

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, July 28, 2016.

Members Present: Ernest W. Palin, Jr., Vice Chair
F. W. Jenkins, Jr., Board Member
Jason D. Bellows, Board Member
B. Wally Beauchamp, Board Member

Member Absent: William R. Lee, Chair

Staff Present: Frank A. Pleva, County Administrator
Don G. Gill, Planning and Land Use Director
Crystal Whay, Building/Land Use Secretary

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

Mr. Palin stated that Mr. Lee was waiting to catch a flight home from vacation after having several cancellations.

PUBLIC INPUT

Mr. Derwin Booker, Chairman of the Northern Neck Soil and Water Conservation District, stated that he wanted to discuss the Virginia Conservation Assistance Program that the Virginia Association of Soil and Water Conservation Districts is initiating. He stated that the Virginia Conservation Assistance Program or VCAP is an urban cost share program that provides financial reimbursement to property owners installing specific conservation practices. He stated that a plan is first proposed to the District, after which a site visit verifies the project's eligibility, an application is submitted to the VCAP Steering Committee for approval and installation can begin. He stated that the practices can be installed in small acreage settings at the source of stormwater discharges and residential, business, public and private locations that are non-agricultural are eligible as well. He stated that they are trying to keep the pollution down in the waterways and have been doing a good job in the Northern Neck. He stated that most practices are eligible for seventy-five percent cost share and some practices provide a flat incentive payment up to the installation cost. He stated that some of the practices included are conservation landscaping, dry wells, rainwater harvesting and others.

Mr. Booker referred to the TMDL project for Lancaster County that involves septic tank pump outs and stated they had completed twenty-seven jobs, one of which was a new installation.

PRESENTATIONS

None.

VIRGINIA DEPARTMENT OF TRANSPORTATION

None.

PUBLIC HEARING

None.

CONSENSUS DOCKET

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

1. Minutes for the June 30th Regular Meeting
Recommendation: Approve minutes as submitted

2. Resolution Supporting the Center for Innovation and Development
Recommendation: Approve resolution as submitted

Center for Innovation and Development

WHEREAS, the County Administrators and Board of Supervisors of Lancaster County, Westmoreland County, Richmond County and Northumberland County collectively known as the Northern Neck of Virginia (“NNK”) believe it is imperative to bring opportunities to the NNK; and

WHEREAS, the NNK needs a vision to improve significantly the wellbeing of our citizenry; and

WHEREAS, the goal of every county in the NNK is to provide exemplary opportunities for graduating college students; and

WHEREAS, we must ensure the NNK becomes an important and relevant part of our electronic economy; and

WHEREAS, we must be committed to provide the resources necessary to provide citizenry and students with world-class projects, programs, careers; and

WHEREAS, we must make learning more rigorous, more relevant, and more real using local resources; and

WHEREAS, we support the efforts of the Center for Innovation and Development to being responsive to students' individual needs, and to transform the NNK, yet keep its culture,

THEREFORE BE IT RESOLVED, the Lancaster County Board of Supervisors and County Administrators of the NNK hereby indicate our support for the Center for Innovation and Development and will help determine areas of transformation for our districts in our continuing efforts to improve the well-being of all our citizenry.

VOTE:	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of July 2016 Salaries and Invoice Listings

The motion was made by Mr. Bellows to approve the salaries for July 2016 in the amount of \$285,794.10 and invoice listings for July 2016 in the amount of \$957,734.15*.

- *Capital Improvements - \$163,503.00
- *Greentown/Gaskins Road - \$19,086.90
- *Loan Interest Payments - \$73,779.35

VOTE:	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye

2. Proposed Amendment to Lancaster County Code of Ordinances Section 2-53 for the Restitution Procedure Instead of the Civil Remedy Procedure for Reimbursement of Expenses Incurred in Responding to DUI and Related Incidents

Mr. Jan Smith, Commonwealth Attorney for Lancaster County, stated that Westmoreland County had recently passed an ordinance similar to the one that is being suggested with an additional cost to DUI offenders of \$350. He stated that cost was “grabbed out of the air” and the additional cost would help defray the County’s costs of manpower for both law enforcement and emergency services during these stops and subsequent arrests.

Mr. Smith stated the Virginia statute allows that, on a conviction of a DUI, the prosecuting attorney, which would be Mr. Smith, could ask for the additional cost to be imposed on the defendant. He referred to a recent accident involving a DUI and stated that both law enforcement and emergency services spent a great deal of time there and he thought the County should consider a way to recapture some of those costs.

Mr. Smith stated that he projected there are approximately ten DUI arrests per month.

Mr. Smith stated that the United States Supreme Court has ruled that blood draws can only be done by search warrant, so that application may only be done in cases of habitual offenders. He stated that obtaining search warrants would place an additional imposition on law enforcement and anyone who would draw the blood of an offender.

Mr. Smith stated that if the Board had hesitations about imposing the additional costs, it could be possible to write the ordinance to specifically apply to second, third and subsequent offenders and not impose it on first offenders. He stated that it would apply to the more serious cases and the first offender issue could always be revisited at a later date.

Mr. Beauchamp stated that he liked the suggestion of only imposing the fee for second or subsequent offenders. He asked Mr. Smith if he was comfortable with the \$350 amount.

Mr. Smith replied that if the fee would be applied to a smaller population, he is comfortable with \$350 for second or subsequent offenders. He stated that those offenders are usually recognized as having an alcohol problem.

Mr. Jenkins asked Mr. Pleva if the funds expended in the DUI arrests are County or state funds.

Mr. Pleva replied that he had not checked into it.

Mr. Jenkins asked if Mr. Pleva could find out that information before the issue goes to public hearing. He stated that his concerns are who pays for the supplies used and are there reimbursements related to DUI arrests.

Mr. Jenkins asked Mr. Smith if the enabling legislation states that the fee would come to the County or not.

Mr. Smith replied that he read the statute as permitting the County to recover the costs even when a state trooper has made the arrest. He stated that a state trooper still comes to the County facility for resources such as the breathalyzer. He stated that there are some Commonwealth Attorneys who do not interpret it the way he does.

Mr. Palin asked Chief McGregor how his emergency services supplies were funded.

Chief McGregor replied that the majority of the supplies come from the local hospital and labor costs are County costs.

Mr. Smith stated that the ordinance doesn't require us to identify what the County is being reimbursed for.

Mr. Bellows stated that he would feel more comfortable with imposing the additional fee on second or subsequent offenders.

Mr. Bellows suggested further investigation before the issue goes to public hearing. He asked if Westmoreland County was the only local county to have this ordinance.

Mr. Smith replied that Westmoreland County is the only local county to have passed the ordinance so far.

The consensus was to consider the issue after more details are known.

3. Proposed Pawnbroker Ordinance

Detective Steve Sorensen of the Sheriff's Office stated that he was attempting to come up with a way to change the County ordinance so that a business that

bought and sold such items as jewelry, guns and precious metals would be required to report the activity to local law enforcement within a certain period of time. He stated that it would be a good way to check for stolen merchandise. He stated that the ordinance should not be called a pawnbroker ordinance because he did not believe there were any in the County. He stated that he had included ordinances from other localities in the Board packages as a reference.

Mr. Palin asked if it was known who the businesses are who would be required to do the reporting.

Mr. Sorensen replied that he believed there were at least a few businesses that would qualify. He stated that it could be defined in the ordinance, but it would include any business that would buy jewelry, coins, guns or other precious metals.

Mr. Bellows asked what requirements the businesses would have to meet.

Mr. Sorensen replied that he would like to have a software program used called Leadsonline. He stated that the software is free and would need to be explained to the businesses identified. He stated that a picture is taken of the merchandise and a picture identification has to be provided by the seller. He stated that information is submitted through the software, where law enforcement can view it.

Mr. Bellows asked who pays for the software.

Mr. Sorensen replied that each law enforcement agency pays for their own software program, but it is no cost to the identified businesses.

Mr. Bellows stated that businesses that have legitimate business practices probably should know if they are being asked to receive stolen merchandise.

Mr. Sorensen stated that there are always ways to get around the system.

Mr. Beauchamp asked what Mr. Smith's viewpoint was on the issue.

Mr. Smith stated that Mr. Sorensen had discussed the issue with him and it seems logical to him that the businesses performing these transactions have some duty in reporting them. He stated that he would be glad to work with Mr. Sorensen in drafting an ordinance.

Mr. Jenkins referred to charitable thrift shops and other small businesses with limited staff and stated that it would be burdensome to require them to do the online reporting.

Mr. Sorensen stated that they are not looking for people who are donating items, but rather people who are trying to make a profit off of stolen goods.

Mr. Jenkins stated that there may be some people in the community who deal with stolen goods, but the majority would not. He stated that he was concerned about additional administrative work for very small businesses and one-person operations.

Mr. Bellows asked if there was any way to write the ordinance to include a certain dollar amount of revenue that would require the reporting, in order to eliminate the requirement for some of the smaller businesses.

Mr. Sorensen replied that he did not think so, because pawn shops do not typically pay huge amounts of money for even valuable items.

Mr. Palin suggested that Mr. Sorensen meet with the Commonwealth's Attorney for more guidance and come back to the Board.

Mr. Jenkins stated that he did not think anyone on the Board was against what Mr. Sorensen was presenting, it just needed to be refined.

Mr. Beauchamp stated that he liked the concept and thought it was something that needed to be looked at. He stated that it sounded like it could be a great benefit to law enforcement, but the Board always needs to consider the ramifications for its citizens.

4. Request for Appropriation of EMS Grant Funds and Local Match for EMS Equipment

Chief McGregor stated that he was requesting that the Board approve the appropriation of funds for a grant project that was applied for through the Office of Emergency Medical Services, Rescue Squad Assistance Fund. He stated that it was a two part project which provides eighty percent funding for a Lucas 2 automated chest compression device that would be stocked on the ALS response vehicle and fifty percent funding for the purchase of video laryngoscopes, which allow emergency personnel to see into the airways of patients. He stated that the total project amount was \$19,119.11 of which \$5,502.71 was local funds and \$13,616.40 was grant funds.

Mr. Jenkins asked if Mr. McGregor was asking them to appropriate \$5,502.71 out of the treasury.

Mr. McGregor replied yes.

Mr. Beauchamp made a motion to appropriate \$5,502.71 for the Local Match for a Grant Awarded by the Office of Emergency Medical Services, Rescue Squad Assistance Fund.

VOTE:	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

Mr. Bellows made a motion to Appropriate \$19,119.11 for Funding of the Grant Project Awarded by the Office of Emergency Medical Services, Rescue Squad Assistance Fund.

VOTE:	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

5. Request for Proposal for a Revenue Anticipation Note

Mr. Palin asked Mr. Pleva to present the issue.

Mr. Pleva stated that Bonnie Haynie, County Treasurer, was on vacation and asked him to present her request for the Board to authorize a request for proposal for a revenue anticipation note in the amount of \$1,750,000. He stated that figure was based on anticipated cash needs for July through October.

Mr. Jenkins asked if Mr. Pleva had asked Ms. Haynie when the money might be needed.

Mr. Pleva stated that he had not asked, but he thought not until October. He stated that Ms. Haynie will have to do the request and then it will have to be awarded at a later date.

Mr. Jenkins stated that for the public’s knowledge, the revenue anticipation note request doesn’t mean the County will run out of money in July, but rather because the County bills for taxes one time a year, a “bridge” is requested until the revenues begin to come in.

Mr. Bellows made a motion to Approve the Request for Proposal for a Revenue Anticipation Note.

VOTE:	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

BOARD REPORTS

Mr. Beauchamp made a motion to reappoint Charles Lee to the Lancaster County Social Services Board.

VOTE:	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

COUNTY ADMINISTRATOR

Mr. Pleva stated that Bill Pennell, who is an EDA member, is stepping down from his position on the Northern Neck Chesapeake Bay Region Partnership. He stated that he would try to find a suitable replacement and bring it to the Board at the August meeting.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn.

VOTE:	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye