

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Tuesday, January 27, 2004.

Present: B. Wally Beauchamp, Vice Chair
Peter N. Geilich, Board Member
F. W. Jenkins, Jr., Board Member
Ernest W. Palin, Jr., Board Member
William H. Pennell, Jr., County Administrator

Others

Present: Dr. Randolph Latimore, School Board; Brent Self, R.L. Self
Timber, Inc.

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

PUBLIC INPUT

None

PRESENTATIONS

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

Snow Removal Expenditures

Mr. Staton said the Northern Neck received its first good snow this year and approximately \$400,000 - \$500,000 has been spent to date.

Subcontractor Injured

Mr. Staton said Mr. Lee, snow pusher for the Weems area was struck in the face with a ball of ice. He sustained extensive injuries to his face and this incident was reported to the State Police. This is a felony offense and is being investigated.

Ferry Operational

Mr. Staton said the ferry has been repaired and is operational. There was a concern about trucks going down to the ferry and signs will be erected on Route 611 and Route 614 to warn that there is no turn-around.

Town of Kilmarnock Enhancement Project

Mr. Staton said the Town of Kilmarnock has a significant enhancement project, which was awarded in 1999 and they have a four year timeline. They are having trouble getting easements because of drainage issues on Route 3. The town donated some right-of-way to VDOT and they will work to help with the drainage problem.

VSH 798

Mr. Staton said there were drainage problems on VSH 798, River Ridge Road, which has been repaired. He stated the adjoining property owner supplied the materials and VDOT provided labor and equipment to repair the job.

Avis Trail

Mr. Staton said the board should have received a letter about revenue sharing. The next phase of Avis Trail, which is putting down stone and paving, has been estimated at \$165,000. The county does not have to put up any money, the property owner or developer would need to set up an account with the county.

VSH 608/Waverly Avenue

Mr. Geilich said he had a concern for citizens about speeding on VSH 608 Waverly Avenue near the end and requested a speed study.

VSH 622/Morattico Road

Mr. Palin stated he has concern from a citizen on VSH 622 Morattico Road, near Mitchell's Store, about the number of accidents near her property and has requested a speed study.

CONSENSUS DOCKET

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

A. Minutes for December 29, 2003 and January 5, 2004

Recommendation: Approve minutes

B. Resolution in Support of Omega Protein

Recommendation: Adopt the following Resolution:

SUPPORT OF OMEGA PROTEIN CORPORATION

WHEREAS, the Northern Neck has an enormous tradition and heritage of commercial fishing in the Chesapeake Bay; and

WHEREAS, efforts have been made to restrict commercial menhaden fishing in the Chesapeake Bay; and

WHEREAS, Omega Protein Corporation is one of the largest employers in the Northern Neck and is in the process of constructing a seventeen million dollar (\$17,000,000.00) oil processing facility in Reedville, Virginia for the Omega 3 oil; and

WHEREAS, the Atlantic States Marine Fisheries Commission currently regulates the commercial menhaden fishing industry and has reported that the levels of menhaden are above the threshold and morality rates are below threshold, and

WHEREAS, Omega Protein is an asset to our communities, our way of life and a company that has proven to be extremely environmentally sensitive,

NOW, THEREFORE, BE IT RESOLVED the Lancaster County Board of Supervisors believes that recreational fishing and commercial fishing can co-exist in the Chesapeake Bay based on the scientific facts; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors does not support any additional legislation involving the commercial menhaden fishing industry and desires that consideration only be given to the science as the controlling factor in determining the need for menhaden restrictions and not legislation.

BE IT FURTHER RESOLVED, that a copy of this resolution be mailed to Senator William T. Bolling, Delegate Harvey B. Morgan, Senator John H. Chichester, Delegate Albert Pollard, Jr. and the Virginia Association of Counties.

C. Board of Zoning Appeals Report of Activity

Recommendation: Accept the Report

D. Wetlands Board Report of Activity

Recommendation: Accept the Report

E. Planning Grant

Recommendation: Approve the Application to the Virginia Department of Housing and Community Development for a Planning Grant to develop a housing rehabilitation project in the Greentown Road/Gaskins Road area.

F. RADM Clarence A.E. Johnson – Resignation from BZA

Recommendation: Accept the Resignation and send Admiral Johnson a letter of thanks for his service.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of January 2004 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the Salaries for January 2004 in the amount of \$138,516.71 and Invoice Listings for January 2004 in the amount of \$877,308.54.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Amend Brush Disposal Contract – R.L. Self Timber, Inc. – Mr. Pennell said in the aftermath of Hurricane Isabel, he has been working with the Federal Emergency Management Agency (FEMA) and the R.L. Self Timber, Incorporated to facilitate a fair reimbursement from the federal government for the work over and above that anticipated in the county's initial contract with R.L. Self. He said R.L. Self Timber took in approximately 65,000 cubic yards of debris contributable to Hurricane Isabel. The representatives from FEMA have agreed that this procedure will meet their requirements for reimbursement of brush and wood waste debris expenses as a result of Hurricane Isabel. Mr. Self has agreed to accept the rate of \$6.00 per cubic yard to dispose of disaster related brush and wood waster.

