

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, August 25, 2011.

Members Present: B. Wally Beauchamp, Chair
 F.W. Jenkins, Jr., Vice Chair
 Ernest W. Palin, Jr., Board Member
 Peter N. Geilich, Board Member
 Jack S. Russell, 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.

PUBLIC INPUT

None

PRESENTATIONS

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

County Road Maintenance

Mr. Harper stated mowing has been completed with litter picked up and will mow again the end of September.

Mr. Harper said Lee Hy and Slurry Paving will be in the county for approximately a month completing the new plant mix project on VSH 222/Weems Road finishing the lower end, shoulder widening project on VSH 200/Irvington Road from Kilmarnock to Irvington, and VSH 200 North in the Town of Kilmarnock and VSH 200 White Stone.

Hurricane Irene VDOT Update

Mr. Harper said Governor McDonnell declared a state of emergency at 11:45 a.m. today. At which time VDOT went out to solicit bids from private and local vendor. He said they had numerous bids and individuals who volunteered their services and equipment. They are now in the process of reviewing the bids in order to let companies know their roles. He said VDOT has assembled “Tiger Teams” which consist of engineers, residency superintendent out in the western part of the state, once the storm is over they will report and help assess the damage, check bridges, and structures to determine what is needed for clean up.

Mr. Harper stated all hands on deck thought the duration of the storm and then resolicit bids from storm clean up.

Mr. Beauchamp asked if VDOT has any success with bringing additional front end loader into the county.

Mr. Harper stated they got six local vendors and they placed throughout the county.

West Point Road Speed Study

Mr. Palin asked about status of his speed study request made a couple months ago regarding the intersection of West Point Road where there is a sharp curve.

Mr. Harper stated the request has been submitted; however, he has not result any information or results on this request to date.

Traffic Count Study

Mr. Geilich asked about the line running across the road and the purpose.

Mr. Harper stated it is a general study of traffic count which is done on certain section of road each year. The traffic count help determine the type of surface treatment and maintenance needed

VSH 637/Crab Point Road Speed Study

Mr. Beauchamp stated he has a request for the James Wharf Road Civic Association (VSH 637) Crab Point Road that goes down to Irvington Packing there is not a speed limit sign. They are requesting a speed study and hoping 25 mph as a number of citizen walk in that area.

Mr. Harper stated he will check the area first to see what the posted speed limit is in that area and would submit the request if the speed limit excesses 25 mph.

VSH 354/River Road Paving Needed

Mr. Jenkins any schedule for repair of asphaltting for VSH 354/River Road from VSH 3/Mary Ball Road to VSH 622/Morattico Road.

Mr. Harper stated he has attempted to get that on the schedule for the last couple of years; however, the pavement evaluations come back at a rating higher than the requirement to pave that. The micro seal is almost like steel but one side of the road is rougher and he will try to get those waves out with plant mix/spot patching and hopefully that will help.

PUBLIC HEARING

1. Application for Special Exception – Alvin H. and Marie V. Carstensen – Mr. Gill presented an Application for Special Exception by Alvin H. and Marie V. Carstensen to expand/enlarge an existing authorized non-conforming structure on a 1.190-acre parcel described as Tax Map #20B-1-25. This property is located at 1225 Belmont Drive in the Heritage Point area of District 1.

Mr. Gill stated the garage on this parcel is an authorized non-conforming structure as a result of an after-the-fact variance granted by the Board of Zoning Appeals (BZA) on August 1, 2011 allowing it to encroach 7 inches into the required 20-foot sideyard setback. He provided the Board of Supervisors with a copy of the Board of Zoning Appeals minutes for their review. Article 12-4-1 allows for the expansion/enlargement of existing authorized non-conforming structures, with a special exception, if the setbacks of that zoning district can be met.

Mr. Gill stated the applicants wish to enlarge the existing authorized non-conforming garage with a 24.5' X 23.3' addition. The proposed addition will conform to all setback requirements of the R-1, Residential General District. It is also located outside the 100-foot Resource Protection Area (RPA) as depicted on the site plan provided for the board's review. 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 no response from the public.

