

VIRGINIA:

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

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

Others

Present: George “Sonny” Thomas, Commissioner of the Revenue; Jack Larson, Director, Planning and Land Use; James Cornwell, County Attorney; Joan Wenner, Northern Neck News; Robert Mason, Rappahannock Record

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

PUBLIC INPUT

None

PRESENTATIONS

None

PUBLIC HEARINGS

1. Ordinance – Failure to File Personal Property, Etc. Forms – Mr. Pennell stated that at the November 29, 2001 meeting of the Lancaster County Board of Supervisors, he was directed to prepare and advertise an ordinance that would

impose a penalty for failure to file tangible personal property, machinery and tools, merchants' capital and mobile home reporting forms by May 1st each year.

Mr. Conaway made a motion to continue the public hearing for the Ordinance to impose a penalty for Failure to File Tangible Personal Property, Machinery and Tools, Merchants' Capital and Mobile Homes Reporting Forms until January 31, 2002 Board of Supervisors meeting.

VOTE: Cundiff Simmons	Nay
B. Wally Beauchamp	Nay
Patrick G. Frere	Nay
Donald O. Conaway	Aye

Motion failed 3 -1.

Mr. Beauchamp made a motion to adopt the Ordinance to impose a penalty for Failure to File Tangible Personal Property, Machinery and Tools, Merchants' Capital and Mobile Homes Reporting Forms by May 1st of each year and add the wording on the form as follows:

AN ORDINANCE TO IMPOSE A PENALTY FOR FAILURE
TO FILE TANGIBLE PERSONAL PROPERTY, MACHINERY AND TOOLS,
MERCHANTS' CAPITAL AND MOBILE HOMES REPORTING FORMS
BY MAY 1 OF EACH YEAR

The Lancaster County Board of Supervisors hereby ordains the imposition of a penalty for failure to file Tangible Personal Property, Machinery and Tools, Merchants' Capital and Mobile Home Reporting Forms by May 1st of each year.

This Article imposes a penalty for not filing reporting forms for Tangible Personal Property, Machinery and Tools, Merchants' Capital and Mobile Homes

by the May 1 deadline in any year. This penalty is at a rate of ten percent of the tax assessed or ten dollars, whichever is greater.

Requirement to File Returns. Any person having taxable personal property, machinery and tools, merchants' capital or mobile homes on January 1 of any year shall file a return thereof with the Lancaster County Commissioner of the Revenue in accordance with §58.1-3518 of the Code of Virginia (1950), as amended. Such returns shall be filed by May 1 of each year.

Notice to Taxpayers. The Commissioner of the Revenue shall ensure that the forms used to file a return of tangible personal property, machinery and tools, merchant's capital or mobile homes contains a statement notifying the taxpayer that failure to file the return by May 1 of each year will result in a penalty being imposed for the failure to do so.

Penalty for Failure to File by May 1 of Any Year. A penalty shall be assessed for any tangible personal property, machinery and tools, merchant's capital or mobile homes return filed after the May 1 deadline of any year. The penalty shall total ten percent of the tax assessed or ten dollars, whichever is greater. Any such penalty when so assessed shall become part of the tax.

Exceptions to the Assessment of a Penalty. Penalty for failure to file a return shall not be imposed if such failure was not the fault of the taxpayer. The responsibility to make the determination of fault shall be delegated to the Commissioner of the Revenue.

Extension of Time for Filing. The Lancaster County Board of Supervisors may provide for a reasonable extension of time, not to exceed ninety days, for filing returns on tangible personal property, machinery and tools, merchants' capital and mobile homes whenever good cause exists. A record of every such extension shall be maintained. If any taxpayer, who has been granted an

extension of time for filing his return, fails to file the return within the extended time, his case shall be treated the same as if no extension had been granted.

Authority. This Ordinance is adopted pursuant to the authority granted by §58.1-3916 of the Code of Virginia, (1950), as amended.

Effective Date. This ordinance shall be effective January 1, 2002.

VOTE: Cundiff Simmons	Aye
B. Wally Beauchamp	Aye
Patrick G. Frere	Aye
Donald O. Conaway	Nay

2. Douglas H. and Mary J. Ludeman – Request for Bay Act Waiver – Mr. Larson stated the applicants was requesting a Chesapeake Bay Act waiver to allow an addition to an existing pool house to be placed with 25’ of tidal waters. The property on which this would occur is described as Tax Map 333-204 which is located on Hayden Road near Weems, VA. This property is in Voting District 5.

Mr. Larson said the addition being proposed by Mr. and Mrs. Ludeman does not intrude any further into the Resource Protection Area than existing structures. The proposed combination of a French drain with dry well is considered an adequate Best Management Practice and will provide mitigation for the existing pool house/frame shed that does not presently exist. Computations show that there is no net increase in non-point source pollutants.

Mr. Larson stated that adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received one phone call from an adjoining property owner requesting clarification of the scope of work within the application. The adjoining property owner stated

that she did not oppose the proposed effort provided that it was “done within the Ludeman’s property.”

Mr. Larson said staff recommends approval contingent on documentation supporting the claim of no net increase in non-point source pollutants.

Mr. Beauchamp made a motion to approve Douglas H. and Mary J. Ludeman’s request for Bay Act Waiver.

VOTE: Cundiff Simmons	Aye
B. Wally Beauchamp	Aye
Patrick G. Frere	Nay
Donald O. Conaway	Aye

CONSENSUS DOCKET

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

A. Minutes for October 25, 2001 and November 29, 2001

Recommendation: Approve with amendment to October minutes

B. Jack D. Larson – Reappointment to Tidewater Resource Conservation and Development Council

Recommendation: Approve reappointment

C. Recognizing Charter Members of the Lancaster/Northumberland Habitat for Humanity

Recommendation: Adopt the following resolution:

RECOGNIZING CHARTER MEMBERS OF THE
LANCASTER/NORTHUMBERLAND HABITAT FOR HUMANITY
BOARD OF DIRECTORS

WHEREAS, the Lancaster/Northumberland Habitat for Humanity was chartered in 1996 as an affiliate of Habitat for Humanity, International; and

WHEREAS, the mission of Habitat for Humanity is to provide decent, affordable housing in partnership with people in need; and

WHEREAS, the Lancaster/Northumberland Habitat for Humanity has acquired two subdivisions in Lancaster County and two lots in Northumberland County; and

WHEREAS, Lancaster/Northumberland Habitat for Humanity has constructed two homes in Northumberland County and two homes in Lancaster County; and

WHEREAS, Lancaster/Northumberland Habitat for Humanity has started construction on a third home in Lancaster County; and

WHEREAS, Lancaster/Northumberland Habitat for Humanity has improved the living conditions for three partner families and continues to recruit more families; and

WHEREAS, Lancaster/Northumberland Habitat for Humanity homes have created responsible, home owner citizens and taxpayers for the counties.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors recognizes the work of Lisa B. Butler, Charles J. Costello, Merle E. Peed, William H. Rowden, Sharon C. Fisher and Reuben E. Jackson who are charter members of the Lancaster/Northumberland Habitat for Humanity Board of Directors whose terms of office will be expiring soon because of the limits of the organization's by-laws; and

BE IT FURTHER RESOLVED, the Lancaster County Board of Supervisors recognizes the services of Matson C. Terry for providing legal advice to the Lancaster/Northumberland Habitat for Humanity; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors especially recognizes the work of the Reverend Doctor John E. Houghton, who gathered concerned citizens to promote the idea of forming the local Habitat for Humanity affiliate and was elected the first president and served in that capacity of three years.

D. Comprehensive Services Act – Cost Analysis

Recommendation: Send a letter asking Senator Chichester and Delegate Pollard to support a cost analysis task force to be appointed.

