

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, November 29, 2012.

- Members Present: B. Wally Beauchamp, Chair
 F.W. Jenkins, Jr., Vice Chair
 Ernest W. Palin, Jr., Board Member
 Jason D. Bellows, Board Member
 William R. Lee, Board Member
- Staff Present: Frank A. Pleva, County Administrator
 Don G. Gill, Planning and Land Use Director
 Zina F. Middleton, Deputy Clerk

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

PUBLIC INPUT

VSH 604/Merry Point Road and VSH 611/Hoecake Road Alignment Project

Charles Costello, District 2, noted that VSH 604/Merry Point Road and VSH 611/Hoecake Road project has been completed; however, in the curve there is a six to seven foot deep covert. There is also a deep covert behind the stop sign. He stated VDOT may need to erect guardrails.

Mr. Beauchamp asked Mr. Harper to look at the intersection and review the request.

PRESENTATION

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

VSH 777/Riverview Road Project Delay

Mr. Harper said VSH 777/Riverview Road Project has been moved to the Spring 2013, because it is so late in the year and unpredictable winter weather.

VSH 604/Merry Point Road and VSH 611/Hoecake Road Alignment Project

Mr. Harper stated the VSH 604/Merry Point Road and VSH 611/Hoecake Road Alignment Project has been completed on time and on budget. Some improvements made were the increased pavement width from 20 to 24 foot and improved sight distance in both directions. He stated he would take Mr. Costello's concerns and request to Mr. Brown.

Stop Sign Concerns

Mr. Jenkins stated at VSH 354/River Road at Ottoman Ferry Road there is difficulty recognizing where the stop sign is located. There a similar problem at the intersection of VSH 622/Morattico Road and VSH 3/Mary Ball Road near Lancaster Auto and Marine.

Mr. Harper asked if he believed the problem could be resolved with reflectors on the post stop signs.

Mr. Jenkins said that would be helpful.

VSH 600/Courthouse Road and VSH 3/Mary Ball Road

Mr. Palin thanked VDOT for removing the trees at the intersection of VSH 600/Courthouse Road and VSH 3/Mary Ball Road making visibility better.

PUBLIC HEARING

1. Application for Special Exception – Eric J. Malmgren – Mr. Gill presented an Application for Special Exception by Eric J. Malmgren to place a data antenna/pole under 100 feet tall for wireless Internet access on a 12.058-acre parcel described as Tax Map #27-140A. This property is zoned R-1, Residential General and is located at 2175 Weems Road (VSH 222) in District 5.

Mr. Gill stated Article 5-1-23 of the Lancaster County Land Development Code allows the placement of data antennas with a special exception. This is a continuation of requests for special exception consideration to locate data antennas at various locations within the county to provide wireless broadband Internet access in areas lacking that capability.

Mr. Gill said there are no zoning issues with the location of this antenna/pole. It has the potential to serve many homes in the Weems area.

Mr. Gill stated this request has been advertised and adjoining property owners notified as required by law. To date, there has been no response from the public.

Chairman Beauchamp opened the public hearing.

Hearing none, Chairman Beauchamp closed the public hearing.

Mr. Beauchamp made a motion to Approve the Application for Special Exception by Eric J. Malmgren to place a data antenna/pole under 100 feet tall for wireless Internet access on a 12.058-acre parcel described as Tax Map #27-140A located at 2175 Weems Road (VSH 222).

VOTE: B. Wally Beauchamp Aye

F. W. Jenkins, Jr.	Aye
Ernest W. Palin, Jr.	Aye
Jason D. Bellows	Aye
William R. Lee	Aye

Mr. Jenkins stated the placement of data antenna/poles for wireless internet access is allowed with a special exception, the Board has heard a number of requests which have become routine. He would like to direct the Planning Commission to review the ordinance making it by right and so that citizens no longer have to pay for a special exception. Because nine times out ten there are no objections and the special exception is granted.

By consensus of the Board, direct the Planning Commission to review Article 5-1-23 of the Lancaster County Land Development Code which allows the placement of data antennas with a special exception.

CONSENSUS DOCKET

Motion was made by Mr. Bellows to Approve the Consensus Docket and recommendations as follows:

A. Minutes for October 25, 2012

Recommendation: Approve minutes as submitted

B. Abstract of Votes – General Election for President and Vice President, United States Senate, House of Representative, Board of Supervisors (District 4) and Special Election for Proposed Constitutional Amendments held on November 6, 2012

Recommendation: Accept abstract of votes as submitted

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye

Ernest W. Palin, Jr.	Aye
Jason D. Bellows	Aye
William R. Lee	Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1 . Approval of November 2012 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the salaries for November 2012 in the amount of \$239,279.45 and Invoice Listings for November 2012 in the amount of \$454,825.75.

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

2 . Greentown/Gaskins Road Community Improvement Project – Local Business and Employment Plan Adoption – Mr. Pleva stated the county previously published the Local Business and Employment Notice which is a requirement of the Community Development Block Grant (CDBG) program. In response to the notice, the county received inquires from two local building contractors, which were forwarded to the Northern Neck Planning District Commission, the grant administering agency, for its reference when construction work is solicited for the project. The Local Business and Employment Plan memorializes the county’s intent and plan to utilize to the “greatest extent feasible” contractors who “permanently reside” in the county.

Mr. Lee made a motion to Adopt the Local Business and Employment Plan as required by Greentown/Gaskins Road and Scattered Sites Community

Improvement Project.

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

3. Greentown/Gaskins Road Community Improvement Project – Program Income Plan Adoption – Mr. Pleva stated the Community Development Block Grant (CDBG) Program requires the adoption of a program income plan, which identifies the ways and means that income (non-county) generated during project and after closeout of the project will be collected, tracked and used. Essentially, program-generated income must be utilized to further the CDBG activities within the project area or CDBG activities within the jurisdictional boundary of Lancaster County.

Mr. Lee made a motion to Adopt the Program Income Plan as required by Greentown/Gaskins Road and Scattered Sites Community Improvement Project.

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

4. Greentown/Gaskins Road Community Improvement Project – CDBG and Scattered Site Grant Funds – Establish Separate, New Accounts and Appropriate \$100,000 of Local (Reimbursable) Funds per Account – Mr. Pleva stated the county must establish two, new but separate accounts for the Community Development Block Grant (CDBG) Program and Scattered Site Projects as well

as appropriate \$100,000 of local funds from the General Fund Operating Reserve to each account. These accounts will be used to receive and disburse CDBG funds for project-related expenses. Since these projects operate on an expense-reimbursable basis from the grantor agencies, a \$100,000 appropriation of local funds from the General Fund Operating Reserve to each account is needed.

Mr. Lee made a motion to Approve the Appropriate of \$100,000 of Local (Reimbursable) Funds, Establish Separate and New Accounts for Greentown/Gaskins Road Community Improvement Project and Scattered Site Grant as required.

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

5. Greentown/Gaskins Road Community Improvement Project – Wastewater Collection and Treatment System Connection Fee – Mr. Pleva stated the Board must establish connection/hook-up fees for those households that may connect to the project’s wastewater collection and treatment system, but are either not low or moderate income or not located in the project area. Connection fees will be waived for low and moderate income households that participate in the CDBG Project.

The Project Management Team met on November 7, 2012 and considered a connection fee schedules of several jurisdictions in the region including Mathews, Urbanna, West Point, King William, Tappahannock, Kilmarnock, Westmoreland County (including Montross), Gloucester County and Northumberland County as well as the annual statewide survey of water and wastewater connection and user fees prepared by Draper Aden Associates. The

following connection fee schedule recommended by the team to be adopted and become effective upon adoption:

Fee Per Equivalent Dwelling Unit - \$6,000 (applicant also pays full cost to physically connect his/her dwelling to the wastewater system)

Discount: Fee Per Equivalent Dwelling Unit for Applications Received Prior to December 31, 2012 - \$4,500 (applicant also pays full cost to physically connect his/her dwelling to the wastewater system)

The discounted fee is intended to encourage households that are not project beneficiaries to connect to the wastewater system, thereby increasing the number of system users (customers). This should financially benefit the operation and maintenance of the wastewater system.

The Board may periodically review and, if deemed necessary, adjust the wastewater system's connection fee.

Mr. Lee made a motion to Adopt the Wastewater Collection and Treatment System Connection Fee as recommended by the Project Management Team for the Greentown/Gaskins Road and Scattered Sites Community Improvement Project.

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

BOARD REPORTS

Appointments

Mr. Lee made a motion to appoint Katie Chewning (citizen/resident) to the Housing Rehab Board for the Greentown/Gaskins Road Community Improvement Project.

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

Mr. Jenkins made a motion to appoint Alice Coates to serve as Lancaster County's representative to the Middle-Peninsula Northern Neck Community Services Board of Directors for a three year term commencing on January 1, 2013 and expiring on December 31, 2015.

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

Lancaster County Board of Supervisors Organizational Meeting Schedule

Mr. Jenkins recommended holding the Board of Supervisors Organizational Meeting following the regular December 20, 2012 board meeting.

By consensus of the Board, the Lancaster County Board of Supervisors Organizational Meeting will be held immediately following the regular December 20, 2012 board meeting.

COUNTY ADMINISTRATOR

Board of Equalization Nominations

Mr. Pleva stated the Board has submitted nominations to him for the Board of Equalization and he will submit the list to the local Circuit Court Judge to make the appointments.

Mr. Jenkins made a motion to nominate Laura S. Rowe, District 1, Ella L. Davis, District 2, David E. Dew, District 3, Lewis F. Conway, District 4, and Jan S. Abbott, District 5 to the Board of Equalization for consideration of appointment by the Lancaster County Circuit Court Judge.

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

Approval of Holiday Closure

Mr. Pleva stated he received an email from Judge Taliaferro's office indicating that since the Governor's order regarding holiday office closings only applies to the Executive Branch, the Board needs to designate December 26, 2012 as a holiday for county employees.

Mr. Bellows made a motion to establish Wednesday, December 26th "as a general holiday for the employees" of Lancaster County in accordance with Section 17.1-207A1 of the *Code of Virginia, 1950, as amended*.

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

Congratulations to Mr. William R. Lee

Mr. Pleva congratulated Mr. William R. Lee on a successful election and becoming the newly elected member of the Board of Supervisors for District 4.

CLOSED SESSION

Motion was made by Mr. Beauchamp to enter into 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 Property, § 2.2-3711.A.3 of the Code of Virginia, *1950, as amended*. The purposes of the closed meeting are to discuss the real property. The subject and purpose falls within the following exemption(s) under §2.2-3711.A.3 (acquisition of real property for public purpose OR the disposition of government owned property where public discussion would jeopardize the County's or Town's bargaining or negotiating position).

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

RECONVENE

Motion was made by Mr. Jenkins to reconvene open meeting.

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

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on November 29, 2012 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Real Property, § 2.2-3711.A.3 of the Virginia Freedom of Information Act;

WHEREAS, §2.2-3712 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.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number 1 and number 2 above? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure. There was no comment.

Hearing no further comment, Mr. Beauchamp called the question. A roll call vote was taken:

ROLL CALL

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

This certification resolution is adopted.

No action taken on the closed meeting matters.

ADJOURNMENT

Motion was made by Mr. Bellows to adjourn.

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