Chairman Beauchamp opened the public hearing.

Janet Wright, Architect for Mr. and Mrs. Carstenses stated they got approval by a unanimously vote of 5 – 0 from the Board of Zoning Appeals. The existing dwelling is all within the 100’ RPA and can not be expanded. They would like to add a library to the existing garage by less then a foot. She asked the board to approve the request.

Chairman Beauchamp closed the public hearing.

Mr. Jenkins made a motion to Approve the Application for Special Exception by Alvin H. and Marie V. Carstensen to expand/enlarge an existing authorized non-conforming structure on a 1.190-acre parcel described as Tax Map #20B-1-25 located at 1225 Belmont Drive in the Heritage Point area.

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

2. MetroCast Communications – Cable Television and Video Services – Mr. Pleva stated in a letter dated July 6, 2011, MetroCast Communications has notified the county that it will exercise its right for an automatic five (5) year renewal or extension of its existing cable television franchise in accordance with Section VIII of the Lancaster County Cable Television Franchise Ordinance. Under Section VIII of the ordinance, since neither MetroCast nor the county notified the other party in writing at least 180 days prior to the end of the current term that such renewal would not automatically occur; the aforementioned automatic renewal will take place on October 27, 2011.

Mr. Pleva said this is the second and final automatic five (5) year renewal of the franchise with MetroCast. In 2006, when the initial five (5) year franchise

term expired, the first five (5) year automatic renewal was administratively performed. This final automatic renewal will commence on October 27, 2011 and expires on October 26, 2016.

Mr. Pleva stated although the cable television franchise with MetroCast will automatically renew for five (5) years on October 27th, the Board of Supervisors has scheduled an advertised public hearing to receive and consider citizen and board comments regarding current and future cable television and video services in the county. This information will be conveyed to representatives of MetroCast for consideration in the provision and enhancement of cable television programming and other video services as well as the extension of such services during the upcoming five (5) year automatic renewal period. The purpose of the public hearing is not to consider whether to renew the cable television franchise with MetroCast since this is automatically implemented in compliance with the franchise ordinance.

Chairman Beauchamp opened the public hearing.

Hearing none, Chairman Beauchamp closed the public hearing.

Mr. Beauchamp said he has received one complaint from a citizen because he lost one channel. He instructed the citizen to call MetroCast and never heard back from the citizen, so hopefully his issue was resolved.

Dr. Russell said work was done on Blackstump Road but he lives on Cox's Farm Road and also most of the work has been done upper part of the county. What are the intentions for Cox's Farm Road?

Mr. Newborg said there has been no major building within the last year, as this year has been a rebuilding year. They took out microwave and interconnect them with fiber and he hopes as the company moves forward, there is area in and

around that could possibly be reached over the next five years. He has looked a various areas over the year VSH 354/Morricato Road, Little Bay and other areas that could be reached and will continue monitor as they are about to go into their budget season. He hopes over the next five (5) year by the requirement of the franchise will do extensions and upgrade the plant, etc. There is approximation 165 miles plant in Lancaster County and MetroCast covers up to Essex County, King George, Caroline County and recently acquired Northumberland County, Westmoreland and Mathews Counties. He provided the board with his contact information. The goal is to have every county under the same footprint, all receiving the same services. Unfortunately, because the way cable plan is built it follows pole lines and a lot of home are on the waterway and the pocket of homes at the end delute the house count and potential customer.

Dr. Russell asked what the criteria other than the number of household are when it decided where MetroCast is placed.

Mr. Newborg said generally it 20 – 25 homes per mile and 30 – 40 percent of the video customers. He stated internet and telephone services are starting to take off and they are growing with 54 employees in 7 offices.

No action taken, it is an automatic renewal for five (5) years.

3. Northern Neck Regional Water Supply Plan – Mr. Gill said Approval of the Northern Neck Regional Water Supply Plan as prepared by the Northern Neck Planning District Commission in accordance with the Code of Virginia 9 VAC 25-780-10 et seq.

Mr. Gill stated the 2003 Virginia General Assembly identified the need for a regulation for comprehensive water supply planning to protect water supplies for the future economic vitality and public health of the Commonwealth. The Virginia State Water Control Board responded to this mandate and adopted

regulations on June 28, 2005 requiring all local governments and regional entities to prepare local and/or regional water supply plans. The Northern Neck Planning District Commission (NNPDC) and its ten localities have supported meeting this legislative and regulatory requirement by developing a regional plan. The NNPDC retained the services of EEE Consulting, Inc. in Blacksburg, VA to assist in this effort.

Mr. Gill said the Northern Neck Regional Water Supply Plan has been completed and approved by the Virginia Department of Environmental Quality. Each locality is now asked to conduct the required public hearing and approve the plan by resolution prior to November 2011.

Mr. Gill stated Rev. Gayl Fowler provided the county with information and some of the information in the Northern Neck Regional Water Supply Plan is now outdated and some recommendations were made. He asked the Board of Supervisors to approve the resolution and once the resolution is updated bring it back to the board with the necessary amendments.

Mr. Gill said advertising has been conducted as required by law. To date, there has been no response from the public.

Chairman Beauchamp opened the public hearing.

Rev. Gayl Fowler said that SAIF Water Wells, Inc. recommends approval of the Northern Neck Regional Water Supply Plan with a few reservations and amendments to the Section 6.11.7 A Focus on the Unconfined Aquifer. There are a number of reasons why she stated the data is incorrect because 75% of establishment did not respond to the survey, the report assumes that there will be no dramatic change in development, it does not include factors in the surrounding areas where our aquifers and another of other issues. She provided the board with a written proposal of recommended changes.

Chairman Beauchamp closed the public hearing.

Mr. Geilich made a motion to Adopt the Resolution Approving the Northern Neck Regional Water Supply Plan.

**RESOLUTION TO APPROVE THE NORTHERN NECK
REGIONAL WATER SUPPLY PLAN**

WHEREAS, the 2003 Virginia General Assembly identified the need for a regulation for comprehensive water supply planning to protect water supplies for the future economic vitality and public health of the Commonwealth, and

WHEREAS, the State Water Control Board responded to this mandate and adopted regulations on June 28, 2005 requiring all local governments and regional entities to prepare local and regional water supply plans, and

WHEREAS, the Local and Regional Water Supply Planning Regulation 9 VAC 25-780-10 et seq. requires that the plan will include 1) a description of existing water sources, existing water uses, and existing water resource conditions; 2) an assessment of projected water demand; 3) a description of water management actions including drought response, contingency plans, and other water demand management information; 4) a statement of need and an analysis that identifies alternatives to address projected water supply deficits; and 5) maps identifying important elements of the program such as existing water resources, proposed new sources, and significant existing water uses, and

WHEREAS, the Northern Neck counties and towns determined that it is orderly and efficient to pursue water supply planning on a regional basis, and

WHEREAS, the Northern Neck localities authorized the Northern Neck Planning District Commission to administer and coordinate a regional water supply plan with financial assistance from VA DEQ’s water supply planning assistance grant program matched with local funds to help defray the costs of plan preparation and compliance with the regulations, and

WHEREAS, the Northern Neck PDC contracted with EEE Consulting, Inc. to assist in that effort, and

WHEREAS, the Northern Neck Regional Water Supply Plan has been completed and approved by the Virginia Department of Environmental Quality, and

WHEREAS, the County of Lancaster has conducted a public hearing consistent with Section 15.2-1427 of the Code of Virginia on the Northern Neck Regional Water Supply Plan Program which includes adoption of an ordinance necessary to implement the drought response and contingency plan,

THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors hereby confirms its participation in the Northern Neck Regional Water Supply Planning effort and approves the Northern Neck Regional Water Supply Plan.

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

4. Drought Management Ordinance – Mr. Gill stated an ordinance to implement the Drought Response and Contingency Plan contained in the Northern Neck

Regional Water Supply Plan in accordance with the Code of Virginia Section 15.2-1427.

Mr. Gill said a Drought Response and Contingency Plan are contained in the Northern Neck Regional Water Supply Plan (pages 144-151) that was discussed in the prior public hearing. As part of that mandate from the Virginia General Assembly and the Virginia State Water Control Board, each locality is also required to adopt a Drought Management Ordinance to implement that Drought Response and Contingency Plan. The proposed Drought Management Ordinance to be included in Lancaster County’s Code of Ordinances under Chapter 26 “Environment” has been provided for the board’s review.

Mr. Gill stated advertising has been conducted 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. Geilich made a motion to Adopt the Drought Management Ordinance to be included in Lancaster County’s Code of Ordinances under Chapter 26 “Environment”.

ROLL CALL

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

CONSENSUS DOCKET

Motion was made by Mr. Jenkins to Approve the Consensus Docket:

A. Minutes for July 28, 2011

Recommendation: Approve minutes as submitted

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of August 2011 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the salaries for August 2011 in the amount of \$234,747.16* and Invoice Listings for August 2011 in the amount of \$636,148.99*.

*Judicial Center Expenses \$19,049.43

*Capital Improvements \$150,879.32

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

2. USDA, Rural Development Grant - Chief Hubbard stated Lancaster County Emergency Medical Services is in need of 2 handheld portable radios, 2 tough

book computers, one Lifepak 15 Cardiac monitor and four stocked first response bags. White Stone Volunteer Fire Department and Upper Lancaster Volunteer Fire Department need to replace many of their Self Contained Breathing Apparatus air bottles. Kilmarnock Volunteer Fire Department needs to equip a Fire Engine that they are purchasing.

Chief Hubbard stated in order to improve patient care and be compliant with the Peninsulas Emergency Medical Services Council Regional Protocols it is imperative that LCEMS personnel be equipped with the proper tools for the job. Currently each crew has use of only one radio which makes communicating with each other on scene very difficult. The 2 Tough Books that are used by LCEMS employees to capture and report patient care data belong to the rescue squads. They have requested that these Tough Books be returned to them. The Lifepak 15 monitor is needed in order to monitor ETCO2 and acquire a high quality 12 lead echocardiograph on patients who are suspected to be experiencing a heart attack. The first response bags and supplies are needed so that LCEMS personnel may offer full treatment to their patients from start to finish of any EMS call for service.

Break Down of Supplies Needed for LCEMS:

Item Description	Purchase Price	Grant Funds at 55%	Our Cost at 45%
2 - Tough Book Lap	\$6,196.00	\$3,407.80	\$2,788.20

- The EMS crews are **mandated by the state Office of EMS** to enter patient data into a Tough Book Lap Top Computer and upload this information to the state for every call. They use these computers to electronically capture patient, nurse and doctors signatures. The state initially provided a grant for 1 Tough Book Lap Top Computer to be placed on every ‘Transport Unit’ in the state. Agencies that do not own transport units were not available to receive any computers. Due to the set up of the state program, there is no way for the Tough Books to be shared

by the agencies. Each of the rescue squads in Lancaster County where allotted 3 Tough Books each. One for each 'Transport Unit' they have. LCEMS personnel have been using one Tough Book from each agency to enter our patient data and the rescue squads have asked that we return their Tough Books to them. This causes LCEMS to be in need of 2 Tough Book Lap Top Computers for our patient data entry purposes.

Item Description	Purchase	Grant Funds at 55%	Our Cost at 45%
2 - Motorola Portable Radios	\$1450.00	\$797.50	\$652.50

- The 2 LCEMS crews only have use of one Lancaster County hand held radio per crew. This makes communication on the emergency scene difficult. The purchase of 2 more hand held radios will allow each crew member to have a radio and greatly improve communication.

Item Description	Purchase Price	Grant Funds at 55%	Our Cost at 45%
1 - Lifepak 15	\$28,655.20	\$15,760.25	\$12,894.95

- The Lifepak 15 is a very high quality 12 lead capable echocardiograph (ECG) monitor which is also able to monitor oxygen saturation, blood pressure and End Tidal Carbon Monoxide (ETCO2). LCEMS crews have use of one of these monitors at Upper Lancaster Volunteer Rescue Squad. The monitors that the crews have use of at Kilmarnock Lancaster Volunteer Rescue Squad do not possess the capabilities that the LP15 monitor does. These additional capabilities are needed in order to be compliant with the Peninsulas EMS Council Protocols that our providers must abide by and to provide the best possible medical care to our patients. The 12 lead ECG feature on the LP15 monitor is able to interpret with great accuracy if a patient is experiencing a STEMI IM (or severe heart attack) that even a EMT-Basic (who are not trained to interpret cardiac rhythms) would be capable of putting the monitor on the patient

and calling the Medical Control Physician at RGH to read the print out to them. The Physician will then be able to advise the EMT-B to either medi-vac the patient to a hospital capable of Percutaneous Coronary Intervention (PCI) or to transport to RGH. **A STEMI MI carries substantial risk of disability or death to a patient and requires quick response by many individuals and systems working together. Most STEMI patients will die if not transported to a PCI capable medical facility within one hour of symptom onset. The closest PCI capable medical facilities to Lancaster County are VCU Medical Center in Richmond and Riverside Regional Medical Center in Newport News.** The LP15 can assist our providers in accurately making the difficult decision weather or not to fly heart attack patients out or transport to RGH.

Item Description	Purchase Price	Grant Funds-55%	Our Cost-45%
2 - EZ-IO drivers	\$590.00	\$324.50	\$265.50
2- King Airway Kits Size 2 - 5	\$425.00	\$233.75	\$191.25
2 - Multikuf System BP cuffs	\$284.00	\$156.20	\$127.80
2 - Intubation Kits	\$400.00	\$220.00	\$180.00

- Supplies needed to stock bags and make each set of bags the same.

LCEMS Supplies	Purchase Price	Grant Funds at 55	Our Cost at 45%
Grand TOTAL	\$38,000.00	\$20,900.00	\$17,100.00

Mr. Beauchamp stated most of the cost is mandated by the state.

Mr. Jenkins made a motion to Approve the USDA Rural Development Grant appropriating County funds in the amount of \$17,100 which will be 45% of the total price of equipment for LCEMS. Grant funds from the U.S. Department of Agriculture Rural Development will cover the other 55% of the purchase price of items at \$20,900 for a total project cost of \$38,000 for LCEMS. Allow the Volunteer Fire Departments to deposit money as further match into the County's

account so that they may utilize the remaining \$26,900 USDA RD grant funds for their needed equipment.

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

Hurricane Irene Update

Chief Hubbard stated county staff has been working very diligently since Monday morning to ensure that everything is in place. The shelter has been scheduled to open at 9:00 a.m. Saturday morning but that could change with additional weather updates. As of the last conference call there will be tropical storm winds and anticipated to hit approximately at 8:00 a.m. The Emergency Operational Center (EOC) has been scheduled to open at 10:00 a.m. Friday. They have already declared a state of local emergency and have informed citizens in low lying areas to evacuate. The weather conference calls will continue and the information will be related to the citizen through regular announcements on the local radio station and information will be posted on the county's website.

Mr. Pleva stated things are subject to change with the shelter and they have secured a generator for the shelter which will be a cost to the county but hopefully some of those funds will be reimbursed by FEMA.

3. Application for Special Exception – Verizon Wireless – Mr. Gill presented an Application for Special Exception by Verizon Wireless to co-locate an antenna array for Verizon Cellular Service on the existing AT&T tower located behind the Sheriff's Office at 8301 Mary Ball Road in District 2.

Mr. Gill said as Per Article 25-17-3 of the Zoning Ordinance, this Special Exception request does not require a public hearing, as it is an application to co-locate on an existing tower with no increase in overall height. The attached site plan shows the location of the antenna array and the associated ground level equipment shelter and conforms to the requirements of Article 25, "Siting of Wireless Telecommunications Facilities". This tower was built in 2008 with antenna locations available for up to 5 different wireless providers.

Mr. Gill stated Article 25 requires co-location when possible instead of erecting new towers. This co-location will enhance cellular service for Verizon customers in the upper end of the county. The application fee of \$2,000 has been received. Staff recommends approval.

Mr. Palin made a motion to Approve the Application for Special Exception by Verizon Wireless to co-locate an antenna array for Verizon Cellular Service on the existing AT&T tower located behind the Sheriff's Office at 8301 Mary Ball Road.

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

4. Ewaste Recycling – Mr. Larson asked the board for consideration of securing a paid organization to accept electronic waste (ewaste).

Mr. Larson said presently ewaste, computers and miscellaneous electronics, is accepted on those days that hazardous waste of other types is accepted. It has then been collected by a firm that did not charge for this service. Unfortunately, this firm has become unreliable, often not canceling until after the

advertisement for hazardous waste collection has been published. Citizens bringing ewaste to the collection point have then expressed their anger when it could not be accepted. No other provider of this service is willing to provide it at no cost. The lowest cost for this service has been determined to be approximately \$2500 - \$3000 per year. It is believed that this cost can be absorbed within the approved budget for Sanitation and Waste Removal. However, this cannot be assured, and a supplemental appropriation may be necessary if this is acquired as a paid service.

By consensus of the board they agreed that this was a service needed and dependable service should be provided for the citizens of the county.

Mr. Geilich made a motion to Approve securing a paid organization to accept electronic waste (ewaste).

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

5. VRA Refinancing Resolution – Mr. Larson asked the Board of Supervisors for consideration of a resolution in support of refinancing the current loan for construction of the Judicial Center.

Mr. Larson said the resolution formalizes the position of the Board of Supervisors to proceed with application for a loan through the Virginia Resources Authority (VRA). Lancaster County would be included in the 2011 VRA Bonds issuance. The purpose of this effort is to obtain financing that is more favorable than the current loan. The current loan is split evenly between Chesapeake Bank and the Bank of Lancaster. The principal amount and any accrued interest owing

to both banks would be paid off with proceeds from the refinancing. As indicated in an email from bond counsel, Mr. Dan Siegel, he will be available for this meeting to address questions and concerns. Mr. Siegel understands that the County would not proceed with the refinancing if the terms associated with it become unfavorable (i.e. interest rate increasing) with respect to the terms of the current loan. He will also be prepared to advise the Board of any third party costs that might be incurred for withdrawing beyond certain dates.

Mr. Ted Cole, Senior Vice President, Public Finance for Davenport & Company there is an opportunity to refinance the outstanding portion of the County's Series 2008 Lease Revenue Bond and achieve a debt service savings. He said that debt currently has an interest rate of 4%, pre-payable at anytime without penalty which was a \$7million bond issue by the county through the Industrial Development Authority going out to FY 2019. The interest rates have evolved favorably for local governments, for short term rate within ten years. While 4% is an excellent rate with the Virginia Resources Authority (VRA) could lock in rate at 0.55% - 1.75% with a present value saving of 5.5% now at 8% which is \$44,830 - \$60,000 annually. The county has the right to pull out at any point without penalty.

Dan Siegel, Sands Anderson Marks and Miller gave a few details of the resolution and updated the resolution as the county is in the beginning of the process with VRA. This simply to refinance the loan at a lower rate. The targeted saving is 3% of the total amount of the loan and if this is not achieve they will not move forward which is a safety lack. The documents has been consolidated and changed dated. Would like the board to give the county administrator authorize to make decisions as long as it is under the targeted 3%.

Mr. Pleva stated he would certainly make sure the board was informed as to any decisions made.

Mr. Jenkins made a motion to Approve the Resolution Approving Lease Financing of Governmental Facilities to Refund Judicial Center Project Bonds.

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

6. Herman C. Oliver, Jr. et. Al. – Preliminary and Final Plat Approval – Mr. Gill presented a Preliminary and Final Plat Approval for the eleven-lot Subdivision of Tax Map # 21-163 located off VSH 604(Merry Point Road) near its intersection with VSH 612 (Buzzards Neck Road) in District 2.

Mr. Gill said Section 3-7 of the Subdivision Ordinance requires that the preliminary and final plats for all subdivisions of six lots or more be submitted to the Board of Supervisors for their approval or disapproval. This parcel has been subdivided “piecemeal” since 2004 and has reached the six-lot threshold triggering approval by the Board of Supervisors. As evidenced by the attached checklists, this eleven-lot subdivision meets all the requirements for preliminary and final plat approval.

Mr. Palin made a motion to Approve the Preliminary and Final Plat Approval for the eleven-lot Subdivision of Tax Map # 21-163 located off VSH 604(Merry Point Road) near its intersection with VSH 612 (Buzzards Neck Road).

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

7. Draft Noise Ordinance – Mr. Pleva said in response to several citizen complaints about loud and disturbing levels of noise generated by at least one local business establishment, County Attorney James Cornwell has provided the board with a copy of the Henrico County Noise Ordinance as a model for the consideration. According to Mr. Cornwell the ordinance has been upheld by the Henrico County General District Court and does not require the purchase, maintenance and use of sound measuring equipment (e.g., decibel meters)

Mr. Pleva said Sheriff Ronald D. Crockett has indicated that the adoption of a new ordinance or the amendment of the existing noise ordinance is not needed at this time. He believes that education, enforcement and, if necessary prosecutions of offenders are the keys to addressing noise complaints, especially with so-called “repeat offenders”.

Mr. Pleva stated despite Sheriff Crockett’s position on this matter, the Board of Supervisors could conduct a legally advertised public hearing on a similar ordinance like Henrico County or a modified version and consult with the county attorney to present a draft ordinance at the September 29, 2011 regular Board of Supervisors meeting.

By consensus of the Board of Supervisor, they believe that education and enforcement is the key, rather than adopting a new noise ordinance.

Mr. Jenkins made a motion to Deny the Adoption a new noise ordinance but follow the sheriff’s recommendation for education and enforcement.

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

8. Draft Ordinance Regulating Certain Events and Gatherings – Mr. Pleva stated in response to problems, including criminal, violent actions, which have occurred at certain types of events and gatherings, County Attorney Jim Cornwell has submitted as copy of the New Kent County ordinance for the Board of Supervisors' consideration. The ordinance regulates certain types of events and gatherings, particularly those where an admission is charged.

Mr. Pleva stated Sheriff Crockett has reviewed the New Kent County ordinance and supports adoption of a similar ordinance for Lancaster County.

Mr. Pleva said if the board would like to conduct a legal advertisement public hearing for the September 29, 2011 Board of Supervisors meeting on a modified version of the New Kent County ordinance to gauge the public's sense on this matter and consult with the county attorney.

Sheriff Crockett stated the purpose of the ordinance regulating partying is mainly because of the two deaths and other partying where shooting have occurred which send individuals to the hospital. There is only one establishment that stays open pass 11:00 p.m. which is K.C. Crabs and Cubes and deputies where being called occasionally because of fighting. He stated the he knows and has spoken to the owners requesting that they consider changing their closing hours. Since the owner starting closing a little sooner it has gotten better. People having yard parties, charging admission and surrounding counties are having the same problems and concerns. If people were required to obtain an ABC permit first and pay for a permit (possibly \$500) may deter some of the yard parties or at the least be able to better enforce. He stated he spoke with the Sheriff in New Kent and their ordinance has made a difference and helped a many ways.

Dr. Russell stated if folks had places to go would there be a problem.

Sheriff Crockett stated the problems usually occur between the hours of 2:00 a.m. – 4:00 a.m. and no ABC permit. The combination of drinking and late hours is where the problems stem. If Lancaster County has a place for people to party the surrounding counties residents would come because they do not have a place to party and there where other problems occur.

Dr. Russell asked Sheriff Crockett if he believes that the ordinance would really help with this problem.

Sheriff Crockett said it would allow better enforcement, bring them to court and through fines eventually it will stop some of the problems.

Dr. Russell said what if admission is not charge is there a permit needed.

Sheriff Crockett stated that is correct and this is not directed a family functions/gathering.

Mr. Jenkins stated Section 6-33 need to be reworded. Restriction in residential neighborhood, believes there should be an exception for private club because they are allow in a residential zone and non-profit organization because a lot of fund raising is done rotation from house to house.

Dr. Russell said Section 6-32: Cultural Events need be reworded.

Mr. Pleva said he has taken the comments for Mr. Jenkins and Dr. Russell and should anyone else have additional comment please call and/or stop by his office.

BOARD REPORTS

Mr. Geilich stated he received a letter from a contingent whose home was burned and severely damaged on January 30, 2011. He has asked the board to consider reducing their taxes for 2011 as they have not been able to live in the house for seven months. He has spoken to the Commissioner of the Revenue who has provided the board with section 58.1-3222 of the Code of Virginia which states, in part, that “the governing body of any county or city may provide for the abatement of levies on buildings which are (i) razed, or (ii) destroyed or damaged by a fortuitous happening beyond the control of the owner.” He asked that county administration take a look at this issue and bring a recommendation back to the September 29, 2011 Board of Supervisors meeting.

Dr. Russell said it should not be just for this issue, but across the board.

Animal Shelter Concerns

Mr. Geilich stated he was contacted by a citizen with concerns that the Animal Shelter was not being fully utilized and drainage problems. After further investigation it was found that there are no drainage problems. Asked that county administration continue their investigation and make a recommendation to the board to improve the Animal Shelter services. The shelter got a top rating from the state inspection, so it is obvious they are doing an excellent job.

Mr. Beauchamp asked Mr. Pleva to work with the Animal Control Officer to get input and/or suggestions for improvement at the animal shelter.

Mr. Jenkins said the Eagle which is a wooden pilot adornment that was on the Steam Ship Lancaster is nonexistent and does not belong to the county. It was donated to the county by the boat when it was decommissioned. It is on display at the Mary Ball Washington Museum (MBWM) and has been there for some time for safe keeping, that eagle was traditionally displayed in this room. If it is the pleasure of the board he will pursue with the MBWM having it returned. It is a rather large eagle, very expensive and requires a good place to mount it.

By consensus of the board, work with the MBWM to have it returned to the county and have it mounted in the Board/Commission Room.

Wetlands Board Appointment

Mr. Beauchamp made a motion to approve an alternate appointee to the Lancaster County Wetlands Boards to replace Mr. James C. Schmidt.

Mr. Robert Janeski
43 Muirfield Court
Weems, VA 22576
804-438-6517

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

COUNTY ADMINISTRATOR

Affirm Local State of Emergency

Mr. Pleva said on Wednesday, August 24, 2011 after a conference call with the National Weather Service and Virginia Department Emergency Management, Chairman Beauchamp, Director of Emergency Services declared a local state of emergency which allows for the county to acquire necessary items without going through procurement process. The board needs to reaffirm the Directors discussion.

Mr. Beauchamp made a motion to reaffirm the decision to declare a state of emergency in anticipation of Hurricane Irene.

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

Mr. Pleva state he has executed document with a firm called Ash-Britt that would do clean if necessary after the hurricane with no obligation contractual to use the service. The advantage of entering a contract with the company is if we want generator, ice, water, post storm clean up, etc.

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

H-2B Wages

Mr. Pleva stated he received an email from Kenneth Eades, Northumberland County Administrator from the Department of Labor which discusses the method for calculating H-2B Wages on the local seafood industry. The new method will increase wages by 30% - 50% per hour.

Mr. Pleva said he as also spoken to Tommy Kellum, Kellum Seafood and he stated the new H-2B wages for part time seasonal type work could put them out of business because they can not afford. The new wages are set to increase by the end of September 2011.

Mr. Pleva stated they have been in touch with Senators and Delegations about this rule. He would the direction on pleasure of the Board of Supervisor.

Mr. Beauchamp said he spoke to Mr. Kellum who has 60 plus employees and this H2-B are documented Mexican on work permits and Mr. Kellum provides housing. He stated if the wages are raised he can not afford to continue to operate.

Mr. Beauchamp made a motion to direct the County Administrator to write a letter to Hilda Solis, Secretary of Labor in opposition to this proposed new H-2B wage regulation expressing the county's concerns.

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

Dr. Russell stated he would like the county administrator find out more about the law suit which was mentioned in the letter and a few more details. He stated he is in total agreement that something should be done in regard to the new H-2B wage regulation but also believe the county should have all the fact prior to writing the letter.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn.

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