

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, September 28, 2000.

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

Others

Present: Carter White and Robert Harper, VDOT
Representatives: Jack Larson, Planning and Land Use
Director: Press

PUBLIC INPUT SESSION

Karla Havens, Mid-Atlantic Resource Consulting - Mrs. Havens appeared before the board of supervisors to inform the members of her perception of unfair treatment by the Chairman of the Wetlands Board. She informed the board of the verbally abusive way in which she had been treated by the chairman of the Wetlands Board. She wanted to make it clear that this behavior degrades her in front of clients and potential clients, and the actions are damaging her financially.

Ms. Havens talked about a decision the Board of Supervisors made approximately 4 months ago to reappoint the chairman to the Wetlands Board for another four-year term. Because he is disrespectful, abusive to agents, and obviously degrading to women, she felt that this decision to reappoint him was a great mistake.

She explained that at the August Wetlands Board hearing the chairman's verbal attacks were deplorable and inexcusable. After the hearing, she contacted Mr. Pennell's office immediately. On August 28th, she spoke with Mr. Pennell and was asked to work directly with Mr. Beauchamp.

She and Mr. Beauchamp met on August 29th to discuss this matter.

Ms. Havens stated she respected the chairman's historic knowledge of the county and its waterways, but that there were some very serious problems with his behavior and the way he conducted the public hearings.

Mr. Beauchamp and Ms. Havens met for almost an hour about this matter. It was a very productive meeting. Mr. Beauchamp stated that he would review the Wetlands Board's activities and procedures, talk with the Wetlands Board members, and would personally meet with Mr. Pennell and the Wetlands Board Chairman to discuss his behavior and the Wetland Board's activities. Mr. Beauchamp made it clear that he wanted this matter resolved.

During the September Wetlands Board hearing, it was obvious that someone had spoken to the chairman about his behavior. However, he interrupted twice during Ms. Havens time at the lectern. Again, she stated that she was treated unfairly.

After the September Wetlands Board hearing, Mr. Beauchamp stated that the Board was directed to treat everyone alike, and there would be major change in the way the Board conducted itself, and that the hearings would be monitored. Obviously, Mr. Beauchamp went out of his way to deal with this problem and correct matters.

No action taken.

DEPARTMENT OF TRANSPORTATION

VSH 600 - Abernathy Construction has been awarded the contract. At a cost of approximately \$638,000 or better for a 102'

bridge. This is the same company that finished the alternate route in Kilmarnock. A public meeting has been set for October 16, 2000 at 6:00pm at the Lancaster Courthouse General District Courtroom. The contractor will be invited to explain the methodology that will be used in building the bridge.

VA Transportation Development Plan - Approved by the Commonwealth Transportation Board. The plan now goes to two public hearings. The Route 3 project from Lancaster to Kilmarnock for 4-lanes is still on the plan.

Mr. Pennell said it is still on the same timetable pending completion roughly in 2004.

Six-Year Plan for Secondary Roadways - Work session will be next month and the following month will be the public hearing.

James Jones Memorial Highway - Mr. White said he would like to take the time to commend this Board and the Town of Kilmarnock for trying to relieve the traffic congestion around the town with the Alternate Route. It is completed. There are still some signs that need to be placed.

Route 201-Bethel Methodist Church - With the sales in the new facility, there is parking across the street. The church is requesting cautionary speed limit sign. VDOT is looking at putting up folding Pedestrian Crossing signs to use only when necessary. He will let the Board know before any decision is made as to what will be done.

Kilmarnock Chamber of Commerce - The Chamber of Commerce wants to close a portion of Route 3 all day for a craft fair. The Chamber of Commerce has the support of the Town Council. Mr. Staton and Mr. White have written procedures for an activity that will last for a couple of hours. This matter has been forwarded to the District Administrator for his comments. VDOT is seeking this Board's input.

Merry Point Ferry - The gears for the drive unit for the propeller broke on July 28, 2000. The gears need to be manufactured. The part has now been received and the repair should be done next week.

Mr. Conaway noted that in other places where a ferry was out of operation, a replacement was obtained. Why wasn't this considered this time since the ferry was down as long as it has been?

Mr. White said it is certainly something that can be considered for the future. It didn't really cross their minds. These ferries are very unique to the Northern Neck and the State of Virginia. The parts are made in only 2 places in the United States. Without the demand for parts, the part is not kept in stock and has to be manufactured.

Mr. Conaway stated that if it were down one week, the closing would be understandable. However, it was down for 2½ - 3 months. There should be an alternative.

Mr. White said that it was a good idea and something to be looked at. He also stated the uniqueness of the landing and cables are designed specifically to the ferry.

Mowing - Primary roads have been finished and are half way through the secondary roads. The primary roads will be done again.

Guardrail on Route 3 - The guardrail on Route 3 between the Courthouse and Berry O Waddy's will be repaired next week. It was hit and bent. It has damaged the shoulder. All of the existing guardrail will have to be removed so the shoulder can be repaired

and then the guardrail will be replaced. There will be some traffic delays with flagmen while this work is being done.

Route 3 Potholes - Mr. Simmons said the potholes are back on the north bound side of Route 3 between White Stone and Kilmarnock. This seems to be a chronic problem. Is there something on your schedule to get this repaired so that it can last more than 6 months?

Mr. White said the road would be getting repaired temporarily.

Mr. Harper said that a FWD test has been done on the asphalt to test the strength and quality. They are meeting with the engineers next month to look at this problem.

Mr. White said that hopefully a long-term solution would be able to be reached. They want one too.

Weems - Mr. Beauchamp met with the Weems Community Civic Association on Monday night. They had two concerns that they would like VDOT to address. The first is the 35MPH sign that is currently at Wharton Grove Road. They would like this moved west to Elderberry Road. The second is the intersection at Elderberry Road near Campbell Memorial Church. People heading south from the post office cross through the intersection to Sunset Drive. Several fender-benders have occurred.

Mr. White asked if the problem seems to be as you're coming into town or as you're leaving?

Mr. Beauchamp said there is a stop sign on Sunset and King Carter drive, but not on 222. The speed limit is 25 but as you come around the turn there is a problem. I am not sure which direction is more of a concern.

Mr. White said VDOT would look at the problem.

Bethel Church - Mr. Pennell asked that Mr. White deal directly with Mr. Jack Larson on this issue. Mr. Larson is involved with these sales. He will be able to provide you with any help you may need. We can then get the information to the Board.

CONSENSUS DOCKET

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

- A. Minutes of August 31, 2000
Recommendation: Mr. Frere noted that the consensus of the Board for the purchase of a vehicle under state contract in the \$14,000 - \$18,000 range for the County Administrator's use was omitted.
- B. Consumer Utility Taxes
Recommendation: Take no further action with regard to this consumer utility tax.
- C. Domestic Violence Awareness Month
Recommendation: Adopt the attached 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.

D. VACo Annual Meeting - Voting Credentials

Recommendation: Appoint the county administrator as the voting representative for Lancaster County at the 2000 VACo annual meeting.

VOTE: 5 - 0 Aye.

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of September 2000 Salaries and Invoice Listings

Motion was made by Mr. Conaway to approve the Salaries Listing for September 2000, in the amount of \$121,540.74 and Invoices for September 2000, in the amount of \$282,957.13. VOTE: 5 - 0 Aye.

2. Middle Peninsula - Northern Neck Community Services Board FY 2001 Performance Contract - Mr. Frank Tetrick, Executive

Director of the MP-NN CSB. He would like to thank the Board of Supervisors of Lancaster County, Virginia for the wisdom of appointing Ms. Alice Stevens to the Community Services Board. She is the Vice Chair of the Community Services Board. He has been extremely impressed with her commitment to mental health, mental retardation, and substance abuse service needs not only to the residents of Lancaster County but to the other nine counties served by the Middle Peninsula-Northern Neck Community Services Board. She is a very strong advocate and you can be proud of the work she is doing. Her term is expiring on December 31, 2000. He has spoken with her and she has expressed interest in renewing her appointment for a second term.

Mr. Tetrick said he would like to thank the Board of Supervisors for being the fiscal agent for the Domestic Violence Coordination Program. He appreciates the support that has been given. This allows the Community Services Board to have someone in the community to coordinate various activities in the ten counties relating to Domestic Violence Services. The declaration of October as Domestic Violence Month was much appreciated. There are a number of activities going on in the region with a variety of different groups. This grant allows us to try to facilitate and coordinate these efforts so there is no duplication.

As an update, Mr. Tetrick said that the services in Lancaster County have been expanded. There is a new clinician at the

Department of Social Services for a half-day each week seeing some of the at-risk youth. There is also a new substance abuse group at the Charter House Program. This has been very well received.

Mental health and substance abuse services are still being offered in the jail. It is amazing the extent of the problems and concerns that many of the inmates have relating to substance abuse and mental health. While they are in the facility, it is a vital time to provide the supportive services and treatment to help change lives, so that when the inmates return to the community, they do not return to old habits.

A press release will be going out next week for notice of the grant awarded to the Community Services Board for \$99,998.00 from the Office of the National Drug Control for a drug prevention program. This was one of 54 awards presented on a national basis. There were 300 applications nationwide. This will be used to help youth develop skills to not abuse drugs. Early intervention is very critical. The earlier the education is offered the better the results.

The Northern Neck-Middle Peninsula Community Services Board has an \$11.8 million dollar operating budget for FY2001. Of this, \$8.6 million dollars are considered state controlled. \$2.5 million comes from the Department of Mental Health and Retardation and Substance Abuse. The fees earned for services are also considered state controlled due to the fact that they come from providing services to Medicaid and Waiver services. These funds will possibly become more and more connected to demonstrating that services are provided to those people with the most serious forms of mental illness and the most serious forms of substance abuse as well as our mental retardation population. This may mean that the Community Services Board may have to limit the services to people with less severe problems unless we can demonstrate that we are paying for those services out of fees that they provide or through local dollars. \$280,000.00 comes from local funds. This will not purchase a lot of services for those people outside of the priority population. Local contributions from the 10 counties have not been adjusted in the last eight years. Additional local dollars are needed to apply to the lower priority population.

Donald Conaway asked if there is any way to tell how much money is used in Lancaster County compared to the appropriation given to the Community Services Board.

Mr. Tetrick said that he does not have those figures in front of him, however it would be possible to get the information. As far as terms of return on investment, this is a very good return. The Community Services Board can identify which clients are Lancaster County residents, which services are used, the level of service the resident is receiving and the cost associated with the particular service.

Mr. Conaway said he would like to request that.

Mr. Tetrick said certainly.

Mr. Conaway said that when the presentation is made, it would be nice to see the figures based on Lancaster County as opposed to percentages broken down and spread over the 10 counties.

Mr. Tetrick said that Ms. Stevens reports this as part of the monthly board report. A dollar amount is not assigned at this time, but certainly could be.

Mr. Beauchamp said this would be invaluable next spring as the annual budget work begins.

Mr. Simmons made the motion to adopt the attached resolution:

VOTE: 5-0

WHEREAS, Section 37.1-198 of the Code of Virginia (1950) as amended, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, an annual performance contract for community mental health, mental retardation and substance abuse services for its approval prior to submission of the contract to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services; and

WHEREAS, the Middle Peninsula-Northern neck Community Services Board has put forward its proposed Performance Contract for fiscal year 2001, for approval by the Board of Supervisors of Lancaster County, Virginia.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Lancaster County, Virginia, that the Performance Contract prepared by the Middle Peninsula-Northern neck Community Services Board for fiscal year 2001 is hereby approved and may be forwarded to the Department of Mental Health, Mental Retardation and Substance Abuse Services as further required.

3. Completion Bonds for Erosion and Sediment Projects - Jack Larson said he was asked to contact the other counties in the area to discover what was being done about performance bonds relating to erosion and sediment control projects. He contacted the office of the County Administrator or the Planning and Land Use Director for Richmond, Westmoreland, Northumberland, Essex, and Middlesex Counties. None of these counties impose performance bonds. However, the Lancaster County ordinance states, "all applicants for permits shall provide to Lancaster County a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Director of Planning and Land Use, to ensure that measures could be taken by Lancaster County at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of the land-disturbing activity." In effect, this ordinance is requiring that this be done.

At this time, Lancaster County is not enforcing this requirement. To enforce this issue would be almost unmanageable due to the volume of erosion and sediment permits that are issued. This would pose an undue hardship on the vast majority of homeowners or builders who do complete the project in a timely manner so that a performance bond is not necessary.

There has been a problem recently with single family homes where the building inspector has issued a final inspection and then the family moves in immediately. The owner is not aware of the fact, or chooses not to be aware of the fact that what is required is the certificate of occupancy. The certificate of occupancy involves more than the final inspection of the building. The certificate of occupancy also requires soil stabilization.

One of the primary objectives is to ensure that the soil stabilization has been completed and the site no longer needs to be monitored to ensure that there will be no soil displacement. Another factor for the certificate of occupancy to be issued is the coordination with the Health Department to make sure the operating permit for the well and septic has been issued.

Additionally, if the home has been constructed in a flood plan, we make sure that a flood elevation certification has been completed. If the building is in the 100-foot resource protection area, a setback verification survey needs to be done as well.

The certificate of occupancy is the permission for the homeowner to actually occupy the home and until the homeowner receives the certificate of occupancy, the homeowner should not occupy the home.

The problem arises when the family moves in to the home after the final inspection has been done, but the certificate of occupancy has not been issued. Lancaster County loses leverage at this point because the urgency to complete what needs to be done is not there. The problem has been exacerbated this summer due to the tremendous amount of rain. There are two impacts from this. The first is that any problem that we have is going to be worse, simply because of the amount of rain and the amount of soil displacement that is likely to occur. The second thing is that the contractors that are doing the site development work will come in and do the rough grading and then the construction begins. During the time the construction is going on, the site contractors often do not get back and meet the requirements under the erosion and sediment ordinance to monitor the containment devices and make sure they are being cleaned out. These types of things are the responsibility of the contractor and/or the landowner.

This is what we saw this summer. This is where staff was running into problems. There have been difficulties, but we have worked through them. There are other means of recourse. If there is a violation of the erosion and sediment control ordinance, the ordinance does provide for penalties to be imposed. We have been reluctant to do this. We would much rather work with the homeowner or contractor to get the problem cleaned up. If the homeowner is in violation of the zoning ordinance by occupying the home prior to the issuance of the certificate of occupancy, there are remedies that can be pursued at this point.

One of the counties will revoke a permit if the homeowner moves in prior to the certificate of occupancy and there are unresolved issues, such as erosion and sediment control. For example, if the electrical permit is revoked, the electric company is notified and the electric company shuts off service because there is not a valid permit. This gets the job done for this particular county. One member of this board has indicated that seems heavy-handed. Mr. Larson agrees with this.

In summary, Mr. Larson recommends that we not require a performance bond up front for erosion & sediment control projects. Lancaster County should, in fact, change the language of the erosion and sediment control ordinance to read that at the discretion of the Director of Planning and Land Use a performance bond could be required. Mr. Larson would further propose that a performance bond be requested at the end of the building project in order to issue a temporary certificate of occupancy.

Mr. Simmons is concerned that homeowners often do not realize the requirement for having the erosion and sediment control done. The unfortunate part is that the contractor often gets to the end of the building construction and thinks that the work is finished. A contractor does not see the erosion and sediment control as important. The homeowner, in the meantime, may need to move into the new home for other reasons. If the homeowner is responsible for the erosion and sediment control, then a temporary certificate of occupancy could be issued. If the contractor or sub-contractor is responsible for the work, the contractor needs to be held responsible for completing the work to be done in a timely fashion.

The state ordinance requires that the grading be seeded within 30 days. If this is not being done, there needs to some means of forcing the contractor to do the work. In other areas, localities require either a letter of credit or a performance bond from the contractor to ensure that the contractor is going to get the work done. A contractor that gets a bond to have work done won't have many bonds pulled before he won't be a contractor anymore. This is an incentive for the contractor to have the work done in a timely fashion in accordance with the erosion and sediment control ordinances both locally and at the state level. The homeowner is caught in the middle in many cases. If the homeowner is denied a certificate of occupancy because a contractor has not done the work, the homeowner has no recourse.

Mr. Simmons does not think that the grading should be tied directly to occupancy of a dwelling. He can understand the need for the flood certificate, the setback requirements, and the building permits, but the erosion control does not relate directly to the occupancy of the house. It does relate to the occupancy of the property, but this is not always in the control of the homeowner. This needs to be put back to where the responsibility lies and that is with the contractor who has contracted to do that work in a timely fashion.

Mr. Larson said that a large number of projects are being done by site development contractors, but the majority of the projects are being done by the homeowner taking this responsibility to the point of signing an agreement in lieu of the site plan. There have been some situations with a misunderstanding between the contractor and the homeowner as to who is responsible for the completion of the work. In this situation, there was no site development contractor involved. The contractors have responded well considering the workload and the issues that have come up this summer with the weather. They have reorganized their priorities. He is concerned about the administration of the performance bonds. This could create a tremendous amount of administrative overhead. He would like to wait this situation out to see if it is just an aberration.

Mr. Frere has some similar concerns with the issuance of temporary certificates of occupancy and not issuing them for erosion and sediment control reasons. A temporary CO should be issued for 60 days contingent upon the completion of erosion and sediment control. He has a hard time denying someone the ability to move in to his or her home. This creates a hardship on the homeowner. A temporary certificate of occupancy is a tool to use to help with this problem.

Mr. Larson said that this has been done when a hardship has been substantiated. However, if there is a requirement to finish a project in a timely manner, then there is a need to have a certain amount of leverage. If a temporary certificate of occupancy is issued, that leverage is lost. There is a project now that had a 60-day temporary certificate of occupancy issued; the family has now lived in the home 6 to 8 months and still hasn't completed up the process. The sense of urgency goes away once the family is in the home.

Mr. Frere says that we do have tools in the ordinance so that if something is not stabilized after reaching final grade. In 6 to 8 months time, a letter should have been sent reiterating the enforcement section of the erosion and sediment control ordinance. This would provide the leverage needed to persuade compliance. The weather may have contributed to the backlog. Holding the certificate of occupancy over someone's head though, is not necessarily the answer. Staff needs to work with the homeowner. It is reasonable for the homeowner to expect the temporary certificate of occupancy and then use the erosion and sediment control ordinance to assure compliance.

Mr. Larson said that he does not want to give the impression that staff is not working with homeowners. This is being done. There have been cases where letters have been sent. Staff is trying to work with people. He wants to emphasize that he does not want to fix something that is not broken. If it is the consensus of the Board of Supervisors to issue temporary certificates of occupancy and not hold up the process due to erosion and sediment control, then staff will do that and follow-up as needed.

Mr. Frere said that this is how he feels about it.

Mr. Jenkins said that there should be some kind of blend. Once the need arises for a temporary certificate of occupancy, then require the performance bond.

Mr. Larson said that this could be workable.

Mr. Frere said that if a performance bond is going to be required, it should to be done at the beginning of the project.

Mr. Jenkins said that the majority of projects do not need a performance bond so there is no need for this extra paperwork.

Mr. Frere said this discretion is already in the ordinance.

Mr. Beauchamp asked what the cost would be to the contractor or homeowner to acquire a performance bond.

Mr. Larson said that would depend on what it would cost the county to hire a replacement contractor to finish the work. Most would be in the range of \$1,000.00

Mr. Simmons said that this could also be in the form of a letter of credit.

Mr. Conaway said that he agrees with Mr. Simmons and Mr. Frere. The county needs to be user friendly for the citizens and this needs to be done in accordance with the erosion and sediment control ordinance. He asked how a monetary value is placed on a bond. Would it be a specific dollar amount regardless of how much work needs to be done or has to be fixed? We need to enforce what we already have. Requiring a bond would be a hardship on the homeowner and we need to protect the homeowner. Requiring bonds is a bit much for the homeowner. If it is a contractor with a large project, that is different. Has the property owner been properly notified and does the homeowner know the difference between the final inspection and the certificate of occupancy, because some people think it is the same. Maybe it is a misunderstanding.

Mr. Larson said that it certainly is. In some cases, it is misinformation given by contractors. In respect to how to set the amount of a bond, he hasn't studied this, but thinks it would be a matter of making an estimate of the number of square feet of soil that would be displaced with a few other factors as a matter of cost.

Mr. Conaway asked if there were any reason why the county would have to come in to finish a project on a primary residence.

Mr. Larson said that homes on waterfront with soil displacement could cause a problem with respect the Chesapeake Bay Protection Act. The homeowner could be prosecuted under the provisions of the erosion and sediment control ordinance, but the work still needs to be done.

Mr. Frere said that one option that is very persuasive in this situation is to get the Wetlands Board involved. There is additional enforcement with the Wetlands Board.

Mr. Beauchamp asked if requiring a letter of credit would be a problem as opposed to requiring the bond.

Mr. Larson said that a letter of credit would be the same. The difference between the bond and letter of credit is the bond is the posting of a specific dollar amount and the letter of credit is a document from a bank guaranteeing the amount. These have to be renewed periodically for the subdivisions and administratively takes time that could be spent on such things as site visits.

Mr. Simmons said that the homeowner does not always have the knowledge of the erosion and sediment control ordinance. A contractor should have this knowledge. If a homeowner acts as the general contractor and obtains his or her own permits, the problem would be that of the homeowner. He asked if there is language on

the permit that makes the homeowner aware of the responsibility for the erosion and sediment control.

Mr. Larson said there is. Any time there is a requirement for an erosion and sediment control permit then a site plan is required or an agreement is signed outlining what needs to be done and a checklist or required actions, to. Staff gives as much guidance as possible. In addition, the person is required to state that he or she understands what is required when signing for the erosion and sediment control permit.

Mr. Pennell said that furniture is allowed to be moved in so that there should not have to be two or three moves.

Mr. Simmons said that he had to make two or three moves because he was not allowed to move into the house.

Mr. Pennell said that does not happen anymore. The certificate of occupancy is for human occupancy, not for furniture.

Mr. Simmons asked if it would be the consensus of the board to table this matter until we find out if it is just an aberration that has been caused by the adverse weather conditions within the past six months.

Mr. Jenkins asked if there is a checklist that could be sent to the homeowner so that the homeowner is aware of everything that needs to be done.

Mr. Pennell said that this is a good idea. He asked if this should be a letter or a brochure.

Mr. Beauchamp said it could possibly just be a checklist.

Mr. Frere asked if anyone has looked at the land use policy that is on the Lancaster County web site. There are helpful tips for people looking for a lot. It is not as thorough as someone coming to get the permit is, but this information is helpful.

Mr. Jenkins said that the homeowner would appreciate this.

Mr. Pennell said that this can be done and will be done. The last thing staff wants is to put out the homeowner. Anything that can be done to help will be done.

Mr. Beauchamp said that more homeowners are acting as the general contractor coordinating everything with the subcontractors and coming down every couple of weeks hoping the work has been completed.

BOARD REPORTS

Cable Television - Mr. Jenkins said that it is understandable for the cable to go out. What is not understandable is the reaction by the Cable Company to the resident. If it is not the right time of day, the Cable Company tells the resident that it won't be fixed. He asked if there is any leverage that the Board could use other than the contract renewal time. He would like the County Attorney to look into the points in the contract to see what leverage is left. One thing that comes to mind is the extension of cable. The tower was put up, but once the ink was dry on the renewal contract, nothing more has been done. It seems to him, that a condition of the tower was to provide service. The company is out of compliance with the special exception and we could revoke the special exception. He asked if this could this be applied to the other towers where service is not being offered consistently.

Mr. Simmons is concerned that revoking the special exception would not have the desired effect. The Cable Company may decide

that it is cheaper to give up the tower than to extend the service.

Mr. Beauchamp asked if any additional service had been provided at all.

Mr. Pennell said that none had been provided from this particular tower. Perhaps there has been some added in the tri-town area, but none that he knows of.

Mr. Jenkins said that his concern is where there is service, it is not as it should be.

Mr. Frere said that he has received phone calls from residents to complain. He called the Cable Company and the problem was fixed later in the day.

Mr. Pennell said that what distresses him is the way that people are treated on the telephone. If a call is handled maturely, the resident may understand the problem.

Mr. Frere said that the problem he encountered recently was that no repairman had been seen and the initial call from the resident was hours earlier.

Mr. Beauchamp said he has had the exact same complaint. He asked if the board could still express their concerns about the way the general public is being treated. The County does grant the contract.

Mr. Pennell said that Jim Cornwell has successfully taken cable TV franchises back in the western part of Virginia.

Mr. Jenkins said that with the fiber optic cable from Verizon, cable television might be the best way to go as far as this type of service. He knows of one major corporation in the county that is using the cable lines for communications. This may have an impact on the cable company if the tower is taken away.

Mr. Pennell said that the corporation is paying a great deal of money for this service.

Mr. Conaway said that taking away the tower would be the only thing to rectify this problem. The Cable Company feels that they have a monopoly so they don't care.

Mr. Pennell said that the Board does not need to pay the County Attorney to do this. He said that if the Board agrees, he can start the process himself and let them know that the County Attorney may be contacted.

Mr. Jenkins said that he does not have much confidence in the Cable Company. He does not mean to be disparaging to anyone who may work for the Cable Company, but the story is the same in every community. The company comes in and picks the best routes and once this is done service deteriorates and they do not expand. He said that when he is asked what to do, he tells the resident to buy a satellite dish.

Mr. Simmons said the problem with the satellite dish though is the lack of local programming.

Mr. Beauchamp said that Mr. Pennell has the consensus of the Board to proceed.

APPOINTMENTS - Mr. Jenkins said that the list should be updated. Ed Pittman is listed in District 2. Mr. Pittman is actually in District 1 and he was re-appointed in the spring.

Mr. Pennell said that he would check on this and get it corrected.

Historic Resources Commission - Motion was made by Mr. Simmons to appoint Mr. Mark Hollingsworth. Mr. Hollingsworth has a degree from Mary Washington College in Historic Preservation. He has worked in the regional fisherman's museum and also done historic research. Mr. Hollingsworth seems very interested in serving on this board. He is in District 5, but since there is an opening in District 4, Mr. Simmons feels that Mr. Hollingsworth would be a very valuable asset to the Historic Resources Commission and he would like to ask the Board to appoint Mr. Hollingsworth to this position.

VOTE: 5 - 0

COUNTY ADMINISTRATOR REPORT

E-911 Numbering - Mr. Pennell said that he was approached by Lt. Harcum. Lt. Harcum said that he had difficulty finding a home in Mollusk because the house did not have the street address as required by the County Ordinance. He asked what the Board of Supervisors could do to help. He had a few suggestions. One of the suggestions is to provide the numbers similar to Northumberland County. This was cost prohibitive. The second suggestion was to add a small fine to people who do not have their numbers up. This is not a popular choice. We have tried the newspaper and radio, but that reaches a small audience.

Mr. Jenkins suggested that the posting of the number be part of the final inspection for a permit.

Mr. Pennell said that would be a good idea for any new construction.

Mr. Jenkins said that any renovation or repair should also be included.

Mr. Pennell also suggested a mass mailing.

Mr. Beauchamp asked where we would get the listing.

Mr. Pennell said that the list would come from the tax file.

Mr. Beauchamp said that would include everyone in the county. We are looking at a small percentage that do not have numbers.

Mr. Pennell said that it is not a small percentage.

Mr. Jenkins said that there is also some confusion as to the placement of the numbers. Some are posted on a mailbox at the end of a lane with other mailboxes and the person thinks this is in compliance. Actually, the ordinance states the number needs to be on the driveway or house.

Mr. Pennell said that we could do a mass postcard mailing with a bulk permit.

Mr. Jenkins said he has a problem with fining someone.

Mr. Beauchamp said that no one benefits except the property owner.

Mr. Conaway said that the original numbers were put up and then destroyed because they were not permanent. There has been no other mailing and some people have since forgotten them.

Mr. Pennell said that the tax bills have this information. However, several people still get their mail at the post office and feel no urgency to get the number up, because the mail carrier does not stop there.

Mr. Jenkins said there are two sides to this. The first, trying to get people aware of this because it is to their benefit

in case of emergency. The other side of this is penalizing the taxpayers that have complied by subsidizing those who have not complied. We should go on record that this Board will not hold the emergency services responsible for a delay if a property owner does not have a number displayed properly. By not having the number displayed, the property owner is causing the delay.

Mr. Frere asked if we could utilize the public service announcements on the radio.

Mr. Pennell said that would be easy to do.

Mr. Frere said that another possibility would be a display ad in the newspaper to remind people of the ordinance.

Mr. Simmons said that a large number of people come to the courthouse to get the car tags. If there were something posted there to see, it would probably help.

Mr. Pennell said he would put those signs up.

Mr. Beauchamp said that an article could be written in the newspaper to remind the public of the importance of posting the number properly. He asked if this is something that could be passed to the Sheriff's Advisory Committee.

Mr. Pennell said he would do that.

County Administrator Vehicle - Mr. Pennell said that the state is between contracts right now. He has spoken with Sheriff Crockett and as soon as the Sheriff gets the information, it will be passed on to him.

Tax Bills - Mr. Pennell said that Mrs. Haynie and Mrs. Pinkard have told him that the tax books were turned over to them by the Commissioner of the Revenue about two weeks ago. They are having a problem with the forms feeding properly in the printer. New forms have been ordered. The bills should be available in two to three weeks.

County Intern - Mr. Pennell said that we have Gabriella Johnson from Newtown coming in every day from 2:30 to 3:30. She is an advanced placement government student from Lancaster High School. He spoke with Mrs. Palin and Miss Johnson over the summer. She is spending time with him and other staff learning about County government. This is part of an internship that she is doing. She is a very delightful young lady. We have taken her around the county to show her things including inspections. She wants to be a judge so he has made arrangements with Judge Hyde to get her in the courtroom. He does not know if she will be here for two semesters.

Hepatitis B Shots - Mr. Pennell received a letter from the rescue squads in which there were 28 people from the two squads identified who need to have the hepatitis B vaccinations. This costs about \$300 per person. Mr. Thomas, the President of the Kilmarnock-Lancaster Rescue Squad, asked me to bring this to your attention. Mr. Thomas is going to ask service organizations for some help. Mr. Pennell said that it might come through as a budget request.

Mr. Conaway said they could contact Rappahannock General Hospital. This could be a very good promotion for the hospital by giving this service to these people.

Mr. Beauchamp is concerned about the time that will take before funds are available. These are volunteers that are taking this risk. We should give some serious consideration to covering the cost.

Mr. Jenkins asked if we could bring this back next month. He asked if the health department would be less expensive than the pharmacy cost.

Mr. Pennell said that this is the health department cost.

Mr. Beauchamp said that would be the base cost.

Mr. Pennell said he did not believe there was any profit in this. He said he would bring this back next month.

Mr. Conaway asked if this is something that does not want to be pursued right now.

Mr. Jenkins said he just wants some time to think about it.

Mr. Conaway said if we do this, they will be that much further ahead. This would be a community service.

Mr. Simmons asked if the Health Department would be providing the shots.

Mr. Pennell said yes.

Mr. Simmons asked if the Health Department would be paid directly for this.

Mr. Pennell said the Health Department would set up times to do this.

Mr. Simmons asked if the Health Department would be willing to do this on credit.

Mr. Pennell said he does not think that they will.

Mr. Beauchamp said there is a consensus to see what the possibilities are and look at this further next month.

Animal Shelter - Mr. Pennell said that a year ago we changed the hours at the animal shelter to improve animal adoption rates. This has not happened. Mr. Revere was approached to set the hours back to 11:00am to 1:00pm.

Mr. Frere asked if this would be the same total number of hours per week and the same days per week, just a different time.

Mr. Pennell said yes. We would still have the Saturday hours. Mr. Hogge is also getting late afternoon calls that need to be cleared up and this is difficult when he has to have the shop open from 3:00pm to 5:00pm. Mr. Pennell asked for permission to move the hours.

Mr. Beauchamp said that there is a consensus to change the hours back to 11:00 a.m. to 1:00 p.m.

VML-VACo - Mr. Pennell attended a session of the Virginia Association of Counties and Virginia Municipal League. They had a study done to determine the best way to approach the General Assembly to try to get a piece of the income tax since it is growing by about 12% per year and the county tax is only about 4% per year. Clearly, the state is doing much better than the County is. The two organizations wanted to come up with a plan that would be most palatable to counties, cities, and towns, both rural and urban. Each of those entities has a different focus on how this plan should affect them. 50% of the plan is based on the total state income tax paid by the taxpayers filing returns in the jurisdiction, 40% is based on the wages earned in the jurisdiction, and 10% is a baseline that has been divided equally between all town, cities, and counties. Counties do better in the 50/40/10 plan than a couple of other plans that were looked at. Urban counties do not do as well as rural counties. He will send a copy to any board member that would like one. A general

assembly member will probably patron a plan similar to this. They will be starting out asking for 10% of the total income taxes received by the Commonwealth are returned back to the Counties. There isn't a good chance of that happening. Towns will get a piece of that as well. The town rate is based on the county rate and a piece of the county rate depending on the population.

CLOSED MEETING

Motion was made by Mr. Jenkins 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 personnel matters, in accordance with provisions of Section 2.1-344A.1, 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: 5 - 0 Aye.

RECONVENE

Motion was made by Mr. Beauchamp to reconvene open session. VOTE: 5 - 0 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. Jenkins 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. Simmons to adjourn the meeting. VOTE: 5 - 0 Aye.