

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, February 26, 2004.

Present: Patrick G. Frere, Chair
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: Paul Lee, Robinson Farmer Cox Association; Joe Staton, C.C. Burgess, and Robert Harper, Virginia Department of Transportation; Jack Larson, Planning/Land Use; Glenn Rowe, General Services; Anna Lee Haynie, Treasurer; John Morris; Robb Hoff, Rappahannock Record

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

PUBLIC INPUT

Mrs. Diana Ryan stated she owns property next to the Rappahannock Pistol & Rifle Club, Inc. located on Blueberry Point Road in White Stone, Virginia and her rights were being infringed upon. The assessment on residential properties near the Rappahannock Pistol & Rifle Club, Inc. has greatly increased while the property values have decreased. She stated some of her other concerns are the noise level, safety issues, lack of utilities, liability insurance, and land ownership and usage.

Mrs. Ryan asked the Board of Supervisors to investigate and enforce the county ordinances.

PRESENTATIONS

1. Robinson Farmer Cox Association – Audit Review – Mr. Paul Lee said this is the first year under the new GASB 34 format. He discussed the FY03 audit and stated on the balance sheet (exhibit 3) the general fund balance is \$1.2 million which is up approximately by \$600,000 from the previous year. The tax collection for Lancaster County this year was 99.6%.

VIRGINIA DEPARTMENT OF TRANSPORTATION

District Tours

Mr. Staton said he has given Mr. Geilich a tour of his district and has an appointment to give Mr. Palin a tour of his district.

VSH 611/VSH 614

Mr. Staton stated the trucks signs have been erected on Route 611 and Route 614 to warn that there is no turn-around at the Merry Point Ferry.

Lively Caution Light

Mr. Staton stated the contractor will start erecting signal lights soon and hopefully they would soon be able to install the caution light in Lively.

Hurricane Isabel

Mr. Staton said approximately one million dollars was spend on Lancaster County for trees, limbs, and bush removal from Hurricane Isabel.

Pot Hole Repair

Mr. Staton said the repair of pot holes would begin soon in Lancaster County and for citizens to call to report pot holes to the local highway department.

VSH 622 (Morattico Road)

Mr. Palin thanked Mr. Staton for the quick response to a concern from a citizen on VSH 622 Morattico Road, near Mitchell's Store, about the number of accidents near her property. She was satisfied.

Abandon VSH 1107 (Lee Circle)

Mr. Pennell stated the Board of Supervisors previously indicated its agreement to abandon VSH 1107 (Lee Circle) and remove it from the secondary system of highways. The entire 1/20 mile of a cul-de-sac whose surrounding real estate has been purchased by one individual. The owner has asked the Board of Supervisors to abandon the right-of-way as he intends to merge to previously subdivided lots.

Mr. Jenkins made a motion to approve the following resolution:

ABANDON VSH 1107 (LEE CIRCLE)

WHEREAS, a public notice was posted as prescribed under Section 33.1-151 of the Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of road described below from the secondary system of state highways, and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road, and

WHEREAS, after considering all evidence available, the Lancaster County Board of Supervisors is satisfied that no public necessity exists for the continuance of the section of Secondary Route 1107 (Lee Circle) from Route 1102 (Lancaster Creek Drive) to the dead end, a distance of 0.05 miles, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, the Lancaster County Board of Supervisors abandons the above described section of road and removes this section of road from the secondary system of state highways, pursuant to Section 33.1- 151 of the Code of Virginia, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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

CONSENSUS DOCKET

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

A. Minutes for January 27, 2004 and February 2, 2004

Recommendation: Approve minutes with amendments

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

B. Abstract of Votes – Democrat Primary – February 10, 2004

Recommendation: Accept Abstract of Votes

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

C. Resolution in Support of Mid-Rivers Cancer Center

Recommendation: Adopt the following resolution:

**IN SUPPORT OF
MID-RIVERS CANCER CENTER**

WHEREAS, cancer is a leading health concern across the nation; and

WHEREAS, the cancer incidence rate and cancer death rates in Lancaster County and the surrounding areas are above the state average; and

WHEREAS, radiation therapy is proven to be an effective treatment modality for many forms of cancer; and

WHEREAS, residents of Lancaster County and surrounding areas do not have reasonable access to radiation therapy services; and

WHEREAS, cancer patients in our community must drive significant periods of time to reach radiation therapy providers in other planning districts; and

WHEREAS, radiation therapy requires an average of 25 treatment visits over an average of 5 weeks; and

WHEREAS, these repeated long-distance commutes are a hardship for cancer patients and their families; and

WHEREAS, Christopher Walsh, M.D. has proposed establishing the Mid-Rivers Cancer Center to provide radiation therapy at a location far closer to the homes and workplaces of the community's cancer patients.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors expresses its strong support for the certificate of public need application of Mid-Rivers Cancer Center to establish a center for radiation therapy in the Northern Neck at Montross, Virginia.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Abstain
	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 February 2004 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the Salaries for February 2004 in the amount of \$138,446.56 and Invoice Listings for February 2004 in the amount of \$445,536.75.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye

F. W. Jenkins, Jr. Aye
Ernest W. Palin, Jr. Aye

2. VDOT Revenue Sharing – Avis Trail – Mr. Larson said under the VDOT Revenue Sharing Program, the County is required to match state funds on an equal basis. It is intended, however, that any County liability will be completely underwritten by Mr. Jackie Morris, who owns the property at the end of Avis Trail, or any party to whom the property is transferred. Mr. Morris has submitted a letter which serves as a binding commitment and would be guaranteed by a performance bond secured. No funds would be disbursed until the project is complete. The total estimate of \$165,000 is, according Carter White, VDOT, approximately 15-20% above what he feels will be required. Mr. White believes that the project could be completed by November 1, 2004. The only perceivable risk to the county would occur if the actual cost exceeds even the \$165,000. We would then have to fall back on the commitment letter to secure additional funds from Mr. Morris or his successor. Also, if completion of the project runs beyond December 31, 2004 an extension of the bond would be required to insure that funds would be available. As a condition of approval, we may want to at the outset increase the size of the bond and/or extend the period of time that we can draw from it.

Mr. Palin made a motion to approve the Virginia Department of Transportation “Revenue Sharing Program” – Avis Trail and adopt the following resolution:

A Resolution to Adopt a Plan for the use of FY2004-2005 Primary and Secondary Roads Revenue Sharing Program

Avis Trail

WHEREAS, it is the desire of the Lancaster County Board of Supervisors to support improvements to the primary and secondary roads within Lancaster County; and

WHEREAS, the Lancaster County must notify the Virginia Department of Transportation by March 1, 2004 of the proposed use of funds under the Primary and Secondary Roads Revenue Sharing Program; and

WHEREAS, public funds put forth by the County will be reimbursed by agreement with private party.

NOW THEREFORE, BE IT RESOLVED by the Lancaster County Board of Supervisors that the following secondary road improvement project is hereby requested for inclusion in the FY 2004-05 Primary and Secondary Roads Revenue Sharing Program:

Avis Trail -- \$82,500

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

3. Waiver of Fees – White Marsh United Methodist Church – Mr. Larson stated the Rappahannock District of the United Methodist Church is in the process of settling the real property associated with the White Marsh United Methodist Church. The District Superintendent has requested the Board of Supervisor’s consideration in waiving zoning and subdivision fees. White Marsh Church is in Voting District 2.

Mr. Larson said White Marsh United Methodist Church has been dissolved as a church. The Rappahannock District, which is responsible for the property, wishes to set the cemetery off from the church building by subdividing the current single parcel into two parcels, church and cemetery. The reason is that

it is necessary, henceforth, to administer the cemetery separate from the church. Since there are graves in close proximity to the church building, a side setback variance will be required from the Board of Zoning Appeals to subdivide as is felt necessary. Total fees that would otherwise be assessed are \$340 (\$250, Request for Variance and \$90, Subdivision Application).

Mr. Palin made a motion to waiver the zoning and subdivision fees for White Marsh United Methodist Church.

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

4. Treasurer's Request for a Salary Supplement – Anna Lee Haynie stated she has hired a new employee to replace Shirley Haynie who retired at the beginning of this year. Mrs. Haynie said she has hired a qualified replacement who has worked with the Lancaster Sheriff's Office for five years and will bring knowledge of the county and its citizens which will be helpful in the treasurer's office. Her current salary is \$20,398.00 which is slightly higher than the Treasurer's starting salary of \$19,093.00 authorized by the Virginia Compensation Board. The difference in the salary is \$1,305.00 annually.

Mr. Haynie is requesting that the Board of Supervisors allow the Treasurer a starting salary of \$20,398.00.

Mr. Beauchamp made a motion to approve the Treasurer's request for an annual salary supplement in the amount of \$1,305.00 for the new employee.

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

5. Joint Planning Session – Mr. Larson said at the February 19, 2004 regular meeting, the Planning Commission asked for a joint planning work session with the Board of Supervisors.

Mr. Larson stated the pace of requests for rezoning to R-2, Residential is accelerating with indications that it will continue to do so. It is apparent that a Planned Unit Development Ordinance or some other vehicle for addressing many of these requests is necessary. Members of the Planning Commission expressed the view that it would be helpful to meet with the Board of Supervisors to discuss the general direction that development should go in the county as well as the means by which it should be managed. The Chairman of the Planning Commission directed that he request the Board’s consideration in scheduling such a meeting as early as April 2004 to discuss the direction the county would like to go.

Mr. Frere suggested having a planning consultant attend the meeting to assist.

Mr. Pennell said Edward T. McMahon would be a good choice.

By consensus of the board, a Joint Planning Session will be scheduled during the Board of Supervisors retreat to be held in April or May of this year.

6. Plastic and Scrap Metal Recycling – Mr. Rowe said during the past few years, a number of Lancaster County citizens have expressed concern over the county’s

lack of a plastic recycling program. Most of the citizens are aware that Lancaster County has trailed behind other localities in starting a plastic recycling program citing the need for a more cost effective means collecting and hauling this very lightweight material.

In the period since the Board last considered this subject, there has been little or no change in the post-consumer plastic market. The opportunity to generate revenue is typically limited to those who sell in bulk to the end users who manufacture products from the recovered plastic. In this business, bulk is defined as 800-1,200 pound bales in truckload quantities.

In terms of annual operating expenses, maximum cost effectiveness can only be achieved through establishment of a baling operation similar to the county's current system for recycling cardboard. However, the tens of thousands of dollars necessary to fund such a project would be difficult to justify without an extraordinarily high volume of recycled plastic. The equipment required to implement a baling system would include either a horizontal baler or a very heavy duty downstroke baler, a building to house the baler and store the bales prior to shipment, a loading platform, an appropriate number of containers to be deployed at each site for the collection of plastic and a medium duty pickup truck to transport the containers from the remote sites to our baling facility. The host refuse site would most likely have to be enlarged to accommodate the new equipment and the electrical service would have to be upgraded to three phase service.

The Board of Supervisors thanked Mr. Rowe for the presentation. No action was taken pending further budget work sessions and other, less expensive alternative that may arise in the future.

7. 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 \$23,888.00 for work performed on the high school roofing project.

Mr. Beauchamp made a motion to approve the expenditures and appropriate \$23,888.00 from the Capital Improvement Account to the General Fund to cover the expenses.

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

BOARD REPORTS

Rappahannock General Hospital Update

Mr. Geilich stated the board has appointed him as liaison for Rappahannock General Hospital and he met with Jim Holmes. The closing of the obstetrics unit at the hospital is a very involved business decision by the hospital board of directors. There is nothing the County can offer as assistance at this time.

Litter Pick Up

Mr. Beauchamp stated he has talked with Sheriff Crockett about inmates and weekenders picking up litter. The sheriff does not have the inmates or weekenders to accommodate this project at this time.

Appreciation

Mr. Palin said he wanted to thank the board and administrative staff for the beautiful floral arrangement and card sent to his family during their time of bereavement.

Appointment

Mr. Frere made a motion to appoint Richard S. Krolak to the Lancaster County Board of Equalization of real estate assessments as a representative for District 4.

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

COUNTY ADMINISTRATOR

Board of Equalization

Mr. Pennell stated he has received a letter from the Circuit Clerk appointing all five members to the Board of Equalization.

Budget

Mr. Pennell said he received a request from VACo and Isle of Wright County to appeal to the General Assembly to find some compromise to approve the state's next biennium budget. He requested some direction from the board. Should Lancaster County support the House of Delegates budget or the Senate's budget?

By consensus of the board, not to act upon the matter at this time.

CBLAD Report

Mr. Larson reported on a recent meeting with CBLAD in Richmond concerning our revised Chesapeake Bay Protection Ordinance. Members present voted to recommend to the full Chesapeake Bay Local Assistance Board (CBLAB) that our ordinance be found inconsistent with state regulations because of our policies on encroachment into the 100' protective buffer and septic tank maintenance. They further stated that they would recommend referring the matter to the Attorney General if we did not take action to become consistent.

CLOSED MEETING

Motion was made by Mr. Frere to enter into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are Acquisition of Real Property. The purpose of the closed meeting is to discuss the acquisition of Real Property, §2.2-3711.A.3 of the Code of Virginia. The subject and purpose falls within the following exemptions under §2.2-3711.A of the Code of Virginia.

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

RECONVENE

Motion was made by Mr. Jenkins to reconvene open session.

VOTE: Patrick G. Frere Aye
B. Wally Beauchamp Aye
Peter N. Geilich Aye
F.W. Jenkins, Jr. Aye
Ernest W. Palin, Jr. 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 Real Property, §2.2-3711.A.3 of the Code of Virginia and Consultation with legal counsel, §2.2-3711.A.13 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3711.1 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. Frere to certify the closed meeting. A roll call vote was taken:

VOTE: Patrick G. Frere Aye
B. Wally Beauchamp Aye

Peter N. Geilich	Aye
F.W. Jenkins, Jr.	Aye
Ernest W. Palin, Jr.	Aye

This certification resolution is adopted.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn the meeting to March 9, 2004 at 6:00 p.m. for a Joint Board budget work session at the School Board Office Conference Room.

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