

**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, September 26, 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**

Mr. Harry Sadler, a District 1 citizen, stated that he wanted to speak on two separate issues. He referred to the Verizon tower at Litwalton and stated that he would like to see the special exception for the collocation approved. He stated that the second issue is that he would like to see the wireless data poles not need a special exception and just go through a building permit process. He stated that there was no need for a public hearing for them, in his opinion.

Mrs. Jane Vogel, a school nurse at Lancaster Middle School, stated that, at the present time, they have two nurses to cover three schools. She stated that it is difficult to give quality care to all of the children, when they are short staffed. She stated that they use some trained non-professionals, but they have minimal training and it is not enough. She stated that she has been told that the Board of Supervisors has set a limit on what can be spent on administration and Dr. Lukich said that he cannot hire another nurse. She asked if the Board knew they were cutting out a nursing position when they approved the budget.

Mr. Jenkins replied that the elimination of a nursing position was the school's administrative decision and there were plenty of opportunities to cut elsewhere.

Mrs. Vogel stated that the bottom line was that the children are the ones doing without the healthcare.

Mr. Jenkins stated that the leadership at the school system refused to look at other departments that are over staffed. He stated that they made a decision to take from the nursing staff because someone was leaving their position and it was an easy decision for them to make.

Mrs. Vogel stated that she understood that completely. She stated that she was asking if the Board of Supervisors had the authority to do anything to change her employer's mind. She stated that she had no input as a nurse and cannot sway her boss to understand. She stated that they have had one nurse per school for decades. She stated that she makes what a teacher makes and is not lazy, but she is over worked and under paid and the children are not being served.

Mr. Jenkins stated that Mrs. Vogel is a citizen with a voice and he was sorry about the situation as well.

Mr. Beauchamp asked Mrs. Vogel if she had expressed her concerns to the school board.

Mrs. Vogel replied yes and stated that she has also met with Dr. Lukich and other members of the administration.

Mr. Beauchamp stated that the school board is the one that makes the decision.

Mrs. Vogel stated that they would be without a nurse in two weeks.

## **PRESENTATIONS**

### **1. Master Deputy Commissioner of the Revenue – Marlon Savoy**

The Honorable George E. Thomas, Jr., Commissioner of the Revenue, stated that Lancaster County's Deputy Commissioner of the Revenue, Marlon Sanders Savoy, had been awarded the title, Master Deputy Commissioner of the Revenue, under the Master Designation program administered by the University of Virginia's Weldon Cooper Center for Public Service and the School of Continuing and Professional Studies. He stated that the program was developed to enhance the professionalism of local government officials and their staff and is sanctioned by the Virginia General Assembly.

Mr. Thomas stated that the program, which takes a minimum of three years to complete, requires a combination of extensive education and governmental experience. He stated that the process is an ongoing educational experience, which does not end with receipt of the Master designation. He stated that in order to maintain the Master

designation, the Deputy Commissioner must satisfactorily complete a minimum number of hours in continuing education after receipt of the initial designation.

Mr. Thomas stated that Mrs. Savoy had been with the County for thirty years and is a dedicated employee.

Mr. Thomas and Mr. Jenkins presented Mrs. Savoy with a plaque of recognition.

## 2. Habitat for Humanity – Nan Flynn

Mrs. Nan Flynn stated that the Lancaster-Northumberland Habitat for Humanity is a Christian non-profit organization that is committed to eliminating substandard housing in Lancaster and Northumberland counties through building adequate housing for their partner families with volunteers, donated materials and donated land. She stated that they work in partnership with the qualified families. She stated that the families go through a rigorous selection process that includes credit checks, interviews and home inspections. She stated that during their last family selection drive, they had 54 people who called in for an application and after the screening and qualification process, there were 13 people who qualified, but they were only able to select one. She stated that there is a need for more Habitat for Humanity homes in Lancaster County. She stated that she would like to submit a proposal, sometime in the future, for the donation of land for this purpose.

Mr. Jenkins stated that Mrs. Flynn would need to contact Mr. Pleva and provide a briefing on what they would like to do and in most cases, it can go on the next month's agenda or the following month if there are questions.

