia Code.

- 3.) Provide reasonable and suitable accommodations through renovations mutually agreed upon by squad and county leadership for providing 24/7 EMS coverage at the Colonial Beach facility at Colonial Beach Rescue Squad's expense.
- 4.) Restructure the 501c3 status to reflect the mission of the rescue squad outside of their former healthcare operational role.
- 5.) Continue all fundraising efforts for completion of the new EMS Station #1. All such activities that are currently underway in the realm of fundraising are to continue and expand in an effort to reach the goal of station construction.
- 6.) Adherence to Westmoreland EMS policies and procedures. Further, the rescue squad agrees to provide representation for development of volunteer specific policies and procedures for inclusion into Westmoreland EMS's policies and procedures manual.

IN WITNESS WHEREOF: The parties have caused this Agreement to be duly executed with their affixed signatures.

WESTMORELAND COUNTY:

NAME: _____
W.W. Hynson, Chairman, Board of Supervisors

DATE: _____

COLONIAL BEACH VOLUNTEER RESCUE SQUAD:

NAME: _____
Donna Shelar, CBVRS President

DATE: _____

APPROVED AS TO FORM:

b. Habitat for Humanity

- i. Motion to Consider Letter of Support for Habitat for Humanity USDA Self Help 523 Grant.

Mr. Prescott would you like to review quickly this topic. Jason Tickler gave a presentation and would like to move into the county with projects. At the last meeting he asked the County for a letter of support for this program. Mr. Prescott read the letter. No money needed just authorizing Habitat to apply for this self-help grant.

With no further discussion, the Chairman ask for a Motion to approve the Letter for support of Habitat for Humanity – Mr. Trivett; Second – Mr. Trivett; all in favor – Mr. McCormack – aye; Mr. Ingram – aye; Mr. Trivett – aye; the Chairman votes “aye” and the Letter of Support is approved.

May 13, 2024

**Mr. Perry Hickman
USDA State Director Virginia
U. S. Department of Agriculture
1606 Santa Rosa Rd # 239, Richmond, VA 23229**

Dear Mr. Hickman,

Westmoreland County, Virginia fully endorses the grant submission of the Westmoreland County Habitat for Humanity for the USDA Self Help 523 Grant.

In a region with the median home price is \$349,000, the need for affordable housing is especially pressing. Westmoreland County also has one of the lowest per capita income statistics in the Northern Neck region, below \$36,000. Habitat for Humanity provides a path to home ownership that would not be available any other way for some of our citizens.

Westmoreland County is materially supporting the Habitat for Humanity effort as it is important to our community.

Please fund the Westmoreland County Habitat for Humanity grant request.

Sincerely,

**W. Benjamin Prescott
County Administrator**

c. Land Use Cases

i. Motion to Consider Approval of Revised 2024-2025 Meeting Schedule.

Ms. McDowell reviewed the revised calendar. With no further discussion, Chairman asked for a Motion to approve the revised FY24-25 Meeting Schedule, - Mr. Trivett; Second – Mr. McCormack; all in favor say “aye”. The calendar has been approved by unanimous vote.

**Westmoreland County
Board of Zoning Appeals– Wetlands– Planning Commission & Board of Supervisors
2024-2025 Meeting Schedule**

Wetlands Board 1:30 p.m.	App Deadline	Board of Zoning Appeals 9:00 a.m.	App. Deadline	B.Z.A App. Deadline	Planning Comm. 1:30 p.m.	App. Deadline	Work session 3:00 p.m.	Board of Supervisors 6:00 p.m.	Wednesday (as needed)
Jan 22, 2024	Dec. 7, 2023	Jan. 22, 2024	Nov 21, 2023	Jan. 3, 2024	Nov. 22, 2023	Dec. 18, 2023	Jan. 8, 2024	Jan. 10, 2024	
Feb 26, 2024	Jan. 17, 2024	Feb. 26, 2024	Dec. 17, 2023	Feb. 5, 2024	Dec. 29, 2023	Jan. 22, 2024	Feb. 12, 2024	Feb. 14, 2024	
Mar 18, 2024	Feb. 1, 2024	Mar. 25, 2024	Jan. 11, 2024	Mar. 4, 2024	Jan. 17, 2024	Feb. 26, 2024	Mar. 11, 2024	Mar. 13, 2024	
Apr 15, 2024	Feb. 14, 2024	Apr. 22, 2024	Feb. 2, 2024	Apr. 1, 2024	Feb. 19, 2024	Mar. 25, 2024	Apr. 8, 2024	Apr. 10, 2024	
May 20, 2024	Mar. 11, 2024	May 20, 2024	Mar. 21, 2024	May 6, 2024	Mar. 13, 2024	Apr. 22, 2024	May 13, 2024	May 15, 2024	
Jun 17, 2024	Apr. 24, 2024	Jun. 24, 2024	Apr. 17, 2024	June 3, 2024	Apr. 3, 2024	May 20, 2024	July 8, 2024	July 10, 2024	
Jul 15, 2024	May 23, 2024	Jul. 22, 2024	May. 10, 2024	Jul. 1, 2024	May 6, 2024	June 24, 2024	Aug 12, 2024	Aug 14, 2024	
Aug 19, 2024	Jun 27, 2024	Aug. 26, 2024	Jun. 12, 2024	Aug. 5, 2024	Jun 19, 2024	July 22, 2024	Sept. 9, 2024	Sept. 11, 2024	
Sep 16, 2024	Jul. 25, 2024	Sept. 23, 2024	Jul. 17, 2024	Sep. 4, 2024	July 22, 2024	Aug. 26, 2024	Oct. 16, 2024	Oct. 16, 2024	
Oct 21, 2024	Aug 28, 2024	Oct. 28, 2024	Aug. 14, 2024	Oct. 7, 2024	Aug. 7, 2024	Sept. 23, 2024	Nov. 13, 2024	Nov. 13, 2024	
Nov 18, 2024	Sep. 26, 2024	Nov. 25, 2024	Sep. 18, 2024	Nov. 4, 2024	Sept. 12, 2024	Oct. 28, 2024	Dec. 9, 2024	Dec. 11, 2024	
Dec 16, 2024	Oct. 24, 2024	Dec. 16, 2024	Oct. 24, 2024	Dec. 2, 2024	Oct. 10, 2024	Nov. 25, 2024	Jan. 13, 2025	Jan. 15, 2025	
Jan 27, 2025	Nov. 14, 2024	Jan. 27, 2025	Nov. 14, 2024	Jan. 6, 2025	Nov. 7, 2024	Dec. 16, 2024	Feb. 10, 2025	Feb. 12, 2025	

George D. English, Sr. Memorial Building, Montross, VA 22520

**Meeting dates indicated in blue will be held on a Wednesday.*

1. No Public Hearing shall be scheduled when an uncompleted application or plans have been submitted.
2. It is suggested that all applicants schedule a pre-application conference. Should you choose not to do so, staff reports will reflect the data submitted.
3. In order for a public hearing to be held at the regular meeting, the application with original signature, fee, and any and all necessary materials, along with the required number of copies shall be received by the Land Use Administration Office in the George D. English, Sr. Memorial Building, 111 Polk Street, Montross, VA, before 4:30 p.m. by the application deadline date as indicated above.
4. This schedule is provided as a guide only

Westmoreland County shall not be responsible for any cost or damages resulting from a change in the schedule.

Word form 2024-2025 schedule

ii. **CASE#2405-CA-01: Public Hearing & Motion to Consider Proposed Amendments to Chapter 62 in the County Code, including the Wetlands Zoning Ordinance and Coastal Primary Sand Dune Ordinance.**

Ms. McDowell reviewed the Ordinance Game and Inland to Wildlife Resources; Advertising requirements for Board meetings going from 2 weeks to 1 week; changes have been incorporated into Code; Wetlands reviewed and approved last week.

Mr. Stuart stated this is a requirement if the County wants to the Wetlands Board to operate in the County, otherwise, the cases would go to the VMRC.

Chairman stated we will now move to the Public Hearing on this matter. Asked if anyone would like to comment to please come to the podium, state your name and address and provide your comments on this topic only within three-minute time limit.

Let the record show that no one else came forward regarding this matter and therefore the Public Hearing is closed.

Can I get a Motion to approve the Amendments to Chapter 62 in the County Code, including the Wetlands Zoning Ordinance and Coastal Primary Sand Dune Ordinance, Mr. McCormack; Second Mr. Trivett; all in favor – Mr. McCormack – aye; Mr. Ingram - aye; Mr. Trivett – aye; the Chairman votes “aye” and the Amendments to Chapter 62 are approved.



**Westmoreland County, Virginia
LAND USE ADMINISTRATION**

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

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: May 7, 2024
Subject: Update on Code amendment for Wetlands & Dune Ordinances, Case # 2405-CA-01

On Monday, May 6, 2024, the Planning Commission reviewed the draft amendments to the Wetlands & Dune ordinances at their public hearing. At that time, they unanimously recommended approval of the draft amendments as presented.



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

County Code Amendment
Staff Report

Date: April 11, 2024
From: Beth McDowell, *Planning Director*
Case #: 2405-CA-01
Site Location: County-wide
Project Description: Proposed amendments to Chapter 62 in the County Code, including the Wetlands Zoning Ordinance and Coastal Primary Sand Dune Ordinance
PC Work Session: Monday, April 22, 2024 (3:00 pm, English Building)
BOS Work Session: Monday, April 22, 2024 (3:00 pm, English Building)
Planning Commission: Monday, May 6, 2024 (1:30 pm, English Building)
Board of Supervisors: Monday, May 13, 2024 (6:00 p.m., George English building)

Background:

Chapter 62 of the County Code, entitled Natural Resource Protection, details the procedures for and responsibilities of the Wetlands Board. The Wetlands Board represents Westmoreland County including the towns of Montross and Colonial Beach. There are three divisions (sections) within that chapter. Division 1 pertains to intertidal wetlands projects, Division 2 applies when there are sandy beaches or dunes present, and Division 3 outlines inspections and enforcement practices for violations of these principles. The intent of these regulations is to assist landowners with the protection of their shorelines while also safeguarding the overall environment and adjacent lands.

This chapter was last updated in December 2012. In 2023, the state legislature updated the state code language in several ways, and those changes need to be reflected in our local code.

Need for Board Action:

Any changes to County codes need to be reviewed and approved by means of a public hearing process before the Planning Commission and Board of Supervisors.

Summary of Proposed Changes:

The state codes §28.2-1302 and §28.2-1403 explicitly provide the language that the localities are required to adopt. The bulk of the current language will be unchanged, but there are several recurring types of changes throughout the ordinances. Those alternations are summarized in the following list:

- Update the state agency previously known as Game & Inland Fisheries to its current name Wildlife Resources
- Include references to living shoreline projects
- Change the advertising requirements by 1) reducing the number of ads from two weeks to one week, 2) requiring notice to be posted on the County website, and 3) requiring the documentation of these notices to be submitted to the Virginia Regulatory Town Hall.
- Include reference to standards intended to lessen the impact of sea level rise and coastal hazards.
- Allow notice of meeting agendas to be either mailed or emailed to the various state agencies rather than requiring those notices to be mailed
- Remove the requirement of notarization for the county representative's signature on Wetlands Board permits
- Specify that the Wetlands Ordinance doesn't apply to isolated upland wetlands (per request by staff member)

Attachments:

DRAFT amended ordinance, marked up for changes

- iii. **Case #2206-SE-02 and Case # 2206-SE-03:** Motion to Consider Proposed Resolutions for the Extension of Special Exceptions, specifically for Carey-Peyton Solar 1 and Carey-Peyton Solar 5.

Ms. McDowell reviewed this case stated that at the June 2022 meeting the Board approved two exceptions for two solar facilities between Popes Creek and Haywood land owned by Carey-Peyton family. These are 3-5 megawatts each and she had pictures of locations. She stated that special exceptions are good for 1-2 years and in that time applicants must get permits and start construction. The resolution allows to extend the special exception to July 2026. The process for solar facilities are taking some time to get through the entire process and in mean time some applicants have put in the investment but have not been able to begin the project. She also noted that representatives for applicants are here.



**Westmoreland County, Virginia
LAND USE ADMINISTRATION**

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


P.O. Box 1000

Montross, VA 22820

(804) 493-0120

MEMORANDUM

To: Westmoreland County Board of Supervisors

From: Beth McDowell, Land Use Administration, *Planning Director* 

Date: April 15, 2024

Subject: Proposed resolutions for the extension of Special Exceptions, specifically for
Carey-Peyton Solar 1, Case # 2206-SE-02, Tax Map 10-46
and Carey-Peyton Solar 5, Case # 2206-SE-03, Tax Map 11-40B

Per Westmoreland County Zoning Ordinance Article 10-3.12 (11), Special Exceptions are initially approved for one year, during which time permits must be sought and approved, to be followed by commencing construction or beginning the activity if construction is unnecessary. Our ordinance currently allows for one year as the standard and a maximum initial approval of two years upon request to the Board. Once permits are issued and work begins, the Special Exception is then considered vested and shall be valid henceforth.

On July 1, 2023, the state legislature adopted state code 15.2-2209.1.2, which allows localities to extend such Special Exception deadlines specifically for solar facilities by the adoption of a resolution. The code states that the Special Exception initial approval must have been valid on July 1, 2023, which is true for these two cases that were approved for two years on June 13, 2022. The code allows for the extension of such deadlines until July 1, 2026 or a later date to be determined by the Board.

Solar facilities tend to take a long time to permit, partly due to coordination with the power company (Dominion Energy, in this case) and partly due to the need to permit these projects through multiple agencies including DEQ, VDOT, and the locality, etc. Meanwhile, the developers and others have expended significant amounts of time, money (at least \$100,000 for each project), and effort (engineering and coordination with Dominion) into preparing for these projects. For that reason, staff feels that it may be reasonable to allow additional time for their development.

Attachments:

- Draft Resolutions (2)
- Action letters for Cases 2206-SE-02 and 2206-SE-03
- Request letters from New Energy Equity/Impact Power Solutions (2)

With no discussion, Chairman asked for a Motion to approve the Proposed Resolutions for Case #2206-SE-02 Extension of Special Exceptions, as presented - Mr. McCormack; Second – Mr. Trivett; all in favor, Mr. McCormack – aye; Mr. Ingram – aye; Mr. Trivett – aye; and the Chairman votes “aye” and the Proposed Resolutions for the Extension of Special Exceptions, specifically for Carey-Peyton Solar 1 and Carey-Peyton Solar 5 has been approved.

**Resolution to Extend the Initial Approval of a
Special Exception for a Solar Photovoltaic Project**

WHEREAS, Special Exception case # 2206-SE-02 was approved by this Board on June 16, 2022 for a future solar facility on Tax Map parcel 10-46 owned by Kristy Carey Peyton, Elwood Carey, and Kevin Lee Carey;

WHEREAS, that Special Exception was approved for an initial period of two years, during which time the project was to commence;

WHEREAS, the preparation for permitting, constructing, and implementing this project has proven to be a lengthy process that will take a longer time period to complete than the original allowance of two years;

WHEREAS, the developers have already expended a significant amount of time, money, and effort towards this project; and

WHEREAS, Westmoreland County desires to allow the applicants a reasonable amount of additional time to initiate this project;

THEREFORE, BE IT RESOLVED that the Westmoreland County Board of Supervisors hereby extends the deadline to commence this project until July 1, 2026.

Date of Adoption: May 13, 2024

Woodrow W. Hynson, Chairman
Board of Supervisors
Westmoreland County

Mr. Stuart stated the second case is the same as the first case.

With no discussion, Chairman asked for a Motion to approve the Proposed Resolutions for Case #2206-SE-03 Extension of Special Exceptions, as presented - Mr. McCormack; Second – Mr. Trivett; all in favor, Mr. McCormack – aye; Mr. Ingram – aye; Mr. Trivett – aye; and the Chairman votes “aye” and the Proposed Resolutions for the Extension of Special Exceptions, specifically for Carey-Peyton Solar 1 and Carey-Peyton Solar 5 has been approved.

**Resolution to Extend the Initial Approval of a
Special Exception for a Solar Photovoltaic Project**

WHEREAS, Special Exception case # 2206-SE-03 was approved by this Board on June 13, 2022 for a future solar facility on Tax Map parcel 11-40B owned by Kristy Carey Peyton, Elwood Carey, and Kevin Leo Carey;

WHEREAS, that Special Exception was approved for an initial period of two years, during which time the project was to commence;

WHEREAS, the preparation for permitting, constructing, and implementing this project has proven to be a lengthy process that will take a longer time period to complete than the original allowance of two years;

WHEREAS, the developers have already expended a significant amount of time, money, and effort towards this project; and

WHEREAS, Westmoreland County desires to allow the applicants a reasonable amount of additional time to initiate this project;

THEREFORE, BE IT RESOLVED that the Westmoreland County Board of Supervisors hereby extends the deadline to commence this project until July 1, 2026.

Date of Adoption: May 13, 2024

Woodrow W. Hynson, Chairman
Board of Supervisors
Westmoreland County

d. Administration

i. Appointments

- 1. Motion to Consider Appointment of New Building Official in Land Use (James Wise).** Ms. McDowell explained that Paul Brunkow retired a few months ago; James has been working as the building inspector for about 30 years and has been asked to fill that position. This position needs to be appointed by the BOS.

With no further discussion, the Chairman asked for a Motion to approve the promotion of James Wise to the new Building Official in the Land Use Department – Mr. Trivett; Second – Mr. McCormack; all in favor say “aye”; the Motion is approved to promote Mr. Wise to the new Building Official.

- 2. Motion to Consider Approval of County Attorney’s Revised Contract.**

Chairman Hynson noted that all Board Members should have received the amended contract for our current County Attorney. Is there any discussion regarding his requested changes?

Mr. Stuart asked to make a correction. He noted that the noted is incorrect but it needs to be revised down because it would not be fair to the County. He stated it should go down to \$102,000.00 rather than \$134,000.00 and should say no benefits, because he is a contract person. Mr. McCormack stated when he had that discussion he was also provide the \$134,000.00 that is why he

asked some of the questions he did. Mr. Stuart stated that is the wrong amount. Mr. Stuart stated that Debra was looking at him confused. So he explained that he does not get benefits because he is a contractor. He represents the County as a client but he is not an employee of the County. He again stated that he gets no benefits because he is a contract employee so he does not get any benefits, so this fixes the misunderstanding from before. Mr. McCormack asked if there needs to be an amended contract or just a motion to amend the contract to \$102,000.00.

Mr. McCormack made a Motion to amend the County Attorney's Contract to \$102,000.00 with no benefits; Second – Mr. Ingram; Roll call - Mr. McCormack – aye; Mr. Ingram – aye; Mr. Trivett – aye; the Chairman votes “aye” and the amended County Attorney's contract is approved.

THIS AGREEMENT made and entered into this ____ day of July, 2024 by and between Richard H. Stuart, hereinafter referred to as "Attorney", party of the first part, and County of Westmoreland, hereinafter referred to as "County", party of the second part.

W-I-L-T-N-E-S-S-E-T-H

That for and in consideration of the mutual covenants contained herein, the parties hereby agree as follows:

1.
 - A. Attorney, as the duly appointed County Attorney effective September 1, 2016, will represent the County in certain legal matters as counsel, to-wit: Provide legal advice to the Board of Supervisors, Industrial Development Authority, Planning Commission, and the County Administrator, together with county agencies and departments, and as authorized by the Board of Supervisors or County Administrator, as long as ethically appropriate. Attorney will also associate other counsel in matters requiring specialized advice, upon authorization by the County Administrator.
 - B. Attorney will not be representing County in the following matters: as Attorney for Social Services, which will obtain independent counsel pursuant to Virginia Code Section 63.1-54.1.
2. County will pay Attorney for his services beginning July 1, 2024, with annual revisions during the budget process thereafter as follows:
 - A. A fixed fee of Sixty-Five Thousand Dollars (\$134,925.00), per fiscal year; and
 - B. On an hourly basis at the rate of \$300.00 an hour for (i) all trial work in the General District Courts, Juvenile & Domestic Relations Courts, Circuit Courts, and any other courts in Virginia, or elsewhere, including trial preparation, drafting of pleadings or any other work related to litigation or court orders or appearances, and (ii) all work related to utility systems, water, sewer, or other, which are owned by or participated in by the County, including, but not limited to, title work, drafting of easements, documents, agreements or any other papers, meeting attendances which are separately designated from regular or special Board of Supervisors business meetings, and any other work related to utility systems, and (iii) all work related to County bond issues, including preparation of County Attorney opinions, coordination with bond counsel, and any other matters related to bond issue financing for the County or County-related projects.
 - C. County will further pay for Attorney's participation in the County health plan.

3. County agrees to reimburse Attorney for all expenses for travel, conferences and conference fees, meals, court reporters, transcripts, court costs, private investigators, expert witnesses, medical examinations, printing, and any other expenses arising out of said representation by Attorney, subject to annual appropriation, and budget approval. Reimbursement for expenses shall be due at the time Attorney incurs such expense. Monthly itemized statements of all expenses will be provided to County.
4. Attorney shall bill the County on an annual or monthly basis for accrued hourly fees and expenses not yet paid, if any.
5. In all respects, the County Attorney shall serve at the pleasure of the Board of Supervisors.
6. County understands that Attorney cannot effectively represent County without the cooperation and total honesty of County, and accordingly, County agrees to be open, cooperative, and honest with Attorney in all matters.
7. Attorney shall qualify as County Attorney on July 1, 2024, and begin his duties as such on that date.

Witness the following signatures and seals:

_____(SEAL)
Attorney

_____(SEAL)
County Administrator

Approved as to Form:

County Attorney

6. COUNTY ADMINISTRATOR COMMENTS

Mr. Prescott discussed the following

- a) Earth Day Event Results: Collection totals were 1.5 tons that day and it was well appreciated by all.
- b) Chandlers Mill Pond Update: Mr. Kirk emailed and stated this project would be completed on time.
- c) Drip fields Update: He stated they are in operation and still testing 30-50,0000 per day coming out of the facility; waiting for good weather to do more.
- d) Coles Point WWTP: There was a DEQ Inspection earlier this month and waiting results.
- e) County Park Update: There are two outstanding DEQ Permits, one for trails and culverts updated engineering plans and have been submitted; second open cover near parking areas and that was lifted and now are able to do a little more with the park.

Mr. McCormack mentioned that he would like to thank two folks (Larry and Richard). They brought the idea to the Board about the cleanup day and we thank you for getting the ball rolling. Thank both of you.

Mr. Trivett stated this actually a very positive event but we didn't even touch the bulk of trash. We are hoping to continue this event. Unfortunately, there is already trash where we cleaned up.

Mr. Ingram piggybacked off of the other Supervisors and thank Larry and Richard for their suggestions. Sad to see the trash but this goes back to a long history and helping which is what found this county. He would like to see this expanded to partner with educational programs and teach youth, people learn from their parents and need educations how important the environment is and need to keep it clean.

Mr. Hynson stated the County is home of a lot of great men but also home to a lot of trashy people. Years ago one of the Commonwealth Attorneys wanted to give teenagers trash pickup rather than any other punishment. We will make more progress if we give judges authority to give trash pickup as punishment rather than a ticket.

7. PUBLIC COMMENT PERIOD

We will now move to the public comment period of the meeting. If you could come to the podium, state your name, address and brief comment or question within the three-minute time limit. If you choose to frame your comment in the form of a question the Board has the right to answer now or to defer the answer. The meeting is open for public comment.

Richard Wilkins – he began with a quote (egos are the anesthesia that deadens the pain of stupidity; and it's never wrong to do the right thing). He asked wife to count bags on 205 (56 bags of trash) not sure complete total. Monroe's Birthplace has a walk and a story of James Monroe and the things he did. Started picking up with a lot of alcohol bottles; then a lot of masks; then gloves; then clothes. Colonial Beach police chief followed with his lights on and that was nice. Maybe next year we can get more participation. Arthur Carver who does a lot of work in Northumberland is a good contact. He noticed some of the Board have lap tops and he wishes others would do the same and get involved in your email to be more accessible. A reminder of Saturday is the Household Hazardous Waste Disposal 9-2 at AT Johnson building and we appreciate the Board finally lifting the fee for anything over 100 lbs.

Mr. McCormack also added that they will have a medical collection and paper shred-it company this year.

Mr. Ingram said why wait until next year what about the fall of this year.

Mr. Prescott stated Earth Day was the first attempt at the county level and it was a little rushed but it was a good first effort. We will work with the supervisors next year and will start planning earlier with setting goals of a larger number of bags.

Mr. Trivett apologized to Capt. Smith who was also with them from the beginning.

Larry Hinson – Successful day on Earth Day and great everyone was involved. Once you get started you didn't want to stop. Maybe next year we can get some of the churches and inmates involved. He also mentioned the asphalt across from Northern Neck Brewery parking spaces that are in bad shape. He asked if there were any ordinances regarding houses and buildings that are falling down. The building in Hague is not good and we need to do something about these buildings.

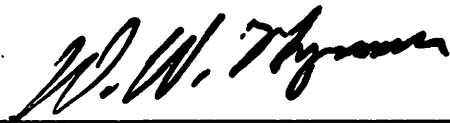
Mike Mills – Let everyone know on Saturday at Stan's Skateland there will be the Northern Neck Regional Car Show and proceeds go to Tech Center Scholarships. Bar-b-que, raffle and bands.

Chairman Hynson thanked everyone for their comments and appears there are no further comments or questions so the public comment period is now closed.

8. ADJOURNMENT

Are there any further comments or items to discuss from the Board?

If not, can I get a Motion to Adjourn the meeting until the next meeting on Wednesday, May 22, 2024 at 5:00 p.m. in the Board Room – Mr. McCormack; Second Mr. Trivett; all in favor say “aye”. The Meeting is now adjourned at approximately 7:40 p.m.

Chairman, 

W. M. Brown