Mr. Pennell stated James Cornwell, County Attorney, submitted a letter explaining why amending the brush disposal contract is within the requirements of the Commonwealth's Procurement Act. Mr. Cornwell also submitted an amended contract establishing provisions for disaster related brush and wood waste disposal.

Mr. Pennell said that 75% of the storm debris disposal is paid for by FEMA, 17% is paid for by the Commonwealth of Virginia, and 8% paid by the county, which would be approximately \$32,000 of the county's portion. The Board of Supervisors has already advanced R.L. Self, Inc. \$50,000, therefore; the county will be getting back about \$18,000

Mr. Jenkins made a motion to approve amending the brush disposal contract with R.L. Self, Inc. to add the provision of emergency brush and wood waste disposal caused by natural or man-made disasters as declared by the Commonwealth of Virginia or the County of Lancaster. The additional quantity of brush and/or wood waste will be reimbursed at the rate of \$6.00 per cubic yard.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

3. Transfer Funds from Capital Improvement to General Fund – High School Roof Project - Mr. Pennell stated the Lancaster County Board of Supervisors directed that future expenditures from the Capital Improvement Account be specifically approved at a regular meeting of the Board of Supervisors.

Mr. Pennell said he has received the following request for payment from Dr. Latimore for payment to Brothers Construction in the amount of \$43,110.00 for work performed on the high school roofing project.

Mr. Geilich made a motion to approve the expenditures and appropriate \$43,110.00 from the Capital Improvement Account to the General Fund to cover the expenses.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Primary School Drainfield

Mr. Pennell said the school board has accepted a bid from Churchview Septic in the amount of \$32,900.00 for installation of a new drainfield.

Dr. Latimore stated Churchview Septic can start possibly in March. Due to the wet conditions here in the area, they have to wait until the ground is dry.

Mr. Jenkins made a motion to approve the expenditures and appropriate \$32,900.00 from the Capital Improvement Account for the drainfield at Lancaster Primary School.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Joint Board Budget Meeting

Dr. Latimore said the School Board has begun it's deliberations regarding the school division operations budget for 2004 -2005. The school board has directed him to ask the Board of Supervisors for a joint board meeting in February. The school board would like to get input and direction from the Board of Supervisors and discuss the school division needs. Because of the increase of the composite index for the county, which means less revenue will flow from the state, and the situation with the increase in the VRS rate will create the need for additional funds for the school system.

By consensus of the board the joint board meeting will be held February 2, 2004 at 6:00 p.m. at the School Board Office Conference Room on Irvington Road.

Dr. Latimore stated he would like to thank the board for understanding the need for the primary school project and the willingness to meet with the school board to discuss the budget. He encouraged the Board of Supervisors to visit the schools. All three schools are fully accredited and Lancaster Primary is a Blue Ribbon School.

4. Animals on Highway – Ordinance – Mr. Pennell stated at the December 29, 2003 meeting of the Board of Supervisors, the member voted to table any action on adopting an ordinance to control animals running at large on highways until the county attorney could be contacted and asked if the prohibition could be limited to certain species of animals.

Mr. Pennell said Mr. Cornwell, County Attorney, was contacted regarding limiting the proposed ordinance to those animals with which the animal control officers have had some difficulty. Mr. Cornwell advised that the Board of Supervisors could make the ordinance more restrictive than the general state law by specifying the species of animals it wishes to control.

Mr. Beauchamp stated “bovine animals” does not include bison. He said bison, water buffalo and yak are considered bovinæ (sub-families of bovine). The Animal Control Ordinance, Article I – Section 10-3. Animals running at large on highways need to be amended to include all sub-families.

Mr. Beauchamp made a motion to adopt the amended Animal Control Ordinance, Article I – Section 10-3. Animals running at large on highways as follows:

AN ORDINANCE TO AMEND THE LANCASTER COUNTY

ANIMAL CONTROL ORDINANCE

The Lancaster County Board of Supervisors hereby ordains the following as Section 10, Article I, In General, Section 10-3 of the Code of Ordinances of Lancaster County, Virginia:

ARTICLE I – IN GENERAL

Sec. 10-3. Animals running at large on highways.

It shall be a violation of law for the owner or keeper of any domestic or domesticated: bovine animals and any sub-family of bovine animals (cattle, bison); equine animals (horses, mules, donkeys); ovine animals (sheep); porcine animals (swine); capradae animals (goats); animals of the genus Lama (llamas, alpacas), except companion animals as defined by §3.1-796.66 of the Code of Virginia, to allow or fail to prevent such animal to run at large upon the public highways located in the county whether such highways are enclosed by a fence or not. (§15.2-1218 Code of Virginia) Violation of this section shall be punished as a Class 3 misdemeanor.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

5. Tri-River ASAP Board Appointment – Mr. Pennell stated he receive a letter from Tri-River Alcohol Safety Action Program asking the Lancaster County Board of Supervisors to appoint a representative to that organization for a term starting January 1, 2004 ending December 31, 2006.

Mr. Beauchamp made a motion to appoint Deputy David Hudson to the Tri-River Alcohol Safety Action Program as a Lancaster County representative for a term starting January 1, 2004 ending December 31, 2006.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

6. Supplemental Appropriation – Deputy Reuben E. Headley, Jr. – Mr. Pennell stated when Deputy Headley was hired on April 1, 2002 as a partially grant funded School Resource Officer, the normal county supplement of \$1,200 per year was not applied to his salary.

Mr. Jenkins made a motion to approve a supplemental appropriation in the amount of \$2,700 to fund retroactive payment of Deputy Headley’s county salary supplement as well as the current year’s supplement.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

BOARD REPORTS

Appointments

Mr. Geilich made a motion to appoint Anita Sanders to the Lancaster County Board of Equalization of real estate assessments as a representative for District 3.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Mr. Jenkins made a motion to appoint Henry Cathey to the Lancaster County Board of Equalization of real estate assessments as a representative for District 1.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

House Bill 1418

Mr. Beauchamp said House Bill 1418 (Water Quality Improvement Fee) has been introduced to the General Assembly. The bill calls for imposing a \$1 per month fee for owner of improved real property having a value of more than \$60,000. The locality

would be responsible for collecting the fee and submitting the funds to the state treasurer for deposit into the Water Quality Improvement Fund. An additional \$1 per month fee is assessed on such property owners if they are served by a waste water treatment facility. The locality can report quarterly \$10,000 or 3% of the amount due, whichever is less to cover its administrative expenses. He said 70% of the funds received with allocation for point source pollution programs and 30% non-point source pollution programs.

Mr. Beauchamp stated whereas he agreed with Delegate Pollard purpose for this program, however; this is another unfunded mandate to the county and municipalities that not affordable.

Mr. Beauchamp made a motion to authorize the county administrator to send a letter to Delegate Pollard and members the General Assembly that Lancaster County oppose House Bill 1418.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Litter

Mr. Geilich said has received a number of calls from citizens with complaints about the trash on Windmill Point Road. He would like to inform Sheriff Crockett, so that he can possibly have inmate assist with the clean up.

Rappahannock General Hospital

Mr. Geilich stated he received the email and read the article on the malpractice issues that Rappahannock General Hospital is currently facing. This is a very serious issue because when a hospital losses it obstetric service, they lose more than just those patients.

Mr. Pennell stated the economic development of Lancaster County is also at risk. If you have young adults that would start a business in the area and the wife is of child bearing age, they probably would not move here knowing she would have to drive to Richmond.

Mr. Pennell said Rappahannock General Hospital has two major issues: 1) the non-renewal of the malpractice insurance; and 2) the loss of revenue to the hospital, because of insufficient Medicaid reimbursement. The Medicaid reimbursement is about one half of the cost to deliver babies.

Mr. Pennell asked the board to designate Mr. Geilich as its representative in case the county government is asked to participate in this issue.

By consensus of the board, Mr. Geilich will participate in any RGH discussions involving the county.

Welcome New Board Members

Mr. Beauchamp welcomed the new board members.

COUNTY ADMINISTRATOR

Lancaster High Band Boosters

Mr. Pennell stated he has received a letter from the Lancaster High Band Boosters about sending the band to the New Year's Day Parade in London for the Queen of England. They are interested in support from the Board of Supervisors. This matter will come up during the FY05 budget considerations.

Garden Club of the Northern Neck

Mr. Pennell said on Tuesday, February 17, 2003 from 10:00 a.m. – 12:00 p.m. the 4th Annual Conservation Symposium presented by the Garden Club of the Northern Neck will have Edward T. McMahon as Keynote Speaker. The topic will be Preserving our Rural Character: Better Models for Development and this symposium will be held at Rappahannock Westminster-Canterbury.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn the meeting to February 2, 2004 at 6:00 p.m. for a school budget work session at the School Board Office Conference Room.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye