

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, January 31, 2002.

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

Others

Present: Ronald D. Crockett, Lancaster County Sheriff; Paul Lee, Robinson, Farmer, Cox Associates; Dr. Randolph H. Latimore, Lancaster County Schools; Dr. Phillip E. Winter, Three Rivers Health District; Joan Wenner, Northern Neck News; Robert Mason, Rappahannock Record

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

Mr. Beauchamp expressed his appreciation to the Board Members for having the honor of serving as Chairman this year and he promised he would do his best to serve Lancaster County.

PUBLIC INPUT

None

PRESENTATIONS

1. Multi-County Lobbying Effort to Oppose "By-Right" Sludge Application – Mr. Pennell stated that the Board of Supervisors had invited Delegate Albert C.

Pollard, Jr. and the Northumberland County Board of Supervisors to attend this meeting to discuss the possibility of Lancaster County joining in lobbying efforts for local control of sludge applications. Mr. Pennell stated he was informed by Delegate Pollard that the matter had been passed over for the remainder of the year by the House of Delegates and will not come up again until after studies have been done. The agenda item was cancelled.

2. Health District Request for Unmatched Lancaster County Appropriation – Dr. Winter stated that the Three Rivers Health District requests the Lancaster County Board of Supervisors to permit the district to retain \$11,433 in unmatched local allocation funds in its FY02 operating budget. The funds will be placed in a general funds account.

Mr. Frere made a motion that the Three Rivers Health District retain the \$11,433 unmatched local allocation funds in its FY02 operating budget.

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| VOTE: | B. Wally Beauchamp | Nay |
| | Donald O. Conaway | Aye |
| | Patrick G. Frere | Aye |
| | F. W. Jenkins | Nay |
| | Cundiff Simmons | Nay |

Motion failed 3 – 2.

3. Resolution of Appreciation to 350th Anniversary Committee – Mr. Beauchamp presented Ms. Louise deJarnette Jesse, Chairwoman for the 350th Anniversary Committee with a plaque for the time and energy she devoted to making the 350th Anniversary events a first-rate celebration.

Ms. Jesse introduced the following 350th Anniversary Committee members: Dixie McCraig, Dixon Foster, Babs Chainey, John Cardwell, Frank

Schwall, Charles Carneal, William Pennell, Ronnie Crockett and Gwen Carneal. Mr. Pennell presented each committee member with a copy of the resolution adopted in December.

4. Auditor's Report for FY2001 Annual Financial Report – Paul Lee stated the general fund balance for the FY01 was \$508,682. He stated the county went into the pervious year's fund balance by \$93,000 but the budgeted \$315,000 fund balance was increased to the \$508,682. The tax collection percentage is still high, if the delinquent and current are added, totaled and compared, the county is right at 99% for tax collection. That is where the county has been over the last ten years. There has been no problem with the audit at any of the county agencies.

Mr. Pennell stated that the Sheriff's Department and General Properties were over spent. He said the Sheriff's office has an insurance claim that needed to be appropriated and General Properties needed an additional appropriation for money that was spent at the Lancaster refuse site. He would present memos at a future Board of Supervisors meeting to appropriate the money to the FY01 budget.

VDOT

Financial and Project Status

Mr. Staton stated that VDOT currently had problems with their financial situation.

Mr. Staton said that secondary funds are different from the primary, interstate and urban money. He said that the secondary money was controlled locally and it could be significantly cut for the whole state.

Mr. Staton state that the projects where VDOT already has the "right of way" are a priority which has not affected the two major projects in Lancaster County. He said

Route 3 and Route 630 Taylors Creek Road should not be affected because of the construction start dates.

Mr. Staton said there were questions about Route 614, Devil's Bottom Road, which was on the six year plan, however with the financial situation, this project may be cut from the six year plan. The primary concern is that there have been five accidents since 1997 and safety is an issue.

Mr. Staton said there was a question about placing a guardrail on Route 3 below the courthouse. There is no accident history and it does not meet the criteria. He stated that guardrails could be a safety hazard by themselves, because if someone hit the guardrail they would be thrown back into the line of traffic. He said if VDOT widens the road they would go into the wetlands.

Mr. Conaway said he has concerns about Route 614, Devil's Bottom project being cut because of funding. What is the status of this project?

Mr. Staton stated that Route 614, Devil's Bottom project was third on the list but not planned for construction until 2006 – 2007 but because of the financial situation in the Commonwealth. He said Route 614 has an alternate route by which citizens can transverse the area.

PUBLIC HEARINGS

1. Reimbursement for DUI Accidents – Mr. Pennell stated that he advertised an ordinance which imposes a fee to reimburse the county, its sheriff's office or the volunteer fire and rescue squads for expenses incurred as a result of Driving Under the Influence accidents. The \$100 flat fee amount mentioned in the ordinance is the statutory maximum allowed

Mr. Beauchamp open the public hearing for consideration of the ordinance. There were no comments from the public.

Mr. Simmons moved the adoption of the following ordinance:

AN ORDINANCE RELATING TO REIMBURSEMENT OF EXPENSES INCURRED
RESPONDING TO DRIVING UNDER THE INFLUENCE ACCIDENTS

The Lancaster County Board of Supervisors hereby ordains:

Reimbursement of Expenses Incurred in Responding to Driving Under the
Influence Accidents.

Any person who is convicted of a violation of Virginia Code Sections 18.2-51.4, 18.2-266, or 29.1-738, or a similar County ordinance, when a person's operation of a motor vehicle, engine, train or water craft while so impaired is the proximate cause of any accident or incident resulting in an appropriate emergency response, shall be liable in a separate civil action to the County or any volunteer rescue squad, or both, which may provide such an emergency response for the reasonable expenses thereof, in the amount not to exceed \$1,000 in the aggregate for a particular accident or incident occurring in the County.

In determining the "reasonable expense," the County may bill a flat fee of \$100 or a minute-by-minute accounting of the actual costs incurred. As used in this section "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue and emergency medical services.

Effective Date. This ordinance shall become effective immediately upon adoption.

VOTE: B. Wally Beauchamp Aye
Donald O. Conaway Aye
Patrick G. Frere Aye
F. W. Jenkins Aye
Cundiff Simmons Aye

CONSENSUS DOCKET

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

A. Minutes for December 27, 2001 and January 2, 2002

Recommendation: Approve with amendment to minutes

B. Appointment to Middle Peninsula Juvenile Detention Commission

Recommendation: Approve appointment of the county administrator to the Middle Peninsula Juvenile Detention Commission until June 30, 2002.

C. Wetlands Board Report of Activity

Recommendation: Approve as presented

D. Proclamation – February 3 – 9, 2002 – Burn Awareness Week

Recommendation: Adopt the following proclamation:

BURN AWARENESS WEEK

WHEREAS, severe burn injuries are a leading cause of deaths and injuries in North America, especially among young children; and

WHEREAS, every year more than 2 million people suffer burn injuries of some kind, and more than one of every three burn victims are children; and

WHEREAS, approximately 75 percent of all burn injuries and deaths are preventable; and

WHEREAS, the Shrine of North America operates four Shriners Hospitals that provide medical care totally free of charge to severely burned children; and

WHEREAS, the Shrine of North America and Shriners Hospitals join with other burn facilities across the nation in recognizing the seriousness of this hazard and the urgent need to educate the public about burn prevention and fire safety; and

WHEREAS, it is fitting and appropriate to acknowledge the contributions of the Shrine of North America and to commend the Shriners for their continued support and care for young burn victims.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors hereby proclaims the week of February 3-9, 2002 as **Burn Awareness Week** in Lancaster County, Virginia; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors encourages its citizens to support the Shriners Hospitals and to take appropriate precautions to protect their families from devastating burn injuries.

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| VOTE: | B. Wally Beauchamp | Aye |
| | Donald O. Conaway | Aye |
| | Patrick G. Frere | Aye |
| | F. W. Jenkins | Aye |
| | Cundiff Simmons | Aye |

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of January 2002 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries for January 2002 in the amount of \$125,998.19 and Invoice Listings for January 2002 in the amount of \$487,504.86.

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| VOTE: | B. Wally Beauchamp | Aye |
| | Donald O. Conaway | Aye |
| | Patrick G. Frere | Aye |
| | F. W. Jenkins | Aye |
| | Cundiff Simmons | Aye |

2. Mid-Year Grant – School Resource Officer – Dr. Latimore stated the school division has been considering putting a School Resource Officer at Lancaster High School. He stated a grant was submitted to the Department of Criminal Justice Services to fund the School Resource Officer. The grant was developed originally through the school division by Mr. Palin and then in consultation with the Lancaster Sheriff's office. He said that Mr. Pennell was informed that the grant had been approved and notified the school division.

Dr. Latimore stated that 64% of the School Resource Officer has to be contributed by the locality and the other 36% from state funds. The grant was submitted in for \$15,364 and the dollars for the Safe and Drug Free School funds would fund \$5,539 of that and the remaining portion would come from local dollars. He stated that the school division was asking for \$9,825 for the remainder of this year and for FY02 the local funds needed would be approximately \$18,000 or \$19,000.

Dr. Latimore stated that the School Resource Officer at the high school was needed because of minor gang activity, the presence of a School Resource Officer in uniform has been proven to improve the students behavior and a flexible schedule for the officer will assist with some of the after school activities. He

said the School Resource Officer would work at the Lancaster County Sheriff's office in the summer when school is not in session.

Sheriff Crockett said that deputies are called to the high school as couple times of week. He stated that the School Resource Officer would make an improvement at the high school.

Dr. Latimore stated that the school division would be willing to provide the uniform and leather costs. He stated he would have to look at the budget before obligating to provide more funding.

Mr. Jenkins made a motion to approve the \$9,825 for the School Resource Officer for this year with participation from the school division by providing the funding for uniforms and leather.

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| VOTE: | B. Wally Beauchamp | Aye |
| | Donald O. Conaway | Aye |
| | Patrick G. Frere | Aye |
| | F. W. Jenkins | Aye |
| | Cundiff Simmons | Aye |

3. Pump and Haul Permit Request – William Ancarrow – Mr. Pennell stated that Mr. Ancarrow has asked the Board of Supervisors to approve a pump and haul permit for a Bait, Tackle and Grocery store he intends to open on Windmill Point Road. He said that Mr. Fridley from the Health Department would be available to answer questions.

Mr. Frere made a motion to table the Pump and Haul Permit Request for William Ancarrow until the February 28, 2002 Board of Supervisors meeting to obtain more information for the Lancaster Health Department and research other options.

VOTE: B. Wally Beauchamp Aye
Donald O. Conaway Aye
Patrick G. Frere Aye
F. W. Jenkins Aye
Cundiff Simmons Aye

4. Kilmarnock-Irvington-White Stone Rotary Club Bell Isle Safe Harbor/Riverwalk Project – Mr. Pennell stated that Mr. Tom Kinney, chairman of the KIWS Rotary Club committee proposing the Belle Isle Safe Harbor/Riverwalk Project is asking the Board of Supervisors to adopt the following resolution for the Commonwealth Transportation Board in order to consider a TEA-21 grant funding.

Mr. Frere made a motion to adopt the following resolution for the Belle Isle Safe Harbor/Riverwalk Project.

THE KILMARNOCK-IRVINGTON-WHITE STONE ROTARY CLUB

BELLE ISLE SAFE HARBOR/RIVERWALK PROJECT

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the County of Lancaster, Virginia.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors requests the Commonwealth Transportation Board to establish a project for the improvement of the Kilmarnock-Irvington-White Stone Rotary Club Belle Isle Safe Harbor/Riverwalk Project; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that if the Lancaster County Board of Supervisors subsequently elects to cancel this project, the Lancaster County Board of Supervisors hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

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| VOTE: | B. Wally Beauchamp | Aye |
| | Donald O. Conaway | Aye |
| | Patrick G. Frere | Aye |
| | F. W. Jenkins | Aye |
| | Cundiff Simmons | Aye |

BOARD REPORTS

None

COUNTY ADMINISTRATOR

Board Member Elected at PDC Chairman

Mr. Pennell reported that Mr. Beauchamp was elected chairman of the Northern Neck Planning District Commission for calendar year 2002.

Mr. Pennell stated that Mr. Jenkins was elected chair of the Lancaster County Department of Social Services.

Lancaster Community Library

Mr. Pennell stated he received a letter from Suzanne Collins, director of the Lancaster Community Library, asking if any member of the Board of Supervisors would like to attend their planning meetings in March. There were no volunteers.

Special Election

Mr. Pennell stated there will be a special election for the Circuit Court Clerk held on February 26, 2002.

APPOINTMENTS

Northern Neck - Community Criminal Justice Board

Mr. Beauchamp made a motion to appoint Mr. Jerry Copley to the Northern Neck Community Criminal Justice Board as an education representative from Lancaster County.

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| VOTE: | B. Wally Beauchamp | Aye |
| | Donald O. Conaway | Aye |
| | Patrick G. Frere | Aye |
| | F. W. Jenkins | Aye |
| | Cundiff Simmons | Aye |

Northern Neck - Chesapeake Bay Region Partnership

Mr. Beauchamp made a motion to appoint John K. O'Shaughnessy to the Northern Neck – Chesapeake Bay Region Partnership as a representative for Lancaster County.

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| VOTE: | B. Wally Beauchamp | Aye |
| | Donald O. Conaway | Aye |
| | Patrick G. Frere | Aye |
| | F. W. Jenkins | Aye |
| | Cundiff Simmons | Aye |

ADJOURNMENT

Motion was made by Mr. Conaway to adjourn the meeting to February 14, 2002 at 7:00 p.m. in the General District Courtroom to meet with the Town Councils of White Stone and Kilmarnock to discuss their concerns about the 2001 redistricting.

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| VOTE: | B. Wally Beauchamp | Aye |
| | Donald O. Conaway | Aye |
| | Patrick G. Frere | Aye |
| | F. W. Jenkins | Aye |
| | Cundiff Simmons | Aye |