

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, August 26, 2004.

Present: B. Wally Beauchamp, Vice Chair  
Peter N. Geilich, Board Member  
F. W. Jenkins, Jr., Board Member  
Ernest W. Palin, Jr., Board Member  
William H. Pennell, Jr., County Administrator

Others

Present: Joseph Staton, Carter White and C.C. Burgess, Virginia  
Department of Transportation; Scott Hudson, Emergency Services;  
David Jones, Planning Commission; Jack Larson, Planning/Land  
Use; Robb Hoff, Rappahannock Record

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

**PUBLIC INPUT**

None

**PRESENTATION**

None

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

**VSH 630/Taylors Creek Road**

Mr. Staton said VDOT got bids on the VSH 630 Taylors Creek Road Project and if the bid is accepted, the work should start in October.

### Six Year Plan – Primary System

Mr. Staton stated the Six Year Plan for the Primary System video presentation would be held on September 29, 2004. Each of the three residencies has one hour to make presentations. He suggests putting Lancaster County's request in writing and send it to the Commonwealth Transportation Board.

### Town of Kilmarnock

Mr. Staton said the Town of Kilmarnock has concerns about need for a right turn lane at the intersection at School Street. After VDOT completed its study, there is a need for the right turn lane at School Street across from NAPA. However, this would be a major project with an estimate of one million dollars because of the water lines, sewage line, and power lines; this would need to be added to the Six-Year Plan.

### Six Year Plan Work Session

Mr. Staton said they would like to have a work session for the Six-Year Plan for Secondary Highways at the next regular Board of Supervisors meeting on September 30, 2004 and the public hearing will be held in October on the Six-Year Plan.

By consensus of the Board of Supervisors, the work session for the Secondary Highways Six-Year Plan will held at the September 30, 2004 regular meeting.

### VSH 755/Slabtown Road

Mr. Staton said VSH 755 Slabtown Road project has been completed.

VSH 711/Airport Road

The Rural Rustic Road Project on VSH 711 Airport Road, the stone has been placed to stabilize; however, there is a problem with the contractor meeting the deadline because of rain delays. This project may not be completed until Spring 2005.

Avis Trail Project

Mr. Staton stated work on the Avis Trail project will begin in the middle September.

C.C. Burgess to Retire

Mr. Staton informed the board that C.C. Burgess would be retiring on September 24, 2004 after 38 years with VDOT and 22 years were served in Lancaster County.

Mr. Burgess said it had been a pleasure to work in Lancaster County for the last 22 years. He thanked the board for its support throughout the years; he said he was sure the board would continue to support VDOT. He stated he would miss everyone.

Mr. Jenkins made a motion to have a resolution prepared for Mr. Burgess for the 22 years he has served Lancaster County and present the resolution to him at the next regular Board of Supervisors meeting on September 30, 2004.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

**PUBLIC HEARING**

1. Change to Zoning Ordinance – Mr. Larson said deletion of Article 6-1-8 from the Zoning Ordinance, this would have the effect of removing single-family dwellings from the R-2, Residential, Apartment zoning district as a permitted use.

Mr. Larson stated the Board of Supervisors directed the Planning Commission to address this issue at the joint planning session held on June 26, 2004. It is felt that this change to the Zoning Ordinance will bring permitted uses with the R-2 zoning district more in line with the statement of intent and would eliminate some of the unanticipated issues that have arisen recently with R-2 rezoning requests proposing single-family residences. It is envisioned that the Planned Unit Development ordinance/overlay would allow single-family residences and provide an alternative to the R-1, Residential, General zoning district.

Mr. Larson said advertising as required by law has been conducted for this meeting. As of this date, staff has received no input from members of the public concerning this issue, nor was there input from the public at the Planning Commission hearing.

Mr. Jenkins made a motion to approve Change to Zoning Ordinance with deletion of Article 6-1-8.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

**CONSENSUS DOCKET**

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

A. Minutes for July 29, 2004

Recommendation: Approve the minutes

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of August 2004 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the Salaries for August 2004 in the amount of \$150,572.85 and Invoice Listings for August 2004 in the amount of \$411,674.50.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Extension of Preliminary Plat Approval – Robert B. Bragg, III – Mr. Larson stated paragraph 6-5 of the Subdivision Ordinance states “the subdivider shall not have more than six months after receiving official notification concerning the preliminary plat to file with the agent and the Board of Supervisors a final subdivision plat in accordance with this ordinance”. It further states “failure to do so shall make a preliminary approval null and void”. Mr. Bragg was notified of preliminary plat approval on December 31, 2003.

Mr. Larson said paragraph 6-5 also allows for an extension of six months upon written request by the subdivider. Mr. Bragg is requesting an extension of

preliminary plat approval. While the preliminary plat is null and void as per paragraph 6-5 of the Subdivision Ordinance since no request for extension was received within six months of preliminary plat approval, it would seem that little would be served by not treating this as an extension request provided certain issues are revisited. Specifically, Mr. Bragg made a very convincing argument for and received a private road exception. In view of recent concerns expressed by VDOT resident engineer, Mr. Staton, over the granting of private road exceptions, it may be appropriate to rescind the exception granted to Mr. Bragg. Also, Mr. White, VDOT, advises me that a right turn lane into this subdivision is required since it is on VSH 200, a main traffic corridor.

Mr. Larson said he noted that there is no provision for community access to public waters as required by paragraph 5-26(b). Mr. Bragg has been advised of this requirement and has agreed to provide such access. Finally, he noted that there are 15 designated lots in this subdivision with an additional "Parcel A". Parcel A should be designated open space or otherwise restricted from further development. Not doing so would potentially allow this to be a 16 or more subdivision which would set the requirement for a minimum of ten percent open space as per paragraph 5-26(a) of the Subdivision Ordinance.

Mr. Bragg stated that "Parcel A" was separate from the 15 designated lots and would be used for commercial purposes at some point; however, felt it should be shown on the plat.

Mr. Larson said Mr. Staton with VDOT had submitted a letter about the private road exception. Mr. Staton stated in his letter that the road needed to be brought up to state standards.

Mr. Staton said with 15 residents, at some point they will come to the Board of Supervisors with a number of concerns. He stated families with children

will move into the subdivision and expect VDOT to clear the road of snow and school buses will not travel down private roads.

Mr. Bragg stated the big problem with bringing this road up to state standards, would be an insult to Mother Nature and the Chesapeake Bay Act. He said the road was built in the 1960's and was still in great shape and has made some improvements. The road is approximately 2500 feet with a surface width of 17 feet.

Mr. Beauchamp made a motion to approve the six month extension of Preliminary Plat for Robert B. Bragg, III expiring December 31, 2004, with the boundary line adjustment and the road will remain private.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Mr. Beauchamp stated because of a conflict of interest he would abstain from participating in or voting on the Coastal Land Development, LLC request (next agenda item). The Board of Supervisors agreed by consensus the Mr. Jenkins would chair the meeting for this issue.

3. Preliminary Subdivision Plat Approval – Coastal Land Development, LLC - Mr. Larson said Mr. Chase, representing Coastal Land Development, LLC, is submitting a preliminary plat of River Village Subdivision for approval in accordance with paragraph 6-2 of the Subdivision Ordinance.

Mr. Larson stated the plat was the same one submitted to the Board of Supervisors as a preliminary sketch at the July 29, 2004 regular meeting. Applicant has taken the additional step of consulting with VDOT and determining

entrance requirements for subdivision streets. Mr. White, VDOT, advises that no other considerations for traffic impact are required. While plat shows only a ten-foot expansion of the right of way for Benson Road, the attached email documents the applicant's willingness to provide a twenty-foot expansion.

Mr. Larson said covenants were received two days after the deadline for submission of materials. While the attached covenants are detailed and comprehensive as to such topics as lot owner responsibilities and architectural control, no mention is made of common space. None of the required elements of paragraph 5-26(d) and (e) of the Subdivision Ordinance, attached, are addressed. It should be noted that paragraph 6-3 allows 60 days for review by the subdivision agent and Board of Supervisors. Time sufficient to review revised covenants within that 60-day period would seem reasonable.

Mr. Geilich made a motion to approve the Preliminary Subdivision Plat for Coastal Land Development, LLC.

VOTE:	B. Wally Beauchamp	Abstain
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

4. Revision to Policy Memorandum #38 – Mr. Larson asked the Board of Supervisors to increase the minimum submission time for materials to be reviewed by Planning Commission, Board of Zoning Appeals, Wetlands Board, or Board of Supervisors from 10 to 15 days for items not requiring advertising and 24 to 30 days for items requiring advertising.

Mr. Larson said nearly all materials that are part of a request to be considered by the Planning Commission or other board are submitted on the deadline date. Given that materials are provided to board members at least a

week prior to any meeting at which an issue will be considered, the result is two calendar days for staff review and write-up on items not requiring advertising. While there is more time for items requiring advertising, they are also generally more complicated and require more time for review. An additional consideration is the complaint that is often raised by interested members of the public that they are not permitted enough time to review materials such as master plans prior to the hearing of them. This revision to policy would not seem to be an imposition on applicants and would permit both staff and interested members of the public more time to properly review materials submitted.

David Jones stated that 30 days is not enough time and it becomes a great push to review the information or plan. He suggested 45 days for items requiring advertising and 30 days for items not requiring advertising. The Planning Commission could do a more effective job before forwarding the matter to the Board of Supervisors.

Mr. Jenkins made a motion to revise Policy Memorandum #38 requiring a minimum submission time for materials to be reviewed of 45 days for items requiring advertising and 30 days for items not requiring advertising effective October 1, 2004.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

5. Resolution Authorizing the Issuance of IDA Bonds for the James Barry-Robinson Home for Boys – Mr. Pennell said on August 17, 2004, the Lancaster County Industrial Development Authority held a public hearing and authorized the issuance of \$8 million in bank-qualified bonds for the James Barry-Robinson School for Boys in Norfolk, Virginia.

Mr. Pennell stated at a previous meeting of the Board of Supervisors, the members gave their preliminary approval of this \$8 million bond issue, reserving \$2 million of bank qualified borrowing for its own tax anticipation note.

Mr. Jenkins made a motion to adopt the following Resolution Authorizing the Issuance of IDA Bonds for the James Barry-Robinson Home for Boys:

**A RESOLUTION AUTHORIZING THE ISSUANCE BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF LANCASTER COUNTY, VIRGINIA, OF A \$8,000,000 REVENUE BOND FOR THE JAMES BARRY-ROBINSON HOME FOR BOYS TRUST**

**WHEREAS**, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended, authorizes the creation of the Industrial Development Authority of Lancaster County, Virginia (the Authority), and empowers the Authority to assist The James Barry-Robinson Home for Boys Trust (the Trust), by the issuance of a \$8,000,000 revenue bond of the Authority (the Bond) (i) to finance the construction and equipping of Saint Patrick's Catholic School in Norfolk, Virginia (the Project), and (ii) to pay certain costs of issuance relating to the Bond; and

**WHEREAS**, the Project will be owned by the Trust; and

**WHEREAS**, Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code), requires approval by this Board of the issuance of any private activity bonds by the Authority after the Authority has held a public hearing to consider the issuance of such bonds as one of the acts required in order for the interest on such bonds to qualify for exemption from the imposition of federal income tax; and

**WHEREAS**, the Authority held a public hearing on August 17, 2004, in compliance with the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the Virginia Code), and after such public hearing adopted a

resolution to issue the Bond, subject to the adoption of this resolution and the concurrence of the City Council of the City of Norfolk, Virginia; and

**WHEREAS**, the Authority has recommended that this Board approve the issuance of the Bond and has designated the Bond a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code for calendar year 2004; and

**WHEREAS**, the Trust has represented that it is an organization described in Section 501(c)(3) of the Code which is not organized and operated exclusively for religious purposes and which is exempt from federal income taxation pursuant to Section 501(a) of the Code; and

**WHEREAS**, a copy of the Authority's resolution approving the issuance of the Bond, a record of the public hearing with respect to the Bond, a Fiscal Impact Statement in the form prescribed by Section 15.2-4907 of the Virginia Code and the form of a concurring resolution of the City Council of the City of Norfolk, Virginia, as prescribed by Section 15.2-4905 of the Virginia Code, have been filed with this Board;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Lancaster County:

Section 1: - That the recitals in the preambles hereto are adopted as a part of this resolution as if fully written herein.

Section 2: - That this Board approves the issuance of the Bond by the Authority to assist in the financing of the Project for the benefit of the Trust to the extent required by the Code and the Virginia Code and approves the Authority's designation of the Bond as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code for calendar year 2004.

Section 3: - That the approval of the issuance of the Bond as requested by the Trust and as required by Section 147(f) of the Code and the Virginia Code is solely for federal tax purposes, does not constitute an endorsement to a prospective purchaser of the Bond of the proposed use of the proceeds of the Bond or the creditworthiness of the Trust and, as required by Virginia law, the Bond shall provide that neither the Commonwealth of Virginia, Lancaster County nor the Authority shall be obligated to pay the principal, or premium, if any, of the Bond or the interest thereon or other costs incident thereto except from the revenues and monies pledged therefor and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, Lancaster County or the Authority shall be pledged thereto.

Section 4: - That this resolution shall be in effect from August 26, 2004 and after its adoption.

ROLL CALL VOTE: B. Wally Beauchamp	Aye
Peter N. Geilich	Aye
F. W. Jenkins, Jr.	Aye
Ernest W. Palin, Jr.	Aye

6. Golf Carts on County Streets – Mr. Pennell stated at last month’s meeting, the Board of Supervisors asked for additional information to permit golf carts to use certain public streets in Lancaster County. That §46.2-916.2 and §46.2-916.3 of state code describe the requirements for an ordinance of this nature.

Mr. Pennell said Mr. Jenkins has received a request from one of his constituents to allow golf carts to be used on Riverside Drive (VSH 621). He stated that §46.2916.2 describes the action to be take to designate a public highway for golf cart and utility vehicle operations and §46.2-916.3 details the

limitation on golf cart and utility vehicle operations on designated public highway.

Mr. Jenkins made a motion to advertise an ordinance for public hearing at the September 30, 2004 meeting for Golf Carts on County Streets on VSH 622 Riverside Drive.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

7. Ambulance Billing Fees and Policies – Mr. Hudson stated Diversified Ambulance Billing was approved to serve as the ambulance billing and collections service for Lancaster County. The Department of Emergency Services has developed a billing fee schedule for services rendered and a recommended billing policy to be adopted by the Board of Supervisors.

Mr. Beauchamp made a motion to continue the Ambulance Billing Fees and Policies until the next regular Board of Supervisors meeting on September 30, 2004.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

8. Transfer Funds from Capital Improvement to General Fund – Middle School Fencing Project and Repaving High School Parking Lot - Mr. Pennell stated the Lancaster County Board of Supervisors directed that future expenditures from the Capital Improvement Account be specifically approved at a regular meeting of the Board of Supervisors.

Mr. Pennell said he has received the following request for payment from Dr. Latimore for payment to Virginia Fence, Inc. for performed on the middle school fencing project in the amount of \$12,543.00 and Lee-Hy Paving for repaving the high school parking lot in the amount of \$89,900.00.

Mr. Jenkins made a motion to approve the expenditures and appropriate \$102,443.00 from the Capital Improvement Account to the General Fund to cover the expenses for repaving the high school parking lot and middle school fencing project.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

### **BOARD REPORTS**

None

### **COUNTY ADMINISTRATOR**

Mr. Pennell stated the Foundation for Historic Christ Church and the Lancaster County Chamber of Commerce has invited the Board of Supervisors to the next Business After Hours to be held on Thursday, September 16, 2004 beginning with a tour of Historic Christ Church at 4:30 p.m.

### **ADJOURNMENT**

Motion was made by Mr. Jenkins to adjourn.

VOTE:	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye