

## **VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, October 26, 2000.

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

Others Present: Joseph Staton, Carter White and Clyde Hathaway, Virginia Department of Transportation, George Fugere and Dick Donovan, Lancaster Chamber of Commerce, Barbara Dameron, Kilmarnock Chamber of Commerce, Jack Larson, Director, Planning and Land Use, Bob Mathers and Ben Lewis, Virginia Game and Inland Fisheries, Raymond Jewel, Virginia Marine Resources Commission, Stuart McKenzie, Northern Neck Planning District Commission, Robert Mason, Rappahannock Record

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

Mr. Pennell introduced new staff member Zina Middleton, Administrative Secretary.

## **PRESENTATIONS**

Customer Appreciation and Local Merchant Awareness Month - George Fugere, representative for Lancaster Chamber of Commerce, stated last year the four county chambers on the Northern Neck met and agreed to form a Northern Neck Regional Chamber of Commerce as an umbrella group, not to replace the four chambers but to work on items of mutual interest and of a common purpose throughout the Northern Neck. The Regional Chamber of Commerce has decided to work on the Customer Appreciation and Local Merchant Program, which is a "buy local" campaign and to acquaint and get our local merchants and businesses to understand better what the needs of the customer are in this area.

Recommendation: Adopt the attached resolution:

**WHEREAS**, the Northern Neck Regional Chamber of Commerce is sponsoring a campaign to address customer appreciation and local merchant awareness that would enhance the economic well-being of the area; and

**WHEREAS**, conducting business within the Northern Neck implies increasing local populace confidence in local merchants; and

**WHEREAS**, increasing confidence results in the spiral increase of the availability and quality of services and products; and

**WHEREAS**, increasing customer awareness of Northern Neck merchants' goods and services is beneficial to the economic well-being of the Northern Neck; and

**WHEREAS**, increasing Northern Neck merchants' awareness of customer needs and desires will improve the quality of life of Northern Neck residents.

**NOW THEREFORE BE IT RESOLVED**, in support of increased understanding and awareness that will aid in benefiting the residents of the Northern Neck, the Lancaster County Board of Supervisors hereby designates November 2000 as Customer Appreciation and Local Merchant Awareness Month in the County of Lancaster.

Mr. Conaway asked if this would be an annual event?

Mr. Fugere stated not yet, but hopefully it will become an annual event if it is successful this year.

Mr. Frere asked if any of the other counties have adopted this program to date? Mr. Fugere informed the board that all three of the other Northern Neck counties have adopted this program.

Mr. Fugere introduced Barbara Dameron, Kilmarnock Chamber of Commerce and Dick Donovan, Lancaster Chamber of Commerce.

Mr. Conaway made a motion to adopt the resolution.

VOTE: 5 – 0 Aye

#### **DEPARTMENT OF TRANSPORTATION**

Work Session on the Six-Year Plan – Joseph Staton supplied handouts of the Draft Secondary System Construction Program - Projected Fiscal Year Allocation for 2001-02 through 2006-07 at an estimated cost of \$640,000 - \$848,000. Carter White and Clyde Hathaway gave the presentation and informed the board that some of the county- wide project items, include the rural additions, traffic and safety services, preliminary engineering, seeding fertilization, subdivision and site planning, at an estimated cost of \$100,000. The budgeted items are small projects such as drainage improvements, clearing of intersections and improving alignment. The following items are the major projects, which include roads already paved but need to be improved: the first item is Rte 675 relocated as part of the Kilmarnock alternate route a tie-in from Rte 688 to Rte 200 intersection with Harris Road (Hospital Road). Second priority is Rte 630/Taylor's Creek Road to improve drainage, severe horizontal and vertical alignments, a sharp elbow curve and the right-of-way has been purchased. VDOT is in the process of meeting with utilities. Third priority is Rte

604/Merry Point Road at Rte 611 intersection to soften that ninety-degree curve. Priorities four and five will be a consolidated project which includes Rte 614/Devils Bottom Road that runs past the school which is Rte 784 to a quarter of a mile east of Rte 669 to improve the alignment and narrow bridge. Priority six is Rte 605 near Lankford's Corner to improve the alignment. Priority seven is near Good Luck Road, which is a County Line Project with Northumberland to improve the alignment a quarter of a mile west of Rte 200. Priority eight is Rte 642 Little Bay Road from Rte 641-643 horizontal alignment, sharp curves, and poor drainage.

Unpaved road projects include existing state maintained dirt roads that need to be paved. The road must have over 50 cars a day and have the appropriate right-of-way. A number of the dirt roads in the county do have 50 cars a day, however VDOT tries to get donated rights-of-way in order to improve the roads. The estimated cost of unpaved road projects of the last four years is about \$38,000 per year. Priority one, Rte 685 Twin Branch Road, which starts at Rte 615 to the dead end, the right-of-way was just obtained and VDOT hopes to start the project in the Spring. The last item is Yopps Cove Road Rte 637 to the dead end and VDOT has the right of way to improve.

Mr. Jenkins asked about the unpaved road project on Rte 711 Old Airport Road where the problem was obtaining the right-of-way. There is a private owner willing to discuss giving a right-of-way as opposed to the long curve around, to do a cut through. Has anything been done as far as looking into this matter?

Mr. Staton would like the name of the property owner and he would look into the matter.

Mr. Pennell stated he would get that information to Mr. Staton.

Mr. Jenkins informed the board and VDOT that consistently there is enough travel on the road at approximately 55 cars per day and that may be a better outlet for traffic.

Mr. Conaway asked about the status of Howard's Lane repairs in Mollusk, which have been talked about for about three years.

Mr. Staton stated that is a rural addition and on the priority list and has to wait until the money is available.

Mr. Conaway stated the right-of-way was given and the road is getting worse. He would like an update and where on the list is this project located? He asked if someone could contact him about this matter.

Mr. Staton said it is on the list and he would check on it.

Mr. Staton would like to set a date for the public hearing.

Mr. Jenkins made a motion to have a public hearing for a Work Session on the Six-Year Plan at the next Board of Supervisors meeting on November 30, 2000.

VOTE: 5 – 0 Aye.

Rte 600 – Mohone’s Run Bridge – Public Meeting - Mr. Staton thanked the board for listening to the information. After hearing the information the board had a better understanding of the projects.

Mr. Beauchamp expressed his sincere thanks to Joseph Staton for putting the presentation together to give the public a better awareness.

Mr. Conaway expressed thanks to the district and stated it gave the public an opportunity to understand, ask questions and voice their concerns.

Changes in Secondary System on Route 3 (Project 1135A) – Mr. Staton described the project near Kamps Mill that needs to be abandoned.

Mr. Frere motion made a to adopt the following resolution.

VOTE: 5 – 0 Aye

**WHEREAS**, Primary Route 3, from Lancaster Courthouse to the North Corporate Limits of Kilmarnock, a distance of 6.3539 miles, has been altered and a new road has been constructed and approved by the State Highway Commissioner, which new road serves the same citizens as the road so altered; and

**WHEREAS**, certain sections of Primary and Secondary Roads follow new locations, these being shown on the attached sketch titled, “Changes in the Primary and Secondary Systems Due to Relocation and Construction on Route 3, Project 1135A, dated August 29, 2000.”

**BE IT FURTHER RESOLVED**, that the portions of Primary Roads, i.e., Sections 1, 2, 3, 4, 5, 6 and 7 shown in blue on the attached sketch titled, “Changes in the 1135A, dated August 29, 2000.”, a total distance of 1.32 miles be and hereby is, abandoned as a public road and from the Primary System of State Highways, pursuant to Section 33.1-148 of the Code of Virginia,

**BE IT FURTHER RESOLVED**, that the portion of Secondary Road, i.e., Section 8 shown in green on the attached sketch titled, “Changes in the Primary and Secondary Systems Due to Relocation and Construction on Route 3, Project 1135A, dated August 29, 2000.”, a total distance of 0.04 miles be and hereby is, abandoned as a public road and from the Secondary System of State Highways, pursuant to Section 33.1-155 of the Code of Virginia,

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

VDOT Project 0675-051-144, C501 – Route 675/688 – Mr. Staton is asking to abandon a short section.

Mr. Jenkins stated that property owners have concerns about losing access to the bypass.

Mr. White stated the owner has access to the new bypass.

No action taken. The items was continued until the November 30<sup>th</sup> meeting to give VDOT time to discuss the access issues raised by the citizens.

Weems Speed Limit Extended on Rte 222 - Mr. Staton said the speed limit in Weems has been extended. Rte 222 comes into Weems and elbow turns to the left. Currently, traffic on Rte 622 has the right away and there is a sign posted stating maximum safe speed 10 mph, which is about as fast as you can take the turn safely. VDOT studied this and proposes eastbound traffic on Rte 222 into Weems to have a stop sign and the traffic coming out of Rte 708 to have a stop sign and the traffic west bound on Rte 222 will have the right-of-way. Make the traffic going into Weems stop. No one likes a four way stop but this is what is proposed. VDOT will wait for the citizens and board decision before going ahead.

Mr. Jenkins asked how far back will the sign be placed?

Mr. Staton said about 500 feet further toward Kilmarnock.

Potholes on Rte 3 – Kilmarnock to White Stone - Mr. Staton stated Rte 3 potholes in the pavement are holding water and that is the reason for the returning potholes. The current proposal is to take the outside westbound lane and rework it, adding cement, making a concrete base and than repaving. With the current proposal and available funding they are looking to do this work in the spring. There is a new process called full depth rehabilitation which is to grind down the base asphalt, pack that down and pave over it.

Rte 3 – Warsaw Bypass - Mr. Jenkins asks what is the scheduled completion time on Rte 3 bypass in Warsaw?

Mr. Staton stated the contractor predicts this Fall. If we continue to have good weather, they will meet that deadline.

**PUBLIC HEARING**

The following public hearings were held:

Charlotte Hollings and John Dunn, request for a use not already provided for in zoning district A-2, Agricultural General. Applicants wish to be permitted to have “a rowing center for adult participation” on property described as Tax Map 23-31 that is zoned A-2. The property is further described as Kamps Mill Pond on Kamps Mill Road, which consists of .66 acres of land and 88 acres of pond.

Mr. Larson stated they are petitioning for a use not already provided for to be added to the zoning district A-2, Agricultural General. The Planning Commission met after notification in the local paper and certified mailings to adjoining property owners. Adjoining property owners were present and expressed opposition. Concerns were expressed over the legal right to use the pond. It is believed that this is something which would have to be resolved as a legal issue through a title search. The second issue dealt with sewage and lack of bathroom facilities for the site and the number of people using the site which could result in degraded conditions for the area. Some people may have been misled by the number of 400 people to visit the site, which is an annual figure, over the nine months of the rowing school. The classes would consist of six to eight students weekly, if the projections hold true. Mr. Larson informed the Board that the Planning Commission voted 7 – 0 recommending approval to the Board of Supervisors. Mr. Larson stated that he did not receive a letter or oral statement in opposition prior to this meeting, however the adjoining property owners were present. Mr. Larson stated he did receive one letter of support from the Lancaster Chamber of Commerce stating that this would be the type of business which could be beneficial for Lancaster County.

In favor of the proposal was Matt Terry, Attorney for Charlotte Hollings and John Dunn. They have asked that this use be added as a permitted use in this zoning district. This request is to run a rowing school on this pond. Mr. Terry stated that he has been appearing before the board for 25 years and he has not had the pleasure of representing a project which he personally endorses as strongly as he does this one. He urged the board to approve this project. One concern that has been voiced is that the proposed change would allow this use as a matter of right on a pond in this zone and another that it should only be allowed with a conditional use permit. Mr. Terry stated there is so much other environmental legislation and other regulations that would restrict any abusive conduct by someone other than Ms. Hollings and Mr. Dunn, he did not believe for one moment that this is something that would happen under their watch. Mr. Terry stated that it would not be beneficial for the county to impose additional conditions upon Ms. Hollings and Mr. Dunn with all the other state, federal and local environmental regulations already in place. Mr. Terry introduced Charlotte Hollings and stated he did some research into the title issues and did not believe that title is an issue before the board.

Charlotte Hollings stated she has met with Donald Conaway because he is the supervisor for that district. She gave a little background and explained her expertise in rowing. The school will be open to all ages, especially to adults. While there are many opportunities for college and

high school students to get coaching, very few exist for adults after college, which is what they would like to provide. The school would be all-inclusive, not just for rowing but food and lodging as well. There will be two sessions per day. After the morning session the participants will view a video and can go back out for the afternoon session if they wish to do so. They will encourage participants to take advantage of the historical sites, enjoy the Chesapeake Bay area and go to restaurants and shops while providing a recreational sport.

Douglas Deleaver informed the board that he was an heir to Luther D. White's Estate. He took an opportunity to first thank Charlotte Hollings and John Dunn for the letter he received informing him of their intentions. He asked how many surface acres they were looking to contract? Do they have a title search and do they have it today? How many times has the dam been rebuilt, raised or reconstructed? If the water has been raised over a period of years, how much property surrounding the pond now under water, and is the owner currently paying taxes on this submerged land?

Mr. Terry responded by informing Mr. Deleaver that a title search has been started but is not yet complete. There are approximately 88 acres of pond. Luther White signed a deed March 1931, which was witnessed but not recorded. However in April 1935 a lease involving this property was recorded. The lease was for 99 years running from 1935 – 2034.

Rawleigh Simmons, Attorney, representing Mr. Rowe, an adjoining property owner spoke. He stated that Mr. Rowe had concerns and worries initially. However, after talking to Charlotte Hollings and John Dunn and their attorney about the project, his concerns and worries were gone. He believes they will be environmentally sensitive and will use the pond with the care it deserves. He is in favor of this project.

Brenda Campbell Phillips, another heir, questioned title and ownership of the pond. Her family is currently in the process of having a title search done. She asked Mr. Terry if he was aware of any papers signed by her grandfather to Mr. Kemper and if so is there a right to sell property that was leased?

Mr. Terry stated he is aware of a paper that gives the right to sell something that was leased. The document was signed and certified by the other property owner however her grandfather did not sign a lease.

Brenda Campbell Phillips stated that there have been questions about the signature on the document and that is also an issue being looked into.

Mr. Beauchamp understands the feelings and concerns of the adjoining property owners and sympathizes with them. The question of whether the applicants can use the pond is not the issue before the board. The issue before the board is whether this is a legitimate use and can be applied

throughout the agricultural zone. Unfortunately, it is not a board decision or right to say yes or no to who can use this pond.

Catherine Harris, granddaughter of Luther White stated she was waiting to hear Mr. Terry's response to Brenda Campbell Phillips' question. If land has been leased to a person, can that person sell the land if they do not own it? Can they sell the land if they have not paid taxes on it? If the lease is checked, Mr. Terry will find that her grandparents leased the land to Mr. Kemper for hunting and fishing rights only. Her grandparents did not lease the property to have people row on the pond and that would be in validation of the lease agreement. Whether or not the board allows this project to go forward, the issue will still come back to who owns the bottom of the pond.

Mr. Jenkins stated, whether or not this board allows this use as it may apply to that piece of property does not give the petitioners the right to use the pond. They have no more rights to use the pond if this should pass tomorrow than they do today. You as the owner can go through the civil court for remedy and stop them from utilizing the pond. They do not have any additional power or authority to use the pond as a result of any action of this board nor would any judge recognize it as such. If they put a canoe in the pond and it's not their property; you have the right as an owner to ask them to leave. This does not give them a special or addition right. They can run the rowing school but it would be on dry land next to the lake.

Catherine Harris stated that there are environmental issues and concerns. As you can see the Chesapeake Bay is in worse condition today than ten years ago because people have not taken seriously preserving what we have left.

Mr. Jenkins said the parties bought the .66 acres of land but not the pond and understands the question whether the parties have the right to use the pond. Again, that is not the issue before the board. There is a clear distinction between the request for another use in an agricultural district and the parties using the pond.

Mr. Beauchamp reconfirmed a statement made by Mr. Jenkins that the issue becomes strictly a civil matter at that point.

Mr. Beauchamp then closed public hearing.

Mr. Conaway, as district supervisor, asked whether the board will allow the use generally, a rowing school in the A-2 zone, not specifically at the Kamps Mill pond. The issue is whether this will be an allowable use. He wanted to make this clear to all parties involved.

Mr. Larson recommended the following changes as the way it should read to the Lancaster County Zoning Ordinances: Add **Paragraph 4-1-53. Rowing Club**. Under Article 1, insert the definition of a Rowing Club as "a commercial activity in which customers, otherwise residing off-site, receive instruction and participate in the rowing of craft over a body of water."

Mr. Beauchamp again stated they were dealing with two separate amendments. Has this been properly advertised yet?

Mr. Pennell stated this had been advertised in summary, which is permissible.

Mr. Conaway moved that the board approve adding Rowing Club to the approved uses in an A-2 zone.

VOTE: 5 – 0 Aye

Mr. Simmons stated there are environmental concerns. However a fishing club is currently using the pond and they are using outboard motors which is less environmentally friendly than a rowing club.

Mr. Conaway made a motion for the board to approve adding to Article 1 the definition of rowing club as “a commercial activity in which customers otherwise residing off site receive instruction and participate in the rowing of craft over a body of water.”

VOTE: 5 –0 Aye

Mr. Jenkins asked if it has the intent of the change to see if there was a group of individuals who were privately formed for a non-profit organization for the rowing school. Would you want to exclude them from that use? Because if it is so defined it would not fall under the category as commercial.

Mr. Frere opined that they would be allowed under the present definition for a club.

### **CONSENSUS DOCKET**

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

#### Minutes of September 28, 2000

Recommendation: Approve the minutes.

#### A. Designate Belle Isle State Park as a Gateway Site for the Chesapeake Bay Gateway and Water Trail Network

Recommendation: Adopt the attached resolution:

**WHEREAS**, the Commonwealth of Virginia has created a Chesapeake Bay Gateway and Water Trail Network to improve citizen access and use of this rich environmental opportunity; and

**WHEREAS**, members of the Kilmarnock-Irvington-White Stone Rotary Club in cooperation with staff members of Belle Isle State Park have nominated Belle Isle as a Gateway Site for the Chesapeake Bay Gateway and Water Trail Network; and

**WHEREAS**, Belle Isle State Park is one of Lancaster County's treasures with its rich history, abundance of Native American artifacts and a wide variety of plant, animal and marine life; and

**WHEREAS**, it is fitting that Belle Isle State Park be included in the Chesapeake Bay Gateway and Water Trail Network.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors endorses the application for Belle Isle State Park to become a Gateway Site for the Chesapeake Bay Gateway and Water Trail Network;

**BE IT FURTHER RESOLVED**, that the Lancaster County Board of Supervisors expresses its appreciation to the Kilmarnock-Irvington-White Stone Rotary Club and the staff members of Belle Isle State Park for taking the initiative to nominate Belle Isle State Park for this designation.

VOTE: 5 – 0

### **CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. **Approval of October 2000 Salaries and Invoice Listings**

Motion was made by Mr. Jenkins to approve the Salaries for October 2000 in the amount of \$121,317.51 and Invoice Listings for October 2000 in the amount of \$392,827.26.

VOTE: 5 – 0 Aye.

2. **No Wake/Boat Speed Enforcement**

Sgt. Mathers, Virginia Game and Inland Fisheries, stated he is aware of the “no wake” issues on Carter’s Creek and he will continue to enforce to the best of his ability with limited resources.

Mr. Conaway asked if it was safe to say that the public needs to come before the board of supervisors when making a request of this sort as opposed to going directly to Virginia Game and Inland Fisheries.

Sgt. Mathers stated he's not prepared to make a statement on what the county should or should not do about the "no wake" issues. However, he will enforce the "no wake" issue within his resources. The state maintains the position that it will not make the decision of whether it should be a "no wake" area or not.

Mr. Conaway questioned if that was up to the locality? And yet at the same time, the locality has no way of enforcing the "no wake".

Sgt. Mathers stated that the locality does not have any means available. There are state laws that can be enforced but you will run into the same problems as he does now, which you must have staffing and boats. He informed the board that the local game department employees consist of four officers and him and he would not consider having one of his officers work alone.

The game department is probably looking at this more closely now than in the past to make sure it is needed, because it must walk a fine line of protecting property owner rights while allowing people to conduct water sports.

Mr. Jenkins asked that if someone used videotape to record the act and obtain a boat number, would this be a way to beef up enforcement.

Sgt. Mathers said it is possible, if in the video he must be able identify the operator.

Mike Fuzzie, Chairman for Weems Community League explained that Weems is a waterfront community experiencing big problems with erosion. Repairs to the shoreline have been done at the personal expense of the community. Big boats send big wakes and the environment suffers. He stated Sgt. Mathers is doing a great job but they may need to ask for more money to get help or make addition repairs.

Mr. Beauchamp commented that the game commission is under the General Assembly for state funding not local funding by the Board of Supervisors.

Sgt. Mathers said, please understand he gets complaints not only about Carter's Creek but other areas. The complaints should be channeled to the Richmond dispatcher and give your concerns. If necessary, they will send a Game Warden from somewhere else, it may not be someone who is local. He can justify more staffing and boats, if Richmond receives the complaint and reports the problems. He will provide the telephone number.

Capt. Raymond Jewel, Virginia Marine Resources Commission, stated that his department does not have anything to do with "no wake" issues and Sgt. Mathers is the person who could assist and answer any questions or concerns about "no wake".

Mr. Beauchamp asked if property owners can erect a no wake sign upon the property or their pier.

Sgt. Mathers stated property owners can put a sign on the real property not in the waters.

Mr. Beauchamp said he observed first hand the “no wake” problem in Carter’s Creek.

### 3. Comprehensive Plan

Jack Larson informed the board that he is in the process of trying to finish the update for the Comprehensive Plan, with December 31, 2000 as the deadline imposed by Chesapeake Bay Local Assistance Department (CBLAD). To date there have been two public hearings, held in May and June 2000 with no public input, but since that time he has received one letter, which was very useful. Changes as per the last work session and the last public hearing have been incorporated. Beyond that, he has addressed the feedback received from CBLAD in a September letter based on the draft plan that was submitted. Changes and additions required by CBLAD were minor. However, they did ask for three additional maps which were provided by Mr. Stuart McKenzie of the Northern Neck Planning District Commission. Mr. McKenzie was available to answer any questions. The Future Land Use Map incorporated as many of the most recent changes as possible, which were the Chilton Woods State Forest and the high density areas such as Rappahannock-Westminster Canterbury and Hills Quarters. This map is one of the items requested by CBLAD. The Chesapeake Bay Preservation Area and the Wetlands maps are the others. Mr. Larson requested that the board schedule a public hearing for November. The final draft will be provided to the board by next Friday, November 3, 2000. After the public hearing is held, that will give staff the month of December to make final corrections and meet the deadline of December 31, 2000 to CBLAD.

Mr. McKenzie will be available at the November meeting to help with any questions.

Mr. Jenkins made a motion to have the Comprehensive Plan public hearing set for the next Board of Supervisors meeting which will be November 30, 2000.

VOTE 5 – 0 Aye

### 3. School Board Request for Supplemental Appropriation

Dr. Latimore was unavailable and Mr. Pennell stated this request would be placed on a future board of supervisors meeting agenda.

4. Select Site for January 22, 2001 Planning District Commission Quarterly Meeting

Mr. Pennell stated that January is the month that Lancaster hosts the Planning District Commission and it is appropriate for the Board of Supervisors to select a location. The meeting is normally held at local restaurants around the county and he would like offer an alternative for the January 22, 2001 meeting to be held at Belle Isle State Park. He has spoken to Tim Shrader and both buildings will be available for use on that date. The meeting could be held the in guest house and dinner could be held buffet style in the Manor House. This would be a perfect opportunity to introduce some important people in the Northern Neck to Lancaster's, Belle Isle State Park. A local firm could cater the event.

