

**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, April 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
- Staff Present:        Frank A. Pleva, County Administrator  
                              Jack D. Larson, Assistant County Administrator  
                              Don G. Gill, Planning and Land Use Director

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

Mr. Beauchamp said it was with regret and a heavy heart that he announced Dr. Russell passed away on Tuesday, April 24, 2012. He asked that Dr. Russell's his family be kept in prayer. There was a pause for a moment of silence.

**PUBLIC INPUT**

Budget Concerns

George Bott, District 1 stated he had a number of budget concerns with the YMCA and other agencies. The Boys and Girls Club of the Northern Neck information for their Federal Tax Form 990 indicated that in 2010 their salaries were 64% of total revenues leaving 36% for programs. Their fund balance increased in 2011 by 47%. By fundraising of over \$400,000 which was matched by Mrs. Doris Buffet, their fund balance is now \$2,500,000. Yet, they are asking for \$75,000 of taxpayers. The Lancaster Community Library has requested \$93,000 but has a 2010 fund balance of \$4,200,000 which is up 11% from the previous year. The Upper Lancaster, White Stone, and Kilmarnock Volunteer Fire Departments all have increased fund balances. For example, the White Stone Volunteer Fire Department has a fund balance of

\$1,800,000 in 2010, yet they are requesting funding. He said, according to the 2009 tax forms for Bay Aging, 54% of total revenue goes to salaries (i.e. Executive Salaries \$857,000). The revenue was \$13,700,000, up 24% from the prior year. The fund balance increased by 325% to \$7,200,000. All of these groups have an increasing fund balance, lots of money in the bank, or investments but continue to ask the county for funding. He recommended not providing the agencies with county funding/taxpayers dollars for one year and see how they manage.

## **PRESENTATION**

None

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### **PUBLIC HEARING**

#### **VDOT Secondary Six-Year Plan**

Mr. Brown said this would be both a work session and public hearing for the Secondary Six-Year Plan. The Code of Virginia requires that the Board of Supervisors, in conjunction with the Virginia Department of Transportation (VDOT), formulate a Six Year Secondary Improvement Plan and priority list for the Secondary Improvement Budget - Projected Fiscal Year Allocation for 2012-13 through 2017-18 and for the FY12-13 Budget.

The first priority is VSH 604/Merry Point Road, at the VSH 611 intersection, to improve alignment; this project has been fully funded and out for bid. The second priority is Rte 614/Devils Bottom Road to improve the alignment and replace the bridge; this project is fully funded and slated to begin June 18, 2012. The road will be closed for approximately 30 – 40 days. The unpaved priority #1 is Route 777/Riverview Road to reconstruct and surface treat a non-surfaced road. The project will be fully funded and slated to start construction in 2013. The unpaved priority #2 is Route 789/Hadlea Drive to reconstruct and surface treat a non-hard surfaced road. The project should be fully funded in 2013 and constructed in 2014.

Mr. Brown said there is nothing budgeted for incidental items on the plan. The Six-Year Plan fund is for improvements and new construction and does not include maintenance work.

Mr. Brown recommended having a short work session and then holding the public hearing.

Mr. Brown provided the Board of Supervisors with a copy of the Secondary System Construction Program Estimated Allocations worksheet which only has State dollars listed because federal dollars are not yet available. Based on the State funds, they do not foresee the financial situation getting any better.

Mr. Brown said there are number of project funding opportunities. The special funding programs exist to benefit local projects. Some of those include Transportation Enhancement, Revenue Sharing, Access Program (Economic Development, Airport, Recreational), and Rural Rustic Roads Program. There are also training opportunities available throughout the year aimed at increasing Local involvement in developing projects, such as Project Management and Coordination Training, Board of Supervisor Training, and Funding Workshops (i.e. Enhancement Workshop).

Chairman Beauchamp opened the public hearing.

Mr. Willet, District 3 asked about Route 789/Hadlea Drive because did not hear what was said.

Mr. Bellows said Route 789/Hadlea Drive will be fully funded in 2013 and constructed in 2014.

Mr. Willet stated he was still extremely interested in getting this road paved as the dust is incredible. He said he would appreciate any efforts to speed up the process.

Chairman Beauchamp closed the public hearing.

Mr. Bellows made a motion to Adopt the following resolution to approve Secondary System of Highways Six-Year Plan (2013 - 2018):

**WHEREAS**, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and

**WHEREAS**, the Lancaster County Board of Supervisors previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation's policies and procedures, and participated in a public hearing on the proposed Plan (2013 through 2018) as well as the Construction Priority List (2013) on April 26, 2012 after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

**WHEREAS**, David T. Brown, Residency Administrator, Virginia Department of Transportation, appeared before the board of supervisors and recommended approval of the Six-Year Plan and budget for Secondary Roads (2013 through 2018) and the Construction Priority List (2013) for Lancaster County.

**NOW THEREFORE BE IT RESOLVED**, that since said Plan and budget appear to be in the best interest of the Secondary Road System in Lancaster County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2013 through 2018) and Construction Priority List (2013) are hereby approved as presented at the public hearing.

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

## Condolences

Mr. Harper said on behalf of the Lancaster County VDOT he would like to offer their condolences to the family and Board on the loss of Dr. Jack Russell. He was great to work with over the years and will be truly missed.

## County Maintenance

Mr. Harper said the mowing of all primary roads will begin on May 7, 2012 and then they will move on to the secondary roads.

Mr. Harper stated the contract to begin working in the Northern Neck on surface treating roads should be completed within another week.

Mr. Harper said plant mix paving on the schedule this year includes VSH 3/Mary Ball Road from Chinn Mill to Lancaster Courthouse. In the Town of White Stone, the north end of the curb and gutter to the south end of the curb and gutter will be milled and paved. Also, VSH 464/Ocran Road from VSH 3/Mary Ball Road past Little Bay Road will be paved.

## Kilmarnock Truck Bypass Update

Mr. Harper said the James Jones Memorial Highway/Kilmarnock Truck Bypass was approved but no signage was available yet.

## Speed Study Updates

Mr. Harper stated the speed study requests for VSH 637/James Wharf Road and VSH 605/Pinckardsville Road near the “Old Country Brent Store” both came back and the speed limit will be left as is.

**PUBLIC HEARING**

1. Application for Special Exception – Janice Doggett – Mr. Gill presented an Application for Special Exception by Janice Doggett to place an individual manufactured home on a 0.542-acre parcel described as Tax Map #25-91B. This property is zoned R-1, Residential General and is located off Millenbeck Road (VSH 682) near its intersection with River Road (VSH 354) in District 1.

Mr. Gill said 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 66 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 stated this property has an approved septic site and well under Virginia Department of Health Permit #151-12-0023. All front, rear and side setbacks can be met. Similar types of manufactured homes exist in this neighborhood.

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

Chairman Beauchamp opened the public hearing

Hearing no comments, Chairman Beauchamp closed the public hearing.

Mr. Jenkins made a motion to Approve the Application for Special Exception by Janice Doggett to place an individual manufactured home on a 0.542-acre parcel described as Tax Map #25-91B. This property is zoned R-1, Residential General and is located off Millenbeck Road (VSH 682) near its intersection with River Road (VSH 354).

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye

Ernest W. Palin, Jr.                      Aye  
Jason D. Bellows                              Aye

2 . Application for Special Exception – Jay William Fox – Mr. Gill presented an Application for Special Exception by Jay William Fox to expand/enlarge an existing authorized non-conforming residential structure on a 0.468-acre parcel described as Tax Map #35-110G. This property is zoned R-1, Residential General and is located at 110 Hidden Cove Drive off Blue Heron Lane (VSH 749) in District 3.

Mr. Gill said the residential structure on this parcel existed prior to the effective date of the Lancaster County Zoning Ordinance (6/1/1975) and therefore is an authorized non-conforming structure. Article 12-4-1 allows for the expansion/enlargement of existing non-conforming structures, with a special exception, if the setbacks of that zoning district can be met.

Mr. Gill stated the applicant wishes to replace the existing one-story dwelling with a similar sized two-story dwelling. The proposed dwelling will not encroach further into the existing non-conforming 12.6' western sideyard, so no variance is required from the Board of Zoning Appeals. The proposed dwelling will conform to all other setback requirements of the R-1, Residential General District. The site plan verifies that the proposed dwelling conforms to the requirements of the Chesapeake Bay Preservation Act for redevelopment and mitigation of existing impervious cover within the 100-foot Resource Protection Area (RPA). The sole reason for this special exception request is that this authorized non-conforming structure is being enlarged from one-story to two-stories. Many similar sized authorized non-conforming lots and structures exist in this neighborhood.

Mr. Gill said adjoining property owners have been notified and advertising conducted as required by law. To date, there has been one response from the public requesting information.

Chairman Beauchamp opened the public hearing

Hearing no comments, Chairman Beauchamp closed the public hearing.

Mr. Bellows made a motion to Approve the Application for Special Exception by Jay William Fox to expand/enlarge an existing authorized non-conforming residential structure on a 0.468-acre parcel described as Tax Map #35-110G. This property is zoned R-1, Residential General and is located at 110 Hidden Cove Drive off Blue Heron Lane (VSH 749).

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

3. Application for Special Exception – Clyde A. Stewart, Jr. – Mr. Gill presented the Application for Special Exception by Clyde A. Stewart, Jr. to dispose of tree debris generated from his business only on a 7.083-acre parcel described as Tax Map #14-101C. This property is zoned A-2, Agricultural General and is located at 5011 White Chapel Road (VSH 201) in District 1.

Mr. Gill said Mr. Stewart has withdrawn his prior applications to rezone and for special exception for tree debris disposal at the 48-acre Western Branch site (Tax Maps 20-12 and 20-13) that was considered at last month's meeting. Alternatively, he has submitted a new application for special exception for tree debris disposal at a different location that he also owns, a 7.083-acre site (Tax Map 14-101C) where he resides. Since this new location is already zoned A-2, Agricultural General, Mr. Stewart only needs the special exception required by Article 4-1-15A of the Zoning Ordinance.

Mr. Gill stated although the new location is closer to the River Pointe neighborhood "as the crow flies," it is separated from that neighborhood by a wetland and



marsh area at the headwaters of Little Branch and is located further to the North. This new site is also accessed off of White Chapel Road (VSH 201) and not the narrow Western Branch Road, which was a major concern of those opposed to the prior applications. Prior to submitting the new application, Mr. Stewart talked to several of the residents in the River Pointe neighborhood who opposed the prior applications. According to Mr. Stewart, those residents are supportive of this new location and appear to have redirected their energy/anger towards the Lively Wood yard and the charging of commercial tree services.

Mr. Gill stated Article 13-3 of the Zoning Ordinance allows the Board of Supervisors to place conditions on Special Exceptions and states, "*These special exceptions shall be subject to such conditions as the Board of Supervisors deems necessary to carry out the intent of this ordinance....*" Staff has recommended what it believes to be the most important condition. The Board may feel that other conditions are needed based on concerns expressed at the public hearing. However, the more conditions that are placed on the special exception make enforcing it that much more difficult.

Mr. Gill said staff views this special exception request as reasonable and appropriate. Although this new parcel is much smaller than the prior Western Branch parcel, it is separated from VSH 201 by two large, wooded A-2 parcels and is separated from the River Pointe neighborhood by a wetland and marsh area, allowing for more than adequate perimeter buffering from surrounding residential properties. Therefore, he recommends favorable consideration with the following condition: *This parcel will be used for the dumping and recycling of tree debris generated from the property owner's business, Magic Tree Service, only.*

Mr. Gill provided the Board with the special exception application, the site plan showing the location of the proposed pit area where the debris will be placed and burned periodically, the County's GIS map showing Tax Map # 14-101C, copies of Deed Book 281 / Page 355 showing creation of Tax Map # 14-101C from Tax Map # 14-101 and creation of the ingress/egress easement to Tax Map # 14-101C through Tax Map # 14-101

and copies of Deed Book 382 / Page 634 showing conveyance of Tax Map # 14-101C to the applicant, Mr. Stewart.

Mr. Gill said adjoining property owners have been notified and advertising conducted as required by law. To date, there has been no response from the public on this new site.

Chairman Beauchamp opened the public hearing.

Randy Romaine, 2125 Western Branch Road said that he and his wife do not oppose this request. However, he does not like the idea of burning for environmental reasons and believes there is a reasonable alternative. According to Lancaster County Comprehensive Plan it states that commercial businesses such as Magic Tree may use Lively Wood Yard for disposal at a reasonable fee. He suggest that the Board of Supervisors define the word reasonable, to encourage Magic Tree and similar businesses to take their debris to Lively Wood Yard for disposal. This wood debris could then be recycled into material usable at the plant in West Point. This would be a far better solution overall and more environmentally reasonable than to simply dump it in a pit and burn it. He said Magic Tree Service is not the only company faced with this disposal issue. This would help the environment by recycling a resource and help local businesses which sounds like a win, win.

Mr. Beauchamp said the Lively Wood Yard issue is totally separate for this request and if additional information is needed please feel free to contact Jack Larson for details.

Mr. Jenkins asked Mr. Romaine if he was suggesting that local government set upon a private businessman what is a reasonable for him to charge. That is outrageous. It is the market that determines a reasonable rate and/or fees.

Mr. Romaine asked why the County Comprehensive Plan used the term “reasonable”.

Mr. Jenkins said because in general acceptance that means reasonable within the market place and there is no evidence before the Board that indicates it is unreasonable for the majority of the users of the wood yard. He said the Planning Commission is currently working on the Comprehensive Plan and his comments/concerns would be reviewed.

Catherine Bennett, District 2 asked if an environmental impact study had been done by the DEQ. If burning takes place at the head waters then the ash could infiltrate into the water system.

Mr. Gill said the Code of Virginia, Section 10.1-1408.1 described activities that require a permit from the Virginia Department of Environment Quality. Section I, J, and K are very specific in the fact that this particular use would not require a permit for DEQ for the burning.

Ms. Bennett said Lively Wood Yard does not have any competitors and has a contract with the county.

Mr. Jenkins stated that is not true. There are a number of other contractors that may not have a county contract who can contract any company doing land clearing and tree work.

John Langloh, 1919 Western Branch Road, District 1 stated he and his wife were against the first request made by Mr. Stewart, but do not oppose this request.

Chairman Beauchamp closed the public hearing.

Mr. Jenkins made a motion to Approve the Application for Special Exception by Clyde A. Stewart, Jr. to dispose of tree debris generated from his business only on a 7.083-acre parcel described as Tax Map #14-101C. This property is zoned A-2, Agricultural General and is located at 5011 White Chapel Road (VSH 201). With the

condition that this parcel will be used for the dumping and recycling of tree debris generated from the property owner's business, Magic Tree Service, only.

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

### **CONSENSUS DOCKET**

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

A. Minutes for March 29, 2012

Recommendation: Approve minutes as submitted

B. Fair Housing Month (April 2012) – Resolution

Recommendation: Approve the resolution

#### **FAIR HOUSING MONTH**

**WHEREAS**, equal housing opportunities are essential for supporting vibrant communities and economic vitality throughout the county; and

**WHEREAS**, illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all; and

**WHEREAS**, the policy of Lancaster County is to prohibit discriminatory housing practices in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the County may be protected and insured; and

**WHEREAS**, April 2012 marks the 40<sup>th</sup> Anniversary of the passage of the Virginia Fair Housing Law; and

**WHEREAS**, the federal Fair Housing Act, an historic component of the Civil Rights Act of 1968, affirms the right of all citizens to equal housing opportunities free from discrimination based on race, color, religion, national origin, sex, disability, or familial status; and

**WHEREAS**, our Commonwealth's own fair housing law affords even greater opportunities and ensures equitable treatment of older Virginians by also prohibiting discriminating based on elderliness; and

**WHEREAS**, the Virginia Fair Housing Office at the Department of Professional and Occupational Regulation operates to enforce fair housing law and education the public that there can be no place for discrimination, whether in rental housing , home buying, lending, or insurance; and

**WHEREAS**, in partnership with non-profit and private-sector organizations involving in housing transactions, Virginia is committed to educating the public about fair housing rights and responsibilities; and

**NOW, THEREFORE BE IT RESOLVE**, Lancaster County do hereby recognize April 2012 as Fair Housing Month in Lancaster County and call this observance to the attention of all our citizens.

C. Older Americans Month (May 2012) - Resolution

Recommendation: Approve the resolution

**May is Older Americans Month**

*Never Too Old to Play!*

**WHEREAS**, Bay Aging provides an array of community living services available to all Lancaster County citizens aged 60 and older; and

**WHEREAS**, Bay Aging is committed to helping all individuals maintain their health and independence in later life; and

**WHEREAS**, the older adults in Lancaster County have an important role in sharing knowledge, wisdom, and understanding of the history of our community through interactions with children, youth and adults from other generations; and

**WHEREAS**, the fruits of knowledge and experience can be effectively transferred from generation to generation through meaningful social interactions; and

**WHEREAS**, their interactions with family, friends, and neighbors across generations enrich the lives of everyone involved; and

**WHEREAS**, our community can provide opportunities to enrich citizens young and old by;

- *Emphasizing the value of including elders in public and family life*
- *Creating opportunities for older Americans to interact with people of different generations*
- *Providing services, technologies, and support systems that allow older adults to participate in social activities in the community*

**NOW THEREFORE BE IT RESOLVED**, we of Lancaster County, Virginia do hereby proclaim May 2012 to be Older Americans Month. We urge every citizen to take time this month to engage with our older citizens through enjoyable social interaction such as sports, games, contests and other forms of play because people are *Never Too Old to Play!*

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1 . Approval of April 2012 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the salaries for April 2012 in the amount of \$247,227.76 and Invoice Listings for April 2012 in the amount of \$430,352.44\*.

\*Capital Improvements \$6,290.00

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

2 . Narrowbanding – Request for Approval of Contract Award – Mr. Larson stated Sheriff’s office is requesting approval to award the subject contract.

Mr. Larson said at the February 2012 regular Board of Supervisors meeting Sergeant Jeffrey Haywood, Lancaster County Sheriff’s office, requested permission of the Board to advertise for bids to complete work mandated by the Federal Communications Commission. He said every radio unit on the system must be reprogrammed from wide band to narrow band frequencies. This reprogramming has been mandated by the FCC to be completed prior to January 2013. Permission was granted for soliciting bids with the understanding that the matter would be brought back to the Board prior to award of a contract. There were a total of three bids received within the invitation for bid proposal guidelines.

Atlantic Communication	\$6,956.00
4811 Market Drive	
Newport News, VA	

Communication Specialists, Inc.     \$7,500.00  
35 Commerce Parkway  
Fredericksburg, VA

Radio Communications of Virginia     \$9,951.00  
1282 Mountain Road  
Glen Allen, VA

Mr. Larson stated Sergeant Haywood has indicated that all three bidders can perform the work but recommends Atlantic Communications as the lowest bidder. Recommend approval of award of contract to Atlantic Communications, 4811 Market Drive, Newport News, Virginia.

Mr. Larson said while not all invoices have been submitted, there is every indication that this funding requirement can be met within funds already appropriated for work on the communications system within the Sheriff's office.

Mr. Jenkins made a motion for Approval to Award of contract to Atlantic Communications, 4811 Market Drive, Newport News, Virginia in the amount of \$6,956.

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

- 3 . Personnel Policies – Mileage Rate for Reimbursement for Use of Personal Motor Vehicles for Conduct of Official County Business – Mr. Pleva stated Section E of the *Lancaster County Personnel Policies* provides that: “The County will reimburse employees for the use of their personal vehicle while employed for travel done beyond the non-reimbursable travel to and from one’s work site. The reimbursement will be at a 32.5 cents/mile rate or as established by the Board of Supervisors.” This mileage



reimbursement rate also applies to county officials, such as the Board of Supervisors. County employees and members of County boards and commissions, who are currently reimbursed for the use of their personal motor vehicles for the conduct of official county business at a rate of 50.5 cents per mile driven. This mileage rate has not been adjusted to reflect gasoline prices that are approaching \$4.00 per gallon.

Mr. Pleva said Section 15.2-1508.1 of the *Code of Virginia, 1950, as amended*, authorizes localities to reimburse such mileage expenses up to “the standard rate deductible as a business expense pursuant to the Internal Revenue Code and regulations”. According to the enclosed page from the Internal Revenue Service’s (IRS) website, the 2012 Standard Mileage Rate is “55.5 cents per business mile driven”. The Commonwealth of Virginia as well as most of the counties in the region routinely and usually automatically by policy reimburse such mileage expenses at the IRS Standard Mileage Rate. This automatic mileage rate adjustment by process or policy is similar to the holiday schedule policy followed by most counties, including Lancaster, whereby the holiday schedule of the Commonwealth of Virginia is automatically followed including any annual changes to the schedule.

Mr. Pleva stated the financial impact as it is currently projected for annual mileage reimbursement expenditures is total approximately \$10,500. As noted above, these expenses include not only those of county staff but also those of members of boards and commissions. It is estimated that increasing the mileage rate for travel reimbursement to 55.5 cents per mile driven will increase annual expenditures by \$1,050.

Mr. Jenkins made a motion to Approve and Amend the aforementioned paragraph of Section E of the *Lancaster County Personnel Policies* to read as follows: “The County will reimburse employees for the use of their personal vehicle while employed for official county business-related travel done beyond the non-reimbursable commuter travel to and from one’s work site. The reimbursement will be at the prevailing U. S. Internal Revenue Service’s Standard (Business) Mileage Rate.” Apply the amended mileage rate reimbursement policy to other county officials and employees, who do not fall under the

purview of the county personnel policies but are eligible for such mileage expense reimbursements. Make the amended policy effective on and after May 1, 2012. This will provide sufficient opportunity to notify the heads of all affected departments of the amended policy and new mileage rate.

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

- 4 . Payment of Administrative Cost – County Treasurer’s Office – Mr. Pleva stated Mrs. Haynie, Lancaster County Treasurer has made a request in accordance with Virginia Code §58.1-3958. It states in part that the administrative costs shall be in addition to all penalties and interest, and shall not exceed \$30 for taxes or other charges collected subsequent to 30 or more days after notice of delinquent taxes or charges pursuant to §58.1-3919 but prior to the taking of any judgment with respect to such delinquent taxes or charges, and \$35 for taxes or other charges collected subsequent to judgment. If the collection activity is to collect on a nuisance abatement lien, the fee for administrative costs shall be \$150 or 25% of the cost, whichever is less; however, in no event shall the fee be less than \$25.

Mr. Pleva stated that, according to Mrs. Haynie’s informational memorandum, \$59,600 was collected in FY2011 for delinquent administrative costs. If brought in line with the Virginia Code, this amount would have been \$89,400 which is an increase of \$29,800.

Mr. Jenkins made a motion to hold a public hearing at the regular Board of Supervisors May 31, 2012 meeting.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye

Ernest W. Palin, Jr.	Aye
Jason D. Bellows	Aye

## **BOARD REPORTS**

### Dr. Jack S. Russell

Mr. Beauchamp said on behalf of the Board he wanted to thank Audrey Thomasson with the Rappahannock Record for an excellent job on a well written article on Dr. Jack S. Russell. There will be a memorial service held for Dr. Russell on Wednesday, May 2, 2012 at 1:00 p.m. at Grace Episcopal Church in Kilmarnock.

### Appointments

Mr. Bellows made a motion to appoint David R. Nichols to the Building Code Appeals Board as a representative for District 3 for a four-year term beginning May 1, 2012 and ending April 30, 2016.

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

Mr. Palin made a motion to appoint Terrace A. Taylor to the Building Code Appeals Board as a representative for District 2 for an unexpired four-year term ending December 31, 2015.

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

Mr. Beauchamp made a motion to reappoint Clyde Ritchie to the Building Code Appeals Board as a representative for District 4 for a four-year term beginning January 1, 2009 and ending December 31, 2012.

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

Mr. Palin made a motion to reappoint Sharon Waddy to the Social Services Board as a representative for District 2 for a four-year term, beginning July 1, 2012 and ending June 30, 2016.

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

Mr. Beauchamp made a motion to reappoint Thomas J. Brent, Jr. to the Planning Commission as an At-Large representative for a four year term beginning July 1, 2012 and ending June 30, 2016.

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

Mr. Beauchamp made a motion to recommend to the Circuit Court Judge the reappointment of Edward J. Davis, Jr. to the Board of Zoning Appeals to represent District 4.

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

## **COUNTY ADMINISTRATOR**

### **Filling Vacant Seat of the Late Dr. Jack S. Russell on the Board of Supervisors**

Mr. Pleva said Dr. Jack S. Russell, who represented the 4<sup>th</sup> Election District on the Board of Supervisors, passed away on Tuesday morning, April 24<sup>th</sup>. He provided the Board with three (3) sections of the *Code of Virginia, 1950, as amended*, that govern the process to fill his vacated seat on the Board, first by interim appointment and then by special election.

**Interim Appointment:** The governing state code section in this situation is Section 24-228, which provides that the governing body has forty-five (45) days from the date that the vacancy occurred to fill the seat with an interim appointment. *That 45-day period will end on Thursday, June 7th.* If the governing body does not fill the vacancy by June 8th, then the Circuit Court will do so per Code Section 24.2-227. The interim appointee will serve until a special election is conducted.

**Special Election:** Code Section 24.2-226 stipulates the process for the conduct of a special election for the remainder of the vacated term of office. In this case the term of office expires on December 31, 2015.

*Within fifteen (15) days of the occurrence of the vacancy, that is by Tuesday, May 8th, the Board of Supervisors must petition the Circuit Court to order the special election.* The special election in this instance will be held during the next general election on Tuesday, November 6, 2012.

The qualifications for candidates in these special elections are the same as those for candidates running during general elections for four (4)-year terms of office. However, unlike candidates elected during general elections who take office on January 1<sup>st</sup>,

candidates elected during such special elections take office upon certification of the election by the local Electoral Board and the filing of all statutorily required campaign finance reports, etc., unless exempted by the State Board of Elections.

Mr. Pleva requested that the Board of Supervisors direct the county attorney to petition the Circuit Court of Lancaster County to order the special election on November 6, 2012 in accordance with Code Section 24.2-226.

Mr. Pleva said the Board of Supervisors also may conduct a closed meeting per Code Section 2.2-3711(A.)(1.) regarding the filling of the vacancy if it is to discuss one or more specific, prospective candidates for the interim appointment and/or to consider the appointment of such a specific candidate.

Mr. Palin made a motion to direct the county attorney to petition the Circuit Court of Lancaster County to order the special election on November 6, 2012 in accordance with Code Section 24.2-226.

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

#### County Administration Office Closure

Mr. Pleva requested that the Board approve an office closure from 12:30 p.m. – 3:30 p.m. in order for county staff to attend the memorial service for Dr. Russell on Wednesday, May 2, 2012 at 1:00 p.m. at Grace Episcopal Church in Kilmarnock. A public service announcement will be put on the local radio stations.

Mr. Beauchamp made a motion to close the County Administration Building from 12:30 p.m. – 3:30 p.m. on Wednesday, May 2, 2012.

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

**ADJOURNMENT**

Motion was made by Mr. Palin to adjourn to Monday, April 30, 2012 at 4:00 p.m. for a Budget Work Session.

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