E. Virginia State Parks – Best in the Nation

Recommendation: Adopt the following resolution:

COMMENDING VIRGINIA’S DIVISION OF STATE PARKS

WHEREAS, the Lancaster County Board of Supervisors has learned that the Virginia Division of State Parks has been recognized with the National Gold Medal Award as the best state park system in the United States; and

WHEREAS, this recognition was attained in spite of receiving the lowest financial support from state funding in the nation; and

WHEREAS, Lancaster County is honored and pleased to have Belle Isle State Park within its confines; and

WHEREAS, Belle Isle State Park was acquired by a well supported bond referendum in the early 1990’s; and

WHEREAS, funding for infrastructure improvements to Belle Isle State Park were not included in the previous bond referendum; and

WHEREAS, the Commonwealth of Virginia's General Assembly is considering another bond referendum that will assist state parks.

NOW THEREFORE BE IT RESOLVED, by the Lancaster County Board of Supervisors that the Virginia Division of State Parks is to be commended for receiving the National Gold Medal for the best state park system in the United States; and

BE IT FURTHER RESOLVED, that the Virginia General Assembly is encouraged to consider favorably a bond referendum to provide infrastructure funding for the improvement of services in Virginia's State Parks; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors asks the Division of State Parks to use bond referendum proceeds to complete infrastructure elements as described in the Belle Isle State Park, Comprehensive Master Plan, specifically:

- Trails to island from car-top boat launch.
- Crabbing piers.
- Expanded maintenance area.
- A campground.
- A camp store.
- Swimming pool
- Archeological field school.

F. Resolution of Appreciation – 350th Anniversary Committee

Recommendation: Adopt the following resolution:

**IN APPRECIATION OF THE 350TH ANNIVERSARY
COMMITTEE**

WHEREAS, the County of Lancaster was organized in 1651; and

WHEREAS, 2001 marked the 350th anniversary of the founding of Lancaster County; and

WHEREAS, the citizens of Lancaster County celebrated Lancaster County's 350th anniversary with a yearlong series of events to recognize Lancaster County's history; and

WHEREAS, several citizens of Lancaster County contributed their time and talents to planning and scheduling celebratory events including an opening parade and celebration, several events in cooperation with county service organizations and volunteer emergency services department, an Anniversary Ball and other proceedings; and

WHEREAS, the Lancaster County Board of Supervisors received many compliments regarding the dignity and organization of these celebratory events; and

WHEREAS, the people of Lancaster County are fortunate to have their fellow citizens make preparations to celebrate Lancaster County's 350th anniversary; and

WHEREAS, citizens, visitors and other counties of the Commonwealth will long remember the manner in which Lancaster County celebrated its 350th anniversary.

NOW THEREFORE BE IT RESOLVED, by the Lancaster County Board of Supervisors that each volunteer who participated in the planning and scheduling of the Lancaster County 350th Anniversary events is to be congratulated and commended for a job well-done; and

BE IT FURTHER RESOLVED, that the Chairwoman of the committee, Ms. Louise deJarnette Jesse, is to be especially commended for the time and energy she devoted to make Lancaster County's 350th anniversary a first-rate celebration; and

BE IT FURTHER RESOLVED, that the 2001 Board of Supervisors challenges the Lancaster County Board of Supervisors seated in 2051 to appoint a committee of equally talented citizens to prepare for Lancaster County's 400th anniversary.

VOTE:	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 December 2001 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the Salaries for December 2001 in the amount of \$125,637.64 and Invoice Listings for December 2001 in the amount of \$304,114.90.

VOTE:	Cundiff Simmons	Aye
	B. Wally Beauchamp	Aye
	Patrick G. Frere	Aye

Donald O. Conaway Aye

2. Reimbursement for DUI Accidents – Mr. Pennell stated at the Board of Supervisors meeting held November 29, 2001, he was directed to prepare an ordinance similar to that of Chesterfield County’s which imposes a fee to reimburse the county, its sheriff’s office or the volunteer fire and rescue squads for expenses incurred as a result of Driving Under the Influence accidents.

Mr. Pennell would like the Board of Supervisors to authorize a public hearing at the January 31, 2002 meeting of the Lancaster County Board of Supervisors.

Mr. Frere made a motion to advertise the public hearing for January 31, 2002 at the Lancaster County Board of Supervisors meeting and ensure that the penalty is the maximum allowable by state code.

VOTE:	Cundiff Simmons	Aye
	B. Wally Beauchamp	Aye
	Patrick G. Frere	Aye
	Donald O. Conaway	Aye

3. Support Lobbying Efforts to Control Sludge Applications – Mr. Pennell stated he received a letter from the Northumberland County Board of Supervisors asking that Lancaster County participate in its efforts to retain the services of a lobbyist to support a bill proposed by Delegate Pollard to give local jurisdictions the ability to control where and when sludge is permitted to be applied to farmland. Northumberland County has obligated \$5,000 for this endeavor and is asking Lancaster County and the five other jurisdictions to participate.

By consensus of the Board of Supervisors, the county administrator is to invite Delegate Albert Pollard and Kenneth Eades to the January 31, 2002 meeting to discuss details of the proposal.

4. Health District Request for Unmatched Lancaster County Appropriation – Mr. Pennell stated he received a letter from Dr. Winter, Acting Director, Three Rivers Health District, asking Lancaster County Board of Supervisors to permit the district to retain \$11,433 in unmatched local allocation funds in its FY02 operating budget.

By consensus of the Board of Supervisors, the county administrator is to invite Dr. Winter to attend the January 31, 2002 meeting to provide greater detail about this request.

5. Kilmarnock and White Stone Request to Review Redistricting – Mr. Pennell stated he received a letter from Mayor Lloyd B. Hubbard, Jr., Town of White Stone and Mayor Edward J. Davis, Sr., Town of Kilmarnock asking the Lancaster County Board of Supervisors to meet with the town councils to discuss their concerns regarding the 2001 county redistricting and explore a mutually desirable resolution. While the redistricting is completed, it is possible for the Board of Supervisors to consider minor boundary line changes to their previously approved redistricting.

Mr. Pennell stated that any future meeting should include legal counsel to ensure that any proposed resolution is lawful.

By consensus of the Board of Supervisors, the county administrator is to schedule a future meeting of the Board of Supervisors and the Town Councils.

BOARD REPORTS

None

COUNTY ADMINISTRATOR

Organizational Meeting

Mr. Pennell stated the Board of Supervisors needs to adjourn to January 2, 2002 at 6:00 p.m. in the county administrator's office, for the annual organizational meeting.

Closed Session – Code of Virginia Change

Mr. Pennell stated that on October 1, 2001 a new state statute for closed sessions took effect. The wording was the same, however the section number changed. The county attorney would be able to speak to the Board of Supervisors at the January 2, 2002 meeting about how the November meeting minutes should be fixed to reflect the correct number.

Appointment to Northern Neck – Chesapeake Bay Region Partnership

Mr. Frere made a motion to appoint Edward A. "Ted" Tulis to the Northern Neck – Chesapeake Bay Region Partnership as a representative for Lancaster County.

VOTE: Cundiff Simmons	Aye
B. Wally Beauchamp	Aye
Patrick G. Frere	Aye
Donald O. Conaway	Aye

Mr. Beauchamp made a motion to reappoint Albert C. Pollard, Sr. to the Building Code Appeals Board.

VOTE: Cundiff Simmons	Aye
B. Wally Beauchamp	Aye
Patrick G. Frere	Aye
Donald O. Conaway	Aye

CLOSED MEETING

Motion was made by Mr. Simmons to enter into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are Personnel Matters, section 2.2-3711.A.1 of the Code of Virginia.

VOTE:	Donald O. Conaway	Aye
	Cundiff H. Simmons	Aye
	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye

Mr. F. W. Jenkins arrived during the closed session.

RECONVENE

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

VOTE:	Donald O. Conaway	Aye
	Cundiff H. Simmons	Aye
	B. Wally Beauchamp	Aye
	Patrick G. Frere	Aye
	F. W. Jenkins, Jr.	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 matters in accordance with section 2.2-3711.A.1 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:

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

This certification resolution is adopted.

ADJOURNMENT

Motion was made by Mr. Conaway to adjourn the meeting to January 2, 2002 at 6:00 p.m. in the county administrator's office.

VOTE:	Donald O. Conaway	Aye
	Cundiff H. Simmons	Aye
	B. Wally Beauchamp	Aye

Patrick G. Frere Aye

F. W. Jenkins, Jr. Aye