

**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 29, 2013.

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

Staff Present: Frank A. Pleva, County Administrator  
Don G. Gill, Planning and Land Use Director  
Crystal Whay, Building/Land Use Secretary

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

**PUBLIC INPUT**

There was no public input.

**PRESENTATIONS**

There were no presentations.

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mr. Robert Harper introduced Mr. Chris Basye, who is the new maintenance supervisor for Lancaster County.

Mr. Basye stated that he had been employed with VDOT for fifteen years and a supervisor for over six years.

Mr. Harper stated that the Board could get in touch with him or Mr. Basye whenever they needed to and stated that he was giving everyone Mr. Basye's business card.

Mr. Harper stated that the second mowing would be completed that week and the third mowing for the season would be taking place in October.

Mr. Harper stated that the Labor Day weekend would be the last weekend of the pilot program for the Merry Point Ferry and the previous hours would be posted.

Mr. Harper stated that they had begun the surface treatment schedule on the secondary system beginning at the northern end of the County and working to the southern end.

Mr. Harper stated that the speed study results on Griffins Landing Road (Route 620) had come back. He stated that the recommendation was to leave the speed limit the same, but have signs posted on every curve.

Mr. Lee stated that the removal of deer carcasses had improved over the last fifteen to twenty months and he wanted to commend them on that. He stated that the on-line request protocol seems to work well.

Mr. Harper stated that the call center is working well now, too.

Mr. David Brown, the Northern Neck Residency Administrator, stated that there had been a question about the process of bringing a road into the state system. He stated that if it is a dedicated road, but not state maintained, some of the requirements are that the road would have needed to be platted prior to 1992, it would need to service three or more homes, it would need adequate right of way to meet VDOT standards, and that there are no conflicting utilities in the proposed right of way.

Mr. Brown stated that bringing a road into the system can be done several different ways including the Board electing to include a road during the secondary six year plan process.

## **PUBLIC HEARING**

1. Application for Special Exception (Individual Manufactured Home)-Marshall and Dorothy Davis

Mr. Gill presented an Application for Special Exception by Marshall Alford and Dorothy Noel Davis to place an individual manufactured home on a 0.75-acre parcel described as Tax Map #27-190A. He stated that this property is zoned R-1, Residential General and is located at 150 Greentown Road in District 4.

Mr. Gill stated that Article 5-1-3 of the Zoning Ordinance requires a special exception for the placement of individual manufactured homes such as this, which measures 14 feet x 75 feet and is a single wide. He stated that 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 that the property has an existing well and will be hooked up to the Greentown/Gaskins Road Wastewater Treatment Facility once that service is available. He stated that all front, rear and side setbacks can be met. He stated that the issue had been advertised and adjoining property owners notified as required by law and that to date, there had been no input from the public.

Mr. Jenkins opened the public hearing.

There was no public input.

Mr. Jenkins closed the public hearing.

Mr. Lee made a motion to approve the Application for Special Exception for an Individual Manufactured Home for Marshall and Dorothy Davis to be placed on a 0.75-acre parcel described as Tax Map #27-190A, located at 150 Greentown Road in District 4.

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

- Application for Special Exception – Alpha Water Corporation (owner) and Northern Neck Wireless (agent)

Mr. Gill presented an Application for Special Exception by Alpha Water Corporation and Northern Neck Wireless to place a data antenna/pole under 100 feet tall for wireless internet access on a 0.782-acre parcel described as Tax Map #26H-1-1B. He stated that the property is zoned R-1, Residential General and is located at the intersection of Cove Colony Road and Colony Lane in District 1.

Mr. Gill stated that Article 5-1-23 of the Lancaster County Land Development Code allows the placement of data antennas with a special exception. He stated that this is a continuation of requests for special exception consideration to locate data antennas at various locations within the county to provide wireless broadband internet access in areas lacking that capability. He stated that there are no zoning issues with the location of this antenna/pole. He stated that it has the potential to serve many homes in the Cove Colony area.

Mr. Gill stated that the request had been advertised and adjoining property owners notified as required by law and to date, there had been one response from the public, which was in support of the data antenna/pole.

Mr. Jenkins opened the public hearing.

There was no public input.

Mr. Jenkins closed the public hearing.

Mr. Jenkins made a motion to approve the Application for Special Exception by Alpha Water Corporation and Northern Neck Wireless to place a data antenna/pole under 100 feet tall for wireless internet access on a 0.782-acre parcel described as Tax Map #26H-1-1B, located at the intersection of Cove Colony Road and Colony Lane in District 1.

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

### **CONSENSUS DOCKET**

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

1. Minutes for July 25, 2013

Recommendation: Approve minutes as submitted

2. Day to Serve Designation

Recommendation: Approve the designation as submitted

VOTE:

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of August 2013 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for August 2013 in the amount of \$251,455.89 and invoice listings for August 2013 in the amount of \$723,131.80\*.

\*Greentown/Gaskins Road Grant - \$173,742.04  
Capital Improvements - \$10,062.50

VOTE:

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

## 2. Emergency Medical Services Fees Resolution

Mr. Pleva stated that there was a revised, draft resolution regarding proposed fees and the loaded mileage rate for emergency medical services. He stated that the revised resolution included a fee schedule that combines the emergency medical services fees into three categories that have actually been billed by the regional billing agency for all four participating counties, which are Lancaster, Richmond, Westmoreland and Essex.

Mr. Pleva stated that the fee schedule had not been changed in several years and the previous resolutions broke down the EMS fees into five categories. He stated that some of those categories were redundant or not applicable. He stated that the *Lancaster County Code Section 49-3* authorizes the Board of Supervisors to impose and to revise EMS fees and mileage by resolution.

Mr. Jenkins asked what had changed with the two resolutions.

Mr. Pleva replied that the revised resolution shows that they have combined five types of fees into three groups and did away with the non-emergency fees, which is actually the way it has been billed.

Mr. Beauchamp stated that the issue was that different counties were charging different fees and they would like for the billing to be uniform.

Mr. Palin asked if this resolution would keep the County in line with other counties.

Mr. Beauchamp replied yes.

### **EMERGENCY MEDICAL SERVICES FEES FOR SERVICE**

**WHEREAS**, the *Code of Virginia, 1950, as amended*, requires a governing body to provide for the health, safety and welfare of its citizens; and

**WHEREAS**, the Kilmarnock-Lancaster Volunteer Rescue Squad and the Upper Lancaster Volunteer Rescue Squad have entered into a cooperative agreement with the County of Lancaster to provide emergency medical services to Lancaster County residents; and

**WHEREAS**, the County of Lancaster has developed a career emergency medical services program to staff the rescue squads during various days and times of the week; and

**WHEREAS**, the funds to offset the cost of providing career emergency medical services are generated from an established fee for service program within Lancaster County; and

**WHEREAS**, the County of Lancaster along with other counties in the region has contracted with the Northern Neck Planning District Commission to manage the administrative elements of the fee for service program; and

**WHEREAS**, the fees for service should be periodically adjusted to reflect increases in the operational and capital costs associated with the career emergency medical services program; and

**WHEREAS**, it is advisable that such fees should also be uniform within the counties in the region that have contracted with the Northern Neck Planning District Commission to manage the administrative elements of the fee for service program.

**NOW, THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors hereby establishes the following amended fee schedule for emergency medical services in the county beginning on September 1, 2013 and continuing in full force and effect until otherwise amended by said Board of Supervisors:

Basic Life Support	\$450.00
Advanced Life Support – 1	550.00
Advanced Life Support – 2	650.00
Mileage	13.00 per loaded mile

Mr. Beauchamp made a motion to approve the Emergency Medical Services Fees for Service Resolution.

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

3. Appropriation of Unexpended Grant Funds for the Greentown/Gaskins Road/Scattered Sites Project

Mr. Pleva stated that the request was for appropriation of unexpended funds as an amendment to the FY 2014 budget for the Greentown/Gaskins Road Project and Scattered Sites Grant. He stated that no County funds are involved. He stated the following amounts:

Greentown/Gaskins Administration of Grant	\$26,000.00
Greentown/Gaskins Substantial Reconstruction	\$237,371.00
Scattered Sites Administration	\$1,100.00
Substantial Reconstruction	\$481,371.00
Wastewater Treatment Plant	\$527,229.00

Mr. Palin asked why the funds were not used.

Mr. Pleva replied that a certain allocation is received each year, but may not be drawn out by the end of the fiscal year, which ended June 30, 2013.

Mr. Lee made a motion to approve the Appropriation of Unexpended Grant Funds for the Greentown/Gaskins Road/Scattered Sites Project.

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

4. Renewal of Pump and Haul – Jimmy and Sook,, LLC

Mr. Gill presented the renewal of a Pump and Haul Septic Disposal at Jimmy and Sook, LLC, which was previously Crab Shack Marina, LLC and located at the end of Johns Neck Road in Weems in District 5.

Mr. Gill referred to the minutes from the September 25, 2008 meeting in which the Board of Supervisors approved, with a \$1,000 bond and three year

renewals, the pump and haul septic disposal requested by the previous owner of this small marina. He stated that the property was sold to Jimmy and Sook, LLC in May 2010 and the new owners continued the pump and haul arrangement. He stated that there had never been a problem with the arrangement with either owner.

Mr. Gill stated that the issue was basically just a housekeeping issue. He stated that Jimmy and Sook, LLC have a contract buyer for the property, but since the Board of Supervisors never formally granted Jimmy and Sook, LLC the pump and haul permission, the closing of the sale is being delayed. He stated that approval of the renewal would solve this problem.

Mr. Gill stated that the contract buyer would be requesting a rezoning to R-1 for this property in the near future and does not intend to pump and haul. He stated that they intend to locate a drainfield on the parcel and hope to convert it to a private residence.

Mr. Beauchamp made a motion to approve the Renewal of Pump and Haul- Jimmy and Sook, LLC.

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

## **BOARD REPORTS**

Mr. Palin stated that he wanted the Board to discuss the need for another school nurse. He stated that the nurse at the high school had left the position. He stated that he had spoken with Ms. Sue Salg about the cost of a registered nurse for the position and she had stated the cost would be around sixty to seventy thousand dollars a year.

Mr. Palin stated that the school system has put measures in place to cover the position, but his concern is that a registered nurse is needed in each school because there are students at all three schools, who would need immediate attention by a registered

nurse. He stated that he would like for the Board to consider adding the amount of a registered nurse's salary back into the school budget.

Mr. Lee stated that he understood the problem and had had some citizens with children in the school system talk to him about the issue. He stated that he thought the Board needed to do the research to make sure that the money for a nurse's salary is not already in the school's budget. He stated that, if it is discovered that the funds are not there, then there should be a sense of urgency since the school year is about to begin.

Mr. Bellows stated that, in his opinion, it was a school leadership decision not to have a nurse at each school. He stated that the school system could have made the cut somewhere else, but chose not to replace the nurse when she resigned.

Mr. Palin stated that he was leaving the administration out of it and focusing on the students' welfare, health and safety.

Mr. Lee agreed and stated that they needed to take the high road in the interest of the children.

Mr. Bellows stated that statements had been made that the Board of Supervisors cut school transportation, when, in fact, the Board increased transportation funding this year by over thirty-five thousand dollars.

Mr. Beauchamp stated that he had spoken with Mr. Palin about the issue and he had asked Mr. Pleva to check on where the school stands as far as funds at the present time. He stated that his first question was if there was a state code about a school system providing a nurse in each and every school.

Mr. Bellows stated that he did not think it was a requirement.

Mr. Beauchamp stated that his second question was does the County face any legal liability if there is not a nurse in each and every school. He stated that he agreed with Mr. Bellows in that the school system chose not to replace the nurse and now wants to place the blame on the Board for "not providing enough money."

Mr. Jenkins stated that it is an important issue and they need to do their due diligence.

Mr. Lee stated that they should not drag their feet on the matter.

Mr. Palin stated that there may not be a state code to have the nurse, but it would be the best practice to have a nurse at each school because of the students' health and safety.

Mr. Jenkins stated that it was the consensus of the Board to authorize Mr. Pleva to obtain the needed information and include it with next month's Board books.

**COUNTY ADMINISTRATOR**

Establishment of Four (4) New, Separate Accounts and Appropriation of Local, Reimbursable Funds

Mr. Pleva stated that four new accounts needed to be set up for the USDA monies that will fund the wastewater collection system of the Greentown/Gaskins Road Community Improvement Project. He stated that, after speaking with the USDA and the Treasurer, Mrs. Haynie, he would ask the Board to authorize the set-up of four new accounts. He stated that those accounts would be Construction, Debt Service, Short-Lived Asset Reserve and O & M Reserve. He stated that Mrs. Haynie's recommendation was an initial deposit of \$10,000 each.

Mr. Beauchamp made a motion to direct the County Administrator and the County Treasurer to establish four new and separate accounts and appropriate the amount of \$10,000 of local, reimbursable funds for each account.

Mr. Jenkins asked about the \$10,000 amounts.

Mr. Pleva replied that Mrs. Haynie thought that \$10,000 was a usable number, in case some claims for engineering services came in.

Mr. Jenkins stated that the Board could always reallocate funds.

Mr. Pleva agreed.

Mr. Jenkins asked if Mr. Beauchamp would want to amend his motion to \$5,000 for each account.

Mr. Beauchamp amended his motion to direct the County Administrator and the County Treasurer to establish four new and separate accounts and appropriate the amount of \$5,000 of local, reimbursable funds for each account.

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

Solid Waste Facilities

Mr. Pleva stated that the County’s Solid Waste Facilities are closed one day a year and that is Christmas Day. He stated that the staff has asked if the facilities could also be closed on Thanksgiving Day.

Mr. Lee made a motion to approve the closure of the Solid Waste Facilities on Thanksgiving Day.

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

Kilmarnock Waste Disposal Facility

Mr. Pleva stated that there is a portion of the Kilmarnock Waste Disposal Facility that has settled and deteriorated and there have been some citizen complaints. He stated that he and Mr. Beauchamp had discussed the issue.

Mr. Pleva stated that Mr. Sonny Whaley, the Solid Waste Supervisor, had obtained some quotes, which were enclosed in the Board’s mail. He stated that Mr. Whaley had also spoken with Mr. Robert Harper of VDOT about the issue.

Mr. Jenkins stated that it would be prudent, before any money is spent, if there is a determination as to why the settling happened in the first place.

Mr. Pleva stated that he would ask Mr. Whaley to look into it.

Mr. Jenkins stated that since it would be an excavating and paving project, he suggested breaking the job up for two different contractors. He stated that the excavation work could probably be contracted for a reasonable price by a local contractor.

Mr. Beauchamp stated that the request comes from his constituents about their apprehension to use the facility because of the condition of the site. He stated that the citizens are complaining of “bottoming out” and are concerned about the damage that might happen to their vehicles. He stated that he has noticed the settling over the years. He stated that he agreed with Mr. Jenkins about trying to find out the reason for the settling before a project begins.

The consensus was for Mr. Pleva to find out more information and bring it back to the Board at next month's meeting.

**CLOSED SESSION**

Motion was made by Mr. Beauchamp to enter into closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matter to be discussed in the closed meeting is Real Property, § 2.2-3711.A.3, Personnel Matters, § 2.2-3711.A.1 and Legal Consultation, § 2.2-3711.A.7 of the Code of Virginia, 1950, as amended. The purposes of the closed meeting are to discuss the acquisition of real property, personnel matters and legal consultation. The subject and purpose falls within the following exemption(s) under § 2.2-3711.A.3 (acquisition of real property for public purpose OR the disposition of government owned property where public discussion would jeopardize the County's or Town's bargaining or negotiating position), § 2.2-3711.A.1 (candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees) and 2.2-3711.A.7 (consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.)

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

**RECONVENE**

Motion was made by Mr. Beauchamp to reconvene the open meeting.

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

**CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on August 29, 2013 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Real Property, § 2.2-3711.A.3, Personnel Matters, § 2.2-3711.A.1 and Legal Consultation, § 2.2-3711.A.7 of the Virginia Freedom of Information Act;

**WHEREAS**, § 2.2-3712 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE BE IT RESOLVED** that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Motion was made by Mr. Bellows to certify the closed meeting.

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

Hearing no further comment, Mr. Jenkins called the question. A roll call was taken:

**ROLL CALL**

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

This certification resolution is adopted.

No action taken on the closed meeting matters.

**ADJOURNMENT**

Motion was made by Mr. Bellows to adjourn.

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