

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Monday, November 24, 2003.

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

Others

Present: Jack Larson, Planning/Land Use; Joe Staton, Carter White, C.C. Burgess, Virginia Department of Transportation; Dr. Randolph Latimore, Lancaster School Board; Paul Servis and Kathryn Gregory, Northern Neck Audubon Society; Douglas D. Monroe, Virginia Quality Life; John Rellick, Rappahannock Legal Services; James Abbott, Lancaster Animal Control; Joan Wenner, Northern Neck News; Robb Hoff, Rappahannock Record

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

PUBLIC INPUT

None

PRESENTATION

1. Chesapeake Trail – Audubon Society Proposal – Mr. Pennell stated the Northern Neck Audubon Society came to the Lancaster County Board of Supervisors in May 2003 and asked the board to consider their stewardship of the Chesapeake Trail. The board suggested that the Northern Neck Audubon Society meet with county staff and discuss the possibilities.

Mr. Pennell has discussed the issue of the conservation easement proposed to be placed over the land immediately adjacent to the roadway (Route 3) with representatives of the Northern Neck Audubon Society. Since the county and the state currently own this land, it may not be in the county's best interest to place a perpetual conservation easement if Route 3 may be widened or four-laned in the future.

Paul Servis stated the Northern Neck Audubon Society has submitted a proposal to assume responsibilities of Stewardship for Chesapeake Trail, the 12.76 acre parcel in Lancaster Courthouse and they pleased with the willingness of Lancaster County to open the area to the public once more. The Northern Neck Audubon Society has submitted a grant application to the Chesapeake Bay Restoration Fund in which financial support is sought for educational materials, signs, brochures and restoration of the timbered area as well as trail construction and renovation.

Mr. Servis said in order to return and restore the trail to a condition which would allow public use, volunteers from Northern Neck Audubon Society and others, will clean out existing trail of brush and coordinate with Virginia Department of Transportation for the mowing and clean up of the parking lot. The trail would need to be relocated in sections as well. Signs identifying the area, its features, its wildlife and plants will be developed and supported. Educational materials such as a trail brochure will be developed and provided. The wooden observation platform and boardwalk in the marsh/water viewing area will be maintained. NNAS will work cooperatively with the Virginia Department of Forestry to stabilize the logging access road and reforest the approximate 3 acres of the clear cut area.

Mr. Servis stated NNAS will provide routine monitoring of Chesapeake Trail for appropriate usage which would include birding, wildlife-watching,

wildflower/native plant observation photography, hiking, research, teaching and interpretation, and canoe or kayak paddling.

Mr. Servis stated the Northern Neck Audubon Society is asking Lancaster County to place this property in a conservation easement, so it could be protected from any future development. However, the NNAS would be willing to proceed without this conservation easement.

Mr. Frere asked Mr. Servis if the Northern Neck Audubon Society would be supportive of working in cooperation with the county in establishing a car top boat launch or ramp at the Chesapeake Trail.

Mr. Servis said the Northern Neck Audubon Society would be willing to work with the county to establishing a car top boat launch or ramp at the Chesapeake Trail.

Mr. Conaway made a motion to approve the proposal of the Northern Neck Audubon Society regarding the development of the Chesapeake Trail without the conservation easement.

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

VIRGINIA DEPARTMENT OF TRANSPORTATION

Primary System Six Year Plan Meeting

Mr. Staton stated there would be a Primary System Six Year Plan Meeting at Bowling Green on December 3, 2003 from 5:00 – 7:00 p.m.

VSH 675 (Black Stump Road)

Mr. Staton said a speed study has been completed and it recommended a 45 mph speed limit and to erect a curve sign showing the maximum safe speed.

Merry Point Ferry

Mr. Staton stated there would be approximately three weeks to get the ramp fixed and the work will begin next week.

VSH 604/Regina Road & VSH 3

Mr. Staton said there are continued safety issues at the intersection of VSH 604/Regina Road and VSH 3. He stated he would be participating in a Safety Program at Lancaster High School on December 2, 2003.

VIRGINIA DEPARTMENT OF TRANSPORTATION PUBLIC HEARING

1. Abandon a Portion of VSH 621 (Riverside Drive) – Mr. Pennell stated the Board of Supervisors previously indicated its agreement to abandon a portion of VSH 621 (Riverside Drive) and remove it from the secondary system of highways. The portion of VSH 621 discussed in the resolution is the last 1/10 mile of Riverside Drive. The approved master plan for Sloop Point does not require this section of roadway to be in the secondary system of highways.

Mr. Simmons opened a public hearing to accept testimony on this matter. There were no speakers on this subject and the public hearing was closed.

Mr. Jenkins made a motion to approve the following resolution abandoning a portion of VSH 621 (Riverside Drive):

ABANDON A PORTION OF VSH 621 (Riverside Drive)

WHEREAS, a public notice was posted as prescribed under Section 33.1-151 of the Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of road described below from the secondary system of state highways; and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of the Lancaster County Board of Supervisors' intent to abandon the subject section of road; and

WHEREAS, after considering all evidence available, the Lancaster County Board of Supervisors is satisfied that no public necessity exists for the continuance of the section of Secondary Route 621 from 0.50 miles east of Route 622 to the dead end, a distance of 0.10 miles, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, the Lancaster County Board of Supervisors abandons the above described section of road and removes this section of road from the secondary system of state highways, pursuant to Section 33.1- 151 of the Code of Virginia, and

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

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

PUBLIC HEARINGS

1. Biosolids Ordinance – Mr. Larson introduced the consideration of a draft ordinance whose purpose is to ensure laws and regulations governing the land application of biosolids are properly implemented and enforced.

Mr. Larson said the Planning Commission was very concerned that the proposed ordinance has the requirements necessary to protect the health of Lancaster residents.

Mr. Larson stated that five applications have been submitted; however, this number has been reduced to four because one of the project was proposed to take place on land that was zoned residential.

Mr. Beauchamp asked what the cost would be to hire a professional to monitor land application of Biosolids.

Mr. Larson stated Lancaster could work with Northumberland and the two other counties in the Northern Neck Planning District to retain a monitor, but that the cost was yet to be determined

Rev. Gayl Fowler stated she had a number of concerns such as the definition of property owner.

Mr. John Nelson said that landowners should also be held financially and legally responsible. The applicants and farmers need to have insurance. The applicants and/or farmers may not want this, but it is necessary.

Mr. Conaway said his concerns are for the surrounding property owners with shallow wells, who could be very much affected property owners.

Mr. Conaway made a motion to approve the Biosolid Ordinance with the changes as amended by members of the Board.

ROLL CALL:

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

2. Change to Article 4 of the Zoning Ordinance – Mr. Larson said this request is to change paragraph 4-1-31 of the Zoning Ordinance to read “Land application of biosolids in accordance with Chapter 26, Article VI, of the Code of Ordinances” instead of the current language of “Disposal of Lancaster County generated sludge with a special exception.”

Mr. Larson stated we know that we cannot legally enforce the current language in the Zoning Ordinance specifying Lancaster County generated sludge only. This is because of *Blanton v. Amelia County* and other more recent cases upholding the land application of Biosolids. We must allow application of biosolids on agriculturally zoned property provided the Virginia Department of Health has permitted it and associated laws and regulations are observed. The intent of this change is to make the Zoning Ordinance consistent with state law, referencing our biosolids ordinance that is the means by which we ensure, to the best of our ability, that land application is being done safely and in accordance with state regulations.

Mr. Larson said as provided for in paragraph 15.2-2286 of the Code of Virginia, this matter is put before the Board of Supervisors as one serving the interests of the general public. Advertising for this hearing, as required by law, has been conducted. To date, there has been no input from interested member of the public.

Mr. Jenkins made a motion to approve Changes to Article 4-1-31 of the Zoning Ordinance to Land application of biosolids in accordance with Chapter 26, Article VI, of the Code of Ordinances.

ROLL CALL

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

3. Change to Article 3 of the Zoning Ordinance – Mr. Larson said an additional paragraph 3-1-32 to the Zoning Ordinance must be changed to read Land

application of biosolids in accordance with Chapter 26, Article VI, of the Code of Ordinances.

Mr. Larson stated we must permit all applications of Biosolids on agriculturally zoned property provided the Virginia Department of Health has issued a permit and associated laws and regulations are observed. This proposed change would provide for the land application of biosolids in the A-1, Agricultural, Limited zoning district as well as the A-2, Agricultural, General zoning district.

Mr. Larson said as provided for in paragraph 15.2-2286 of the Code of Virginia, this matter is put before the Board of Supervisors as one serving the interests of the general public. Advertising for this hearing, as required by law, has been conducted. To date, there has been no input from interested members of the public.

Mr. Conaway made a motion to approve Changes to Article 3 by adding paragraph 3-1-32 of the Zoning Ordinance to read “Land application of biosolids in accordance with Chapter 26, Article VI, of the Code of Ordinances.”

ROLL CALL

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

CONSENSUS DOCKET

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

A. Minutes for October 30, 2003

Recommendation: Approve minutes.

B. Abstract of Votes – Election of November 4, 2003

Recommendation: Accept the Abstract of Votes

C. Support for Virginia’s Center for Innovative Technology and the Virginia Electronic Commerce Technology Center

Recommendation: Adopt the following Resolution:

VIRGINIA’S CENTER FOR INNOVATIVE TECHNOLOGY

And

VIRGINIA ELECTRONIC COMMERCE TECHNOLOGY CENTER

WHEREAS, Lancaster County is an active participant in the Northern Neck – Chesapeake Bay Region Partnership (Partnership); and

WHEREAS, a successful element of this Partnership is the Northern Neck Technology Committee (NeckTech); and

WHEREAS, NeckTech has developed and presented several seminars to assist local businesses in using the Internet to develop and expand their businesses; and

WHEREAS, with the dearth of transportation resources in the Northern Neck, broadband communications seems to be the most promising resource to develop economic development on the Northern Neck; and

WHEREAS, technology business accounts for a large percentage of Virginia's gross state product; and

WHEREAS, technology continues to be an increasingly important factor in all business growth; and

WHEREAS, the **Virginia Center for Innovative Technology (CIT)** and the **Virginia Electronic Commerce Technology Center (VECTEC)** have been a vital part of the NeckTech strategies.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors urges the Virginia General Assembly's unqualified support of **Virginia Center for Innovative Technology's** requested funding for fiscal years 2005-2006 for its initiatives in defense and homeland security, biotechnology and nanotechnology so that its programs may stimulate the growth and survival rate of Virginia's technology entrepreneurs and its regional operations services may increase the economic activity of the Commonwealth's small technology businesses; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors further urges the Virginia General Assembly's unqualified support of the **Virginia Electronic Commerce Technology Center's** (at Christopher Newport University) requested funding to assist localities in the development of technology assistance to local businesses.

D. Devil's Bottom Road – Virginia Scenic Byway

Recommendation: Adopt the following Resolution:

DEVIL'S BOTTOM ROAD (VSH614)

VIRGINIA SCENIC BYWAY

WHEREAS, Devil's Bottom Road, Virginia State Highway 614, in Lancaster County, Virginia, provides important scenic values and experiences; and

WHEREAS, there is a diversity of experiences in transition from one landscape scene to another on Devil's Bottom Road in Lancaster County, Virginia; and

WHEREAS, Devil's Bottom Road links together or provides access to scenic, historic, recreational, cultural and natural elements of Lancaster County, Virginia; and

WHEREAS, Devil's Bottom Road bypasses major roads or provides an opportunity to leave high-speed routes for variety and leisure motoring and landscape control or management along Devil's Bottom Road is feasible; and

WHEREAS, Devil's Bottom Road allows for additional features that will enhance a motorist's experience; and

WHEREAS, the Lancaster County Board of Supervisors has initiated zoning controls so as to reasonably protect the aesthetic and cultural value of Devil's Bottom Road; and

WHEREAS, there is attached a copy of a petition signed by seven hundred fifty residents of Lancaster County indicating their desire to have Devil's Bottom Road designated as a Virginia Scenic Byway.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors supports the designation of Devil's Bottom Road (VSH 614) as a Virginia Scenic Byway; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors asks the Virginia Department of Transportation to begin the process of designating Devil's Bottom Road as a Virginia Scenic Byway.

E. December Salary Distribution

Recommendation: Authorize Salary Distribution for December 24, 2003

F. Request for Supplemental Appropriation – Sheriff's Radio

Recommendation: Approve the supplemental appropriation of \$3,890 to the Sheriff's Communications Account (31200-8203)

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of November 2003 Salaries and Invoice Listings

Motion was made by Mr. Conaway to approve the Salaries for November 2003 in the amount of \$136,533.80 and Invoice Listings for November 2003 in the amount of \$463,841.27.

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

2. Supplemental Appropriations Request – School Board – Field Trips – Dr.

Latimore stated the School Board had authorized him to request additional funding from the appropriating board in the amount of \$14,400 to pay for field trips for the current operation year.

Dr. Latimore said students in grades Pre-K – 12 take field trips which enhance learning in the classroom. The trips that are required for athletics consume a considerable amount of funds. With the implementation of athletics at the middle school and the already existing athletic program at the high school, the number of trips for athletic events has just about doubled. Additionally, the high school band takes several trips during the school year to represent the school division in parades or other forms of competitions. When the band takes a trip, six buses are required.

Mr. Beauchamp asked what had been budgeted for field trips this year and what was spent last school year?

Dr. Latimore stated \$4,500 was budget for field trips this year and approximately \$18,500 was spent last year, which was how the school board came up with \$14,400.

Mr. Jenkins stated if \$18,000 was budgeted last year and the overall budget received a 3.6% increase this year. Why is the additional \$14,400 needed?

Dr. Latimore said last year there was not a line item for field trips in the budget and the field trips were paid for out of the regular instructional category. He said a line was specifically included this year to reflect field trip expenses. The field trips have never been paid for out of Transportation, the funds come directly from the regular instructional category. The principals would use funds the student supply category or the central office would use excess monies based on replacement of staff during the course of hiring during the school year. In

some of the draft budgets presented there was a line item for field trips, however; when finalizing the budget it did not remain.

Mr. Simmons stated if there was \$18,000 in expenses last year, that amount should have been included in this year's budget. The school received a significant increase in funding last year, he is not suggesting the monies be taken from instructional funds, however; the funds could be taken from transportation or administrative to cover these expenditures.

Mr. Frere asked Dr. Latimore if the supplemental appropriation of \$14,400 for field trips is approved can we ensure the appropriations go to field trips only.

Dr. Latimore said the board has his assurance that the funds would be go directly to field trips.

Mr. Conaway made a motion to approve the Supplemental Appropriations Request from the School Board in the amount of \$14,400 for Field Trips.

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

- Transfer Funds from Capital Improvement to General Fund – High School Roof and Primary School Classroom Projects –Mr. Pennell stated the Lancaster County Board of Supervisors directed that future expenditures from the Capital Improvement Account be specifically approved at a regular meeting of the Board of Supervisors.

Mr. Pennell said he has received the following request for payment from Dr. Latimore:

MACTEC (High School Roof)	\$ 4,900.00
ACA Architects (Primary School Classroom)	<u>776.25</u>
Total	<u>\$ 5,676.25</u>

Mr. Jenkins made a motion to approve the expenditures and appropriate \$5,676.25 from the Capital Improvement Account to the General Fund to cover the expenses.

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

4. Supplemental Appropriation – School Board – LPS Drainfield – Dr. Latimore stated the problems with the primary school drainfield began earlier this year and has gotten worst. The drainfield at the primary school was installed 1959. They are working with the health department to keep the school open by having the septic tank pumped daily or every other day. To date \$2,520 has been spent pumping the septic system, with the anticipated daily pumping spending approximately \$14,280 until a new drainfield can be install and these are unbudgeted funds.

Dr. Latimore stated the school board has authorized him to ask the Board of Supervisors for an additional appropriation in the amount of \$5,420.00 to hire an engineering firm to do the design work. He said there would be approximately two weeks turn around in the design and submittal/approval by the health department. They would also have to receive a minimum of five bids.

Mr. Jenkins made a motion to appropriate funds from the Capital Improvement Account to the General Fund to cover the design work on the replacement of the drainfield at Lancaster Primary School in the amount of \$5,420.00.

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

5. LHS Roof Replacement – Change Order Request – Dr. Latimore stated his office received a report from MACTEC Engineering and Consulting about electrical problems that has been discovered in the high school roof replacement/agriculture building project. The change order request for \$9,212.28 is to get the electrical problem corrected, so that the roofing project can proceed as planned.

Mr. Beauchamp made a motion to approve the expenditures and appropriate \$9,212.28 from the Capital Improvement Account to the General Fund for the change order request to correct electrical problems at the high school.

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

6. Request by Virginia Quality Life for Exemption from Real Estate and Personal Property Taxes – Mr. Monroe said the Virginia Quality Life is requesting exemption from Real Estate and Personal Property Taxes formerly known as the

Oakwood Fitness Center and currently being leased to the Northern Neck YMCA. Upon completion of the new YMCA facility on the Virginia Quality Life campus, the YMCA will convert and operate a daycare and preschool learning center for the community at the Oakwood Fitness Center.

Mr. Beauchamp made a motion to authorize the county administrator to draft an ordinance in support for a Request by Virginia Quality Life for Exemption from Real Estate and Personal Property Taxes and advertise for public hearing at the December 29, 2003 regular Board of Supervisors meeting.

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

7. Animals Running at Large on Highways – Draft Ordinance – Mr. James Abbott, Lancaster County Animal Control Officer said has received complaints of citizen permitting or failing to prevent their animals from running at large on the highways of Lancaster County. These events have raised concerns about motorist safety as they drive the highways.

Mr. Abbott stated there has been a number of occasions whereas large animals such as horses, bison, cows, and goats have been found roaming the highways of Lancaster County. He can ask the owners of the offending animals to erect a fence, however; there is no legal definition of a fence in Lancaster County. He said he has attempted to convince the owners of the offending animals of the safety concerns; there has been little he can do to ensure compliance. Mr. Abbott recommends amendment to Lancaster County Animal Control Ordinance stating the owner of the offending animals are in violation of

the law making it a Class 3 misdemeanor and the Judge could issue a fine if the owners were found guilty.

Mr. Conaway made a motion to authorize the county administrator to advertise the Draft Ordinance for Animals Running at Large on Highways for public hearing at the December 29, 2003 regular Board of Supervisors meeting.

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

8. Rappahannock Legal Services – Request for Supplemental Funds – Mr. John Rellick stated the Lancaster County has funded Rappahannock Legal Service for twelve years. Last year Rappahannock Legal Services received \$4,800 from Lancaster County and he is asking the board to consider increasing its FY04 budget by \$1,200 as a result of a reorganizational mandate from the federal Legal Services Corporation.

Mr. Beauchamp made a motion to approve Supplemental Funds for Rappahannock Legal Service in the amount of \$1,200.

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

9. Master Plan – Highbank, LLC – Mr. Larson stated at the September 25, 2003 regular meeting of the Board of Supervisors a rezoning to R-2 was granted to Highbank, LLC. However, the master plan was not acted upon.

Mr. Larson said the submitted master plan shows the 50' vegetative buffer that was proffered and the configuration of the access road that has been approved by VDOT.

Mr. Beauchamp made a motion to approve the Highbank, LLC Master Plan with the provision to widen the lane.

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

10. Release of Performance Bond and Acceptance of Quitclaim Deed – Courthouse Landing Subdivision – Mr. Larson stated that F&J Holdings LLC, developers of Courthouse Landing, requested release of the performance bond in the amount of \$108,087 related to road improvements on Avis Trail. They have also provided a quitclaim deed for the right-of-way and drainage easement for that portion of Avis Trail fronting Courthouse Landing.

Mr. Larson said, as confirmed by telephone with Mr. Joe Staton, VDOT, F&J Holdings has met all of the requirements placed on them for improvements to Avis Trail. When the subdivision was approved, it was intended that the County not accept title to the right-of-way until subsequent developers finished improvements. However, it is and has been the opinion of VDOT that the County must have title to the right-of-way prior to release F&J Holdings' bond. Leaving title with F&J Holdings would potentially complicate future efforts to finish

improvements and bring Avis Trail into the secondary road system. Having witnessed the difficulties F&J Holdings encountered in doing their portion of the improvements, Mr. Larson agrees. All remaining improvements and maintenance of the road will be privately funded until such point in time as Avis Trail is accepted into the secondary road system

Mr. Conaway made a motion to Accept the Quitclaim Deed and Release of the Performance Bond for F&J Holdings LLC, developers of Courthouse Landing Subdivision.

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

11. Proposed Subdivision – Robert B. Bragg III – Mr. Larson stated Mr. Bragg has requested feedback from the Board of Supervisors relative to two alternative approaches to subdividing 34.53 acres near Pittman’s Corner.

Mr. Bragg said he proposes to subdivide 34.53 acres into 17 lots. He requested that the Board of Supervisors indicate their willingness to consider variances that would be required if he is to pursue one of the alternative concepts.

A discussion of the possibilities ensued and Mr. Bragg was given the informal opinion of the members of the Board of Supervisors.

No action taken.

12. Operational Medical Director Agreement – Mr. Pennell said the Department of Emergency Services is applying to the Virginia Office of Emergency Medical

Services to establish the following agency: **Lancaster County Emergency Medical Services**. This agency will be a division of the Department of Emergency Services. For the application process and to establish an Agency a certified Physician approved by the local EMS council and the Virginia Office of EMS must agree to serve as the Operational Medical Director (MD). Paul A. Sutherland, M.D., Emergency Department Director at Rappahannock General Hospital, is the current OMD for the other two Agencies in Lancaster County and several others in the Northern Neck/Middle Peninsula area. He has agreed to be the OMD for Lancaster County EMS.

Mr. Pennell stated the agreement has been reviewed and approved by the County Attorney.

Mr. Beauchamp made a motion to approve the following Operational Medical Director Agreement to meet the Virginia Office of Emergency Medical Services application requirements and authorize the County Administrator to execute the agreement.

County of Lancaster, Virginia
Operational Medical Director Agreement

THIS AGREEMENT, made this 28th day of October 2003 by and between Dr. Paul A. Sutherland hereinafter the “Operational Medical Director” or “OMD” and Lancaster County Emergency Medical Services, the Kilmarnock – Lancaster County Volunteer Rescue Squad, and the Upper Lancaster Volunteer Rescue Squad, hereinafter the “EMS Agencies” or “Agencies”, all of which are within the **Peninsulas Emergency Medical Services Council** region.

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For and in consideration of the mutual promises made herein and for the health and safety of the citizens of Lancaster County, the parties agree and declare:

Dr. Paul A. Sutherland, currently licensed to practice medicine by the Virginia Board of Medicine, hereby agrees to serve as Operational Medical Director (OMD) for the undersigned Virginia-licensed EMS Agencies beginning November 1, 2003 until or unless revoked at the will and discretion of any Party as specified later in this agreement. This Agreement shall terminate in the event that any Agency's license is terminated by the Virginia Department of Health or as described below.

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The Agencies

Each EMS Agency agrees that it will meet all requirements to maintain its status as an EMS agency licensed by the Virginia Department of Health.

Each EMS Agency agrees that the Agency will indemnify and exonerate and save the OMD harmless from any and all liability and from all claims for damage, loss, or injury occasioned by or resulting from actions associated with the position of OMD as stated in the appropriate sections of the most recent revision of the Rules and Regulations of the Board of Health, Commonwealth of Virginia. The OMD shall be listed as a covered member under each Agency's liability insurance policy.

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Each EMS Agency also agrees that it will:

- Make available any necessary documentation needed for review or signature 30 days prior to the due date.

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- Make available to the OMD all records and documents pertaining to the certification, training, continuing education and field practice of EMS certified personnel, including but not limited to the Agency's Pre-hospital Patient Care Reports (PPCRs).

- Make available to the OMD any contact numbers, email addresses, and other information pertaining to the officers of the Agency as well as submit any changes as necessary.

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- Implement and maintain an agency quality management program, in coordination with the OMD to ensure provider skills and knowledge proficiency at the appropriate level of certification.

- Work with the OMD to develop a comprehensive plan that will promote maximum patient care in each Agency's service area. Such a plan shall include, but not be limited to, training and evaluation, mutual aid agreements, provider review, and provisions to upgrade the level of patient care and service provided by the individual Agencies.

- Work with the OMD to develop and implement a fair and equitable process by which complaints and disciplinary actions involving the delivery of emergency medical care can be promptly reviewed, adjudicated and otherwise resolved.

- Comply with all laws, rules, regulations, and patient care protocols now existing or later enacted by federal, state, or regional EMS authorities with respect to training, equipment, and field practice by providers. Any violation of such laws, rules, or regulations shall constitute a material breach of this Agreement and shall give the OMD the right to terminate this Agreement without advance notice.

The Operational Medical Director:

The OMD agrees to:

- Hold current regional and state endorsements as a Medical Director and actively provide technical assistance, medical leadership and medical training as needed for the Agencies and their EMS certified personnel.
- Exercise the on-line responsibilities of an OMD as stated in the appropriate sections of the most recent revision of the Rules and Regulations of the Board of Health, Commonwealth of Virginia.
- Represent the Agencies as a member of the Peninsulas EMS Council's Medical Advisory committee and, when possible, attend meetings of the Committee and/or review copies of the minutes and other documents in order to ensure the Agencies comply with the regional Standard of Care.
- Work with the State Medical Director, the Regional Medical Director, the Peninsulas EMS Council staff, and each Agency's leaders to promote the highest level of proficiency within the Agency and to ensure optimal pre-hospital patient care within the Region.
- Serve as Physician Course Director for appropriate Agency sponsored training programs with assistance from Agency Instructors/ALS Coordinators and the Peninsulas EMS Council staff to ensure State requirements are met in said courses.

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The OMD and each Agency's leadership agree to maintain close and regular communication and to meet as requested to address issues and concerns in a prompt, professional, and effective manner.

All parties understand and agree that there are no fees to be incurred for the OMD to provide this medical direction service.

Any party may terminate this Agreement with 60 days written notice to each of the other Parties, to the Virginia Office of EMS, and to the Peninsulas EMS Council. Changes to this Agreement may be made only by written agreement of all parties.

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Deleted: This Agreement shall remain in effect as to the remaining Agencies and the OMD. The OMD may terminate the entire Agreement within sixty (60) days written notice to each of the other parties, the Virginia Office of EMS, and to the Peninsulas EMS Council. Changes to this Agreement may be made only in writing and signed by all parties.

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

13. Capital Improvement Program – Additional Office Space - Mr. Pennell said in the approved capital improvement budget, there exists a category Additional County Office Space with an account balance of \$250,000 from the 2001 and 2003 borrowings. Judge Mason, Sonny Thomas, Sheriff Crockett and Anna Lee Haynie have asked for more/modified office space to provide for operational needs and the security of the general district court and circuit court.

Mr. Pennell said he has mentioned the possibility of extending the east wing of the courthouse to provide more office space for the Commissioner of the Revenue and the Treasurer. This extension would also provide for move space in the General District Courtroom to accommodate increased security for the judges and their staff. In addition, modifications could be made to the existing circuit court spaces to improve security there as well.

Mr. Pennell said he believes that obtaining the services of an architectural/engineering firm with experience in courthouses would provide the Board of Supervisors with the information needed to plan for expansion and

improvement of the current work spaces. This firm would meet with the principals of these offices and determine a plan for providing additional space and security at the courthouse. There also exists land behind the Giese Building where additional office space and/or parking could be located. An architectural/engineering firm would evaluate the costs of enlarging the current building versus providing a separate building to relocate existing offices.

Mr. Jenkins made a motion to authorize a request for proposal to be issued to provide architectural services to develop a plan to provide additional office space and courtroom security at the courthouse.

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

14. Kilmarnock Town Council Request for Support of Main Street Program – Mr. Pennell state the Town of Kilmarnock is proceeding with its Main Street TEA-21 Program and finds that it needs some repairs/rebuilding of the primary roads (Route 3 and Route 200) in order to get the necessary releases from property owners to complete the project. A letter of support is needed from the Lancaster County Board of Supervisors for the Main Street Program in the Town of Kilmarnock.

Mr. Simmons made a motion to authorize the County Administrator to write a letter of support for improvements to the primary road system in Kilmarnock to enable the town to proceed with its Main Street program.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye

Donald O. Conaway	Aye
Patrick G. Frere	Aye
B. Wally Beauchamp	Aye

15. Generators for Fire/Rescue Repeaters – White Stone & Litwalton – Mr. Pennell said he had received the costs for the purchase and installation of generators with automatic switching to provide electricity to the Fire/Rescue repeaters (previously approved by the Lancaster County Board of Supervisors) that are being installed in White Stone and Litwalton. There is sufficient remaining funding in the 200-2003 Homeland Security grants to accommodate this purchase and the subsequent purchase of a generator to be installed at WKWI in Kilmarnock.

