

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, May 27, 2004.

Present: Patrick G. Frere, Chair
Peter N. Geilich, Board Member
F. W. Jenkins, Jr., Board Member
William H. Pennell, Jr., County Administrator

Others

Present: Carter White and Robert Harper, Virginia Department of Transportation; Jack Larson, Planning/Land Use; Joan Wenner, Northern Neck News; Robb Hoff, Rappahannock Record

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

PUBLIC INPUT

Fred Adjootan stated this is the Second Anniversary of the Citizen Advisory Group to improve water access to county citizens and one issue that concerned the group was lack of public access to state waters in Lancaster County. He said all of the surrounding counties have provided public access to state waters thorough public piers, docks and ramps. Lancaster has two sites which includes Greenvale Creek and Belle Isle State Park pier as well as the beach at Westland. The waterfront property is being increasing bought and sold and the citizens of the county are unable to use the waters. He just wanted to inform the board of what's going on with this issue and he believes the county needs one or two ramps/dock and a public beach.

PRESENTATIONS

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

Lively Caution Light

Mr. White stated the Lively light has been installed and waiting for the power hook up.

VSH 614/Devils Bottom Road

Mr. White said VSH 614 Devils Bottom Road has been approved as a Scenic Byway.

VSH 630/Taylor's Creek Road

Mr. White stated VSH 630 Taylor's Creek road work will begin next week and pick up in the fall and completed by spring.

Primary System Mowing

Mr. Frere stated he received a citizen concern about the cutting on the primary system and trash was not being picked up prior to mowing.

Mr. Harper stated they have a new contractor and they are a little slow and learning the process. They actual picked up before and after mowing. The new contactor has 32 days to complete the primary system.

Mr. Geilich stated VSH 3 looked good from White Stone to Kilmarnock.

Avis Trail

1. Accept Avis Trail into Secondary System of Highways and Authorize Payment of Funds to the Virginia Department of Transportation - Mr. White requested that the Lancaster County Board of Supervisors approve the inclusion of Avis Trail into the Secondary System of Highways and authorize the transfer of escrowed funds to the Virginia Department of Transportation to pay for the work on the road.

Mr. Jenkins made a motion to adopt the following Resolution for Courthouse Landing Subdivision accepting Avis Trail into the Secondary System of Highways.

COURTHOUSE LANDING SUBDIVISION

AVIS TRAIL

WHEREAS, the street described below was established prior to July 1, 1992 and currently serves at least 3 families per mile, and

WHEREAS, the Virginia Department of Transportation has deemed Lancaster County's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways pursuant to Section 33.1-72.1 of the Code of Virginia, and

WHEREAS, after examining the ownership of all property abutting this street, the Lancaster County Board of Supervisors finds that speculative interests do not exist.

NOW, THEREFORE, BE IT RESOLVED, the Lancaster County Board of Supervisors requests the following street be added to the secondary system of highways, pursuant to Section 33.1-72.1 (D) of the Code of Virginia:

Street Name: Avis Trail
From: Route 3
To: Dead End
Length: 1.09 miles
Right of Way: Variable 65' – 140'
Instrument #030004223 on November 25, 2003
Plat Cabinet #7; Page 54D on November 25, 2003
Plat Cabinet #7; Page 61A on April 22, 2004
Instrument #040001374 on May 7, 2004

BE IT FURTHER RESOLVED, the Lancaster County Board of Supervisors guarantees a clear and unencumbered variable 65' – 140' right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, the Lancaster County Board of Supervisors requests the Virginia Department of Transportation improve said streets to the prescribed minimum standards, funding said improvements with fiscal year 2004-2005 revenue sharing funds, and

BE IT FURTHER RESOLVED, that this resolution is contingent upon all utilities being relocated so as not to conflict with the construction of these roadways, and

BE IT FURTHER RESOLVED, that this resolution is contingent upon the Virginia Department of Transportation receiving all remain in place CE-7 permits from the appropriate utility companies for these roadways, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

VOTE:	Patrick G. Frere	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye

Mr. Jenkins made to motion to authorize the transfer of \$79,457 of escrowed funds to the Virginia Department of Transportation for the cost share payment of accepting Avis Trail into the Secondary System of Highways.

VOTE:	Patrick G. Frere	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye

PUBLIC HEARING

1. Request for Bay Act Waiver – Andrew K. and Sarah B. Spongberg – Mr. Larson said Mr. and Mrs. Spongberg have requested a Bay Act Wavier to place a stone walkway within 21’ of tidal wetlands. The property on which this would occur is identified as Tax Map #27B-1-1. This property is off VSH 757, Saint Andrews Lane, near Weems, Virginia and is in Voting District 5.

Mr. Larson stated while not commonly proposed, the bioretention basin is an accepted nonstructural urban Best Management Practice (BMP). Design requirements and site limitations can be found in Section 5.1.4 of the Nonstructural Urban BMP Handbook. The proposed site does not exceed limitations, and the proposed bioretention basin appears to meet design requirements. Additionally, pollutant removal calculations were done using the required Chesapeake Bay Method. Overall, a satisfactory approach to mitigation

is provided from the proposed guesthouse, the flagstone terrace, and the proposed stone terrace.

The stone walkway, however, has not been adequately mitigated. As can be seen from the plan, this is the new impervious cover for which a waiver is required since it will encroach within 21' or less of tidal wetlands. The bioretention basin is not located to take runoff from the walkway nor is the bulkhead. While a second set of details show a sand base and stone retention beneath the walkway, runoff created by the new impervious cover will still go unimpeded into tidal wetlands. Addition mitigation such as a gravel trench along the walkway is required to address the runoff not already mitigated.

Advertising has been conducted and abutting property owners notified as required by law. To date there has been no input from abutting property owners or other interested members of the public concerning this request.

Mr. Geilich made a motion to approve the Request for Bay Act Waiver for Andrew K. and Sarah B. Spongberg.

VOTE:	Patrick G. Frere	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye

CONSENSUS DOCKET

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

A. Minutes for April 21, 2004, April 29, 2004 and May 17, 2004

Recommendation: Approve the minutes

B. Abstract of Votes – Town Elections – May 2004

Recommendation: Accept the Abstract of Votes

C. Health Insurance Benefit – July 1, 2004 – June 30, 2005

Recommendation: Approve the Health Insurance Renewal Contract
with Southern Health Insurance

VOTE:	Patrick G. Frere	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of May 2004 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries for May 2004 in the amount of \$139,509.68 and Invoice Listings for May 2004 in the amount of \$624,515.08.

VOTE:	Patrick G. Frere	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye

2. Change to Approved Master Plan for Hills Quarter – Merry Point Development –

Mr. Larson stated Merry Point Development, represented by Mr. David Donofrio, is requesting permission to modify the master plan for Hills Quarter to place single-family residences in an area that was approved for commercial development. Hills Quarter is in Voting District 4.

Mr. Larson stated there is an area designated for commercial development, specifically parcels C2, C3, and C4, which are adjacent to Middlegate Road, the

main road for Hills Quarter, just inside the entrance. The planned development is consistent with parcel R3. However, nearly all of parcels C2, and C3, and roughly half of parcel C4 are also currently planned for residential vice commercial development.

Mr. Frere made a motion to Approve Change to Master Plan for Hills Quarter – Merry Point Development.

VOTE:	Patrick G. Frere	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye

3. Substitution of Responsible Party/Acceptance of Deed of Dedication - John H. Morris, IV – Mr. Larson stated Mr. John Morris has sold his interest in property at the end of Avis Trail to the Western Branch Company. He is requesting release from a performance bond and agreement for improvements to Avis Trail; he is also offering through deed of dedication property that will meet VDOT requirements of r easements. Avis Trail is in Voting District 2.

Mr. Larson said the irrevocable letter of credit referenced to the agreement regarding Avis Road Improvements has been released to Mr. Rawleigh Simmons, closing attorney for Western Branch Company. This was done when Mr. Simmons provided a certified check in the amount of \$82,500 to replace the letter of credit. The Treasurer has placed these monies in an interest bearing account as set forth in his May 6, 2004 memorandum. The Western Branch Company is obligated to the same terms as those previously placed on Mr. Morris, especially as it pertains to responsibility for cost overruns. For that reason it is recommended that this agreement be accepted.

Mr. Larson stated the deed of dedication is for a small piece of property that will allow for the necessary right of way and drainage easement to bring Avis

Trail to the entrance of Mr. Morris' property. Securing the parcel was a condition of VDOT in order to bring the road the additional 200' beyond improvement made by the developer of the Courthouse Landing.

Mr. Jenkins made a motion that Western Branch Company be substituted for Mr. Morris as responsible party for improvement to Avis Trail and Accept the Deed of Dedication.

VOTE:	Patrick G. Frere	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye

4. Award Contract – Fuel Bids – Mr. Pennell said the county received two bids for motor vehicle fuel and heating oil fuel service contract for the Courthouse Building, Sheriff's Department, and School Board for 2004 – 2005.

Mr. Pennell recommends award of the contract to Kilduff Oil, P.O. Box 292, Reedville, VA 22539, the lowest bidder.

Kilduff Oil	#2 Fuel Oil @ 1.07 per gallon
	Diesel Fuel @ 1.11 per gallon
	Unleaded Gas @ 1.13 per gallon

Mr. Geilich made a motion to Award the 2004 – 2005 Fuel Contract to Kilduff Oil, the lowest bidder.

VOTE:	Patrick G. Frere	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye

BOARD REPORTS

Deer Control Strategies

Mr. Geilich stated there will be a Nuisance Animal Control Conference held June 1 – 2, 2004 through University of Virginia. He has asked Mr. Pennell to obtain any information he can and bring it back to the board.

Appointment

Mr. Geilich made a motion to reappoint Kenny Beatley to the Building Code Board of Appeals as a representative for District 3 for a four-year term ending March 31, 2008.

VOTE:	Patrick G. Frere	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye

COUNTY ADMINISTRATOR

None

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn the meeting to June 2, 2004 at 5:00 p.m. for a budget work session in the County Administrators office.

VOTE:	Patrick G. Frere	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye