

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, April 25, 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: Jack Larson, Planning/Land Use; Carter White and C.C. Burgess, Department of Transportation; James Cornwell, County Attorney; Randolph Latimore, Valorie Hostosiky, Ernest Palin, Tim Guill, Sandra Walker, Joseph Wiggins, Carolyn Williams, Craig Kauffman, Sandra Spears, Merle Stables, Catherine Bush, Joan Gravatt, Lancaster County Schools; Diana Ryan; William Ryan; Dorloes Nundall; Dana Rowe; Joan Wenner, Northern Neck News; Robert Mason, Rappahannock Record

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

PUBLIC INPUT

None

PRESENTATION

1. Lancaster Primary School – Fully Accredited – Mr. Beauchamp stated The Lancaster Primary School has received full accreditation from the Virginia Standards of Learning Assessments.

Mr. Frere made a motion to adopt the following resolution.

**LANCASTER PRIMARY SCHOOL
FULL ACCREDITATION**

WHEREAS, the citizens of Lancaster County have a large investment in the youth of its community; and

WHEREAS, it is the students of the Lancaster County Schools that represent the future of this county, the commonwealth and the nation; and

WHEREAS, the Commonwealth of Virginia established the Standards of Learning in 1995 to increase student academic achievement; and

WHEREAS, in 1998, the testing of Virginia's students began to measure the effectiveness of the Standards of Learning; and

WHEREAS, it has been a long, hard process for individual schools to achieve full accreditation by virtue of the scores of their students on the Standards of Learning examinations; and

WHEREAS, the Lancaster Primary School was declared to be **Fully Accredited** by the Governor of Virginia.

NOW THEREFORE BE IT RESOLVED, by the Lancaster County Board of Supervisors that the students, faculty, staff and parents of the Lancaster Primary School are commended for their dedication, diligence and achievement in being fully accredited in the Virginia Standards of Learning assessments during the Spring 2001 Testing Cycle; and

BE IT FURTHER RESOLVED, that the Lancaster Primary School is a model by which other schools in the community, commonwealth and nation may emulate to achieve this high degree of recognition.

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

A framed copy of this resolution was presented to Mrs. Merle Stables, Principal of the Primary School.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. White stated that Mr. Staton was attending a financial meeting.

Mr. White said grass cutting on the primary highway is scheduled for May 6, 2002 and the contractor would be responsible for trash pick up on the primary routes.

Mr. Burgess stated the both the Sunny Bank and Merry Point Ferry were back in operation after routine maintenance.

VDOT Purchase of Right-of-Way for Route 3 Improvement – Mr. Beauchamp stated the board has received a letter from Mr. Orem of VDOT making an offer to Lancaster County to purchase sufficient right-of-way to make the 4-lane improvements of Route 3 across Lancaster County property at the social services/health department building.

Mr. Pennell said he would like authorization from the Board of Supervisors to advertise this sale of county property for public hearing at the May board meeting

Mr. Jenkins made a motion to authorize the county administrator to advertise for public hearing issue of sale of right-of-way to Virginia Department of Transportation.

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

PUBLIC HEARINGS

1. Virginia Energy Purchasing Governmental Association – Mr. Pennell stated the onset of energy deregulation within the Commonwealth has changed the structure of the former VACo/VML Virginia Power Steering Committee. The work of this group would now be conducted within the Virginia Energy Purchasing Government Association. Virginia law (section 15.2-1300) requires governing bodies to approve the agreement by ordinance. He said membership in this association would enable Lancaster County to obtain the lowest electrical rates available to Virginia’s governing bodies.

Mr. Beauchamp opened the public hearing but there were no comments from the public.

Mr. Frere made a motion to adopt the Virginia Energy Purchasing Governmental Association Joint Powers Association Agreement by ordinance as follows:

ORDINANCE

APPROVING JOINT POWERS ASSOCIATION AGREEMENT

WHEREAS, the VML/VACo Virginia Power Steering Committee (the “Committee”), composed of representatives of the Lancaster County Board of Supervisors and other local governments and political subdivisions of the Commonwealth, has for over several decades negotiated on behalf of such governmental units a standard form contract for their purchase of electricity supply and delivery service from Virginia Electric and Power Company (“Virginia Power”) as a sole source provider; and

WHEREAS, political subdivisions of the Commonwealth of Virginia are authorized under Virginia law to exercise jointly powers that they otherwise are authorized to exercise independently, and the terms and conditions of such authorization are currently set forth in Sections 15.2-1300, *et seq.* of the Virginia Code (the “Joint Powers Act”); and

WHEREAS, the Virginia Electric Utility Restructuring Act (the “Restructuring Act”) further authorizes municipalities and other political subdivisions in the Commonwealth to aggregate their electricity supply requirements for the purpose of their joint purchase of such requirements from licensed suppliers, and the Restructuring Act provides that such aggregation shall not require licensure; and

WHEREAS, the Virginia Public Procurement Act (the “Procurement Act”) exempts from its competitive sealed bidding and competitive negotiation requirements (the “Requirements”) the joint procurement by public bodies, utilizing competitive principles, of electric utility services purchased through member associations under the conditions set forth in the Procurement Act; and

WHEREAS, the Committee recommends that the aggregation and procurement of electric supply, electric delivery, and other energy-related services (“Energy Services”) be effectuated as provided in the Joint Powers Association Agreement, a copy of which is attached to and made part of this Ordinance (the “Joint Powers Agreement”), in

accordance with applicable provisions of the Procurement Act, such as the utilization of competitive principles pursuant to an exemption from the Requirements; and

WHEREAS, the Committee also recommends that the other services provided by the Committee to its members be effectuated as provided in the Joint Powers Agreement, with such services consisting of (i) assistance in implementing standard form contracts for the purchase of services from incumbent electricity utilities, (ii) education of members regarding electricity procurement issues, (iii) monitoring of legal and regulatory developments affecting the provision of electricity service to local governments, and (iv) hiring of consultants and legal counsel to assist in its provisions of the foregoing services (“Steering Committee Services”).

WHEREAS, it appearing to the Board of Supervisors of Lancaster County, Virginia that the joint procurement of the Energy Services pursuant to the Joint Powers Agreement and the provision of Steering Committee Services pursuant to the Joint Powers Agreement is otherwise in the best interests of the Lancaster County Board of Supervisors.

NOW, THEREFORE, BE IT ORDAINED that:

(1) Competitive sealed bidding and competitive negotiation for the procurement of Energy Services are not fiscally advantageous to the public because the procurement process for Energy Services must be flexible enough to respond to quickly changing market conditions in which energy prices can fluctuate considerably on a daily or even hourly basis.

(2) The aggregation and joint procurement of the Energy Services pursuant to the Joint Powers Agreement is hereby approved.

(3) The provision of Steering Committee Services pursuant to the Joint Powers Agreement is hereby approved.

(4) The Joint Powers Agreement and the performance of the terms and conditions thereof on behalf of the Lancaster County Board of Supervisors are hereby authorized and approved.

(5) The County Administrator is hereby authorized and directed to execute and deliver the Joint Powers Agreement on behalf of the Lancaster County Board of Supervisors in substantially the form presented to this meeting.

(6) The payment obligations the Lancaster County Board of Supervisors pursuant to the provisions hereof and the Joint Powers Agreement shall be subject to annual appropriation of requisite funds therefor by the Lancaster County Board of Supervisors.

(7) This Ordinance shall take effect immediately upon its adoption or passage.

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

2. FY 03 School Board Budget – Public Hearing – Dr. Latimore stated that the schools have been able to maintain small student/teacher ratio and the percentage of students passing the Standard of Learning test has increased. He said the proposed budget decrease by three staff members and 2% salary increase at no additional cost to locality.

Mr. Beauchamp opened the public hearing to take comment from the public.

Dana Rowe stated she is the mother of a special needs/handicapped child in Lancaster Middle School and she believes that the allocated state and federal funds should be put in a special category and used for special needs children.

Dolores Nundall asked about students who transfer from the school system and how are they counted. She stated that Lancaster County Schools has the lowest SOL scores of the surrounding counties. She said she would fight for the rights of the children, but believes that the salaries for the administrative staff are too high.

George Edwards stated that someone must be accountable for the money and the schools need to be more responsive to the people.

Mrs. Stables said teachers will leave the Lancaster County School system if they do not get a salary increase. The cost of health insurance continues to increase and the teachers and support staff need your help.

The public hearing was closed. The Board of Supervisors took no action on the FY03 Schools docket at this meeting.

CONSENSUS DOCKET

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

A. Minutes for March 28, 2002

Recommendation: Approved

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 April 2002 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries for April 2002 in the amount of \$130,237.06 and Invoice Listings for April 2002 in the amount of \$395,944.24.

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

2. Renewal of Special Exception for Individual Manufactured Home – Mr. Larson stated that Mr. Victor Lawyer was requesting renewal of a special exception granted by the Board of Supervisors on December 11, 1997 for placement of an individual manufactured home on property identified as Tax Map #6-51B. This property is in Voting District 2.

Mr. Larson said Mr. Lawyer is asking to place a singlewide home which would not meet the “by right” criteria. This request was approved originally by a vote of 4-0 with no opposition being raised. Mr. Lawyer will be required to have all necessary zoning, building and health permits to place this home.

Mr. Conaway made a motion to approve Mr. Lawyer’s request for Renewal of Special Exception for Individual Manufactured Home once all the necessary zoning, building and health permits are obtained.

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

2. Changes to the Zoning Ordinances – Mr. Larson stated that the Planning Commission has considered changes to the Lancaster County Zoning Ordinance increasing lot sizes and specifying maximum densities for cluster development in the A-1 (Agricultural Limited), A-2 (Agricultural, General), and R-1 (Residential, General) zoning districts.

Mr. Larson said the Planning Commission, at its March 21, 2002 regular meeting approved the attached draft changes to the Zoning Ordinances and forwarded them to the Board of Supervisors by a vote of 5 – 0.

At the direction of the Chairman of the Board of Supervisors, the issue is being docketed as a consideration item so that it may be discussed and further action taken as required prior to putting it to a public hearing.

There were two people present at the Planning Commission meeting to voice objections to the proposed changes. One person felt that increasing the lot size would present a hardship to persons of limited economic means who were trying to buy a home site. The other person felt that the changes would reduce the value of his property.

The question was also raised as to whether or not an economic impact assessment is required for these changes. Research into the issue revealed no requirement for an economic impact assessment. With respect to economic hardship, it was pointed out that cluster or creative development could significantly lower the cost of housing because of reduced cost of infrastructure

(e.g. fewer feet of road per unit, shared water, and shared sewage/septic).

Subsequent to the Planning Commission meeting, Mr. Larson received a visit from one other member of the public expressing concern as to the impact these changes would have on the value of his property.

The Planning Commission is proposing the changes as a means of preserving open space, an objective that is set forth in several places within the Comprehensive Plan. While minimum lot sizes would be substantially increased from current minimums, it is also the intent of these changes to provide incentive for cluster, or creative development that would allow for much higher density of development where provision was made for open space set-aside around the development. Cluster or creative development in A-1 and A-2 would be permitted to have a density of up to four housing units per acre (or higher with Board of Supervisors approval). Density of up to eight units per acre would be permitted in R-1. All cluster or creative development would require an approved master plan where such issues as overall acreage, roads, use of open space, water, and septic could be property documented.

You have also seen the comments of Mr. Jonathon C. Kinney, an Arlington, VA attorney who has followed this issue in the paper and has an interest. I believe we have allowed sufficient incentive for cluster development, but see merit in his other suggestions. I also appreciated his analysis and the time taken to provide it in writing.

Mr. Larson confirmed a number of concerns to take back to the Planning Commission are:

- 1) Family subdivision issue;
- 2) Rural village overlay and how that could tie in with the concept of the rural village; and

- 3) To have something in place about the Agricultural use in open space.

By consensus of the Board of Supervisors to bring this back to the meeting next regular board meeting after staff has had a chance to deal with some the questions raised in this matter.

BOARD REPORTS

Mr. Beauchamp stated he was informed by the Planning District Commission that a citizen appointment vacant.

Mr. Beauchamp asked Mr. Pennell to check with the surrounding counties to see what type of evaluation form was being use to evaluation the county administrator.

Mr. Beauchamp stated he attended a VACo Legislative Session last week in Gloucester and learned there were two Senate Bills (756 and 693); both are enabling legislation for countries to allow a county ordinance to provide courthouse security. The county may assess an additional \$5.00 court cost following a conviction in each criminal or traffic case in the District and Circuit Courts and impose a \$25.00 processing fee on any individual admitted to the county jail following conviction.

By consensus of the board to have the county administrator to see what needs to done to enact these ordinances.

Mr. Frere asked to have a resolution prepared for Keith Hogge, former Animal Control Officer.

Mr. Pennell stated that a resolution would be prepared, along with awarding Mr. Hogge a plaque for his 21 years of service.

COUNTY ADMINISTRATOR REPORT

Mr. Pennell stated he would like to advertise to fill two vacancies on the Northern Neck Regional Disabilities Services Board.

By consensus of the board Mr. Pennell will advertise for the Northern Neck Regional Disabilities Services Board.

APPOINTMENTS

Mr. Beauchamp stated that Congresswoman Davis has asked the Lancaster County Board of Supervisors to appoint four citizens to the Northern Neck Heritage Area Steering Committee.

Mr. Frere made a motion to appoint Shawn Donahue, R. Lee Stevens, Jr. and George E. Thomas, Jr. to the Northern Neck Heritage Area Steering Committee.

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

Mr. Conaway made a motion to appoint Mr. Frere to the Northern Neck Heritage Area Steering Committee.

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

CLOSED MEETING

Motion was made by Mr. Jenkins 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 the Town of White Stone Redistricting Plan and a request by the Commonwealth’s Attorney for the county to fund his previous retirement credit. The purpose of the closed meeting is Consultation with legal counsel, section 2.2-3711.A.7 of the Code of Virginia.

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

Mr. Frere noted that he is planning to attend the closed session but he will not participate in the discussion of the White Stone Town Council potential litigation.

RECONVENE

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

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Cundiff H. Simmons	Aye
	F. W. Jenkins	Aye
	Patrick G. Frere	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 potential litigation against the county regarding the Town of White Stone Redistricting Plan and a request by the Commonwealth Attorney for the county to fund his previous retirement credit for the purpose of Consultation with legal counsel in accordance with section 2.2-3711.A.7 of the Code of Virginia, 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. Simmons to certify the closed meeting. A roll call vote was taken:

B. Wally Beauchamp	Aye
Donald O. Conaway	Aye
Cundiff H. Simmons	Aye
F. W. Jenkins, Jr.	Aye
Patrick G. Frere	Aye

This certification resolution is adopted.

WHITE STONE TOWN COUNCIL REDISTRICTING

Mr. Jenkins moved that the county administrator communicate to the Town Council of White Stone that the Board of Supervisors has considered its proposal for redistricting. The Board of Supervisors has found that the Council's argument contains no compelling reasons to justify a redistricting. The motion also included the release of the full copy of the county attorney's opinion on this matter.

B. Wally Beauchamp	Aye
Donald O. Conaway	Aye
Cundiff H. Simmons	Aye
F. W. Jenkins, Jr.	Aye
Patrick G. Frere	Abstain

COMMONWEALTH ATTORNEY

Mr. Simmons moved that the county attorney send a letter to Mr. Schmidt, the commonwealth attorney informing him that after advice of counsel, the Board of Supervisors finds that the Commonwealth Attorney is (1) not an employee of the Board of Supervisors and (2) since there was no requirement for a governing body to record the working hours of a constitutional officer, none exist in Lancaster County official records.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn the meeting to May 7, 2002 at 6:00 p.m. in the General District Courtroom for the School Board budget work session.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Abstain

F. W. Jenkins	Aye
Cundiff Simmons	Aye
Patrick G. Frere	Aye