

## **VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, January 25, 2001.

Present: F. W. Jenkins, Chairman  
Cundiff H. Simmons, Jr., Vice Chair  
Donald O. Conaway, Board Member  
Patrick G. Frere, Board Member  
B. Wally Beauchamp, Board Member  
William H. Pennell, Jr., County Administrator

### Others

Present: Brian Poole, Boy Scout Troop 222, Britt Belyea, First Commonwealth Cablevision, Ltd., Thomas E. Harris and Tony Herdemian, King George County, John Stoner and Chris Stamm, Town of Kilmarnock, David Donofrio, Merry Point Development, Jack Larson, Director, Planning and Land Use, Stewart McKenzie, Northern Neck Planning District Commission, Robert Mason, Rappahannock Record

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

## **PRESENTATIONS**

Eagle Scout Project – Mr. Brian Poole stated he's a member of Troop 222 and thanked the board for allowing him to present his Eagle Scout Project. He is currently working toward his Boy Scout Eagle rank. To make the Eagle rank a scout needs to do a service project that would benefit his community. For his Eagle Scout Project he would like to landscape the Lancaster County Courthouse lawn. He decided to do this project because there's currently no trees or shrubbery and the courthouse lawn looks bare. He would like to do this project in conjunction with the county's 350<sup>th</sup> Anniversary Celebration that is scheduled for March 31, 2001. He will be working with Mr. Joe Hack and Ms. Nancy Thomas of Master Gardeners along with Mr. Bill Bonnell, landscape architect and nurseryman. Together they have devised the first print. He also listed the plants and materials needed along with their quantity and cost. The plants that have been decided upon do not require a great deal of maintenance. The estimated cost to complete this project will be approximately \$2,000. The funds will be raised and the work will be done by Troop 222 and himself to accomplish this goal. The project is divided into two phases because the project is so broad. The first phase of the project will consist of planting four dwarf yaupon holly on each side of the courthouse porch, on the right side of the building from the end of the porch to entrance, on the right wing they will plant nandina domestica, on the left side of the courthouse beside the ramp they will use small

river stones and on the courthouse stoop plant sky pencil holly in two concrete planters. He would like to finish phase one of this project by March 31, 2001 in time for the parade to kick off the 350<sup>th</sup> Anniversary Celebration of Lancaster County. The second phase of the project is more extensive and will be finished by late spring 2001. This phase of the project will consist of white camellias in front of the right (east) wing, centered between the windows, white crapemyrtles will be planted out from the east wing, groundcover of liriop and St. John Wort will be planted to the left (west) of porch under the linden tree, Indian Hawthorn and Dwarf yaupon holly will be planted in front of building, between front central walkways and walkways across front of porch on both sides and a bed of verbena in front and on two sides of the bell.

Mr. Conaway asked if anyone from Historical Resource Commission has been involved with this project?

Mr. Poole stated that no one from that Commission had been contacted.

Mr. Conaway said it would be a good idea to also get a site approval from the Historical Resource Commission.

Mr. Poole agreed to do so.

Mr. Beauchamp asked if any of the funds been collected yet?

Mr. Poole stated the project must be approved before he or the Troop can raise funds.

Mr. Simmons stated that Mr. Poole should be commended for his efforts.

Mr. Conaway made a motion to approve the landscape design.

Mr. Beauchamp asked Mr. Conaway if he would accept an amendment to add a donation from the Lancaster County Board of Supervisors in the amount of \$100.00?

Mr. Conaway stated he think that is great idea since it is a project to enhance our courthouse area that the Lancaster County Board of Supervisors would be the first to donate.

Mr. Conaway made motion to accept Eagle Scout Project from Mr. Brian Poole of Troop 222 and to accept a donation of \$100.00 for the Lancaster County Board of Supervisors.

VOTE: 5 – 0 Aye.

Expansion of Cable Television in Lancaster County - Mr. Britt Belyea stated his main propose for attending the meeting was to answer questions. He provided a copy of a color-coded map to Mr. Jenkins so he and the board could see what cablevision's intentions are. He stated the areas marked in red/pink identify what is currently being built. The area on the map marked orange is where field checking has been identified. He apologized for not being able to provide a copy to each member. What he has identified are reasonable areas that could be built in order to avoid slimily populated areas. There are areas which have not been included because of one or more difficulties, they either have too few homes or the construction would be far to expensive. He has tried to include as much as possible, which is approximately 17 homes per mile both aerial and underground without getting themselves in trouble. They are still trying to find a contractor and are looking at two possible contractors presently. If we can get a contractor, this project could be hurried along, otherwise they are going to continue to use their own people and customer needs and services have to be met first and then new customers. That has always been their policy. He stated that over the years they have sometimes taken some heat for their objective and policy but they have gone into the more populated areas and built a cable system. The reason for that is you go to your lending institutions and tell them what your plans are and they would like to see your turnaround as soon as possible. Once we have a subscriber base we can get additional funding to expand and we have done that mostly on the eastern side of the Corrotoman River, Kilmarnock, Irvington, White Stone and the areas surrounding those places. Having done that for the past 20 years they now have a comfortable subscriber base and they are able build down to the lesser-populated areas. That is not a reflection on the area because the western side of the Corrotoman is beautiful, however it's something they have to weigh.

Mr. Simmons asked if Cox's Farm Road outside of Kilmarnock was included?

Mr. Belyea said it not. He did some research on that road and it has 14 homes per mile. He had a request from a gentleman about this matter and explained it was not feasible.

Mr. Jenkins asked how many miles would you have to extend to pick up the extra three homes to make 17 homes?

Mr. Belyea stated like so many other places in the county especially where water is involved, you will have a road and then have a long dead run where there are no homes or an occasional home and you come to a stretch of a number of homes. (i.e. Morratico) He stated they would like to build in Morratico because it's a compact community however there's a long dead run and the pole lines are not in great condition and they would have to go underground which would drive the cost up. They are waiting for the

day that the Co-Op maybe will reconstruct that line and they will be able to make attachments. It's no further for our microwave in Nuttsville to go than it was coming off the same microwave site and going into Lively. However, right now that is not feasible and that is unfortunate.

Mr. Jenkins asked about the comment about the Northern Neck electric poles being substandard or not being able to carry the cable.

Mr. Belyea said that many of them are old and many of the older ones do not have enough height and the run of pole does not make ground clearance. He said that there are codes that they must comply with for spacing from the air conductor and spacing from the ground and if they can't meet either or both then they need to do something else. They would have to put in a higher pole which is more expensive than going underground when you have a run of poles. If there was an occasional pole they could probably stand that.

Mr. Jenkins asked how many poles needed to be repaired?

Mr. Belyea said he would have to guess approximately 20 – 25 poles after you cross Route 354 going toward Morratico. He said that Northern Neck Co-op has been helpful. He stated that Northern Neck Co-op engineer asked if they had plans to go south and he said answered yes. The Northern Neck Co-op said if the cable franchise would like to work with them now, that they could buy extra height on a pole without having to buy the whole pole and its good for both parties.

Mr. Jenkins asked how much is lacking on the clearance in order to meet regulations?

Mr. Belyea stated approximately five to ten feet on the poles. He said most of their poles in that area are about 35 feet and in some cases 40-foot pole would be sufficient and in other cases a 45-foot pole would be necessary.

Mr. Jenkins said from the tower in Nuttsville to Litwalton there's sufficient population to make the run.

Mr. Belyea stated they are the same run of poles from Nuttsville that he's talking about.

Mr. Jenkins asked how long has he had this franchise?

Mr. Belyea said since 1981 or 1982 however he wasn't sure.

Mr. Jenkins said, let say 1985. So it's been 15 years and with no solution for approximately 25 poles. How serious are you about getting cable along the rest Morratico Road from Nuttsville to Litwalton and down to Morratico if you can't solve the problem in 15 years with 25 poles?

Mr. Belyea said you're stating we could have done a few poles each year.