Mr. Conaway questioned if there would be enough space for seating?

Mr. Pennell stated there would be adequate space for seating for the meeting and if dinner is buffet style it shouldn't pose a problem. This is a location he has held Executive Sessions of the County Constitutional Officers and Department Heads and it was found to be very adequate.

Mr. Jenkins moved to hold the January 22, 2001 meeting of the Planning District Commission at Belle Isle State Park.

VOTE: 5-0 Aye

5. Ordinance to Permit Lancaster County to Conduct Investigations to Determine Employment Suitability

Mr. Pennell stated he was unaware of this enabling legislation until the Administrative Secretary was hired. In order to do a background check, the law requires that an ordinance exist permitting the county to do a background check on employees, future employees and volunteers. The county attorney has reviewed the draft, made some changes and has approved it for advertisement. He's asking the Board of Supervisors to allow him to advertise the ordinance for the November 30, 2000 meeting and public hearing.

Mr. Conaway asked does this give you the right to do an investigation with or without the sheriff.

Mr. Pennell stated that the sheriff will have nothing to do with the process. The state police can do it when they receive the county's request. If a person applies for a job, a signature will not be needed because they are presumed to be giving permission to allow the county to obtain criminal background information.

Mr. Beauchamp asked if this ordinance requires that all future employees have a background investigation?

Mr. Pennell answered yes.

Mr. Beauchamp asked if other counties already have this ordinance in effect?

Mr. Pennell stated that New Kent, Fluvanna and many other counties currently have this ordinance. Jim Cornwell was surprised to learn that we didn't have this ordinance and believes that every county should have one.

Mr. Conaway asked if the proposed applicant will have knowledge that the background check is part of the application process.

Mr. Pennell informed the board it is currently in the advertisements and will be added to the application stating "background investigation will be conducted on anyone invited to interview". It takes three weeks through the sheriff department now, however if the ordinance was in effect, the background check could already be completed by the time the interviews are set up, so we could be prepared to hire at that time.

Mr. Conaway asked if fingerprinting is required and will it still go through the sheriff's department or what will be the procedure.

Mr. Pennell said he would not need fingerprints or the permission of the sheriff's office once the board has passed the ordinance. State law does not require the sheriff department to provide criminal background checks for this purpose.

Mr. Jenkins made a motion to advertise the ordinance to authorize criminal background checks for existing and potential county employees.

Vote 5 – 0

## 6. BAY TRANSIT

Mr. Pennell informed the board that Chesapeake Bay Agency on Aging received information that JARC and TANF funds used for Bay Transit would be cut off. Services might not be available from 6:00 a.m. – 7:00 a.m. and 5:00 p.m. – 9:00 p.m. starting November 1, 2000. He is requesting that the board of supervisors adopt the following resolution that would allow him to discuss funding with the Secretary of Transportation, Director of Social Services, and Secretary of Economic Development to attempt to restore some of the funding with the backing of the board of supervisors.

Mr. Conaway asked how would that remediate the problem that we are currently facing?

Mr. Pennell stated it would give the county half of the money, which comes from TANF, and that would help Bay Transit keep some of the hours, they may still experience a cut back but it won't be as bad.

Mr. Conaway stated that the people who depended upon Bay Transit for rides to work, will now be faced with the problem of losing employment because they can't get to work. This was part of the back-to-work reform program set up by the Governor.

Mr. Pennell stated he has already corresponded with Sen. Robb and Sen. Warner informing them of the importance of this funding.

Mr. Conaway wanted to know if there is something that the county could do to assist.

Mr. Beauchamp stated adopt the resolution and push as much as possible.

Mr. Conaway moved to adopt the following resolution:

**WHEREAS**, the Job Access and Reverse Commute (Federal Transit Administration) funding was awarded to Chesapeake Bay Agency on Aging, Incorporated, in 1999 as a multi-year grant to provide transportation to work and work-related activities for low income individuals in the Northern Neck and Middle Peninsula; and

**WHEREAS**, the Virginia Department of Social Services recognized the value of such services and guaranteed the required state match monies through its Temporary Assistance to Needy Families (TANF) funds; and

**WHEREAS**, the Chesapeake Bay Agency on Aging, Incorporated, t/a Bay Transit, has performed in an outstanding manner in regards to these funds; providing service in areas that previously had no public transportation and expanding hours of service in other areas to accommodate employment needs, totaling an average of 4,922 rides per month in its first month of operation; and

**WHEREAS**, the impact of this transportation has been to successfully move hundreds of individuals from welfare to work; to promote economic development and an infrastructure for attracting businesses to a formally designated Enterprise Zone; and to other improve the quality of life for many residents of the Northern Neck and Middle Peninsula region.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors urges Virginia's Senators, Congressmen, Delegates, Governor, Secretaries of Health

and Human Resources, Economic Development and Transportation to secure Job Access and Reverse Commute (JARC) funds and/or Temporary Assistance to Needy Families (TANF) funds to continue this critical transportation in our region.

VOTE: 5 – 0 Aye

### **BOARD REPORT**

Rappahannock River Basin - Mr. Jenkins informed the board that he just came back from a Quarterly River Basin Conference. State code allows cities to condemn under the right of eminent domain outside of their jurisdiction. Counties and cities outside our water shed are in need of water and the same process which allows you to condemn for constructed wetlands can allow you to condemn to get access to water for one river basin to transfer water to another.

Mr. Jenkins is a member of the Water Allowance Sub Committee dealing with how do to determine what the limits, if any, are placed on justifying pumping the river and taking water out. The Education Sub-Committee is working on a 2 to 3 year project to develop The Rappahannock River Basin. There will be a Smokey the Bear type logo for this project. There will be other meetings, one in December, March and May. The May meeting will be for planning at Belle Isle State Park.

Hepatitis B Inoculations - Mr. Conaway reported that the Hepatitis B shot for Rescue Squad workers may be sponsored by Rappahannock General Hospital. Jim Holmes, Executive Director stated he would be talking to pharmacies and distributors to see if they can get a company to donate medicine and Rappahannock General Hospital will give the shots for free. The estimated cost is \$16 for each injection. Mr. Holmes said they are getting closer to medicine donation and look forward to working with the county on this matter.

### **COUNTY ADMINISTRATOR REPORT**

Mr. Pennell explained that Cablevision reports the extended service has been designed and discussions are underway with contractors.

Mr. Jenkins commented the county has been put off long enough and requested to have them come to the December meeting because more specifics are needed.

Mr. Conaway asked how could they be more specific.

Mr. Jenkins said by stating when and where they will start construction.

Mr. Simmons stated they could also give a rough estimate of the cost.

Westmoreland County will put on a legislative luncheon, November 29<sup>th</sup> and he has been invited to attend.

Mr. Pennell stated he is the fiscal agent for 350th Anniversary Committee and funds are being given to him and he would like the board of supervisors to know he has opened an account specifically for these funds.

Randall Whay's request to meet with the Board in Closed Session - Mr. Frere stated before going into closed session he needed to clarify a number of concerns with the party. After talking to the county administrator about an exemption under a certain clause of the Virginia Freedom of Information Act, the one we are going into is "protection of privacy of individual and personal matters not related to public business". Mr. Frere said he is having a hard time separating how someone could be employed by the public school system as a public school teacher and talk to the board about his tenure and not say it's public business. The county attorney clarified some of his questions however he had a few more.

Mr. Whay, have you addressed your concerns that you are bringing before the board of supervisors with the school board?

Mr. Randall Whay stated he was never given an opportunity to do so when he was asked to leave. Mr. Frere suggested and stated he may want to do proper protocol and take this before the school board first.

Do you have any legal suits pending again any component of the Lancaster County Government?

Mr. Whay stated he had discussed this case with a lawyer but no action was taken.

### **CLOSED MEETING**

Motion was made by Mr. Beauchamp to enter into a closed meeting to discuss matters exempt from the open meeting requirement of the Virginia Freedom of Information Act. The subject matter 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. Jenkins 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 privacy 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. Jenkins to adjourn the meeting. VOTE: 5 – 0 Aye.