Mrs. Flynn asked if there was anything specific that the Board would need to see in a proposal.

Mr. Jenkins stated that, as he understood it, she would be asking for the Board to vote to cede an asset of the County's taxpayers to her organization. He stated that there should be a justification of why that would be good for all of the taxpayers in the County.

Mrs. Flynn thanked the Board and stated that Mr. Pleva and Mr. Gill had been very helpful.

Mr. Beauchamp stated that he would like to commend Habitat for Humanity for all of their work for the people of Lancaster County. He stated that they were unsung heroes and have done an outstanding job. He stated that he would also like to recognize Mrs. Holton, who has been a mainstay of the organization. He stated that it was also good to see Governor Holton as well.

Governor Holton stated that he would like to thank the Board of Supervisors for taking on the responsibilities and all that they do for the County.

Mr. Lee stated that he wanted everyone to realize that Habitat for Humanity is not in the business of giving hand-outs, but rather a help up and there is a lot of responsibility on the homeowner.

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mr. David Brown, the Northern Neck Residency Administrator, stated that he wanted to give the Board some updates. He stated that they have been brush cutting on Route 695 in preparation of the River Ride. He stated that they have also been doing some ditch and drainage work. He stated that their surface paving work has been completed and the mowing will be completed in the next thirty days. He stated that they are preparing for the upcoming winter season and snow removal. He stated that they would have seven tractors and eight trucks in addition to their VDOT equipment.

Mr. Palin stated that Mr. Robert Harper and his crew do an excellent job for the County.

**PUBLIC HEARING**

None

**CONSENSUS DOCKET**

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

1. Minutes for August 29, 2013

Recommendation: Approve minutes 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 September 2013 Salaries and Invoice Listings

A motion was made by Mr. Palin to approve the salaries for September 2013 in the amount of \$242,206.41 and invoice listings for September 2013 in the amount of \$675,676.65\*.

\*Greentown/Gaskins Road Grant - \$53,989.13  
Capital Improvements - \$5,000.00

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

2. Request for Abatement of Levies on Damaged or Destroyed Building – Kimberly D. Hagy (Tax Map #20D-2-399)

Mr. Pleva stated that Section 58.1-3222 of *the Code of Virginia, 1950, as amended*, 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.” Section 58.1-3222 also stipulates that to be eligible for a levy abatement that: (1) the minimum threshold of decreased valuation for the damaged or destroyed building shall be \$500; and (2) “no such abatement shall be allowed unless the destruction or damage renders the building unfit for use and occupancy for thirty days or more during the calendar year”. Section 58.1-3222 further stipulates that the tax on such damaged or destroyed building shall be prorated based upon the portion of the entire tax year that the building was fit for use, occupancy and enjoyment.

Mr. Pleva stated that in response to a structure fire, Ms. Kimberly D. Hagy of 55 Sandy Lane, Lancaster, submitted a tax abatement application, dated August 29, 2013.

He stated that Steve Daum, the Lancaster County Building Official, verified in writing on June 19, 2013 that Ms. Hagy's house was damaged by fire and was rendered unfit for use and occupancy.

Mr. Pleva stated that prorating the levy on the damaged building for abatement purposes as provided for in Virginia Code Section 58.1-3222 results in a potential abatement by the Board of \$538.52 of the total 2013 tax year levy on the damaged building for the 200 days that it was damaged and, therefore, unfit for use or occupancy. He stated that, conversely, \$450.42 of the tax levy cannot be abated.

Mr. Pleva stated that, at the present time, no demolition or building permit has been issued and the damaged house is in the same condition as it was after the fire. He stated that the Commissioner of the Revenue, Mr. George E. Thomas had spoken to Ms. Hagy's friend and he did not think that Ms. Hagy would rebuild on the site. He stated that even if she did decide to rebuild on the site, it would be highly unlikely that it could be permitted and completed by December 31, 2013.

Mr. Thomas stated that if the Board of Supervisors does not abate the 2013 taxes for the 200 days that the house has been condemned and Ms. Hagy pays her real estate taxes for 2013 in full, the Board would then be faced with a refund plus interest at a later date. He stated that if Ms. Hagy does rebuild in 2014, then the Board would need to address the approval of the real estate taxation for days in occupancy during the 2014 tax year. He stated that the amount to be abated for the year 2013 is \$538.52.

Mr. Thomas stated that there is a slight difference between the present case and the last case that came before the Board. He stated that in the last case, the fire happened and the repairs were all completed in the same tax year. He stated that he thought it was possible that Ms. Hagy would not rebuild on the parcel. He stated that he would ask the Board to grant the abatement.

Mr. Jenkins stated that he had personal knowledge of the house and the lot is unsaleable in the current condition. He stated that the citizen has experienced some unfortunate circumstances in the last few years, with the culmination of her home being destroyed by fire.

Mr. Jenkins made a motion to grant the request for Abatement of Levies on a Damaged or Destroyed Building for Kimberly D. Hagy, Tax Map #20D-2-399.

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

B. Wally Beauchamp Aye

3. Virginia Local Disability Program – Opt-Out Resolution

Mr. Pleva stated that the 2012 Virginia General Assembly created the Virginia Local Disability Program (VLDP) for political subdivision and public school division employees, who will be covered under the Virginia Retirement System's (VRS) Hybrid Retirement Program. He stated that the VLDP is part of the General Assembly's long-term restructuring of the VRS' retirement and disability programs in an effort to reduce costs for state and local governments. He stated that the hybrid program and VLDP shall become effective on January 1, 2014 and will apply to most new employees hired on and after January 1, 2014 and the VLDP will provide short and long-term disability and long-term care benefits to covered employees.

Mr. Pleva stated that the VLDP is a state-mandated program, whose costs are borne entirely by local governments. He stated that major program expenses will occur over time due to turnover in existing positions and the creation of new positions on and after January 1, 2014. He stated that the state maintains that the VLDP will be less expensive than the disability benefits provided to employees who are covered under existing VRS programs.

Mr. Pleva stated that a locality can opt out of the VRS' VLDP by November 1, 2013 if it intends to offer a comparable or superior plan. He stated that, following a request for proposals, VACO Insurance Programs has contracted with The Standard Insurance Company of Portland, Oregon, an A rated insurance company that serves 4,574 public entities nationwide, to provide a disability plan that is not only equal to, but in some aspects, superior to the VRS plan. He stated that the plan is being offered through VACO Insurance Programs to local governments and school divisions throughout the state.

Mr. Pleva stated that over 100 public entities have opted to not participate in the VRS' VLDP. He stated that by opting out of VRS' VLDP, these localities have retained the ability to competitively shop for comparable solutions that are only available if you opt out of the VRS' program.

Mr. Pleva read the resolution.

**RESOLUTION**

**Irrevocable Election Not to Participate in Virginia Local Disability Program**

**WHEREAS**, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program (VLDP) for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and

**WHEREAS**, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before November 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the *Code of Virginia*, with the exception of long term care coverage, by January 1, 2014; and

**WHEREAS**, it is the intent of the County of Lancaster, Code #55151, to make this irrevocable election to request that its eligible employees not participate in VLDP;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the County of Lancaster irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and it is further

**RESOLVED** that, as an integral part of making this irrevocable election, the County of Lancaster certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

Adopted in Lancaster, Virginia this 26<sup>th</sup> day of September, 2013.

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Frank A. Pleva, County Administrator

Mr. Beauchamp made a motion to approve the Virginia Local Disability Program Opt-Out Resolution as read.

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

B. Wally Beauchamp Aye

4. Application for Special Exception – Collocation on Existing Tower –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 guyed tower located off River Road (VSH 354) approximately 0.7 miles from the intersection of River Road (VSH 354) and Mary Ball Road (VSH 3) at Chinn’s Mill in District 2.

Mr. Gill stated that 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. He stated that, in addition, Article 25-8-2 allows the requirements of Article 25, “Siting of Wireless Telecommunications Facilities” to be waived, with discretion, for such applications. He stated that the guyed tower was built in 1994, so he had required a structural analysis report to verify the existing tower could support the additional antenna array. He stated that he had also required a RF Emissions report to verify that any additional radio frequency would not pose a threat to public health and safety. He stated that both of these requests have been confirmed, signed and sealed by professional engineers. He stated that an AT&T antenna already exists on the tower.

Mr. Gill stated that Article 25 requires co-location when possible instead of erecting new towers and the co-location would enhance cellular service for Verizon customers in the upper end of the county. He stated that the \$2000 application fee had been received and that staff recommended approval.

Mr. Palin made a motion to approve the Application for Special Exception for Collocation on an Existing Tower by Verizon Wireless off River Road. Mr. Jenkins stated that he would like to amend the motion, and Mr. Palin agreed, that the tower be called the Litwalton Tower, not Robley, since it is located in Lancaster County.

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

## 5. Emergency Response Plan

Mr. Pleva stated that the Lancaster County Department of Emergency Services was in the process of developing an Emergency Response Plan (ERP). He stated that the state-mandated plan is needed for the two volunteer rescue squads to receive full licensing by the Virginia Office of Emergency Medical Services. He stated that the ERP must be agreed upon by all affected parties and approved by the Board of Supervisors on or before October 31. He stated that the ERP must be received by the Virginia Office of Emergency Medical Services no later than November 1<sup>st</sup>.

Mr. Pleva stated that he would like to table the issue until after they meet with the Sheriff's Office so they can incorporate any changes that their department may have and bring it back in October.

Mr. Beauchamp stated that they had not received the dispatchers' concerns from the Sheriff's Office until three or four days ago. He stated that he and Mr. Pleva would be meeting with them next week to address their concerns.

There was a consensus to table the issue until next month.

## 6. FY 14 School Budget – School Nurse Funding

Mr. Pleva stated that in the Board Reports at last month's meeting, Mr. Palin had suggested that the Board of Supervisors consider providing additional funding for another school nurse. He stated that the Board elected to defer action on the request until more information was received. He stated that the auditor's information shows a surplus of \$235,774.00 between the appropriated budget and actual expenditures. He stated that figure is local money and they are working with unofficial figures because the audit has not been completed.

Mr. Palin stated that they needed to think about the safety and welfare of the students. He stated that he would like the Board to put behind them any issues as far as the school's administration is concerned and just focus on the students in Lancaster County.

Mr. Palin made a motion that they take \$65,000 out of the \$235,774.00 that will be returned back to the general fund, and put it in the administrative category of the FY14 school budget for the purpose of hiring a nurse for Lancaster High School.

Mr. Lee referred to the school nurse that had spoken in the public input portion of the meeting and stated that he understood her to say that her salary was in the 30,000 range.

Mr. Palin stated that the proposed \$65,000 would be salary and benefits.

Mr. Lee stated that he wanted to be sure that there was not already sufficient funds to cover the cost of another nurse in the school's budget.

Mr. Pleva stated that because they are only two months into the fiscal year and a lot of major school expenses have not come in yet, he was not sure how exact a figure they could come up with.

Mr. Jenkins stated that, after looking at the nursing schedule, he saw that there was no coverage of trained health personnel from 11:00 to 11:30 a.m. at the Lancaster Primary School and less than a two hour period at the Lancaster Middle School and entirely covered at Lancaster High School. He stated that those uncovered hours do not equal a full-time person.

Mr. Palin referred to the schedule and stated that some of the persons covering are not trained professionals and need oversight. He also stated that if a nurse gets held up at one school, she may not make her shift in time at another school, which can cause a lack of coverage.

Mr. Jenkins stated that he did not understand why the nurses change schools during the day.

Mr. Bellows stated that nurses are getting tied up at one school and not making it to the next school according to their schedule, so therefore, some children are missing their scheduled medications. He stated that he does not know why the school board made the decision to not replace the nurse that left.

Mr. Bellows stated that the school system has three people that are certified as nurses and wanted to know why couldn't they put one at each school, instead of having the confusing schedule.

Mr. Beauchamp stated that it was an unconscionable decision recommended by the school superintendent and supported by the school board. He stated that he had received an e-mail from one of his constituents, who is a parent of a child in the school system. He stated that the parent said her child had missed four medications and that is something that cannot be tolerated.

Mr. Beauchamp stated that the superintendent knew in ample time that one nurse was retiring and the situation should not have happened. He stated that he had been advised that the school board is quite aware of the issue and it will be remedied and they will find the money. He stated that the school board has not

come to the Board of Supervisors for any money concerning this issue. He stated that he thought Mr. Palin was in a difficult situation, in that, he sees the problem on a daily basis.

Mr. Beauchamp stated that he suggested the Board wait to take action because he has been advised that the issue will be looked at in a few days by the school board. He stated that they should have never gotten to this point and in his opinion, the superintendent wanted to place blame on the Board of Supervisors.

Mr. Beauchamp stated that he respected Mr. Palin's motion, but he would like to see what the school board does and that he had been advised that something will be done very quickly. He stated that he would like to have the Board of Supervisors write a letter or have a resolution adopted immediately urging the school board to take action on the situation.

Mr. Palin referred to Mr. Beauchamp's e-mail and stated that the school staff, as well as himself, have met with the parent and the issue is being resolved concerning the child's medication.

Mr. Lee stated that what concerns him is that Mrs. Vogel is looking for some help and asking the Board of Supervisors what they can do. He stated that waiting bothers him, but still a message needs to be sent that the school system did not do what they were supposed to do.

Mr. Palin stated that they need to think about the safety and welfare of the children.

Mr. Jenkins stated that he agreed, but that it was not a sufficient reason to overlook the proper stewardship of the taxpayers' money. He stated that the lapse in leadership did not come from the Board of Supervisors. He stated that the inability to properly manage the biggest part of finances that the people in the County contribute their tax money to is not being looked at very well. He further stated that he did not understand why there is a multi person finance department in the school system when the County has shown they can process twice the amount of invoices with one clerk. He stated that he thought there was money in the school budget for an additional nurse. He stated that the scheduling needed to be improved as well.

Mr. Bellows stated that it should not cost as much for an additional nurse at the present time because they are already into the fiscal year and by the time someone was hired, the year may be half over.

Mr. Bellows stated that he thought the Board should table the issue to give the school board time to act.

Mr. Palin stated that he would table his motion.

Mr. Bellows suggested the issue be tabled until next month's meeting. The Board agreed by consensus.

Mr. Beauchamp stated that he thought the strongest letter from the Board to the school superintendent should be sent urging him to address the matter as soon as possible.

Mr. Lee agreed and stated that they should also copy the school board.

Mr. Jenkins suggested that the letter be addressed to the school board and copy the superintendent.

Mr. Beauchamp made a motion to have Mr. Pleva draft the strongest, reasonable letter to the school board urging them to address the school nurse issue as soon as possible.

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**

None.

## **COUNTY ADMINISTRATOR**

### **1. Kilmarnock Waste Disposal Facility Repair Bids**

Mr. Pleva stated that Mr. Sonny Whaley, the Solid Waste and Recycling Supervisor, had received several bids on the Kilmarnock Waste Disposal Facility Repair. He stated that he and Mr. Whaley had chosen to award the gravel part of the contract to Earth Resources, which is a local business and the paving portion would be done by C.W. Davis Company, whose bid came in the cheapest. He stated that the two companies have worked on other projects together, so they are familiar with working in tandem. He stated that the two bids together came in about \$300 or \$400 lower than the previous C. W. Davis bid for the entire project.

Mr. Bellows asked if a cause of the settling was known.

Mr. Pleva replied no.

Mr. Jenkins stated that that would need to be looked at.

Mr. Bellows stated that it is a pretty big problem and that they should get working on it. He stated that if the settling continues in the future, an engineer may need to look at it.

Mr. Bellows made a motion to approve C. W. Davis to do the paving portion of the project and Earth Resources to complete the gravel portion of the Kilmarnock Waste Disposal Facility Repair. He stated that the motion would include the County Administrator to seek out the cause of the settling of the lot.

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

### **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