

## **VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, September 27, 2001.

Present: F. W. Jenkins, Jr., Chairman  
Cundiff H. Simmons, Vice Chair  
Donald O. Conaway, Board Member  
Patrick G. Frere, Board Member  
B. Wally Beauchamp, Board Member  
William H. Pennell, Jr., County Administrator

Others Present: Joseph Staton, Virginia Department of Transportation; James Cornwell, County Attorney; Frank Tetrick, Community Services Board; Jerry Davis, Northern Neck Planning District Commission; Ted Cole, Davenport and Company; Robert Mason, Rappahannock Record

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

Mr. Beauchamp asked if everyone would pause for a moment of silence because of the recent tragedies on American soil.

## **PRESENTATIONS**

Approval of FY02 Community Services Board Contract – Mr. Frank Tetrick stated that the Community Services Board was able to get a lot of information out to the communities on tips for adults and children related to the tragedies in Washington D.C. and New York. He said that Alice Stevens has been doing an excellent job representing Lancaster County. The Community Services Board has not had an increase in 11 years from Lancaster County and they have a 12.2 million dollar budget for FY02. The Community Services Board serves 455 clients with 8,899 services. He stated that Lancaster County's return for FY02 was \$26,280 which was \$57.75 for each resident at a

cost of \$2.95 per service for each individual. He said that they have 46 employees that reside in Lancaster and an annual salary impact on Lancaster County of \$844,587, money being spent locally. As Lancaster County supports the Community Services Board, they support the county.

Mr. Beauchamp made a motion to approve the FY02 contract and authorize the Chairman of the Board of Supervisors to execute the required documents.

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

Virginia's River Country – Economical Development Partnership – Mr. Jerry Davis, Executive Director of the Northern Neck Planning District Commission stated the members of the Virginia's River County – Economic Development Partnership have been considering separating the Northern Neck from the Middle Peninsula and establishing two distinct partnerships. He stated that Virginia River County was established in July 1997, was one of the first groups of its type, and is now entering its 5<sup>th</sup> year. He said each partnership would receive the minimum \$300,000 for economic development strategies. The application deadline would be July 2002. He said he would like the Board of Supervisors to adopt the resolution which would establish the partnership. The quarterly meeting will be held at Stratford Hall on November 14, 2001.

Mr. Frere asked if the board was expected to take action at this meeting.

Mr. Davis said no, that it would be helpful if the board members look at the package provided. There will be a meeting held later at Belle Isle State Park. They would like to have all the resolutions done by the end of the calendar year.

Mr. Pennell said the Planning District Commission felt it would be helpful to have present as many board members as possible at the Strategic Planning Session.

Mr. Jenkins said this activity was not a failure of the Virginia River Country. This is opportunity for the counties to narrow their scope.

## **DEPARTMENT OF TRANSPORTATION**

Six Year Plan - Mr. Staton stated VDOT would like to have a work session at the October meeting and budget at the November meeting. He said VDOT would advertise for the Public Hearing.

The Board of Supervisors agreed by consensus.

King Carter Drive Speed Limit – Mr. Staton stated that this request would go back for consideration according to a letter he received on September 26, 2001. He forwarded that information to Mayor Fleet. He said parking for Trick Dog Café would be on one side of the street and there would be flashing lights alerting drivers of the posted speed limit.

Courthouse Speed Limit – Mr. Staton said they took into account all the concerns of the Board of Supervisors and agreed to lower the speed limit to 35 miles per hour, add a crosswalk, and erect flashing light in both directions.

Mr. Jenkins thanked Mr. Staton for listening to the concerns of the Board and making the Courthouse citizens and visitors feel safer.

Treacle Lane/Whaley Lane – Mr. Staton stated that VDOT needed the Board of Supervisors to adopt the resolution to accept Treacle Lane and Whaley Lane in the Fleets Bay Subdivision into the secondary system of highways.

Mr. Frere made a motion to adopt the resolution to accept Treakle Lane and Whaley Lane in the Fleets Bay Subdivision in the secondary system of highways.

**WHEREAS**, the Lancaster County Board of Supervisors has this day decided to establish as part of the State Secondary System of Highways the following roads in the Fleets Bay Estates Subdivision in Lancaster County.

Street Name: Treakle Lane  
From: Route 650  
To: Whaley Way  
Length: 0.08 miles  
Right of Way: 50'

Street Name: Whaley Way  
From: 0.07 miles west of Treakle Lane  
To: 0.10 miles east of Treakle Lane  
Length: 0.17 miles  
Right of Way: 50'

**WHEREAS**, the plats conveying the necessary clear and unencumbered 50' right of way along with the required drainage easements were duly recorded in the Clerk's Office of Lancaster on June 22, 1994 in Plat Book 3, Pages 61-62.

**NOW, THEREFORE, BE IT RESOLVED**, this Board doth hereby guarantee the said clear and unencumbered 50' right of way and drainage easements and request the Department of Transportation, pursuant to Section 33.1-229 of the Code of Virginia, as amended, accept.

Street Name: Treakle Lane  
From: Route 650  
To: Whaley Way  
Length: 0.08 miles

Right of Way: 50'

Street Name: Whaley Way

From: 0.07 miles west of Treakle Lane

To: 0.10 miles east of Treakle Lane

Length: 0.17 miles

Right of Way: 50'

**BE IT FURTHER RESOLVED**, that this resolution is contingent upon the Virginia Department of Transportation receiving all remain in place CE-7 permits from the appropriate utilities for these roadways.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

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

Customer Service Week – Mr. Staton said that VDOT would be celebrating Customer Service Week, October 1<sup>st</sup> – 5<sup>th</sup>. He said that the open house at the Brookvale Headquarters would be held on October 3<sup>rd</sup> starting at 11:30 a.m. and they would be providing hot dogs, chips and drinks.

Old Salem Road – Speed Limit - Mr. Simmons stated he had a constituent who lives on Ring Farm Road off Old Salem near Rappahannock Westminster-Canterbury voice concerns about the speed limit on that road. They would like VDOT to lower the speed limit in that area.

Mr. Staton said he would have a survey done in that area.

Robert O. Norris Memorial Bridge - Mr. Conaway said he had a number of citizens with concerns about the height of the railings which are too low and the width of the lanes. The citizens would like a study done. He stated that letters would be sent to legislators stating their concerns.

Mr. Staton stated at the time the bridge was built it was great according to the people who traveled across it; however, things have changed since then. He said that would be a project to be put in the six year budget.

Route 622 - Adopt-A-Highway - Mr. Conaway asked Mr. Staton when the sign would be put up.

Mr. Staton stated the adopt a highway sign was put up today.

## **PUBLIC HEARINGS**

NONE

## **CONSENSUS DOCKET**

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

A. Minutes for August 30, 2001

Recommendation: Approve with amendments

B. Resolution Condemning Recent Terrorist Attacks

Recommendation: Adopt Resolution

**WHEREAS**, on September 11, 2001, the United States of America was suddenly and brutally attacked by foreign terrorists; and

**WHEREAS**, these terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City and a third into the Pentagon in Arlington County, Virginia; and

**WHEREAS**, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders; and

**WHEREAS**, these cowardly acts were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve; and

**WHEREAS**, since these horrific events have affected all Americans, it is important that we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American people, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall and proud.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors condemns the cowardly and deadly actions of these terrorists; and

**BE IT FURTHER RESOLVED**, that the Lancaster County Board of Supervisors supports President Bush as he works with his national security team to defend against additional attacks and find the perpetrators to bring them to justice; and

**BE IT FURTHER RESOLVED**, that the Lancaster County Board of Supervisors recommends to its citizens to support relief efforts by giving blood at the nearest available blood donation center.

C. Abstract of Votes – House of Delegates, Republican Primary

Recommendation: Accept the attached abstract of votes  
(See Attached)

D. Arthur H. Bryant – Continuation of consideration of Subdivision Application

Recommendation: Continuation until October 25, 2001

E. Domestic Violence Awareness Month

Recommendation: Adopt Resolution

**WHEREAS**, home should be a place of warmth, unconditional love, tranquility and security. For most of us, home and family can indeed be counted among our greatest blessings; and

**WHEREAS**, tragically, for many Americans, these are blessings that are tarnished by violence and fear; and

**WHEREAS**, domestic violence is more than the occasional family dispute; and

**WHEREAS**, in the United States, 1,320 female homicide victims in 1998 were killed as a result of domestic violence; and

**WHEREAS**, women are not the only targets, young children, some men and the elderly are also counted among the victims; and



**WHEREAS**, a coalition of organizations has emerged to directly confront this crisis such as law enforcement officials, those involved with shelters and hotline services, health care providers, the clergy and other concerned citizens are helping in the effort to end domestic violence. The compassion and dedication of these volunteers and professionals must be recognized and the public understanding of this important problem must be heightened.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors proclaims the month of October as Lancaster County Domestic Violence Awareness Month and urges all citizens to observe this month by becoming aware of the tragedy of domestic violence, supporting those who are working toward its end, and participating in community efforts.

F. VACo Annual Meeting – Voting Credentials

Recommendation: Appoint the County Administrator as the voting representative for Lancaster County at the 2001 VACO annual meeting.

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of September 2001 Salaries and Invoice Listings

Motion was made by Mr. Conaway to approve the Salaries for September 2001 in the amount of \$122,743.95 and Invoice Listings for September 2001 in the amount of \$385,311.23.

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

2. Report of IDA Recommendation on Capital Improvement Budget Bond Issuance - Mr. Pennell gave an overview and introduced Ted Cole, Davenport and Company and Weston Conley, Chairman of the IDA.

Mr. Cole stated he met with the IDA on Tuesday, September 25, 2001 and they would meet for final action on Friday, September 28, 2001 at 4:00 p.m. He said the School Board would meet at 11:00 a.m. the same day. The county would borrow \$547,608 on the short-term loan for FY02-03 and \$1,855,048 on the long-term loan for a total of \$2.41 million dollars. The proposal was sent to a number of potential banks and responses were received from Chesapeake Bank, SunTrust Bank, BB&T and Bank of American.

Mr. Cole said the closing would be on or about October 16, 2001 and Bank of America has better rates. Davenport and Company recommends selecting Bank of America as the lending institution. Since Bank of America requires surety for the long-term financing, Mr. Cornwell recommends a ground lease on one of the schools.

Mr. Cornwell said the school would lease to the IDA and the IDA would lease the school to the county. He said it is most commonly done on courthouses. The county needs the courthouse and schools and would not forfeit on the loan. The reason for leasing the school was because \$1.8 million on the capital improvement budget is school related.

Mr. Conaway asked what would be the tax increase.

Mr. Cole said there could be a tax increase of two cents in FY03. If the Board of Supervisors thought it was necessary.

Mr. Conley stated these rates are a great deal; however, time is of the essence.

Mr. Cornwell said you can not get a better interest rate if the school board is willing to go forward with the lease.

Mr. Frere made a motion to approve the short-term project funding through Bank of American at a fixed rate of 3.39% for four years.

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

Mr. Jenkins made a motion to approve the long-term project funding through Bank of American at a fixed rate of 4.37%.

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

3. Donation to American Red Cross – Mr. Pennell said the terrorism incidents that occurred in the United States on September 11, 2001 have stretched the resources of the American Red Cross in its endeavor to deliver emergency

services to American citizens. He would like the Board of Supervisors to approve a donation of \$1,156.70 to the American Red Cross (equivalent to ten cents per resident).

Mr. Beauchamp made the motion to approve the donation of \$1,156.70 to the American Red Cross Disaster Fund.

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

4. Board of Supervisors Meeting Minutes – Mr. Pennell stated that at the August 30, 2001 meeting of the Board of Supervisors he was asked to conduct a survey of 15 neighboring counties to determine their policies regarding the manner in which board minutes are recorded. He has completed the survey and also provided the board with pages found in *For the Record*, a handbook for clerks for Virginia Local Governing Bodies, Boards and Authorities.

Mr. Simmons said according to the survey completed by Mr. Pennell that all the county boards do summaries of action and Lancaster County does not need verbatim minutes. He stated after the minutes are approved, the audio tapes can be destroyed.

Mr. Beauchamp asked Mr. Cornwell, County Attorney, what his opinion would be on the destruction of the audio tape.

Mr. Cornwell said that occasionally the audio tape would need to be kept (i.e. redistricting), or if any board member or county administrator specifically requested that the audio tapes be kept longer.

Mr. Pennell stated there were counties that video taped their meetings; however, he did not include that information because the video tapes were given to the local cable company and they kept them.

Mr. Frere stated he would like the minutes kept in a narrative format, or at least the main discussion, so that people can realize why their board member voted the way they did and what the thought process was. He said the minutes are placed on the internet. There are a lot of people who can not attend the meeting, and those people would be able to read the minutes and understand why the action was taken. The minutes are public record, adopted, and placed in board books at the Circuit Court Clerk's office and become historic records. According to the information Mr. Pennell provided there are two sides to this issue about keeping the minutes concise, including the discussion. Summarizing the main points on a particular issue may help to build a legislative history of that issue. He said the key element was to have a complete record.

Mr. Conaway said when the minutes are summarized that's fine but would like an audio tape available for a certain length of time for review.

Mr. Jenkins asked how long the board needs to keep the tapes.

Mr. Conaway asked why the tape would need to be destroyed after sixty days.

Mr. Simmons said he does not see a problem with keeping the audio tapes for sixty days.

Mr. Pennell said we currently keep the audio tapes for one year and if you go back to the tape it is usually within thirty to sixty days.

Mr. Jenkins said that should the board decide on summarizing the minutes, it would become a much greater burden to get the essential of what's there. He stated he was speaking less on political terms but more historical. He would like to see a good crisp historic record.

Mr. Beauchamp said note the highlights of the discussion.

Mr. Conaway said it would have to be left up to the secretary to determine what portion of the discussion should be written.

Mr. Simmons said the only thing that this board or the majority of the population should be concerned with are the actual actions taken by the board.

Mr. Conaway said the way the board conducts business at the meetings determines whether your constituents want to put you back into that elected position again, and the only thing they have to go back to are our actions.

Mr. Pennell said what you are saying is true but your constituents would get your discussions from the press, not from the actual minutes.

Mr. Jenkins said the average constituent gets information from their representative or the press.

Mr. Simmons made a motion that the board adopt a policy for keeping minutes for board records that would consist of a summary of the issues and actions taken. He further moved that audio tapes not be kept longer than sixty days beyond board approval of the minutes with the exception of a specific request by a board member, County Attorney or the County Administrator to keep the audio tape for a longer period of time.

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

## **BOARD REPORTS**

NONE

## **COUNTY ADMINISTRATOR REPORT**

VACo Annual Spring Meeting - Mr. Pennell stated he and Mr. Beauchamp had attended a VACo Region I meeting with legislators in Gloucester County. He spoke with Teresa Altman, Region II Representative, and she asked if Lancaster County would like to host the VACo meeting this spring for the counties in Region II with their legislator's contingents. He would like Lancaster County to host the meeting and would like consensus from the board. There would not be a cost to the county because VACo would pick up the cost.

There was consensus from the board to have Lancaster County host the meeting this spring.

Mr. Pennell stated there would be a meeting for the Northern Neck just before the general assembly which would be held at Stratford Hall with Jo Ann Davis, Senator Chichester, and Albert Pollard.

Annual Leave - Mr. Pennell informed the board that he would be on vacation the week of October 8 – 11.

Individual Manufactured Homes - Mr. Pennell stated he received an email that may help the Planning Commission and this board. There's a work group and Senate

Joint Resolution 437 before the general assembly which will talk about permitting individual manufactured homes in residential zones. We allow individual manufactured homes in agricultural zones. Now they are starting look at double wides in the residential zoning district which might help the board and the Planning Commission in some of the deliberations coming up.

Rescue Squad Issues - Mr. Pennell stated he met with Sonny Thomas, President of the Kilmarnock-Lancaster Rescue Squad, and was informed of the difficulties in getting staffing for rescue operations. Mr. Thomas had talked to a representative of Lifeline and he believed that group could help Lancaster County. He said he then met with Sonny Thomas, Billy Hudson, Pam Walker, Jeff Haywood, Rebecca Wright-Raymo and Mike Misseri and was informed that Lifeline was available to respond to calls. They are fully certified. The members of the rescue squad and dispatchers would like to work out a policy stating that if a call comes in, it's dispatched out to the proper rescue squad and two minutes later, if there was no response, then a second call would be put out to both of the county's rescue squads and two minutes after that, if no one has responded, then Lifeline would be called. Lifeline would bill everyone with insurance and would not collect from those without insurance. Service would not be denied. The rescue squads and dispatchers would like to dispatch all transports from the nursing homes automatically to Lifeline.

Mr. Conaway said he was concerned with using one company to handle calls without having any competition. Can the county authorize one company to perform those services?

Mr. Pennell said in Essex County there are two services which are Lifeline and Life Care and the county made an arrangement that one company get calls on even numbered days and the other company on odd numbered days.

Mr. Beauchamp asked what bearing this would have if there was no compensation from the county to this organization.



Mr. Cornwell stated if calls are going to be directed to Lifeline, then the county needs to look at whether there are other companies to be considered for that service. There needs to be a policy stating if another company comes into the area that they would be considered and calls would also be directed to them.

Mr. Pennell said he only brought this information to the board and would like to continue working on this. He would be meeting the nursing home directors about this.

**CLOSED MEETING**

Motion was made by Mr. Frere to enter into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are Real Property, in accordance with provisions of Section 2.1-344A.3, and for the privacy of individuals, personal matters not related to the county in accordance with provisions of Section 2.1-344A.4 of the Code of Virginia.

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

**RECONVENE**

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

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

**CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel and legal matters in accordance with the Virginia Freedom of Information Act.

**WHEREAS**, Section 2.1-344.1 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law.

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

Motion was made by Mr. Simmons to certify the closed meeting. A roll call vote was taken:

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

This certification resolution is adopted.

**ADJOURNMENT**

Motion was made by Mr. Beauchamp to adjourn the meeting.

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