Mr. Beauchamp made a motion to approve spending \$9,890 from Homeland Security grant funds for the purchase and installation of LPG gas generators at the White Stone and Litwalton repeater sites.

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

16. Appreciation for WRAR Radio – Mr. Pennell said Mr. Beauchamp, Lancaster County’s Director of Emergency Services has asked that a resolution of commendation be prepared to acknowledge the service WRAR Radio provided to the citizens of Lancaster county and the Northern Neck during and immediately following Hurricane Isabel.

Mr. Beauchamp made a motion to adopt the following Resolution for Appreciation for WRAR Radio:

IN APPRECIATION OF WRAR RADIO

WHEREAS, on September 18, 2003, Hurricane Isabel wreaked devastation on the Commonwealth of Virginia and particularly the Northern Neck; and

WHEREAS, as a result of the winds and tidal surges of Hurricane Isabel, virtually 100% of Northern Neck citizens were without electricity and other services required for normal quality of life; and

WHEREAS, as a result of this loss of electricity, information was difficult to disseminate to the citizens of the Northern Neck so that they would know where they could receive emergency assistance to provide for their health, safety and welfare; and

WHEREAS, only one radio station, WRAR, Tappahannock, Virginia, was able to continue broadcasting to the citizens of the Northern Neck and Middle Peninsula during and immediately after Hurricane Isabel; and

WHEREAS, the management and staff of WRAR devoted its resources to providing continuous information to the citizens of the Northern Neck by foregoing commercial interruption and normal broadcasting requirements; and

WHEREAS, the management and staff of WRAR continued 24-hour broadcasting services to the local communities by giving up their own time and ignoring their own storm damage to provide emergency information to its listeners.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors commends the management and staff of WRAR radio,

Tappahannock, Virginia for its commitment to public service and public safety;
and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors offers its heartfelt gratitude to the management and staff of WRAR radio for their efforts in providing continuous emergency information to the citizens of the Northern Neck.

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

BOARD REPORTS

Changes to Zoning Ordinance/Subdivision Ordinance

Mr. Conaway stated he would like bring the Zoning/Subdivision Ordinance for changes in lot sizes to public hearing at the regular December 29, 2003 Board of Supervisors meeting. He stated he still has concerns with increasing the minimum lot sizes. This would create a hardship on both the property owner and potential buyer.

Mr. Simmons made a motion to bring the Changes to Zoning Ordinance/Subdivision Ordinance to public hearing at the regular December 29, 2003 Board of Supervisors meeting.

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

B. Wally Beauchamp Aye

Appointment

Mr. Beauchamp made a motion to reappoint James W. Revere, Jr. to the Northern Neck Regional Disability Services Board as a governmental representative a three-year term expiring December 31, 2006.

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

COUNTY ADMINISTRATOR

County Christmas Luncheon

Mr. Pennell invited the Board of Supervisors to the Annual Courthouse Christmas Luncheon which would be held on Monday, December 8, 2003 at noon.

NN-MP Community Services Board New Executive Director

Mr. Pennell stated Charles Walsh has been hired as Executive Director of the Northern Neck-Middle Peninsula Community Services Board.

Emergency Medical Technicians Hired

Mr. Pennell said four Emergency Medical Technicians have been hired to work, Monday – Friday from 6:00 a.m. – 6:00 p.m. starting December 8, 2003.

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 matter to be discussed in the closed meeting is acquisition of real property for public purpose. The purpose of the closed meeting is to discuss Real Property, §2.2-3711.A.3 of the Code of Virginia. The subject and purpose falls within the exemptions under §2.2-3711.A of the Code of Virginia.

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

RECONVENE

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

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye
	Patrick G. Frere	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 acquisition of real property for public purpose in accordance with section 2.2-3711.A.3 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3711.1 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:

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

This certification resolution is adopted.

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn.

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

B. Wally Beauchamp Aye