Mr. Jenkins said you made sure that you picked the most profitable parts of the county. You were aware of what you were doing and admitted that's what you were doing. Then you sat back and weren't going to do anything until the renewal of your franchise was in danger because of the fact someone who sat on this board said not to renew your franchise unless something was done at least for the Corrotoman peninsula. At that time a tower was put in the works and has since been constructed however we are now 18 months after the renewal of your contact and there's no cable on the Corrotoman peninsula. He has to question if the problem is the 5 to 10 feet on 25 poles between an area whereas two miles are fairly populated to get to Litwalton which is an area you stated you would like to be in. He has to question how serious your franchise is about trying to provide cable service to Morratico?

Mr. Belyea said cable companies don't go out and look to how many poles can be done per year. However that's a good point.

Mr. Jenkins asked how are you going to correct it? Is this county and a large number of its citizens to go without a service that your franchise said they would provide while your franchise complains about the poles being to short?

Mr. Belyea said that while riding through Morratico recently he noticed there are a number of homes that already have dishes. So then the question becomes are they going to switch to cable? That is something they have to consider.

Mr. Jenkins said he can understand the frustration of the lost opportunity you have incurred during your delay in extending your service. But that was the cost of your business decision and if you are providing quality service you should be able to compete very well. There are a number of people who have dishes in the yard and they are no longer connected. Did you do a marketing survey?

Mr. Belyea stated no they have not and that would be the next step to see how many are interested in receiving cable service.

Mr. Jenkins said that you are required under the terms of this contract and in subsequent terms to produce 45 miles of cable. We are now 18 months since the signing of the contract and you're well behind the requirements of the franchise and you are also

telling us here. I appreciate the ambitious chart for the Corrotoman peninsula, however you are stating that depending on when, if or how you get contractors the work may be completed. He's not hearing anything about people being put on cable in upper Lancaster and quite frankly he has long since lost patience for your inability to provide cable to the people that live beyond the Brookvale area. These children don't have the opportunity for the better and more enriching shows which are available on non-commercial television. The people who are stuck listening to the bias of some of the national media because they have no other alternative and these people are also citizens of Lancaster County. When the county gave the franchise to your company they had every right to expect that they would get cable service. The only thing that your company has done is put one tower in Nuttsville and run a line to the most populated part of Lively. If we today had a national emergency and had to tune into CNN we couldn't do that at this courthouse because no cable runs thorough this area. At what point and time do you say this is not the business you should be in because you don't service a rural area. If it's the town of Kilmarnock or a populated area you can service them but not a rural area.

Mr. Belyea said he disagreed.

Mr. Jenkins stated that time and facts are both on his side.

Mr. Belyea said they came in carefully and took their time and did not try to exceed their limitations. Neighboring counties had a different situation and had a company come in which was larger than their company and they had to file for Chapter 11. The other companies that have come in, each had a lot of problems.

Mr. Jenkins asked if he was speaking about the cable company that started in Northumberland.

Mr. Belyea said he's speaking about Northumberland and Mathews.

Mr. Jenkins said the irony to what you are saying is the only less populated area is currently served by cable in the Brown Store area and they are served by the successor to that cable company that failed. He's happy that those people in upper Lancaster were able to obtain cable service, unfortunately not from your cable franchise.

Mr. Belyea said that those companies have had far more service problems than their company. His customers, for the most part, like their service and their service is dependable and we offer more than our neighbors do.

Mr. Jenkins said he has so few constituents with cable that he doesn't get that much feed back. He understand that you must be able to profitably operate your business

but he researched and reviewed the presentations that your company made to the county 15 years ago and he was here as part of the discussions for the renewal. In that discussion he did not hear your franchise said yes we want renewal but we don't intend on serving the entire county. So, what you are now saying is, unless Northern Neck Co-op poles miraculously grow five feet to meet your standards, that the good people that live along that route can go buy satellite dishes because you have no intentions of providing cable service to that area. That is the impression you are giving us.

Mr. Belyea said he has tried to give you the facts the way a business like theirs must be operated. It's not the lack of desire and we continue to keep an eye on these things to see if the situation has improved but when you go out there and say there's a number of homes per mile will have to increase or something will have to change.

Mr. Jenkins stated, according to your judgement of homes per miles there's no reason you shouldn't be in Litwalton today. There are enough homes per mile from the rest of Route 622 which is where your tower is to the intersection of Route 354 to meet any standards you have to get cable service.

Mr. Belyea said the same pole lines run from Nuttsville to where Route 622 meets Route 3. We are not on those poles and would have to go underground to get to Litwalton or further.

Mr. Jenkins asked how hard is that? He stated you got the right of way from the franchise. How hard is it to trench that in? Northern Neck Electric is trenching in underground cable to houses everyday.

Mr. Belyea said yes, to the houses but they don't make their main runs underground.

Mr. Jenkins said it seems that would make the Northern Neck Electric job more difficult than yours because once you have the trencher there and have done the engineering it's a straight shot to lay the cable and keep it going.

Mr. Belyea stated he would not argue the point but he will say that underground construction is considerably more expensive than aerial construction and any contractor that has done either or both will tell you the same thing.

Mr. Jenkins stated he wouldn't say whether or not it is expensive. However with every study he has looked at, that in the long run it's more efficient because there is less maintenance. He said we have had major storms here that have knocked out power but the telephone still rings yet your cable gets knocked out quite a bit that he is aware of this.

Mr. Belyea said the last major storm was Christmas Eve 1999 and we took a heavy hit like everyone else. He said that aerial construction is subject to mother nature's events. Underground construction is subject to contractor errors and they get pulled out of the ground because someone did not call Miss Utility. We probably have just as much underground cable but if you look at the percentage disrupted, aerial construction affects a large area and underground construction affects a smaller area.

Mr. Jenkins stated he believes you are underground from Nuttsville to Witt's Corner. The point is that in 15 years there has not been a break in the line and what you say is generally true and certainly true where there is a lot more construction going on than it does on Route 622.

Mr. Belyea agreed and said there is a place they have had a problem, in the middle of Lively in front of the telephone central office, we have gotten disrupted there on more than one occasion.

Mr. Jenkins said he wanted to leave a little reminder so the Cable Company can go back and study. We have a situation where certainly by your own admission there is a community that is dense enough in its population and compact enough to make cable service feasible. We have the beginning of that run where there are houses fairly densely located for this area. The only thing that he can see is that the economic situation of the first set of homes may not be as good as the average economic situation.

Mr. Belyea stated that is not a factor that's taken into consideration.

Mr. Jenkins said it shouldn't be because that would be a clear violation of your franchise agreement. But it's a situation that makes you think. Why, when the homes were there and had the trencher there and was trenching toward Route 3 then why not trench to Litwalton?

Mr. Belyea said it had nothing to with demographics, but an objective and our objective was Lively. He said, rest assured they are not in the business of red lining.

Mr. Jenkins stated you have an obligation to serve all this county and you're not. He understands that there are areas you will be unable to reach. According to my analysis of the situation he doesn't believe he's wrong or off base. Over the 15 years you have had this franchise, to have cable available to the Morratico area and the people along that route was just not planned. We are not requesting that you or your president come back but we would like for you to report to Mr. Pennell the County Administrator on what your plans and schedule are at this point. When we started out we were dealing with a company that was able to put cable in the ground and you are now a much smaller

company but you stayed in Lancaster. Please tell us what your intentions are and give us a reason to expect it. He stated when your group comes back for renewal we will remember it was 18 months before the first cable show was viewed. When it does come, if it is within the next six months, it will only be within shouting distance from the tower and that's exactly what it is now if the woods were cut and the community could see the tower.

Mr. Belyea said you have to start where the signal starts.

Mr. Jenkins said he understands and when the signal starts he suggest you branch out in more than one direction and do something different then you did in Nuttsville because the people there deserve this service. If you can't provide cable service you'll leave it up to this board to find some other way to get it provided to them. It's just that simple. I think that this board has more integrity, than to go with the argument that we cherry pick and hit the most densely populated areas and hold the county hostage. He's not stating this is something that your company has done, however there are people in your industry who have done this in rural areas and has held the board hostage. Because you got about 50% of our people now and we will take more heat from them by taking the cable away, then you will get benefits from the people you don't serve.

Mr. Belyea asked where have you heard that?

Mr. Jenkins said simply go to any rural county like ours that has not been served and they all have that complaint. It's a polictial situation where 50% receive service and 50% do not.

Mr. Beauchamp stated he has numerous complaints about the answering service. Some of the problems are lack of interest, rudeness and lack of follow through. What has been accomplished in that area?

Mr. Belyea stated he has a faxed report from the answering service for December. He said he could not find any problem other the Rappahannock General Hospital on December 21<sup>st</sup> and an outage in White Stone on December 4<sup>th</sup> and both of these problems where fixed and there were a number of other service calls in January which were fixed. What's troubling is if the customers are having problems with the answering service they are not calling back to the office and giving feedback.

Mr. Beauchamp said he can't give you specifics but for the last year he has received a number of calls.

Mr. Belyea stated he realizes it's not the job of the board members to answer their telephone calls but would like to suggest if a member gets call from your constituents to

make a note of who's calling and when they made the call. Please forward that information to Mr. Pennell and he will communicate the information to me.

Mr. Jenkins said there were some problems isolated through the holidays. In fact this request was made at the board meeting in November for a representative to be present. Those problems that I reported were in the Fall and there were several because one was related to not being able to get the world series and not getting a satisfactory answer. He said that one thing he can tell you from having some experience in customer service if the customer on the telephone doesn't get an answer, respect or sympathy from the person that they are talking to, they assume that they are talking to the company and the next call will be to speak to a supervisor. He suggested that you should give them your home telephone number and if the customer is not satisfied, give the customer your name and telephone number or transfer the call to you. You can then get better information and the customer can get a better response. You could go back and look at your staff member's response to Mr. Pennell.

Mr. Belyea said answering services are difficult and a number of years ago we used a woman who was the head customer service representative at Continental Cablevision on the Peninsula and she stated that each person working for her would have had previous customer service in cable. The customers would call and the customer service representative would state "we're just an answering service".

Mr. Jenkins said the specific complaint he got on two occasions was when they made the call to the answering service and the customer was told they are closed and she can't get anyone and there's nothing she can do.

Mr. Belyea stated if it's a service call they can assist, however if it's a billing call the answering service can not assist but they are instructed to take a message or let the customer know what the hours are, if they wish to speak to a cablevision representative.

Mr. Jenkins said only once has he received a billing problem and he made a call and it was solved. However in both cases the customer was left feeling that they were out there on their own and could not get to the people who provided them with cable. The office was closed and no one cared whether they had cable service or not until the office opened the following day.

Mr. Belyea said they tell the customer that their policy is if you have a degraded signal the technician will call the customer and ask if it acceptable if they take care of that tomorrow. If the customer said no then the technician would go out right away depending on the number of calls placed.

Mr. Jenkins asked if there was a written policy?

Mr. Belyea said yes that should be on the back of the agreement the customer signs when they sign up for cable service. He said they make it known to their customers.

Mr. Jenkins said he would like to have a copy of that given to Mr. Pennell so we will know what's in the policy. He would like to be able to react to the situation more positively.

Mr. Belyea said whenever he has received a call for Mr. Pennell he has gladly responded and taken care of the situation personally.

Mr. Jenkins said thanks for coming out and answering questions for us.

No action taken.

Supplemental Funding – Potomac Gateway Welcome Center – Mr. Thomas Harris, County Administrator for King George County thanked the board for allowing them to come and give this report on the Welcome Center. He introduced Mr. Tony Herdemian, Director of Parks and Recreations who will be presenting the report.

