

## **VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, March 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: Paul Lee, Robinson, Farmer, Cox, Associates, Gabrielle Johnson, Lancaster High School, C.C. Burgess, Virginia Department of Transportation, Jack Larson, Planning and Land Use, Robert Mason, Rappahannock Record

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

## **PRESENTATIONS**

**Auditor's Report of FY2000 Combined Annual Financial Report** – Mr. Paul Lee, the county's auditor with Robinson, Farmer, Cox Associates stated the audit went well this year for the Treasurer, Department of Social Services, School System and County Administrator Office. He stated the fund balance went down to \$601,486 however that was budgeted by the Board of Supervisors.

**Estimated Population of Lancaster County by Month of the Year** – Mr. Pennell introduced Miss Gabrielle Johnson, Lancaster High School Student Intern, who has researched and compiled the data for this project. Miss Johnson thanked the board for allow her to report her findings. She gave a breakdown per month starting October 1998 through September 2000 of the amount of solid waste transported from Lancaster County. She stated the population in Lancaster County is approximately 11,400 and she used January 2000 and February 2000, added the tons of trash together, divided the answer by two, times two thousand (pounds in a ton), divided that number by the 11,400. The result was 60.6 pounds of solid waste per person per month. Then multiply the monthly amount of solid waste by 2000 and divide it by 60.6 to get the estimated population for any month. Based on the research and data there's an increase in population in Lancaster County of approximately 3,000 during the summer.

Mr. Beauchamp stated that she has done an outstanding job and commended her for staying so long to complete this project.

VDOT – C.C. Burgess provided the board members with packets from the public hearing that was held, Monday, April 26, 2001. He stated there were 23 citizens in attendance and most of the input was positive.

He said the 600 bridge was currently a third of the way to having it finished according to the contract.

This is the time of the year for maintenance which will include putting asphalt in several locations of the county, picking up trash on the primary and main secondary roads that are not “adopt a highway”. Surface treatment with the sweepers has been completed in White Stone and working toward Irvington and Kilmarnock.

Mr. Beauchamp stated he has had a number of citizen concerns asking about trash pick up on secondary roads. He understands this is not something that VDOT has any control over and he said he has talked to the sheriff about the possibility of inmates being used. However, there is the cost of additional staffing that does not allow him to do so. He asked when will VDOT begin picking up trash and will that include primary and/or secondary highways?

Mr. Burgess stated they normally start the end of April or early May and begin with all primary highways and at the end of May secondary highway clean up begins.

Mr. Beauchamp asked if trash pick up is done by VDOT staff or inmates?

Mr. Burgess said that inmates could only be used in certain areas, where there are not many houses.

Mr. Beauchamp said there must be some way to handle this situation. He said Lancaster County is a beautiful place to live and unfortunately there are some citizens who litter. Somehow, we need to find a solution for trash clean up along our highways and this is not a complaint directed at VDOT.

Mr. Conaway stated the Hunton Lane project is next on the list and he would like to know if the funding is available for this project yet?

Mr. Burgess stated he does not have the answer and would take this information to Mr. White and he would contact him with the answer.

Mr. Conaway said you mention that the 600 bridge is a third of the way through and will be completed on time. He stated that he has been down to the bridge several times and they seem to be doing a great job.

Mr. Jenkins stated there is a problem with litter at the Nuttsville site off Gaines Road. He stated that the county pays a great deal of money toward the upkeep of the inmates and there's a supplement in the budget for each deputy. He asked Mr. Pennell to talk with the sheriff to see if he might reconsider assigning a deputy to guard inmates picking up trash.

Mr. Pennell stated he would meet with the sheriff. He would like to offer a suggestion, there has been a person sent to us by the correctional people who were having some difficulties finding things for the person to do, she is not skilled and he believes this would be a service this individual could perform.

Mr. Conaway asked how does the "adopt a highway" program work because there is a sign on every secondary road and if someone has adopted the highway is this program working? Is this a program that can be enhanced?

Mr. Jenkins stated that the Western Branch citizens have done a great job cleaning up that road but the people who "adopt a highway" will still need assistance. Because there are a number of inmates for whom we provide housing, food, clothing and also their medical needs and whereas they may have made a mistake and may not every make another mistake this could be a way to give back to the community.

Mr. Conaway asked if that is something the county sheriff could implement or state?

Mr. Pennell said the sheriff can implement this however there must be a deputy out with the inmates and the issue is paying overtime to that deputy.

Mr. Beauchamp said the people or organizations with the "adopt a highway" program does a wonderful job and can spend a whole day picking up trash along the highway. However, one or two weeks later the same amount of trash is back out along the highway.

Mr. Conaway stated he did not mean the "adopt a highway" program does not work because there are some dedicated clubs or organizations who try to maintain the upkeep of their highway, however there are some highways with an "adopt a highway" sign posted and that highway is neglected.

Mr. Beauchamp asked Mr. Pennell if the county had a list of the clubs or organizations that have adopted a highway?

Mr. Pennell stated that's a VDOT project and he could get that information.

Mr. Beauchamp asked how often are clubs, groups or organizations required to pick up trash?

Mr. Pennell stated at least twice a year and this program is monitored. If the commitment is not met the club or organization name will be removed. He will ask Joe Staton to be prepared to discuss the “adopt a highway” program at the next meeting.

Mr. Jenkins said he believes the sheriff should provide the manpower to the citizens of Lancaster who are paying to provide housing, food, clothes, medical and dental care. As recent as last year’s budget we are paying a supplement to each deputy and there should be some consideration to the citizens of this county to earn that supplement.

### **PUBLIC HEARINGS**

Victoria W. Jackson – Special Exception Application – Mr. Jenkins stated the applicant is requesting a special exception for placement of an individual manufactured home on property located off Route 612, Buzzards Neck Road, near Lancaster. Ms. Jackson has met all the requirements for placing an individual manufactured home.

Mr. Conaway made a motion that Victoria W. Jackson’s special exception application be approved.

VOTE: 5 – 0 Aye.

### **CONSENSUS DOCKET**

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

#### Minutes of February 22, 2001

Recommendation: Approve the minutes.

#### Minutes of March 13, 2001

Recommendation: Approve the minutes

#### Minutes of March 20, 2001

Recommendation: Approve the minutes

VOTE: 5 – 0 Aye.

## CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of March 2001 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the Salaries for March 2001 in the amount of \$124,194.85 and Invoice Listings for March 2001 in the amount of \$349,722.16.

VOTE: 5 – 0 Aye.

2. Lively Turning Point, Inc. – Tax Exempt Request – Ms. Stevens, President of Lively Turning Point, Inc. which is a group home located in Lively serving mentally ill persons from our community. She stated they have recently received a HUD Grant for renovations and improvements and they are federal tax-exempt. They request that the county approve tax-exempt status from paying real estate and personal property taxes. Ms. Stevens stated that Cindy Brown, Project Coordinator for the Northern Neck Middle Peninsula Community Services Board, was available for questions.

Mr. Pennell stated the process would be to first have a public hearing in which the board will hear citizen input on whether or not you should adopt a resolution asking the General Assembly if they will consider it for the next General Session. Once making it to the General Assembly, they would consider adding Lively Turning Point, Inc. and it would become tax exempt.

Mr. Conaway stated he misunderstood the request for tax exempt status. He thought this request was to receive federal tax-exempt status. Do any other group homes like Lively Turning Point, Inc. in other areas have exempt status from paying real estate and personal property taxes?

Ms. Brown stated that the Community Services Board received another grant from HUD for the group home in Kilmarnock on School Street and came before the board for tax exempt status however that corporation did not receive the exemption. The reason we come before the board requesting tax-exempt status is because the grant requires us to do so. Not receiving the exemption does not hinder us from getting the grant.

Mr. Pennell stated the group home on School Street did not get tax-exempt status.

Mr. Simmons said the taxes would get paid one way or another.

Mr. Jenkins asked Mr. Pennell if Lively Turning Point, Inc. was a user of county services?

Mr. Pennell said yes.

Mr. Jenkins stated that Lively Turning Point, Inc. is a user of county services. However does any portion of the grant cover use of county services such as rescue, fire or trash?

Mr. Pennell stated the grant is just for the operation of the facility.

Mr. Jenkins said based on his knowledge of Lively Turning Point, Inc. it's a very fine program and has become an important part of the Lively community. While he supports the operation of the program, he made a motion to deny going to public hearing for tax exempt status.

Mr. Conaway asked Mr. Jenkins if he would clarify his reason(s) for denial.

Mr. Jenkins stated while Lively Turning Point, Inc. has proven to be a good citizen of Lively, it does use county services and is funded by sources external to the county. But those funding sources do not include compensation for the services that the county provides such as fire, rescue squad, police protection and trash. Whereas, they are good citizens it's only right that the county is compensated in some way. We know that property taxes do not compensate the county totally for providing the basic services to them. Therefore, this reason for denial is because this is a program that was externally proposed and brought into our community. He believes that the other citizens of the county should not carry the burden of assuming the rightful share of Lively Turning Point, Inc. to pay for fire, rescue squad, police protection and trash services.

Mr. Conaway asked if there were any Lancaster residents at the facility?

Ms. Brown said yes there is one Lancaster resident and stated the community services board is responsible for providing community service support to 10 counties and the facility houses citizens from those ten counties.

Mr. Simmons asked where is the funding coming from for the tax now and is that part of the grant money?

Ms. Brown stated the grant money has not been received yet because they are in the final stages of meeting the requirements.

Mr. Jenkins said the General Assembly passed legislation which removes any control whatsoever this board has as to where these places may be put within our community. He believes by doing so the General Assembly places upon themselves the burden of paying for the initial local cost for those places to be there. This is another reason for denial of this request.

Mr. Beauchamp asked how many persons are in the facility?

Ms. Brown stated there is one Lancaster citizen and five others residents.

Mr. Beauchamp asked if this request is denied does this have an impact on the grant application?

Ms. Brown stated it does not, however this is a requirement they have to fulfill.

Mr. Frere asked Mr. Pennell why the facility on School Street was denied?

Mr. Pennell said for the same reasons.

Mr. Beauchamp stated he was approached by a similar organization that hopes to make the same tax-exempt request but the exception is it will impact county revenue between \$80,000 and \$100,000. The Lively Turning Point, Inc. request for tax exempt status is much smaller than what we may be faced with in the future.

Mr. Pennell stated the community services board asked for an increase in the per capital budget this year of \$10,000 to \$12,000.

Mr. Conaway said listening to Mr. Beauchamp's last comment it sounds prejudicial on issues of this type coming before the board asking for tax exempt status when it would impact the county; to deny a small scale request and approve large scale request. He asked if we were being consistent or if the county is simply looking at the dollar figures or are we trying to be of service or help to an organization that assists individuals, especially when a citizen of our community is being assisted.

VOTE: 4 Aye (Jenkins, Simmons, Beauchamp and Frere) – 1 Nay (Conaway)

Health Department – Office Lease – Mr. Pennell stated last November the lease expired and the Health Department has undergone a number of changes. Mr. Melvyn L. Anderson, Administrator, has submitted a letter requesting the board to approve a new lease and suggest that the county charge \$7.75 per square foot for the next five years which is \$38,316.00 per year, with a 2% per annum increase in years six through ten. He explained that after completing research the going rate for this type of lease is approximately \$8.00 per square foot and he believes what they have proposed is a fair price. He asked the board to approve the terms and allow him to execute a ten-year lease with the health department.

Mr. Beauchamp made a motion to approve the Health Department Office Lease and permit the County Administrator to sign the documents.

VOTE: 5 – 0 Aye.

## **BOARD REPORTS**

Mr. Beauchamp stated Jill Anderson was here this evening and trying to work out a responsible approach for government students attending board meeting. There seem to be some misunderstanding that they were prohibited from attending the board meetings and for the record the students are always welcome. However, it does create some problems at 8:00 p.m. when they are leaving and required to have a signature to certify that they attended. He stated that he offered to be available before the meeting. He suggested that after one hour there should be a five-minute break and students can introduce themselves and ask questions.

Mr. Frere said he would like to have the county administrator write another letter to Dr. Blake reassuring him that these are public meetings and open to the public and clarifying in no way did the board intend on excluding the students or keep them from attending the board meetings. He suggested meeting with Dr. Blake to come up with some type of solution, whether a five minute recess, use of Mr. Pennell's signature stamp, come in early to obtain a signature or stay for the entire meeting. Whatever the solution might be other than the interruption of the board meeting.

Mr. Conaway said students were coming as part of their government assignment, this was a good experience for seniors to see how their local government works. We need to come up with a solution to afford these students the opportunity to attend the meeting. Somehow the wrong message was sent out or received because of the disruptions and he believes Mr. Pennell should write a letter clarifying the board's intentions, explaining to the students they must adhere to whatever regulations are put in place.



Mr. Jenkins said that Mr. Pennell's letter did not send the wrong message and the problem is with Dr. Blake. Dr. Blake is not only a well paid teacher within our school system, he's paid a stipend for the additional degrees he has received. However, he chooses not to attend the meetings and supervise the students. He chooses to stay at home and require the student to attend and he put the responsibility of supervising his students on someone else. I believe this is wrong of Dr. Blake and it is not the students' fault and he should meet his responsibilities. But, when we are here meeting in public session, we are here to do the people's business and it is wrong for the students or anyone else to interrupt the people's business to get a paper signed. I totally agree that it's very important for the students to attend, but Dr. Blake has a responsibility to his students and the citizens of this county to meet his responsibility as a teacher. If the requirement is that his students attend the meeting as part of the SOLs, then he should be attending the meeting and supervising.

The board agreed by consensus that Mrs. Anderson and Mr. Pennell will meet with Dr. Blake informing him of what took place at this meeting and determine what suggestions may work best for his students attending the board meetings.

### **COUNTY ADMINISTRATOR REPORT**

Mr. Pennell informed the board that he received the CD from the census bureau and we now have all the census numbers available. He said Stuart McKenzie with the Northern Neck Planning District Commission has been working with Kenneth Eades and himself. Mr. McKenzie has the ability to put this information on the computer and move sub-blocks of the census tracks around and the number and ethnicity go with it. We are now at a point that a redistricting meeting can be scheduled.

Mr. Frere asked are these digital mapping layers and if the map will show digital boundaries such as streets, roads, etc?

Mr. Pennell said he believes so, however he would have to check with Mr. McKenzie.

Mr. Simmons asked has the state arranged for training?

Mr. Pennell said he has contacted the state office and they have no plans to provide training. He believes we can do this ourselves.

Mr. Jenkins said if there is no need for training will the county attorney be notified?

Mr. Frere stated Mr. Cornwell would need to be brought in as soon as possible to determine if the county is still under court order.

### 350<sup>th</sup> Anniversary Parade

Mr. Pennell informed the board he had prepared a float for the Board of Supervisors to ride in the parade. Please meet at the Department of Social Services building at 11:45 a.m.

Mr. Frere informed the board he would be unable to attend because of other obligations.

There was further discussion about the parade and program.

### **ADJOURNMENT**

Motion was made by Mr. Conaway to adjourn the meeting until April 3, 2001 at 6:00 p.m. in the General District Courtroom for a School Board work session.

VOTE: 5 – 0 Aye.