

## **VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, November 29, 2001.

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

### Others

Present: Carter White, Clyde Hathaway, Robert Harper, and Joe Staton, Virginia Department of Transportation; George "Sonny" Thomas, Commissioner of the Revenue; Jack Larson, Director, Planning and Land Use; Greg Baka, Resource International; Joan Wenner, Northern Neck News; Robert Mason, Rappahannock Record

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

Mr. Jenkins presented Mr. Conaway with an award from the Virginia Association of Counties for his dedication and faithfulness in serving ten years as a County Supervisor.

## **PUBLIC INPUT**

Plastic Recycling - Mr. Charles Costello stated that he supports recycling plastic.

## **PRESENTATIONS**

Authorize Ordinance Advertisement – Penalties for Late Filing of Reporting Forms for Personal Property, Machinery and Tools, Merchants’ Capital and Mobile Homes – Mr. George Thomas, Jr., Lancaster’s Commissioner of the Revenue asked the Board of Supervisors to consider adopting an ordinance to impose a penalty for the late filing of reporting forms for tangible personal property, machinery and tools, merchant’s capital and mobile homes.

Mr. Thomas stated the Code of Virginia requires that all the owner of personal property, machinery and tools, merchant’s capital and mobile homes in every jurisdiction file tax returns by May 1<sup>st</sup> of any given tax year. This has become a problem for several reasons. Approximately 30% of taxpayers do not file and another 10 – 15% file after May 1<sup>st</sup>. It has been a much greater problem since the enactment of the Personal Property Tax Relief act, because every car needs to be qualified or disqualified for state reimbursement. If all the information for the taxpayers is not available, the staff spends a lot of time late in the tax season trying to contact people by multiple telephone calls and personal visits by the Commissioner. The taxpayers inform the Commissioner’s office of changes once they receive the tax bill, when they should have done so seven or eight months earlier. It denies the Commissioner’s office the opportunity of matching the Division of Motor Vehicles files and Department of Inland Game and Fisheries files to the records that the Commissioner has. There is information that needs to be re-mailed and the cost of personnel time cost can be extremely high.

Mr. Thomas stated he hopes that if the penalty is enacted that not one person would be penalized, that taxpayers would file their forms in a timely fashion. The information could be put in the computers accurately and the assessment could be done with a lot more accuracy. He said he does not believe it’s fair to penalize the 70% of the taxpayers who file in a timely manner year after year.

Mr. Simmons made a motion to authorize ordinance advertisement for public hearing on December 27, 2001 regarding Penalties for Late Filing of Reporting Forms for Personal Property, Machinery and Tools, Merchants’ Capital and Mobile Homes.

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

Regulating Communications Towers – Resource International – Greg Baka, Project Manager for Resource International said that the Resource International team offers services for the review of wireless telecommunications facilities and the negotiation of leases on municipal property to counties, cities, and towns throughout Virginia. They review and assist in the review of the applications with counties and help the counties negotiate the best leases for a carrier on county property. Which are sources on non-tax revenue.

Mr. Baka stated there are nine carriers licensed nationwide by the Federal Communication Corporation (FCC), there are two that are cellular, one Nextel specialized mobile radio, and six Personal Communications Services (PCS) carriers. He said not all of them are in each jurisdiction, in fact, in most Northern Neck counties there are only two or three carriers. One of the benefits that can be offered to the county thorough an effective ordinance and through application process review is combining the carrier with the actual service. Northumberland County received five applications in one day by tower companyies, yet there was no carrier required by the ordinance as a co-applicant. To date, in Northumberland County none of those five sites have any service or building permits. Resource International can help set up a system that ensures that the county would not have more towers than needed and the county could require co-location of towers. The model ordinance requires that any new tower be built to accommodate a minimum of six users. The technology is available to have six users, ten feet apart on the tower, whereas the old standard was fifteen feet apart. It could also effectively avoid the lighting requirement by putting that at a maximum of 199 feet.

Mr. Baka said within the confines of the 1996 Federal Telecommunication Act there are five limits that the act placed on localities. They have developed a model ordinance that goes thorough 20 – 22 items in the ordinance and identifies some suggestions of areas of need that any locality should consider.