Mr. Herdemian reported that the Potomac Gateway Welcome Center has been in existence since 1988 and in November 1993 the Welcome Center was dedicated and opened for business in it's new building. Prior to that the center was in a trailer and a concession stand was located in the park. The Welcome Center is staffed with volunteers that provide a valuable service to tourists in our region by providing maps, brochures and directions with a smile. This truly a fine model for regional cooperation and a public/private partnership that has enabled the center to operate for the past 12 years. The localities that currently participate financially by supporting the Welcome Center are a combination of counties, cities, towns and even some private partnerships. The counties include Lancaster, King William, Northumberland, Richmond, King George, Westmoreland, Caroline, Stafford and Spotsylvania. The towns include Urbanna, Colonial Beach, Bowling Green, Warsaw, Ft. Royal and the City of Fredericksburg. Some of the private contributors are Northern Neck Tourism Council and River County. The last couple years we have experienced a deduction in our contributions and at the end of last year we experienced a \$4,600 deficit which King George kindly supported at that time. Then we entered our current fiscal year knowing what our projected contributions would be and looking at the proposed budget, with slight increases but basically level funded. Based on that and projected contributions we anticipated a \$6,400 deficit for this current year. We did not want to wait until Spring to try to address the problem. Mr. Pennell is a member of the Welcome Center's Board and at the December meeting we tried to come up with some way to make up some of the

deficit and still be within the budget. After doing an analysis over the last year to see what days of the week had fewer visitors at the center and basically it was Monday, Tuesday, and Wednesday. With that information we decided to close Mondays and cut back on the part time staff on Tuesdays and Wednesdays and use the Center Manager and one volunteer in the mornings. The remainder of the week the center is open for business as usual. There was also a freeze put on spending other than the necessities. Another thing we will be doing is soliciting contributions in the current year. He stated that River County has committed to contributing an additional \$1,000, Fredericksburg has committed to an additional \$500 and they will be meeting with Westmoreland in the near future about contributing some additional funds in the current fiscal year. With these changes we think we can stay within the budget for this current fiscal year. There are more visitors coming to the welcome center, data was given on the brochure count and what brochures were being picked up from the center. There is sign in sheet at the customer service desk which gives information on where the customer is heading to in Virginia. We have a dedicated line which is an 800 number that come into the center. There were fulfillment packages mailed out to interested persons vacationing in Virginia and Virginia Travel Guide generates that list. Part of that fulfillment package includes the Chesapeake Bay Brochure, Westmoreland County Brochure, Northern Neck Visitors Guide and Lancaster County Brochure and we know the Lancaster County Brochure is currently being updated. They received a call from Mary Ball Washington Museum about selling the 350<sup>th</sup> Anniversary booklet. Is the booklet ready yet?

Mr. Jenkins said the museum is producing a booklet that will capsule the 350-year history of Lancaster County and it's not ready yet.

Mr. Herdeman asked what is the date for the start of this celebration?

Mr. Pennell stated that there will be a parade on March 31, 2001 to kick off the 350<sup>th</sup> Anniversary.

Mr. Herdeman said the staff goes above and beyond, they have received comments on the cleanliness and commitment to providing excellent information on tourism. There is one exciting thing coming up, we received a grant through the Chesapeake Bay Initiative and Susan Tipton was very instrumental in getting that grant. There will be a permanent display at the Welcome Center which will highlight the entire Chesapeake Bay Region to also include a 10 to 12 minute video tape. That is a nice addition to the Welcome Center which we look forward to within the next few months.

### **CONSENSUS DOCKET**

Motion was made by Mr. Frere to approve the Consensus Docket and recommendations as follows:

Minutes of November 30, 2000

Recommendation: Approve the minutes.

Minutes of December 28, 2000

Recommendation: Approve the minutes (amend the wording on page 20)

Minutes of January 3, 2001

Recommendation: Approve the minutes

Wetlands Board Report of Activity

Recommendation: Receive the report

Board of Zoning Appeals Report of Activity

Recommendation: Receive the report

VOTE: 5 – 0 Aye.

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of January 2001 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the Salaries for January 2001 in the amount of \$122,910.99 and Invoice Listings for January 2001 in the amount of \$435,584.03.

VOTE: 5 – 0 Aye.

2. Extension of Water Lines from the Town of Kilmarnock into the County of Lancaster at Hills Quarter Subdivision – Mr. Pennell stated that he has learned that Hills Quarter is preparing to proceed with construction of water and wastewater infrastructure into Hills Quarters very soon. They have gotten privately obtained money to get start. There is a section of state law that requires that the County's Governing body be notified and approve the water line construction.

Mr. P. Christian Stamm, Town Attorney, said a brief overview was that Hills Quarter needs water and sewer.

Mr. Pennell stated that you have never asked permission to bring water into Lancaster County.

Mr. Stamm said that there is more to this and he has talked to the county attorney. They wanted to come to the board for approval because their intentions is only to help the county grow.

Mr. Jenkins asked about future annexation issues.

Mr. Stamm said annexation does not exist.

Mr. Pennell said it does between towns and counties but not between cities and counties.

Mr. Stamm said it does but only way to work with that boundary line and government agreement. Any land that we decide to tax in addition to the county would not affect the county except for sales tax. No one is looking to do anything other than to help the Town of Kilmarnock, economic development in Lancaster County and the housing situation.

Mr. Jenkins said there was an earlier comment about the cost of these services.

Mr. Stamm said this is authorized by the legislature. There are two rates, in town is one fee and outside the town is a one and half times is fee because those people do not pay real estate taxes and the service is not subsidized.

Mr. Jenkins said he is trying to make sure that there are no unintended consequences.

Mr. Pennell stated he does not believe you can turn the request down based upon the fear of future annexation. According to the law it's the governing body's responsibility to see that they can provide service and continue to provide through the life of the system.

Mr. Pennell said his concern is that it was originally anticipated that the infrastructure would be own by the CDA because CDA money was used to build it. Now is it your intention to own the infrastructure.

Mr. Simmons said those localities that he is aware of that have sewer and water service provided, the locality providing the service owns the infrastructure and is responsible for maintaining it.

Mr. Stamm said the bottom line is that Kilmarnock can't pump water into other countries without owning the lines.

Mr. Pennell said that the CDA is a subdivision of the Commonwealth.

Mr. Stamm stated he was not familiar with any agreement between the CDA and the county.

Mr. Pennell said he was of the opinion that the CDA was paying for the golf course, roads and the infrastructure.

Mr. Simmons asked if the CDA has the authority to fund and the ability to maintain the site.

Mr. Pennell said yes that's a part of the operations, but he informed the board that they may have to pass this request until further research is done on this matter.

Mr. Jenkins stated that he supports this however they needed more details.

Mr. Pennell stated that the reason this was being brought up is because this has never been done in the county before and if there was a dissatisfied customer two years from now, there needed to be an acceptable response.

Mr. Stamm said once they hooked up the water and sewer, the town would provide maintenance service.

Mr. Beauchamp asked Mr. Donofrio if they can we wait 30 day to obtain more information?

Mr. Donofrio said it was not a problem and stated that in July or August three different bond companies came through on a site visit and two of the three companies were interested. He would like to start the construction of homes this Spring.

Mr. Stamm said the infrastructure request perhaps is larger and we did not know.

Mr. Jenkins said as the creator of the CDA we have an obligation to make sure these matters are done correctly.

3. Bay Act Waiver Fee – Mr. Larson stated we charge a fee for applications dealing with land use issues that come before the Board of Supervisors, Planning Commission, Board of Zoning Appeals, Wetland Boards or any other body that make a determination on various ordinances. In terms of a variances or waivers dealing with zoning ordinances, most of those go before the Board of Zoning Appeals however the Board of Supervisors changed anything pertaining to the enforcement of the Chesapeake Bay Act would come to the Board of Supervisor and not the Board of Zoning Appeals. There is an application pending and will be brought to the board next month and the issue is what we will charge. The only provision now is to charge the same as if they were to appear before the Board of Zoning Appeals which is \$250.00. It would be more equitable for anything that would come before the Board of Supervisors as a Chesapeake Bay Act wavier application to reduce the fees charged to \$100.00 and be more consistent with the way other board actions are charged.

Mr. Jenkins stated what was done was to amend the zoning ordinance to remove the Chesapeake Bay Act and the ordinance to become a general ordinance and that's why it's no longer a Board of Zoning Appeals issue.

Mr. Conway made a motion to reduce the fee charged for Bay Act waivers from \$250.00 to \$100.00.

VOTE: 5 – 0 Aye.

## **BOARD REPORTS**

Mr. Frere asked if the board would approve the he and Mr. Pennell draft a resolution for a grant application for The Friends of Belle Isle.

Recommendation: Adopt the attached resolution:

**WHEREAS**, Lancaster County is fortunate to have Belle Isle State Park within its boundaries; and

**WHEREAS**, a group of Lancaster's citizens have formed an organization known as the *Friends of Belle Isle State Park* which is a non-profit, public booster group to assist with the development of amenities within the park; and

**WHEREAS**, the Virginia Department of Conservation and Recreation has announced a grant program known as the Virginia Recreational Trails Fund Program; and

**WHEREAS**, representatives of Belle Isle State Park and the *Friends of Belle Isle State Park* desire to apply for grant funding to erect a handicapped accessible, loop elevated boardwalk with a small fishing platform and a handicapped picnic area platform located near the existing canoe/kayak launch site at the state park; and

**WHEREAS**, the Belle Isle State Park Master Plan includes provisions for this and similar facilities.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors has been informed of the proposed project by the representatives of the state park and the *Friends of Belle Isle State Park*; and

**BE IT FURTHER RESOLVED**, that the Lancaster County Board of Supervisors heartily endorses and recommends the project to the Virginia Department of Conservation and Recreation; and

**BE IT FURTHER RESOLVED**, that the Lancaster County Board of Supervisors asks the Virginia Department of Conservation and Recreation to favorably review the grant application from Belle Isle State Park and the *Friends of Belle Isle State Park* for approval to construct the said handicapped accessible elevated loop boardwalk with a small fishing platform and handicapped accessible picnic area platform near the existing canoe/kayak launch site.

VOTE: 5 - 0 Aye.

Mr. Beauchamp made a motion to appoint Alexander McD Fleet to the Redistricting Commission.

VOTE: 5 – 0 Aye.

Mr. Conaway made a motion to appoint Weldon M. Howard to the Redistricting Commission.

VOTE: 5 – 0 Aye.

### **COUNTY ADMINISTRATOR REPORT**

Mr. Pennell said Ms. Alice Stevens is the county representative to the Community Services Board. He informed the board that Mrs. Polland from King and Queen County resigned her position from the board and the presidency. Ms. Alice Stevens will now chair the Community Services Board. She keeps in contact with me and has an excellent

working relationship with Executive Director. He's asking that the board reappoint Ms. Stevens to the Middle Peninsula Northern Neck Community Services Board.

Mr. Jenkins made a motion to reappoint Ms. Alice Stevens to Middle Peninsula Northern Neck Community Services Board.

VOTE: 5 – 0 Aye.

Mr. Pennell stated that VDOT wanted him to inform the board of a public hearing that will be held on the widen of Route 3 on March 26, 2001 at 4:00 p.m. in the General District Courtroom.

Mr. Pennell stated he received a news release from the state about a public hearing on redistricting. He said that he would be attending the redistricting public hearing in Richmond on Friday, February 9, 2001 at 7:00 p.m.

### **CLOSED MEETING**

Motion was made by Mr. Jenkins to enter into a closed meeting to discuss matters exempt from the open meeting requirement of the Virginia Freedom of Information Act. The subject matter to be discussed in the closed meeting are personnel matters, in accordance with provisions of Section 2.1-344A.1, and for the privacy of individuals, personal matters not related to the county in accordance with provisions of Section 2.1-344A.4 of the Code of Virginia.

VOTE: 5 – 0 Aye

### **RECONVENE**

Motion was made by Mr. Jenkins to reconvene open session. VOTE: 5 – 0 Aye.

### **CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel and privacy matters in accordance with the Virginia Freedom of Information Act.

**WHEREAS**, Section 2.1-344.1 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Motion was made by Mr. Jenkins to certify the closed meeting. A roll call vote was taken:

F. W. Jenkins, Jr.	Aye
Donald O. Conaway	Aye
Patrick G. Frere	Aye
Cundiff H. Simmons	Aye
B. Wally Beauchamp	Aye

This certification resolution is adopted.

## **ADJOURNMENT**

Motion was made by Mr. Simmons to adjourn the meeting.

VOTE: 5 – 0 Aye.