

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, August 31, 2006.

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

Others

Present: Clifton Balderson and Robert Harper, Virginia Department of Transportation; Charles Costello, Friends of Lancaster County; Susanna Collins, Lancaster Community Library; Dawn Mahaffey and Debbie Harvey, Lancaster Department of Social Services; C. Jeffers Schmidt, Lancaster Commonwealth Attorney; Marty Shirilla; Lancaster County Sheriff Office; Jack Larson, Planning/Land Use; Ann T. Carter, Lancaster County Treasurer; Joan McBride, Rappahannock Record; Starke Jett, Northumberland Echo

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

**PUBLIC INPUT**

**County Health Insurance**

Dawn Mahaffey, Social Work Supervisor for Lancaster County Department of Social Services, stated she was representing a group impacted by the Board of Supervisors

decision to award the 2006-07 health insurance coverage as a Single Employee Trust (SET). She provided the board with a memorandum, along with supporting documentation of research for the board's review. She stated that the group has several concerns and specific questions about the Single Employee Trust and the action taken by the board when selecting and implementing the plan. She said the group believes they have the right to have their questions and concerns answered. Their concerns includes the following: 1) the reduction in coverage under the SET Plan, 2) the immediate financial impact of increased out-of-pocket expenses, and 3) the potential for fraud and abuse in SET Plans especially for those where sending financial contributions to an out of state bank account. There is a recommended five stage process for establishing self insurance plan and the group would like to know if the board followed those steps and whether other SET Plans not requiring out of state deposits were considered and evaluated prior to Board of Supervisors awarding the contract to American Benefits Administrative Services (ABAS). She understands that this group is well below the industry standard for a SET Plan, in terms of membership and they are wondering how the viability of such a small group was established and by whom. And, finally what guarantee does the county have that the stop/lost insurance is actually in place. What company is the Lancaster County Health and Welfare Benefit Plan stop/lost provider?

Martin Shirilla stated he is a county employee and would like to give the board a highlight of how the switch to the SET Plan has affected him. He stated last year he and his wife were paying an average monthly cost for health insurance coverage and maintenance drugs of \$655.00, however; this month he is paying \$865.00. He stated he along with every other employee did a detail health survey and providing this information to the insurance company so they could get their numbers together for the board and they were given an extra month. He stated he has a specialist he was seeing four times a year now he goes only twice a year and this specialist diagnosed him with Attention Deficit Disorder (ADD) at the age 45. He said he had to have his medication changed from a name brand that worked for him, back to a generic Ridalin which is not effective. He stated he will pay approximately \$942.00 in September for premium and maintenance drugs which will not include doctor visits or lab work. He stated he will need to pay

\$125.00 to see his specialist versus \$25.00. Why can't the Virginia Association of Counties (VACo) get together and work up a group plan, become part of a bigger group including the school system to get better group rates.

Debbi Harvey, Office Manager for the Department of Social Services stated in addition to the other concerns she has three additional concerns. She provided the board with her statement and attachments. She stated her first concern is that to date no one has received a written policy. Secondly, the U.S. Department of Labor has informed her that this is not an Employee Retirement Income Security Act (ERISA) Plan; therefore we have no federal rights or protection and the Virginia State Corporation Commission said we do not have any state rights or protection. Lastly, she was extremely alarmed as the county administrator stated there was no signed contract yet, even though we have sent over \$86,000 to Tampa, Florida over the last two months. As an employee and taxpayer, she would like to know where our money is being held, who has control over the money, how is it being protected against potential fraud and abuse? She asked to Board of Supervisors to meet with employees and answer questions.

Mr. Schmidt, Lancaster County Commonwealth's Attorney stated all of the Constitutional Officers and a great number of employees were available to show their support. He has concerns like the other county employees. His family feels their financial and physical health is in jeopardy. He provided the board with his statement and concerns.

## **PRESENTATION**

None

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

Request for a traffic signal at the intersection VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road

Mr. Balderson stated they still have not received the traffic signal study results for the intersection of James Jones Memorial Highway/Irvington Road.

#### Central Region

Mr. Balderson informed the board that they are now under the Central Region out of Richmond rather than the Fredericksburg District.

#### VSH 638/Blueberry Point Road

Mr. Balderson said the speed limit study of VSH 638/Blueberry Point Road has been completed and the 25 mph speed limit signs have been posted.

#### Taylor's Creek Project

Mr. Balderson stated that the Taylor's Creek Project was progressing along with no problems.

#### Wal-Mart Traffic Study

Mr. Beauchamp said a couple of months ago the board requested a traffic study about the impact of potential Wal-Mart traffic. He said the county has not received any study results.

Mr. Balderson stated he would ensure that the board would receive that information.

#### Speed Study Request/Town of Weems

Mr. Beauchamp stated he received a petition signed by 64 citizens requesting a speed study in the Town of Weems.

Mr. Jenkins stated there are legitimate concerns as traffic will be coming to Wal-Mart from three separate directions. Traffic will be coming from east on VSH 3, east & south on VSH 600, and from VSH 200 in Downtown Kilmarnock.

Mr. Jenkins asked VDOT to do a study on the configuration of the intersection at VSH 3/Mary Ball Road and VSH 600/Courthouse Road.

Mr. Jenkins said there has been an accident and number of near misses at the intersection of VSH 3/Mary Ball Road and VSH 620/Old Orchard Road.

#### Oak Point Drive

Mr. Pennell stated a resolution has been prepared to accept Oak Point Drive in the Oak Hill Subdivision into the secondary system of highway.

Mr. Palin made a motion to adopt the following resolution to accept Oak Point Drive in the Oak Hill Subdivision into the secondary systems of highways:

#### **OAK POINT DRIVE**

**WHEREAS**, the Board of Supervisors has this day decided to establish as part of the State Secondary System of Highways the following road in the Oak Hill Subdivision in the Mantua Magisterial District.

Street Name:	Oak Point Drive
From:	Route 671
To:	Dead End
Length:	0.28 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 September 16, 2004 in Plat Book 7, Pages 73B.

**NOW, THEREFORE, BE IT RESOLVED**, this Board doth hereby guarantee the said clear and unencumbered 50' right of way and drainage easements and request the Department of Transportation, pursuant to Section 33.1-229 of the Code of Virginia, as amended, accept.

Street Name:	Oak Point Drive
From:	Route 671
To:	Dead End
Length:	0.28 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
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

**PUBLIC HEARINGS**

1. Application for Special Exception, Individual Manufactured Home – Tynesha Davenport – Mr. Larson presented an application for special exception by Tynesha Davenport to place an individual manufactured home on property identified as Tax Map #13-142. The subject property is off VSH 618, Nuttsville Road, near Nuttsville, Virginia in Voting District 2.

Mr. Larson said Ms. Davenport has met all the requirements to place her home and has certified that she will occupy the home.

Mr. Larson stated that advertising as required by law has been conducted and adjoining property owners individually notified of this public hearing. To date, there has been no input from either adjoining property owners, however; another interested member of the public claim ownership of the deeded easement.

Mr. Larson said he did a thorough research on property ownership and found John Hill is in fact the property owner. Miss Davenport has a land installment contract, which is not normally recorded. There is a recorded easement, which was presented to the board.

Chairman Jenkins opened the public hearing.

JoAnne Veney-Mynatt stated that John Hill was granted an easement to “only” cut timber. She said she is the owner of the property as of March 1996.

Miss Davenport stated John Hill said he does have a right-of-way as recorded.

Mr. Geilich read the “registered deed of easement” he received from Mr. Larson granting easement on March 20, 1995 binding between Mrs. Laws, grantor and John B. Hill, grantee.

Mrs. Veney-Mynatt said the easement was amended, however; she did not have the documentation with her. She also stated the property was owned by both Mr. and Mrs. Laws and the deeded easement would not be valid if only Mrs. Laws signed the document.

Chairman Jenkins closed the public hearing.

Mr. Pennell suggested legal counsel and would put the two parties in contact with the Rappahannock Legal Aid Office.

Mr. Palin made a motion to Continue the Application for Special Exception, Individual Manufactured Home for Tynesha Davenport until the September 28, 2006 regular meeting.

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

### **CONSENSUS DOCKET**

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

A. Minutes for July 27, 2006

Recommendation: Approve the minutes.

B. Rural Additions – Subdivision Ordinance Changes

Recommendation: Forward the matter to the Planning Commission for its consideration.

C. Community Services Board – FY07 Performance Contract

Recommendation: Approve the FY07 Performance Contract for MP-NN  
Community Service Board

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of August 2006 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the Salaries for August 2006 in the amount of \$179,291.35 and Invoice Listings for August 2006 in the amount of \$784,131.22.

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

2. County Building – 201 School Street, Kilmarnock (formerly the YMCA Building)

– Mr. Pennell stated the YMCA has finally relinquished its occupancy of the county building located at 201 School Street, Kilmarnock, next door to the Lancaster Community Library. The Board of Supervisors received requests from three entities asking for consideration to lease the building, however; the Lancaster County Chamber of Commerce and the Middle Peninsula-Northern Neck Community Services Board have withdrawn their request for consideration.

Ms. Collins, Director of the Lancaster Community Library, stated they are still interested in utilizing the building. The building will be used as a home base for the story mobile staff as the library activities continue to grow.

Mr. Beauchamp made a motion to authorize the county administrator to advertise for public hearing for lease of a County Building – 201 School Street, Kilmarnock (formerly the YMCA Building) to the Lancaster Community Library.

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

3. High School Wastewater Repairs – Mr. Pennell stated recently, school administration forwarded additional invoices (Rancorn Wildman - \$5,128.15 and GET Solutions - \$1,841.00) for payment for work that has been completed on the high school’s wastewater repairs and canopy construction. These expenses have not yet received a supplemental appropriation from the Board of Supervisors.

Mr. Pennell said it appears that the engineering/architectural services have a contract price of \$42,400 but to date only \$34,528 has been appropriated by the Board of Supervisors for these services. He is uncertain if the October and January appropriations of \$6,900 and \$139.47 (included in the \$34,528) are part of the \$42,400 cost for Rancorn Wildman’s fees. It also appears there are “reimbursable expenses” as part of the contract that are outside the cost of the professional services. He said he was also unaware of the purpose for the GET Solutions invoice. He requested that a representative of the school administration/board be present to answer questions but no one is present.

By consensus of the board, defer this issue until the school administration/board is available to explain the expenses for appropriations.

4. Transfer of Capital Improvement Funds – County Cash Flow – Mr. Pennell stated he received a memorandum from the Treasurer describing the need for a cash advance to accommodate the county’s end of August/beginning of September financial needs.

Mr. Jenkins made a motion to ratify the county administrator’s transfer of \$864,000 from Capital Improvement Funds to the General Fund to provide the cash flow needed for the county’s end of month/beginning of month expenses.

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

5. 2006 Tax Anticipation Note - Mr. Pennell said in the past the board has agreed to permit him to solicit bids to provide a line of credit to be used in the event county expenditures exceed the fund balance plus income until tax receipts are received later this calendar year.

Mr. Beauchamp made a motion to Authorize the county administrator to solicit bids for a Tax Anticipation Note and coordinate with the county attorney to finalize the borrowing.

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

6. Request for Public Hearing – Kilmarnock Boundary Line Adjustment – Mr. Pennell stated the Town of Kilmarnock has requested that the Lancaster County Board of Supervisors consider a request for a boundary line adjustment agreement. A public hearing on this proposal is required if the Board of Supervisors is interested in considering the request.

Mr. Beauchamp made a motion to authorize the County Administrator to advertise for a public hearing at the September 28, 2006 regular monthly meeting of the Board of Supervisors for the proposed Kilmarnock Boundary Line Adjustment.

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

### **BOARD REPORTS**

None

### **COUNTY ADMINISTRATOR REPORT**

Mr. Pennell said there is a Virginia website with community profiles available to the public. He presented Mr. Beauchamp with a copy.

### **Lively Days**

Mr. Pennell stated that VDOT would have a booth at Lively Days on Saturday, September 2, 2006.

## Bike Path

Mr. Pennell stated the work to construct a bike path was still going forward, however; they were working on alternative plans to complete with the funding that is currently available. They have been informed that the cost per mile for a bike path is \$500,000.

Dr. Russell stated he would like to be apart of the discussion on the bike path issue.

## Reports Available

Mr. Pennell stated he had available a copy of the VACo 2006 Legislative Summary and Lancaster County Delinquent Tax Listing is any member is interested in reviewing either.

## **EXECUTIVE SESSION**

Motion was made by Mr. Geilich to enter into closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matter to be discussed in the closed meeting to be discussed in closed meeting is Personnel Matters, §2.2-3711.A.1 of the Code of Virginia. The purpose of the closed meeting is to discuss candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees. The subject and purpose falls within the following exemption(s) under §2.2-3711.A.1 of the Code of Virginia.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye

Ernest W. Palin, Jr. Aye

**RECONVENE**

Motion was made by Mr. Palin reconvene open meeting and certification of closed meeting.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	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 Personnel Matters for the purpose to discuss candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees in accordance with §2.2-3711.A.1 of the Virginia Freedom of Information Act;

**WHEREAS**, §2.2-3712 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. Geilich to certify the closed meeting.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number 1 and number 2 above? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure. There was no comment.

Hearing no further statement, Mr. Jenkins calls the question. A roll call vote was taken:

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

This certification resolution is adopted.

## **ADJOURNMENT**

Motion was made by Mr. Beauchamp to adjourn to Saturday, September 16, 2006 beginning at 8:00 a.m. for a retreat with the Kilmarnock, Irvington, and White Stone Town Councils to be held in the Conference Room of the Bay Trust building on Main Street, in Kilmarnock.

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