Mr. Baka stated that Resource International focuses on review of the application and does that thorough an escrow account. The is key that the county does not have to pay for their services, they suggest that it be done via escrow account. The application fee is separate, that goes straight to the County and the escrow check is held at the county for any service the consultant does on that project. Each would be itemized and submitted to the county for review and approval. After the project is completed and the certificate of occupancy issued, money from the escrow account would be paid toward that bill and at the conclusion of the project, any unspent funds from the escrow account would get returned to the carrier.

Mr. Pennell asked the Board of Supervisors to give him authority to negotiate a contract and bring it back to the December 27, 2001 meeting.

Mr. Conaway made a motion to authority the County Administrator to negotiate a contract with Resource International.

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

## **DEPARTMENT OF TRANSPORTATION**

Work Session on the Six-Year Plan – Carter White and Clyde Hathaway supplied handouts of the Draft Secondary System Construction Program - Projected Fiscal Year

Allocation for 2002-03 through 2007-08 at an estimated cost of \$736,000 - \$829,000. Clyde Hathaway gave the presentation and informed the board that some of the county-wide project items include 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 first item is Rte 630/Taylor's Creek Road to improve drainage, correct severe horizontal and vertical alignments, and a sharp elbow curve. The second priority is Rte 604/Merry Point Road, at the Rte 611 intersection, to soften that ninety-degree curve. Third priority will be a consolidated project which includes Rte 614/Devils Bottom Road that runs past the primary school to a quarter of a mile east of Rte 669 to improve the alignment and bridge. Priority five is Rte 605 near Lankford's Corner to improve the alignment. Priority six is near Good Luck Road, a County Line Project with Northumberland, to improve the alignment a quarter of a mile west of Rte 200. Priority seven is Rte 642, Little Bay Road from Rte 641 to Rte 643 to address horizontal alignment, sharp curves, and poor drainage.

Unpaved road projects include existing state maintained dirt roads that need to be paved. Priority one is Rte 685 Twin Branch Road which starts at Rte 615 to the dead end; VDOT hopes to start the project in the spring. The second item is Yopps Cove Road, Rte 637 to the dead end; VDOT has the right-of-way to improve this road. The last item is Burnt Wharf Road, Rte 755 to the dead end.

During the public hearing, Charles Costello, Ralph Baylor, Sue Gosnell, Jan Baylor, and Beth Roan spoke against the proposed realignment of Devil's Bottom Road. Don Williams asked what needed to be done to improve Indiantown Road – he was referred to Mr. White and Mr. Staton. Fred Ajootian commented that people who move into Lancaster County should realize that they are now living in a rural area.

Mr. Conaway moved to adopt the following resolution with the note that the work on Rte. 614/Devil's Bottom Road would be reconsidered in future years and the engineering studies and proposals are completed.

**WHEREAS**, a joint public hearing with the Virginia Department of Transportation was held at a regular monthly meeting of the Lancaster County Board of Supervisors on November 29, 2001 in the Courthouse at Lancaster, Virginia; and

**WHEREAS**, a six-year plan of improvements to the Secondary System of Highways for fiscal years 2002-2003 through 2007-2008 and the Secondary Construction Budget for Fiscal Year 2002-2003 were considered.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors approves the Six-Year Plan for Improvements to the Secondary System of Highways for fiscal years 2002-2003 through 2007-2008 and the Secondary Construction Budget for fiscal year 2002-2003.

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

Lancaster Courthouse Pedestrian Crossing - Mr. Staton stated the signs and pedestrian crossing in the courthouse village have been completed.

### **PUBLIC HEARINGS**

1. No Wake Zone on the Eastern Branch of Carter Creek – Mr. Larson stated there was a request made by the James Cove Association, to establish a No Wake Zone on the Eastern Branch of Carter Creek upstream of a line beginning at a point on Mitchell J. Alga property and extending across the creek. The Eastern Branch is located in both Voting District 4 and 5.

Mr. Larson said that James Cove Association intends to submit an application to the Virginia Department of Game and Inland Fisheries in order to establish a No Wake Zone on state waters. The request has to be first considered by the local governing body at an advertised public meeting. The reasons for the request are boating safety, erosion, and noise.

Mr. Edward French, Member of James Cove Association stated the members of the association have become increasingly troubled by the significant increase in boat traffic on the Eastern Branch of Carter Creek. Traffic in the Eastern Branch, adjacent to our properties, was of particular concern due to confluence of several coves and the narrowing of the waterway.

Mr. French said as a result of the increase in traffic, several undesirable consequences have been greatly magnified.

- 1) Boating safety has been compromised. The mix of watercraft in the area ranges from un-powered canoes to sport fishers. As a result you have canoes, jet skis, skiers, trawlers, and sport fishing boats navigating in a confined area at dramatically varying speeds where several waterways intersect. Unfortunately, all of the craft do not operate with appropriate safety and courtesy.
- 2) Erosion has been increased as a result of turbulence from the wakes of passing boats that often disregard their proximity to docks and sensitive marsh areas.
- 3) Many property owners with frontage on the creek have abandoned the use of their decks and porches due to the increased noise from the increased high-speed traffic.

Mr. French stated they are blessed with what may be the largest grass marsh on the creek. They have observed the wakes of passing boats cause surges

of water over the marsh area, which can only be detrimental to the wild life and plants growing there.

As a result of these concerns, the Association initiated a movement to secure a No Wake Zone upstream of a line beginning at a point on the Mitchell J. Alga property and extending across the creek. This would leave the majority of the Eastern Branch available for recreational boating where the width of the waterway would better accommodate the traffic at a greater speed. They have more than 130 property owners in the area who have supported this initiative by signing a petition requesting the establishment of the No Wake Zone for Carter Creek.

The Association recognizes that the area waterways are a valuable resource for wildlife and boating interest alike and seek only to conserve this resource for future generation.

Mr. French asked the board to approve this request, so that it could be forwarded onto the state.

During the public hearing Mitch Alga, Jim Roth, Mayor Fleet of Irvington, Richard Flower spoke in favor of the No Wake Zone. Katherine Wilshon, Julie Harris, Bill Harris, and Ed Ruckers spoke against the No Wake Zone.

Mr. Beauchamp made a motion to approve the No Wake Zone on the Eastern Branch of Carter Creek beginning at Mitchell J. Alga property and extending across the creek.

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



Donald O. Conaway      Nay

The motion failed 2-3.

2. Request for Special Exception – Northern Neck Electric Cooperative, Incorporated – Mr. Larson stated the applicant was requesting a special exception to construct an electric distribution substation on property identified as Tax Map #25-18. This property is zoned A-2, Agricultural, General and is located on VSH 354 across from the intersection with VSH 604 near Ottoman, VA. This property is in Voting District 1.

Mr. Larson said in paragraph 4-1-21 of the Zoning Ordinance states that a public utility booster or relay station is allowed in the A-2 Zoning District with a special exception. The facility will be completely enclosed by a 7 foot chain link fence, topped by three strands of barbed wire. The barbed wire would be attached to 45 degree arms and will extend the vertical height of the fence another foot.

Mr. Larson stated advertising has been conducted as required by law, and all adjoining property owners have been notified. He said staff recommends approval.

Mr. David Fridley, an adjoining property owner asked several questions regarding the proposal.

Mr. Jenkins made a motion to approved the request for special exception for Northern Neck Electric Cooperative, Incorporated with no more than two security lights, those turned inside from the adjoining property owner and that NNEC work with the adjoining property owners to accommodate their reasonable wishes.

VOTE: F.W. Jenkins, Jr.	Aye
Cundiff Simmons	Aye
B. Wally Beauchamp	Aye

Patrick G. Frere            Aye  
Donald O. Conaway        Aye

3. Change to the Zoning Ordinance – Individual Manufactured Housing – Mr. Larson introduced the change to the Zoning Ordinance, Paragraph 5-1-3 of Article 5 (Residential, General, District R-1) to allow doublewide manufactured homes, by right, in the R-1 zoning district provided that they are placed on a permanent masonry foundation, have the undercarriage removed, have a roof pitch of 4:12 or greater, and be declared real property.

Mr. Larson said there was no input from the public when the Planning Commission heard this issue. He stated the Planning Commission was forwarding this issue recommending approval.

Mr. Larson stated paragraph 5-1-3 presently reads “*Individual manufactured homes with a special exception*”. If this proposed change is approved, this paragraph would read, “*Individual manufactured homes with a permanent masonry foundation, undercarriage removed, a roof pitch of 4:12 or greater, and declared as real property. Individual manufactured homes not meeting all these criteria, with a special exception*”.

Mr. Larson stated advertising as required by law has been conducted. As of this date, staff has received no phone calls from interested members of the public concerning this proposed change of the Zoning Ordinance.

The Board of Supervisors discussed the roof pitch condition at great length. Mr. David Jones, chairman of the Planning Commission participated in this discussion and offered his opinion as a respected builder in the county.

Mr. Conaway made a motion to adopt the amendment with a roof pitch of 3¼ :12 changing the Zoning Ordinance for Individual Manufactured Housing in the R-1 District.

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

Mr. Frere made a motion to reconsider the previous action.

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

Mr. Conaway made a motion to modify the previous action to approve the amendment with a roof pitch of 3¼ :12 and the manufactured home to be no less than 24 feet in width.

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

4. Proposed Mixed Use, Residential and Commercial, Zoning District Ordinance – Mr. Larson stated it was envisioned that a new district would replace the current

C-2, Commercial, Limited, district and would provide for mutually compatible residential and commercial uses.

Mr. Larson stated this was returned to the Board of Supervisors for consideration. With one exception, it was felt that all of the requirements of the Board of Supervisors, placed subsequent to the first hearing, have been met. In summary, water-specific uses have been identified and areas to which this zoning would be targeted have been identified. Areas identified are Nuttsville, Morattico, Mollusk, Alfonso, Lively, Regina, Merry Point, Lancaster, and Weems.

The Planning Commission has not changed its recommendation that this zoning district replace the current C-2, Commercial, Limited. It is felt that at least some of the property owners of existing C-2 properties can be convinced to change the zoning to be more compatible with adjoining properties, and/or there are no liabilities in taking this action. There are nineteen properties that have been identified as being zoned C-2.

Mr. Larson said that advertising has been conducted as required by law. There was also no input from public when this issue was heard by the Planning Commission at the October 18, 2001 meeting. Therefore, the Planning Commission is forwarding recommending approval.

A lengthy discussion took place regarding the pros and cons of adopting this new zoning district. There seemed to be many unanswered questions regarding this proposed zone and its effect on Lancaster County.

Mr. Simmons made a motion to table the Proposed Mixed Use, Residential and Commercial, Zoning District Ordinance with a 90 day time limit to be brought back to the board for consideration after county staff had an opportunity to work on resolving the concerns.

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

### **CONSENSUS DOCKET**

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

A. Minutes for November 29, 2001

Recommendation: Removed to the consideration docket.

B. Abstract of Votes – General Election, November 6, 2001

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

C. Transfer Funds from Capital Improvement Fund to School Board – Purchase of School Buses

Recommendation: Approve authorization to transfer funds

D. CBLAD Grant to Produce a Regional Septic System Inventory and to Provide for GIS Training

Recommendation: Adopt the resolution

**WHEREAS**, the Chesapeake Bay Preservation Act establishes the Chesapeake Bay Local Assistance Board responsible for carrying out the purposes and provisions of Chapter 21 of the Code of Virginia, and

**WHEREAS** the Chesapeake Bay Local Assistance Board has promulgated a Request for Proposals to the Local Assistance Competitive Grants Program; and

**WHEREAS**, the Lancaster County Board of Supervisors is the duly elected governing body for Lancaster County, Virginia, an eligible entity under the Local Assistance Competitive Grants Program; and

**WHEREAS**, in accordance with the 2003 Competitive Grants Program Request for Proposals, it is required that a Resolution Authorizing the Submission of a Grant Application be received from all localities party to a grant proposal;

**NOW, THEREFORE, BE IT RESOLVED**, by the Lancaster County Board of Supervisors that the Executive Director of the Northern Neck Planning District Commission is authorized to apply on the behalf of Lancaster County for a grant in the amount, not to exceed \$20,000 from the Chesapeake Bay Local Assistance Department for the purpose of creating a Northern Neck Regional Ground Water Protection Plan.

**BE IT FURTHER RESOLVED** that if the grant is awarded the Northern Neck Planning District Commission hereby agrees to pay for the full costs of the grant project, *not to exceed \$40,000 in total costs*, providing that certain of these costs are subject to grant reimbursements not to exceed a total of \$20,000, which shall be payable from the Chesapeake Bay Local Assistance Department in accordance with a contractual agreement to be executed between the Northern Neck Planning District Commission, the Counties of Richmond, Northumberland, Lancaster, and Westmoreland and the Chesapeake Bay Local Assistance Department, and that if the Northern Neck Planning District Commission subsequently elects to cancel this project, the Northern Neck

Planning District Commission hereby agrees to reimburse the Chesapeake Bay Local Assistance Department for the total amount of the funds expended by the Department through the date the Department is notified of such cancellation.

E. CBLAD Grant to Provide Assistance to the Environmental Inspector

Recommendation: Adopt the resolution

**WHEREAS**, the Chesapeake Bay Preservation Act establishes the Chesapeake Bay Local Assistance Board responsible for carrying out the purposes and provisions of Chapter 21 of the Code of Virginia; and

**WHEREAS** the Chesapeake Bay Local Assistance Board has promulgated a Request for Proposals to the Local Assistance Competitive Grants Program; and

**WHEREAS**, the Lancaster Board of Supervisors is the duly elected governing body for Lancaster County, Virginia, an eligible entity under the Local Assistance Competitive Grants Program; and

**WHEREAS**, in accordance with the 2003 Competitive Grants Program Request for Proposals, a resolution is required authorizing the submission of a grant application from all localities party to a grant proposal;

**NOW, THEREFORE, BE IT RESOLVED**, by the Lancaster County Board of Supervisors that the Executive Director of the Northern Neck Planning District Commission is authorized to apply on the behalf of Lancaster County for a grant in the amount, not to exceed \$48,417.00 from the Chesapeake Bay Local Assistance Department for the purpose of providing technical assistance through the Environmental Inspector position.

**BE IT FURTHER RESOLVED** that if the grant is awarded it is understood the Lancaster County Board of Supervisors, through its Planning and Land Use staff will provide in-kind match support.

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

### **CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of November 2001 Salaries and Invoice Listings

Motion was made by Mr. Simmons to approve the Salaries for November 2001 in the amount of \$124,355.96 and Invoice Listings for November 2001 in the amount of \$381,865.74.

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

2. Planning District Commission Quarterly Meeting – January 28, 2002 – Mr. Pennell stated the regular quarterly meeting of the Northern Neck Planning District Commission is scheduled to be held on January 28, 2002 at a site to be selected in Lancaster County. The Northern Neck Planning District Commission Executive Director has asked the Lancaster County Board of Supervisors to



designate a restaurant that has sufficient space for the airport consultants to make a presentation on the status of the site selection process.

By consensus of the Board of Supervisors the Northern Neck Planning District Commission quarterly meeting will be held at Jimmy's II in Kilmarnock on January 28, 2001 with Conrad's Upper Deck as a back-up location.

3. Base Realignment and Closure (BRAC) Task Force – Mr. Pennell stated he had received a letter from Congresswoman Jo Ann Davis office asking Lancaster County Board of Supervisors recommend a citizen to be appointed to represent the county on her BRAC Task Force.

Mr. Pennell recommended Jack Larson for the BRAC Task Force because of his background and experience.

Mr. Jenkins made a motion to appoint Jack Larson to the Base Realignment and Closure (BRAC) Task Force to represent Lancaster County.

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

4. Agreement with J & J, Inc. to Accept Wood Debris and Scrap Metal – Mr. Pennell stated this item would need to be continued to the Board of Supervisors December 27, 2001 meeting.
5. Northern Neck – Chesapeake Bay Region Partnership – Mr. Pennell stated the Board of Supervisors has previously been informed of the River Country Regional Partnership voting to divide itself into two regions, the Northern Neck

and the Middle Peninsula. The purpose of this division was to apply for separate partnerships thereby doubling the money available to the enhanced economic development. The Northern Neck Planning District Commission has taken formal action to accomplish this endeavor. All four Northern Neck Boards of Supervisors will consider the same action.

Mr. Pennell said that if the this resolution is adopted, the Board of Supervisors needs to appoint one member of the Board of Supervisors, the County Administrator, a member of the IDA, and two members of the business/financial community to represent Lancaster County and adopt the resolution in support of a Northern Neck – Chesapeake Region Partnership.

Mr. Jenkins made a motion to adopt the resolution in support of a Northern Neck – Chesapeake Region Partnership.

**WHEREAS**, the Northern Neck Planning District Commission was organized September 1, 1969 by the Northern Neck localities as authorized by the Virginia Area Development Act (Title 15.1, Chapter 34, Sections 15.1- 1400 et seq., Code of Virginia 1950 as amended), to plan for the orderly and efficient physical, social and economic development of the Northern Neck Region through regional cooperation and coordination; and

**WHEREAS**, the Northern Neck Planning District was designated an Economic Development District by the U. S. Department of Commerce- Economic Development Administration in February, 1999 to promote economic development and opportunity, foster effective transportation systems, enhance and protect the environment and balance resources through sound management of development; and

**WHEREAS**, the Regional Competitiveness Act, Section 15.1- 1227.1 through Section 15.1- 1227.5 of the Code of Virginia, as amended, permits

counties, cities and towns within a planning district to establish a regional partnership for the purpose of encouraging local governments to exercise the options provided by law to work together for their mutual benefit and the benefit of the Commonwealth; and

**WHEREAS**, the Northern Neck Planning District Commission By-laws Article IV Section 1 authorizes the appointment of working committees as may be essential to carry out the programs of the Commission; and

**WHEREAS**, the Northern Neck Planning District Commission intends to create a committee of the Commission, thereby creating an organization to be known as the Northern Neck-Chesapeake Bay Region Partnership;

**NOW, THEREFORE BE IT RESOLVED** that the Lancaster County Board of Supervisors does hereby agree to:

- A) Support the establishment of the Northern Neck-Chesapeake Bay Region Partnership under the provisions of the 1996 Regional Competitiveness Act in conjunction with the other participating county members of the Northern Neck Planning District Commission;
- B) **Be included as a participating member of the Northern Neck-Chesapeake Bay Region Partnership**, organized within the Northern Neck Planning District and as set forth in the Northern Neck Planning District Commission resolution establishing the Northern Neck-Chesapeake Bay Region Partnership dated November 14, 2001;
- C) **Authorize the Northern Neck-Chesapeake Bay Region Partnership**, as a partnership organization in accordance with the 1996 Regional Competitiveness Act, to carry out the Regional Competitiveness Act Program process and provisions on its behalf; and

D) Distribute any incentive funds received through the Regional Competitiveness Act to the participating counties equally for the purpose of funding regional economic development projects and initiatives identified in the Northern Neck Comprehensive Economic Development Strategy with the Northern Neck Planning District Commission receiving five (5) percent for serving as administrative/fiscal agent.

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

Mr. Beauchamp made a motion to appoint F.W. Jenkins, William H. Pennell, Jr. and Weston Conley as representative for Lancaster County.

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

6. Erosion Damage Behind Sheriff's Office – Mr. Pennell stated there is a section of drain pipe that begins in front of the Sheriff's garage/sally port that drains most of the water coming from the driveway/parking lot between the Sheriff's Office and the courthouse. The terminus of this pipe has failed and significant erosion has occurred in the past. The erosion is continuing and it could jeopardize the integrity of the Sheriff's building. County staff issued request for bids for the repair of this erosion damage.

Mr. Pennell said staff recommended awarding the bid for damage repair to Haydon Construction, Inc. for \$2,330.00 the lowest bid.

Mr. Simmons made a motion to accept the bid from Haydon Construction, Inc. for \$2,330.00 for damage repairs to the Sheriff's Office.

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

### **BOARD REPORTS**

Mr. Beauchamp stated he read an article in the Richmond Times about an ordinance which would penalize an individual should an accident occur and they are at fault and convicted. They would be responsible for the cost to transport to the hospital. He believes that the county should take a look at that.

By consensus the Board of Supervisors authorize the County Administrator to draft an ordinance to be discussed at the December meeting but not advertised for adoption.

Mr. Conaway congratulated Mr. Jenkins and Mr. Beauchamp on their re-election to the Board.

