

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, July 26, 2012.

Members Present: B. Wally Beauchamp, Chair
 F.W. Jenkins, Jr., Vice Chair
 Ernest W. Palin, Jr., Board Member
 Jason D. Bellows, Board Member
 William R. Lee, Board Member

Staff Present: Frank A. Pleva, County Administrator
 Don G. Gill, Planning and Land Use Director

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

PUBLIC INPUT

Kilmarnock Volunteer Rescue Squad

Samantha Walton, President, Kilmarnock Volunteer Rescue Squad stated she wanted to speak on behalf of the squad and a number of members were present. She said she wanted to address the concerns brought before the board at the May 31, 2012 meeting by Mark Sowder and Jim Anderson. Mr. Sowder who was member but has since resigned from the KVRS stated “there need to be a fire and rescue organizational board because the system is broke with no direction”. The squad/system is not broken; in fact, they are very strong and committed volunteer EMS organization. She said since 1955 which is 55 years, the KVRS has provided the citizens of Lancaster County and lower Northumberland County with excellent pre-hospital care. KVRS consist of 40 active members, not including the lifetime, associate, and junior active members and one of the strongest squad in the Peninsula Emergency Services District. Mr. Ed Fuehrer, First Lieutenant has turned the facility into an American Safety and Health Institute Training

Center as a Director and Certified Instructor. He offers training to the public and the squad along with all other squads member interested in participating in the programs. Every month there is training through the Virginia Department of Health and unique specialty training prior to their monthly business meeting. Mr. Eric Brown makes himself available for individual members with one on one training, as well as course like CPR, EVAC, etc. Detail training is a key aspect for the KVRS members. The KVRS EMS receives up to date information, training hours necessary to meet the State of Virginia requirements for pre-hospital care. Their driver and attendants also receive training to maintain and improve their skills as needed. Contrary to Mr. Sowder's comments, the KVRS is not broken and their goal is and has away been to move forward and respect the care for the citizens. She stated Jim Anderson, previous President, however; resigned made comments that were untrue. One of the Mr. Anderson's concerns was that KVRS only has two Advance Life Support (ALS) members. She stated KVRS has four ALS providers and should an EMT-B access the additional care and support needed for ALS care dispatch will be notified to tone out for a volunteer ALS member. She said Dr. Sutherlin, OMD advised that our EMT-B's are trained above and beyond the norm for the State of Virginia. Should an EMT-B assess the need for ALS there is no hesitation requesting for help. It has become problematic that without discusses that Lancaster County EMS paid staff has been advised to self dispatch to the scene regardless of the need. This leaves the citizens of Upper Lancaster area without the personnel to respond to a 911 call. Mr. Anderson stated KVRS was refusing ALS support which is totally false. Many calls in their area do not justify ALS care. She provided the Board with the following status, they had 381 calls, 290 required hospital transports, 15% considered ALS support, average patient was 75-84 years of age, average response time was 15 minutes or less, and average transport distance from the building was 3 miles. They have had no complaints and receive many cards and letters of thanks. There are difference levels of EMT certification by the State which are met and exceeded by the KVRS.

Jamie Tomlin stated she has been an EMT since June 2011 assisting the citizens of Lancaster County. She could not believe the comments made by the two individuals at

the May 31, 2012 Board meeting. The KVRS has been running for 55 years and is not broken. Mr. Sowder is apparently resistant to change, there is not longer an Advance Cardiac Tech, and they are now called an EMT Immediate. She stated not every call is cardiac related. Mr. Anderson is an EMT Basic who never pursued to become an ALS and as Field Training Officer should know the difficulties of achieving such a certification. She said KVRS does not refuse advance care to patients when it is needed. She stated Dr. Sutherlin is a great Director and volunteers are the heart of the county.

PRESENTATION

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

County Maintenance

Mr. Brown said mowing has been completed on primary and secondary roads will be mowed next week with litter pick up.

Devils Bottom Bridge Work Update

Mr. Brown stated the work on the VSH 614/Devil's Bottom Road bridge work was on scheduled and the road will reopen mid August.

VSH 600/Courthouse and VSH 3/Mary Ball Road Site Distance Concerns

Mr. Brown said there was a concern with the site distance at the intersection of VSH 600/Courthouse and VSH 3/Mary Ball Road. There is one tree on the right-of-way that will be removed and the property owner has been contacted, however; has not give VDOT permission to do any work to date.

VSH 604/Merry Point Road and VSH 611/Hoecake Road Alignment Project

Mr. Brown said the intersection of VSH 604/Merry Point Road and VSH 611/Hoecake Road there will be a realignment project. The project should be completed by mid-November and will not interfere with Merry Point Ferry traffic.

Waverly Avenue Litter Pick Up

Mr. Bellows stated he has some complaints from citizens on Waverly Avenue with regard to litter. He asked about “No Litter” signage being placed on Waverly Avenue.

VSH 354/River Road Concerns

Mr. Jenkins stated approximately a year and half ago on VSH 201/White Chapel Road from Lively to VSH 354/River Road on the roads edge was under cut with rain run off and it’s happening again.

PUBLIC HEARING

1. Estate of Bertha G. Abbott and David and Nan Alga Deed of Easement of Right-of-Way Request – Mr. Pleva stated the estate of Bertha G. Abbott and David and Nan A. Alga are requesting that the Board of Supervisors grant a deed of easement of right-of-way approximately 0.1 mile long across county-owned property, which is now being used as a parking lot for the new Lancaster County Judicial Center, to Courthouse Road (VSH 600). The proposed deed of easement would memorialize a road across the aforementioned county property that has been in use for approximately 45 years and would thereby ensure future access to and egress from the properties of the estate of Bertha G. Abbott and now-owned by David and Nan A. Alga to Courthouse Road (VSH 600).

Mr. Pleva stated if the Board of Supervisors approves the deed of

easement of right-of-way request of the estate of Bertha G. Abbott and David and Nan A. Alga with the following conditions: (1.) given that neither the proposed deed of easement of right-of-way nor the accompanying plat of survey specifies the width of the easement, the width of said easement shall be delineated as fourteen (14) feet and this width shall be referenced in said deed and denoted on said plat; and (2.) the estate of Bertha G. Abbott and/or David and Nan A. Alga shall be solely responsible for all costs associated with any modifications to and recording of the deed of easement of right-of-way and the accompanying plat of survey.

Mr. Pleva said under Sections 15.2-1800 and 15.2-1813 of the *Code of Virginia, 19650, as amended*, the Board of Supervisors shall conduct a legally advertised public hearing before it can convey an interest in county-owned real property, including an easement of right-of-way like the one that is subject of this request.

Mr. Beauchamp stated he thought that the right-of-way and easement concerns were resolved when the county purchased the property.

Mr. Terry said the deed by which the county acquired that tract, has a specific reservation of an easement for the benefit of getting to what was Mrs. Abbott's home, which is now owned by David and Nan Alga. They wanted to make sure there was a grant to the owners. It has been there forever and the Alga's would like to have it memorialized. The 14 feet is a normal width when one is not specified in an easement. There are some safeguard included, so it will not be a burden on the county and insurance requirement which will be included under their homeowners insurance.

Chairman Beauchamp opened the public hearing.

Hearing none Chairman Beauchamp closed the public hearing.

Mr. Palin made a motion to Approve the deed of easement of right-of-way request of the estate of Bertha G. Abbott and David and Nan A. Alga with the following conditions: (1.) given that neither the proposed deed of easement of right-of-way nor the accompanying plat of survey specifies the width of the easement, the width of said easement shall be delineated as fourteen (14) feet and this width shall be referenced in said deed and denoted on said plat; and (2.) the estate of Bertha G. Abbott and/or David and Nan A. Alga shall be solely responsible for all costs associated with any modifications to and recording of the deed of easement of right-of-way and the accompanying plat of survey.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

2. Application for Special Exception – Ronald M. Ball (Individual Manufactured Home) – Mr. Gill presented an Application for Special Exception by Ronald M. Ball to place an individual manufactured home on a 1.012-acre recently subdivided portion of Tax Map #15-54. This property is zoned R-1, Residential General and is located behind 527 White Chapel Road (VSH 201) in District 2.

Mr. Gill stated Article 5-1-3 of the Zoning Ordinance requires a special exception for the placement of individual manufactured homes such as this (14 feet X 53 feet single wide). Previous similar approvals by the Board of Supervisors have been based on whether any legitimate concerns could be raised by adjacent property owners.

Mr. Gill said this property has approved septic and well sites under the Department of Health HDID Permit #151-09-0031. All front, rear and side

setbacks can be met. Similar types of manufactured homes exist in this neighborhood.

Mr. Gill stated this issue has been advertised and adjoining property owners notified as required by law. To date, there has been no response from the public.

Chairman Beauchamp opened the public hearing.

Hearing none Chairman Beauchamp closed the public hearing.

Mr. Palin made a motion to Approve the Application for Special Exception by Ronald M. Ball to place an individual manufactured home on a 1.012-acre recently subdivided portion of Tax Map #15-54 located behind 527 White Chapel Road (VSH 201).

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

3. Proposed Public Roadway Abandonment – Mr. Gill presented a proposal to abandon VSH 717 between VSH 622 (Morattico Road) and VSH 354 (River Road) in the Litwalton area in District 2.

Mr. Gill said Lloyd Bruce Medlin, Jr. and his father Lloyd B. Medlin, the owners of Tax Maps #6-94 and 6-93 respectively, which abut the proposed abandonment area, have requested this action. VSH 717 has been unused publicly since the intersection of VSH 622 (Morattico Road) and VSH 354 (River Road) was upgraded many years ago. During that time, the Medlins have also

maintained the triangular area owned by VDOT in between VSH 717 and VSH 622 (Morattico Road). The Medlins now seek to have that short section of unused public roadway abandoned and purchase the triangular area from VDOT to add to their respective properties. As the Medlins own both properties that abut the proposed abandonment area, no other parcels will be adversely affected.

Mr. Gill provided the Board with the correspondence from the Medlins, the proposed abandonment plat and the GIS map showing the location of the properties in relation to the area of the proposed abandonment.

Mr. Gill stated advertising and notification to the Commonwealth Transportation Board (CTB) has been done as required by Section 33.1-151 of the Code of Virginia, as amended. The CTB has responded with no objection to this request and has provided a sketch of the right-of-way VDOT intends to retain at this intersection. There has been no response from the public.

Mr. Brown, VDOT stated they have reviewed request and agreed with no objections.

Chairman Beauchamp opened the public hearing.

Hearing none Chairman Beauchamp closed the public hearing.

Mr. Palin made a motion to Approve the requested public roadway abandonment of VSH 717 between VSH 622 (Morattico Road) and VSH 354 (River Road) in the Litwalton area.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye

2. Lancaster County Public Schools – Request for Appropriation of Unexpended FY12 Funds for Lancaster Middle School Unit Ventilator Project to FY13 Capital Improvement Budget – Mr. Pleva said in the FY 2011-12 Capital Improvement Plan included \$80,000 for the Lancaster Middle School (LMS) Unit Ventilator Project. According to the Sue Salg, Director of Finance and John Mann, Director of Operations and Transportation, Riddleberger Brothers, Inc., was not able to complete the project prior to June 30, 2012. The company submitted a progress bill for 90% completion in the amount of \$69,502.50, which leaves a balance of \$7,722.50 that will be due upon project completion.

Mr. Pleva stated the reason for the delay in the completion of the project include Riddleberger Brothers, Inc. had an agreement with the Honeywell Service Department to incorporate these eight (8) units into the school’s current automated system, which is a requirement in the project contract. However, Honeywell has since changed its process so that Riddleberger Brothers now has to deal with Honeywell’s Sales Division. Also, Trane, which is the manufacturer of the LMS units, also failed to send one of the ventilator units on schedule. Despite the delays, the project is anticipated to be completed by August 17, 2012.

Mr. Jenkins made a motion to Approve the Request for Appropriation of Unexpended FY12 Funds for Lancaster Middle School Unit Ventilator Project to FY13 Capital Improvement Budget in amount of \$7,722.50 for completion of the project.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

3. Summer Duck Subdivision Road Bond Release – Mr. Gill presented a request to release the road bond issued for “Summer Duck Lane” and “Teal Lane” in the Summer Duck Subdivision located off Mosquito Point Road (VSH 641) in District 3.

Mr. Gill said a \$33,752.89 (plus accrued interest) cash bond is currently held by the County to guarantee the construction of these subdivision roads and the entrance onto Mosquito Point Road (VSH 641). Summer Duck Subdivision was recorded May 31, 1990. Subdivision roads approved in 1990 for subdivisions of this size were intended to be built to VDOT specifications and included in the secondary system of state highways. Since that time, the subdivision ordinance has been amended to allow private subdivision roads for subdivisions of this size. These roads were constructed soon after the subdivision was recorded, but never paved or taken over by VDOT. Now, twenty-two years later, this small bond amount would not cover the cost of upgrading these roads to VDOT specifications.

Mr. Gill stated the letter will be recorded and verifies that the Summer Duck Homeowners Association desires these roads to be private and that Lancaster County will be held harmless from any and all future claims associated with the maintenance, repair and replacement of these roads. In addition, the Summer Duck Homeowners Association will place the refunded bond amount in a maintenance fund for future upkeep of these roads. As a result, the bond can now be released.

Mr. Bellows made a motion to Approve the request to release the road bond issued for “Summer Duck Lane” and “Teal Lane” in the Summer Duck Subdivision located off Mosquito Point Road (VSH 641).

VOTE: B. Wally Beauchamp Aye

F. W. Jenkins, Jr.	Aye
Ernest W. Palin, Jr.	Aye
Jason D. Bellows	Aye
William R. Lee	Aye

BOARD REPORTS

Appointments

Mr. Lee made a motion to appoint George Crenshaw to the Lancaster County Wetlands Board as a representative for District 4 for an unexpired term ending June 30, 2013.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

Mr. Lee made a motion to appoint Joseph Curry to the Lancaster County Economic Development Authority as a representative from District 4 for an unexpired four-year term ending November 11, 2015.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

Clarification of School Appropriation

Mr. Bellows said he wanted to clarify that the cuts made to the school

appropriation were directed at excessive inefficient administration. He stated this Board has strong commitment to education in Lancaster County and he does not believe the school board or administration should direct any further cuts at instructional or support staff, or use other cost cutting gimmicks such as furloughs.

COUNTY ADMINISTRATOR

Proposed Ordinance for Methamphetamine Laboratory Cleanup

Mr. Pleva said during the 2012 session, the Virginia General Assemble adopted legislation that would allow localities to adopt local ordinances that would permit localities to recoup the actual out-of-pocket expenses associated with the cleanup of a methamphetamine laboratory.

Mr. Pleva asked the Board to consider adopting the proposed ordinance and if so, he would advertise for public hearing at the August 30, 2012 regular Board of Supervisors meeting.

By consensus of the Board, advertise and schedule public hearing on the proposed ordinance for the regular August 30, 2012 Board of Supervisors meeting.

Dominion Virginia Power – Lively Street Lights

Mr. Pleva stated he, Mr. Jenkins, Jeffrey Haywood, and Artie Ransone met with Dominion Virginia Power to discuss the outstanding bill for the Lively Street Lights. He said 30 years ago the county contracted with Dominion Virginia Power to make the light available for the Lively area. There is an arrearage of two and half years at a cost of \$7,300 - \$9,100. Mr. Haywood has raised \$1,000; Mr. Long with Dominion Virginia Power said they would waiver twelve months of late fees and the account will be suspended until this issue is resolved. If the service is discounted Dominion Virginia Power does not just turn off the light, but actually remove the entire fixture from the pole.

There will be a follow up meeting at some point to determine how this issue can be resolved.

Mr. Jenkins stated the first thing they are going to try is removing the eyes, to get the attention of the people. Giving the people an opportunity to see the difference and come up the funding. There are businesses that benefit from the lighting and have not paid. There are residents that have since passed away, left the property to family who does not live here and some homes are vacant.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye