

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held at the Courthouse of said County on Thursday, January 27, 2000.

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

Others

Present: Joe Staton, Department of Transportation representative;
Pete Ransone, Zoning Officer; Press

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

DEPARTMENT OF TRANSPORTATION

Blizzard of 2000 - Mr. Staton said drifting snow has been a problem today and crews will be sanding all night. The main roads are pretty clear.

No action taken.

VSH 600 - Mr. Staton said they have some preliminary designs, and the bridge will be significantly longer and wider than what was there. The approaches to the bridge will have to be wider, and they have found they don't have enough right-of-way. They are trying to contact property owners about donating property for the right-of-way. Everybody is conscious of the concerns about the road being closed and they are trying to do everything they can to expedite the project.

No Action taken.

Primary System Pre-Allocation Hearing - Mr. Staton said the pre-allocation hearings will be held in March. One big project is the \$8.7 million four-laning of Route 3 from the Courthouse to the current four-lanes. The project should start in the summer of 2001.

No action taken.

Black Stump Road - Mr. Beauchamp said at the end of Black Stump Road, it was clear this morning, but has now drifted with about two feet of snow.

Mr. Staton said they are aware of that and will take care of it.

CONSENSUS DOCKET

Motion was made by Mr. Jenkins to approve Items A through C on the Consensus Docket, and staff recommendations, as follows:

A. Minutes of December 20, 1999 and January 4, 2000

Recommendation: Approve as submitted.

B. Chesapeake Bay Local Assistance Department - Resolution for Wetlands Engineer Funding Grant

Recommendation: Adopt the following Resolution:

WHEREAS, the Chesapeake Bay Preservation Act establishes that the Chesapeake Bay Local Assistance Board is 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 Board of Supervisors is the duly elected legislative body for Lancaster County, Virginia, an eligible entity under the Local Assistance Competitive Grants Program; and

WHEREAS, in accordance with the FY 2001 Competitive Grants Program Request for Proposals Resolution Authorizing the Submission of a Grant Application is required to 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, be authorized on behalf of Lancaster County to apply for a grant in the amount of \$22,649 from the Chesapeake Bay Local Assistance Department for the purpose of providing technical assistance through the Regional Wetlands Engineer position.

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

C. Resolution Opposing Commonwealth E-911 Bureaucracy

Recommendation: Adopt the following resolution:

WHEREAS, the Virginia State Crime Commission has conducted an investigation into the administration of the E-911 service throughout the Commonwealth pertaining to HJR 215/Emergency Telecommunications; and

WHEREAS, the Virginia State Crime Commission is going to recommend a uniform 75 cents per line charge throughout the Commonwealth and a centralized bureaucracy to administer the payments to localities; and

WHEREAS, the Virginia State Crime Commission has expressed concerns that E-911 tax is rising throughout the Commonwealth; and

WHEREAS, the Commonwealth has no formal oversight and accountability of local E-911 funds; and

WHEREAS, the Lancaster County Board of Supervisors has already reduced its E-911 tax to 80 cents per month per line.

NOW, THEREFORE, BE IT RESOLVED, that the Lancaster County Board of Supervisors opposes the centralized administration for the E-911 programs and the creation of a uniform fee throughout the Commonwealth; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors believes the rate establishment must conform to the circumstances of each locality and that one uniform rate will penalize localities who are upgrading emergency communication systems; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors encourages its duly elected legislative representatives to oppose any centralized government bureaucracy for administering a statewide E-911 program and uniform rate throughout the Commonwealth which would seriously impair current county contractual commitments for E-911 service based upon current statutory law.

VOTE: 5 - 0 Aye.

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of January 2000 Salaries and Invoice Listings

Motion was made by Mr. Conaway to approve the salaries and invoices for January 2000 in the amount of \$496,044.34. VOTE: 5 - 0 Aye.

2. Animal Shelter Hours

Mr. Pennell said he and the Animal Warden had recently met with representatives of Friends of the Shelter to discuss ways to improve the chances of impounded dogs and cats to be adopted. It was recommended that beginning March 1, 2000, a change in hours be authorized for adoption of pets from 3 p.m. - 5 p.m. daily and opening the shelter from 9:30 a.m. - 11:30 a.m. on Saturdays for the same purpose.

Motion was made by Mr. Conaway to adopt the new hours at the Animal Shelter, and to authorize the addition of Sunday hours, if needed. VOTE: 5 - 0 Aye.

3. Animal Welfare League Request to Assume Responsibility for the Lancaster County Animal Shelter

Martin Shirilla, Vice President of The Animal Welfare League of the Northern Neck, Inc., was present to ask the Board to consider the possibility of the League assuming responsibility for the operation of the Lancaster County Animal Shelter.

Mr. Simmons asked how this would work.

Mr. Shirilla said they are talking about the existing facility and a portion of property to front on Regina Road between Hickory Hollow and the Shelter. The League would keep the Board apprised of all issues and changes. The League would assume financial responsibility for additions, renovations and upgrades to the facility and insure that there would be no costs incurred by the County. Before any major improvements are done, the money would be in-hand. Because of their service area, they see a need to expand shelter operation and service hours. They are also looking at incorporating some high school students and giving them some after school opportunities. They are not looking to replace anyone or assume animal control responsibility. They are looking at animal control doing its job; they bring the animal in, and unless there is a specific reason why that animal has to be handled strictly by the animal control officer, the league will take care of food, water, walking, grooming, cleaning up after it, and before the animal is adopted out they make sure the animal has been sterilized.

Mr. Simmons asked if they would be looking for additional funding from the County.

Mr. Shirilla said he does not think it would cost any more than what is in the existing budget.

Mr. Jenkins said this Board has the responsibility, that it executes through the animal control officer, for the observation and evaluation of stray animals, as directly relates to the safety, welfare and health of our citizens. How can our animal control officer execute those duties if he does not have control over the facility?

Mr. Shirilla said he can come in at any time to look at any of the animals. He will be able to concentrate on animal control if he has no responsibility for the facility. Animal control will have access to the animals for five days, twenty-four hours a day, but they would not have to go in and feed, water or exercise the animal. At the end of that five day period, the animal would revert to the ownership of the Animal Welfare League, and they take care of it from there. The Animal Control Officer will still have full control. The Animal Welfare League will be taking care of the clerical and physical upkeep of the shelter.

Mr. Jenkins said the position of shelter manager is for the observation of these animals when the animal warden has to be out on the road, He has concerns about the function of housing animals leaving our direct control.

Mr. Pennell said he thinks there is some merit to what Mr. Shirilla is saying, but he is concerned that there is some difference of opinion between the Animal Welfare League, Friends of the Shelter and the Humane Society, and he is not sure that the

Animal Welfare League is prepared to do this, in light of some recent difficulties they have had.

Mr. Conaway said this is a request to enter into negotiation, and all the issues being discussed can be addressed during that phase. His concern is the possibility of someone with the Animal Welfare League being bitten by a diseased animal.

Mr. Pennell said Mr. Conaway is right. However, he and Mr. Shirilla agree that if this Board is not favorably disposed to consider it at this time, there is no sense in going into negotiation.

Mr. Shirilla said Mr. Pennell has some concerns; he does not know if the Animal Welfare League can carry this off or not. Nobody knows if they can carry something off or not until they try, and they are willing to try.

Motion was made by Mr. Conaway that the County Administrator be authorized to discuss this with Mr. Shirilla and whoever else may need to be included.

Deborah Barnes, President of the Northern Neck Humane Society, said she is all for anything that will improve Lancaster County's Animal Shelter. She thinks the staff needs to be expanded. We have a good program in this county, but we don't have enough people to do it. Her concern would be turning over the operation of the shelter to a private group with no proven track record in any area of running an animal shelter. That is a very difficult and expensive undertaking. It is going to take a lot of thought and planning to do something like this. It is a municipal facility paid for by county tax dollars, and she would have serious reservations about turning operation of the facility over to any private group, including her own, unless she could see that they could demonstrate that they have knowledgeable people that knew what was involved with animal control; they knew the issues they are going to face (wild animals, rabid animals, etc.). If there is a discussion, it needs to be more than the two parties.

Mr. Jenkins asked if this is contractual, does it not have to go to bid?

Mr. Pennell said the best thing to do would be a request for proposals and have both organizations involved.

Ms. Barnes said the Northern Neck Humane Society has no interest in doing this. Animal control is a municipality obligation.

Mr. Conaway said animal control would still be a county responsibility. This could be an enhancement since more people would be involved. His motion is not for a contract, only for discussion.

Mr. Shirilla said what Mr. Jenkins brought up applies when the county is looking to purchase goods or services and have to go to contract. They want a contract to cover everybody on an equal basis and want to do something for the county.

Mr. Jenkins asked if the Animal Welfare League would expect that the county would appropriate to the AWL a fee for the running of the shelter.

Mr. Shirilla said no.

Mr. Jenkins said no matter whether it is equal to the same amount that we now spend on in-house service or not; if we are to appropriate taxpayer dollars to go to a private entity, we can not do that as an in-house function with a cozy agreement between ourselves. That must go out for bid. It must be an open bid process, which does not allow for the type of negotiations we are talking about having here before we go out to bid. You are offering to provide services to the county for running the shelter. That must go out to bid. He does not see how we can authorize discussions when we can not authorize a contract with anyone without going out to bid.

Mr. Conaway said he disagrees. Discussion doesn't cost anything and does not necessarily lead to a contract. The purpose of this request is for permission for this to take place in an official manner. It is not obligating the county or the taxpayers to anything. We may have to address a contract later, but this is just a discussion.

Mr. Simmons asked if the County Administrator, Animal Welfare League and Humane Society would be willing to work together to come up with a scope of services. In the meantime, the County Attorney can determine whether it is something that needs to go out to bid. He does not think we have enough information at this point to even think about a contract, but we certainly should be discussing it to find out what is involved.

Mr. Pennell said it seems that Mr. Jenkins is on the right track. We put out a request for anybody who is interested to provide a comprehensive plan on how they would manage the animal shelter. Put that out in a request for proposals. It may be that the Animal Welfare League is the only responder. The procurement act then allows the negotiations.

Charlie Atwell, Director of Finance with the Northern Neck Animal Welfare League, said their goal is to provide personnel at no cost to the county to enhance what is already being done, not to take responsibilities from those doing their municipal obligations, but to provide something in addition. He believes this will be in the best interest of the citizens of the county, as well as the animals. He does not see the necessity to go out to bid since the county will not be paying anyone. This would be pro bono from the Animal Welfare League. They have established an endowment that is growing, and they would be using that alongside any county funds to help maintain and provide services at the shelter.

Mr. Jenkins said it seems to him that we have an organization that wants as a major goal to have a shelter. It seems that it does not have the funds or does not believe the prospect is in the near future of having funds to build such a shelter. So, what it wants to do is work a deal with the county where it gets a shelter that is already built and meets its goal. It would seem to him that all the things they are talking about could be accomplished by the AWL, raising funds to build an adjunct shelter for the adoption of pets and the care of those animals until they are adopted, and allow the county to meet its responsibility to the citizens to evaluate the animals and, if necessary, destroy the animals. When we reach the end of our ability, under existing funding, to maintain a healthy animal that is adoptable, then let the AWL or any other group that has the facility, take over the animal to extend its life and the possibility of adoption. That may take longer, but makes much more sense. Our Animal Control Officer needs a place from which to operate. He needs a place to observe the animal. That needs to be under his control, with no questions asked, no second guessing, no midnight raids, and no weekend surprise visits, as have happened in the past.

Mr. Shirilla said the Animal Welfare League is not trying to put Mr. Hogge or Mr. Revere out the door. That is not what this is about. We do not want to take over animal control functions. We do not want to put Mr. Hogge and Mr. Revere out somewhere else in an office. We are here tonight to ask for preliminary approval for him, as liaison with the AWL, to sit down with Mr. Pennell.

Mr. Conaway said his concern is that we do this the proper way. We may need to check with the County Attorney to find out if we are under the procurement act for services contracted where no monies are exchanged.

Motion was made by Mr. Conaway to amend his motion to have the County Administrator contact the County Attorney to determine the proper process and bring it back to this Board at its February meeting. VOTE: 5 - 0 Aye.

VOTE: (Original Motion) 3 Aye (Conaway, Simmons, Beauchamp), 2 Nay (Jenkins, Frere).

4. Wetlands Board - Request for Inspector

Alex Umphlett introduced Anna Campbell to the Board. She has volunteered her time to work on the Wetlands Report. The Wetlands Board has not reported to this Board on an annual basis since the resignation of Josie Wold about two years ago. Since that time we had no one to make up this report for us. In 1999 the Wetlands Board told Mr. Ransone that someone had to be found to do this report. Ms. Campbell volunteered her time to the county, and became interested in the Wetlands Board. Mr. Ransone asked permission to take her out on monthly site visits on applications, which was given. Ms. Campbell showed promise and submitted knowledgeable information on the third site visit. She then attended the next Wetlands Board meeting where the Board voted on this report. Without the knowledge of the Wetlands Board, she took it upon herself to make up this report, which is very concise. The Wetlands Board wants to invite her to attend the annual symposium they have at Hampton University. He thinks she could learn a whole lot more if she attends because it is an all day affair strictly about wetlands.

Mr. Beauchamp asked what the cost would be for her to attend.

Mr. Umphlett said it costs \$15.00 per person, since there are funds in the Wetlands Budget to cover that.

Mr. Beauchamp said he does not think that is a problem.

Mr. Umphlett said the Wetlands Board is also asking for a Compliance Officer. They were surprised by the report that the amount of money that the Wetlands applications generate in the county through construction was over \$1 million. They had eighty-eight applications this year and ninety-nine last year. They are asking for someone who will go to the site to make sure construction is being done correctly. Some things are being stretched out and moved out into the tidal zone and getting away with it. Also, the Board members need a raise. This is the first job he has ever had that he has had to pay his way.

Mr. Frere asked if this would be a full-time or part-time position.

Mr. Umphlett said Lancaster County has the second largest number of applications among all the counties in the state, behind Northumberland County. Perhaps Lancaster County and Northumberland County could have a joint inspector.

Mr. Simmons asked Mr. Umphlett about the process. Before issuing a permit, does the Board meet and visit the site?

Mr. Umphlett said prior to the board meeting for application approval a site visit is done. After the application approval, they go back to the site. They are constantly going back to these sites to make sure everything is right.

Mr. Simmons asked if the county is supplying a camera to the Wetlands Board.

Mr. Pennell said no.

Mr. Beauchamp asked if this request would be part of the budget process.

Mr. Pennell said yes, unless the Board does a mid-year appropriation.

Mr. Conaway asked if they get paid if they don't attend meetings.

Mr. Pennell said no, but mileage is a possibility.

The Board agreed by consensus that the county administrator check out the possibility of a joint compliance officer position with Northumberland County, and to explore Wetlands Board salaries and mileage reimbursements in surrounding counties.

Belle Isle Project - Mr. Umphlett said that last month VIMS suggested potted plants go in, rather than local marsh plants, at a cost of \$1.00 each. About 150 plants are needed to insure growth. The total cost with fertilizer will be about \$190.00 for this project. He thinks they have enough money in the budget to cover this expense.

No action taken.

5. Wood Grinding Bids

Mr. Pennell said three bids were received for wood grinding. All contractors have the equipment necessary to perform the work and have experience with wood grinding operations. A local company was the low bidder at \$245 per hour.

Motion was made by Mr. Jenkins to accept the bid of J. & J. Inc. at \$245 per hour.
VOTE: 5 - 0 Aye.

BOARD REPORTS

Finance Committee - Mr. Beauchamp said a meeting of the Finance Committee has been set up for February 2, 2000. Due to the adamant urging of Mr. Whay for twice-a-year tax collection, he would like to ask that we increase the membership and that Mr. Whay be appointed to serve on the Finance Committee.

Mr. Conaway said you are changing the makeup of the committee for the interest of one item, and he does not see where this is an advantage since this is only one of the many items this committee will review.

Mr. Beauchamp said he does not see the disadvantage. Any member of this Board can nominate anyone.

Mr. Conaway said he does not see any need for this.

Motion was made by Mr. Beauchamp to appoint Mr. Whay to serve on the Finance Committee. VOTE: 3 Aye (Beauchamp, Jenkins, Simmons), 2 Nay (Conaway, Frere).

COUNTY ADMINISTRATOR REPORT

County Executives Meeting - A meeting was held at Belle Isle last week for the county executives. These meetings will be held quarterly.

No action taken.

Equalization Board - Mr. Pennell said the Equalization Board will hold its organizational meeting tomorrow. Every member has completed the training required by the State Department of Taxation.

No action taken.

Circuit Court Jury Room - Mr. Pennell said he has received a letter from Judge Spruill regarding several complaints about the condition of the jury room in Lancaster County. He will communicate with Judge Spruill to get a more definite idea of what he has in mind.

No action taken.

CLOSED MEETING

Motion was made by Mr. Jenkins to enter into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are real estate matters, in

accordance with provisions of Section 2.1-344A.3 and personnel matters, in accordance with provisions of Section 2.1-344A.1 of the Code of Virginia. VOTE: 5 - 0 Aye.

RECONVENE

Motion was made by Mr. Jenkins to reconvene open session. VOTE: 5 - 0 Aye.

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss real estate and personnel matters in accordance with the Virginia Freedom of Information Act.

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

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

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

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

This certification resolution is adopted.

Action taken following Closed Meeting.

Hickory Hollow Nature Trail - Motion was made by Mr. Conaway to set a public hearing for March 30, 2000, regarding the sale of the Hickory Hollow tract. VOTE: 5 - 0 Aye.

Motion was made by Mr. Simmons that an appraisal be done on the approximately 225 acres of the Hickory Hollow tract. VOTE: 5 - 0 Aye.

Mr. Conaway asked if the timber will be cut.

Mr. Pennell said the timber will keep the value up. If you take the timber out, the value will be about \$600 per acre.

Mr. Beauchamp said none of the appraisers in Lancaster County or Mr. Blue in Middlesex will provide any information on the value of timber. We would have to have a timber appraiser come in and do that.

Mr. Simmons said he does not believe that timber is the only use of the property. He has asked Mr. Bayshore about the types of soils on the site. If we are selling the property and not advertising it for sale publicly, it could very well be that there is a developer out there that doesn't mind building near a landfill and would find it attractive for homesites, and may be willing to offer more than the \$1,600 per acre that is being offered by the Audubon Society. If we accept the Audubon Society offer and do not look at it from other viewpoints besides the timber value and the cutover value of the property, then we are probably not doing what we need to do for the citizens of Lancaster County.

The value of the property may be above what the Audubon Society is offering, and we may decide that we are willing to match the difference as a contribution to the Audubon Society. We may not collect that money, but we should know what it is.

Mr. Beauchamp asked if we should have a timber cruise done or rely on the appraisal done by the real estate firm.

The Board agreed by consensus to have a timber appraisal done.

COMPUTERS FOR BOARD MEMBERS

Mr. Pennell said that he can get computers for those Board members who want them for about \$800. This would include a printer and internet hookup so that messages can be sent to Board members at home by E-mail.

The Board agreed by consensus to obtain computers for those Board members who wish to have them at home.

ADJOURNMENT

Motion was made by Mr. Conaway to adjourn the meeting. VOTE: 5 - 0 Aye.