

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, April 28, 2005.

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

Others

Present: Jack Larson, Planning/Land Use; Carter White, Virginia Department of Transportation; Joanne Smith, Middle Peninsula Juvenile Detention Commission; Robb Hoff, Rappahannock Record

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

**PUBLIC INPUT**

None

**PRESENTATION**

Merrimac Juvenile Detention Center

Ms. Joanne Smith, Executive Director, Middle Peninsula Juvenile Detention Commission – Merrimac Center stated the center serves 18 localities and has 48 beds. There are approximately 750 admissions per year. The juvenile detention center houses youth from 7 – 17 years of age and placed there under court order for anything from

skipping school to murder. There are no niceties such as television, video games, or radio. The center offers a complete educational program with six teachers and each youth must attend the educational program. The youth get credit for being in school, prepare for SOL testing, and work toward getting their GED. Other services provided are crisis intervention, substance abuse education, group and individual counseling, and other specialized programs. There has been a decrease in numbers for Lancaster County admission and detention days but these trends can change very quickly depending upon events in each locality.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mr. White stated there is a lot of paving being done around the county.

Mr. White said the Avis Trail project is finally completed.

Mr. White stated mowing will begin around May 16, 2005. The trash will be picked up on the primary system prior to the first mow.

Mr. Geilich stated the inmates are doing a great job on VSH 695/Windmill Point Road with trash pick up.

Mr. White said according to state law inmates are not allowing to work within 500' of a house and not around an intersection. The inmates are used as often as they can; however, not as often as they like because of the restriction.

1. Welcome Carter White, New Resident Engineer - Mr. Jenkins welcome Mr. White into his new position as Resident Engineer for the Warsaw Residency.
2. Replacement for Merry Point Ferry – Mr. Pennell stated at the March 2005 meeting of the Lancaster County Board of Supervisors, the members asked that he prepare a resolution asking the Virginia Department of Transportation to replace

the existing two-car Merry Point Ferry with an updated four-car ferry. The resolution will be sent to the Commissioner of the Virginia Department of Transportation for consideration by the Commonwealth Transportation Board.

Mr. Palin made a motion to adopt the following resolution for Merry Point Ferry Replacement:

**MERRY POINT FERRY REPLACEMENT**

**WHEREAS**, Lancaster County is proud to have one of only two free, cable ferries in the Commonwealth of Virginia; and

**WHEREAS**, the Merry Point Ferry provides alternative transportation access to the Corrottoman Peninsula of Lancaster County; and

**WHEREAS**, the Merry Point Ferry provides a tourism attraction as an economic development opportunity to Lancaster County; and

**WHEREAS**, the Merry Point Ferry provides a segue between two Scenic By-ways in Lancaster County; and

**WHEREAS**, the present two-car ferry is old and replacement parts must usually be manufactured since they are no longer maintained in a replacement part supply; and

**WHEREAS**, the population of and tourism in Lancaster County has grown remarkably in the past decade; and

**WHEREAS**, a larger, four-car ferry would better serve Virginia's citizens and visitors at a minimum of additional cost.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors expresses its appreciation to the Virginia Department of Transportation for providing and maintaining the Merry Point Ferry; and

**BE IT FURTHER RESOLVED**, that the Lancaster County Board of Supervisors asks the Virginia Department of Transportation to replace the aging two-car ferry with an up-dated four-car ferry in the near future.

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

3. VDOT Revenue Sharing – Town of Kilmarnock – Mr. Pennell said at the January 25, 2005 meeting of the Board of Supervisors, the members adopted a resolution asking the Virginia Department of Transportation to approve Revenue Sharing Funds to support projects planned in the Town of Kilmarnock.

Mr. Pennell stated the Virginia Department of Transportation has notified Lancaster County that additional Revenue Sharing Funds are available to localities for qualifying projects. The Kilmarnock Town Council has asked the Lancaster County Board of Supervisors to modify its previous resolution to request a minimum of \$1,000,000 to a maximum of \$1,300,000 in Revenue Sharing Funds.

Mayor Mike Robertson stated he appreciated the Lancaster County Board of Supervisors continued support.

Mr. Hill made a motion to adopt the following resolution to Request Revenue Sharing Funds for Fiscal year 2005-2006 for the Town of Kilmarnock

Main Street Streetscape Improvements in which the town will reimburse as agreed:

**REQUEST FOR REVENUE SHARING FUNDS  
FOR FISCAL YEAR 2005-2006**

**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 Board of Supervisors must notify the Virginia Department of Transportation by July 22, 2005 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 the Town of Kilmarnock; and

**WHEREAS**, the Town of Kilmarnock has budgeted \$1,300,000 of local funds available for streetscape in its Main Street project.

**NOW THEREFORE, BE IT RESOLVED** by the Lancaster County Board of Supervisors that the following enhancement project is hereby requested for inclusion in the FY 2005-06 Primary and Secondary Roads Revenue Sharing Program:

Town of Kilmarnock Main Street Streetscape Improvements - \$1,300,000  
Revenue Sharing Funds requested (further described on attached project list).

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

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

4. Accept Tabbs Choice Road into Secondary System of Highways – Mr. Pennell said the Virginia Department of Transportation asked the Lancaster County Board of Supervisors to accept Tabbs Choice Road into the Secondary System of Highways.

Mr. Geilich made a motion to adopt the following resolution to accept Tabbs Choice Road into the Secondary System of Highways:

**TABBS CHOICE ROAD**

**WHEREAS**, the Board of Supervisors has this day decided to establish as part of the State Secondary System of Highways the following roads in the Tabbs Creek Subdivision in the White Stone Magisterial District.

Street Name:	Tabbs Choice Road
From:	Route 643
To:	Dead End
Length:	0.19 miles
Right-of-Way:	50'

**WHEREAS**, the plats conveying the necessary clear and unencumbered 50' right of way along with the required drainage easements were duly recorded in the Clerk's Office of Lancaster County on October 10, 1989 in Plat Book 1, Pages 46-49.

**NOW, THEREFORE, BE IT RESOLVED**, the Lancaster County Board of Supervisors hereby guarantees the said clear and unencumbered 50' right of way and drainage easements and requests the Department of Transportation, pursuant to Section 33.1-229 of the Code of Virginia, as amended, accept.

Street Name:	Tabbs Choice Road
From:	Route 643
To:	Dead End
Length:	0.19 miles
Right of Way:	50'

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

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

**PUBLIC HEARING**

1. Firefighters Sixteen Years of Age or Older – Mr. Pennell stated at the March 31, 2005 meeting of the Board of Supervisors, the members authorized the advertisement and consideration of an ordinance to permit persons sixteen years of age or older to participate fully in volunteer fire company activities.

Mr. Pennell said, currently firefighters between the age of 16 and 18 are restricted in what they are permitted to do with their volunteer fire companies. The General Assembly has provided enabling legislation to permit a county to

authorize these persons to participate fully in firefighting activities if the person if the person has completed certain training administered by the Virginia Department of Fire Programs. Representatives of local volunteer fire companies have asked the Board of Supervisors to consider adopting this ordinance.

Mr. Geilich asked if the county has any liability with minors being placed in this role.

Mr. Pennell stated no and there is a specific part of the enabling legislation that absolves governing bodies of liability.

Mr. Hill asked has any other surrounding counties adopted a similar ordinance. Fire Department representatives at the meeting were unable to answer the question.

Mr. Jenkins stated this was recently passed by the General Assembly and reasonably new.

Mr. Palin asked if youth were already allowed to be apart of the volunteer fire department and having a limited role.

Chief Beckham stated they have a limited role, which is to clean the trucks, building maintenance and exterior firefighting.

Mr. Pennell stated parental consent is required.

Mr. Beauchamp asked Chief Beckham approximately how many youth are interesting in participating with the volunteer fire departments.

Chief Beckham said there one at the Upper Lancaster and not sure about the other two stations. He stated if the youth are not given any responsibilities, they will not join and they need young people to become volunteer firefighter.

Mr. Beauchamp made a motion to adopt the following ordinance to permit persons 16 years of age or older to participate fully in activities of a Volunteer Fire Department.

**FIREFIGHTERS SIXTEEN YEARS OF AGE OR OLDER**

The Lancaster County Board of Supervisors hereby ordains, that pursuant to the authority of section 40.1-79.1 Code of Virginia, the county hereby authorizes any person sixteen years of age or older, with parental or legal guardian approval, to work with or participate fully in all activities of a volunteer fire company, provided such minor has attained certification under National Fire Protection Association NFPA 1001, Level One, fire fighter standards, as administered by the Virginia Department of Fire Programs.

Any trainer or instructor of such minor or any member of a paid or volunteer fire company who supervises such minor shall be exempt from the provisions of section 40.1-103 Code of Virginia, provided the volunteer fire company has purchased insurance which provides coverage for injuries to, or the death of, such minor in the performance of activities under this section.

This ordinance is effective April 29, 2005.

**ROLL CALL**

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

**CONSENSUS DOCKET**

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

A. Minutes for March 31, 2005

Recommendation: Approve the minutes

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

B. Older Americans Month

Recommendation: Adopt the following resolution:

**OLDER AMERICAN’S MONTH  
SENIOR CENTER WEEK**

**WHEREAS**, more than 47 million Americans are 60 years old or older. In Lancaster County, there are 4,215 citizens who are 60 years old or older. During Older American’s Month, senior citizens are honored for enriching and strengthening their communities, and a pledge is made to continue working to enhance their quality of life; and

**WHEREAS**, this year’s theme, **Celebrate Long-Term Living**, reflects that seniors are healthier and living longer, are working beyond traditional retirement age, volunteer their time toward worthy community causes, and are striving to live independently longer; and

**WHEREAS**, older Americans help others to understand the past. They teach the meaning of courage, selflessness, respect, endurance, family, community, responsibility, patriotism, service and love. Older Americans serve as role models.

**NOW THEREFORE BE IT RESOLVED**, the Lancaster County Board of Supervisors hereby proclaims May 2005 as Older Americans Month; and

**BE IT FURTHER RESOLVED**, the Lancaster County Board of Supervisors hereby proclaims the week of May 8 – 14, 2005 as Senior Center Week.

**BE IT FURTHER RESOLVED**, the Lancaster County Board of Supervisors commends older Americans for the contributions they make to our communities. It further commends those agencies, organizations, care providers, caregivers, and volunteers who work on behalf of senior citizens. It encourages all to honor their elders and publicly reaffirm the commitment to older Americans during this month and throughout the year.

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

C. Support for Senior Housing Project

Recommendation: Adopt the following resolution:

**HOUSING FOR THE ELDERLY**

**WHEREAS**, Bay Aging is submitting an application for funding to the U.S. Department of Housing and Urban Development Section 202 Supportive

Housing for the Elderly Program for the purpose of building and operating 19 apartments in the Town of Kilmarnock, Virginia, for persons 62 years of age or older; and

**WHEREAS**, studies have substantiated the need for such housing in Lancaster County; and

**WHEREAS**, housing of this type will have a substantial positive impact upon the housing needs of the community; and

**WHEREAS**, it is a goal of the Lancaster County Board of Supervisors to assure an adequate supply of affordable, appropriate housing for all citizens of the County.

**NOW, THEREFORE, BE IT RESOLVED** that the Lancaster County Board of Supervisors hereby endorses the application of Bay Aging for funding through the U.S. Department of Housing and Urban Development Section 202 Supportive Housing for the Elderly Program.

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

D. Adoption of the FY 06 School Board Budget

Recommendation: Adopt Resolution

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of April 2005 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the Salaries for April 2005 in the amount of \$155,558.19 and Invoice Listings for April 2005 in the amount of \$473,792.08.

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

2. White Hall Farm Subdivision – Final Plat Approval – Mr. Larson said as required by Article 3-7 of the Subdivision Ordinance, a subdivision of this size (six or more lots) must be presented to the Board of Supervisors for its approval or disapproval. The proposed subdivision is off VSH 625, Whitehall Road, and VSH 689, Courtney Road in Voting District 1.

Mr. Larson stated the plat was presented for consideration at the March 31, 2005 regular meeting of the Board of Supervisors as a preliminary sketch. Finalization of the subdivision very nearly approached that of a preliminary plat, with the exception of covenants and a traffic impact study. Covenants have been prepared, reviewed, and found acceptable with modification. A traffic impact study has been performed as evidenced by the signature of the VDOT resident engineer. No other issues were raised at the March 31, 2005 meeting. All requirements for final plat approval have been met as evidences by the checklist with exception of a performance bond.

Mr. Beauchamp stated he would not discuss this matter or vote because of a potential Conflict of Interest.

Mr. Jenkins made a motion to Approve Final Plat for White Hall Farm Subdivision contingent on posting of a sufficient performance bond for completion of the subdivision street.

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

### **BOARD REPORTS**

Mr. Hill stated he has concerns and believes there maybe a misunderstanding of public input verses public hearing. There were a number of citizens and/or school employees who were a little dismayed with how quickly the school board public hearing was conducted.

Mr. Jenkins said he asked a number times for public comments with no one responding and closed the public hearing.

### **COUNTY ADMINISTRATOR**

Mr. Larson stated the Planning Commission has been asked to move ahead with the required review of the Comprehensive Plan. They are asking the Board of Supervisors to authorize a Request for Proposal to obtain a contractor to help in the updating process, which is done every five years.

Mr. Palin made a motion to advertise a request for proposal to obtain a contractor to assist with updating the Comprehensive Plan.

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

Mr. Pennell stated he met with Dr. Latimore and Tim Guill and three architect engineering firms to select one to do a study on the repairs on the capital improvement program. He said one firm was selected and contracting arrangements will proceed.

Mr. Beauchamp asked about status of the placement of a generator at the high school.

Mr. Pennell stated that was discussed and has a draft work up that Mr. Guill provided. He believed they need to go with a request for proposals or possibly use Mosby West, who designed the generator at the Sheriff's Office.

**ADJOURNMENT**

Motion was made by Mr. Beauchamp to adjourn the meeting to Wednesday, May 4, 2005 at 4:00 p.m. in the General District Courtroom for a School Board, County Department Heads, and County Agencies Budget Work Session.

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