### **COUNTY ADMINISTRATOR**

#### **2002 Supervisors Forum**

Mr. Pennell stated there was a 2002 Supervisors Forum in January. Should anyone like to attend please let him know.

### County Payroll

Mr. Pennell asked for the Board of Supervisors permission to release payroll on December 21, 2001, which is the last working day before Christmas. He stated regular checks would go out at the end of the month as usual. The Board of Supervisors agreed by consensus.

### Organizational Meeting

Mr. Pennell asked the Board of Supervisors to select a date and time for the Organizational meeting for 2002. He said the first working day of the New Year, which is January 2, 2002.

By consensus of the Board of Supervisors the meeting was scheduled for Wednesday, January 2, 2002 at 6:00 p.m.

### Workforce Incentive Board

Mr. Frere nominated Mayor Lloyd B. Hubbard as one of Lancaster County's representatives to the Workforce Incentive Board.

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

### Virginia Birding and Wildlife Trail Coastal Page

Mr. Pennell stated that the Virginia Birding and Wildlife Trail Coastal Page was currently on the internet. He said that it was very interesting and very well done. The

Western part of the state will be on next year and the middle part of the state will come up the following year.

### Hurricane Training

Mr. Pennell said he has been chosen to go to the Hurricane Training Center in Miami from January 28 – February 1, 2002 at no cost to the county.

### Closed Meeting.

Mr. Frere stated before going into a closed meeting, he asked what the reasons were for going into closed session.

Mr. Larson said one reason was for one item the board members were familiar with, which was the McGreavy Bay Act vegetation replacement plan and where we stand on that issue of potential litigation.

Mr. Frere asked if there were other reasons why they were going into closed session.

Mr. Pennell said he had sent each board member an email talking about the Water/Wastewater Infrastructure Committee.

Mr. Frere stated he does not have a problem with talking about this matter in open session. He suggested taking care of that now.

Mr. Pennell said that Mr. Jenkins and Mr. Beauchamp have been appointed by this board to serve on that committee and Mr. Frere has been attending as his position of Town Manager for White Stone and has been very helpful. He said his concern was that we would have three members as a quorum at tomorrow's meeting if everybody shows up. Conceivably you could take action at the meeting and he would like some direction.

Mr. Frere stated he does not see this as an issue because he would not be able to attend. He said he was personally writing letters to the members of the committee to let them know what he personally feels and his recommendation. He does not oppose in any way and he would not be at the meeting.

Mr. Frere asked if there were any other reasons why they would be going into closed session.

Mr. Simmons stated he would like to discuss potential litigation as printed in the newspaper as in regard to possible lawsuits against the county.

Mr. Frere said without knowing more specifically what possible legal suit and what litigation, he stated he would refrain from going into closed session. Not unless you can be more specific.

Mr. Simmons stated he could be more specific.

Mr. Frere said would you please be more specific.

Mr. Simmons said potential litigation as it has been expressed in the newspaper concerning redistricting.

Mr. Frere asked “any conflicts of interest or things you stated previously to me.”

Mr. Simmons stated he would not go public with that.

Mr. Frere said for the record he would be abstaining from all discussions and actions for the County Board of Supervisors related to potential litigation concerning the Town of White Stone and the county concerning redistricting. He said he would not go into closed session for that, if that is what it’s about.



Mr. Jenkins said that is your choice.

Mr. Frere said it is his choice. He said for the record, he was sure that this position would appear in the minutes. "Correct"

Mr. Jenkins said yes.

Mr. Pennell asked Mr. Frere if this means he would not participate in the first part (discussion of the McGreavy possible litigation.)

Mr. Frere stated he trusts your judgment.

Mr. Pennell said it was just to let you know. We will call you with the information.

### **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 is a discussion of potential litigation regarding the Town of Kilmarnock and the Town of White Stone's newspaper comments regarding the recent redistricting and the Bay Act restoration work being done on the McGreavy property.

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

Mr. Frere left the board meeting at this time.

**RECONVENE**

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

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

**CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on this date, pursuant to an affirmative recorded vote on the motion to close the meeting, to discuss potential litigation against the county regarding the Town of White Stone and Town of Kilmarnock’s recent comments in the newspaper; and

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

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

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

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

This certification resolution is adopted.

### **ADJOURNMENT**

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

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