

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, December 30, 2004.

Present: Patrick G. Frere, Chair
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: Carter White and Robert Harper, Virginia Department of Transportation; Jack Larson, Planning/Land Use; Jonathan Sanders and Curtis Smith, Town of Kilmarnock; Robb Hoff, Rappahannock Record

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

PUBLIC INPUT

None

PRESENTATION

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

Highway Department Promotion

Mr. White stated Robert Harper was promoted to Virginia Department of Transportation's Brookvale Superintendent. He said Billy Douglas has been hired to work at the Lancaster Highway Department, making that office fully staffed following C. C. Burgess' retirement.

VSH 635 Taylor's Creek Road

Mr. White said the VSH 635 Taylor's Creek Road project has begun and piles will be driven within the next month. The contractor is clearing and prepping the job, so it will be ready by the springtime.

VSH 673 Riverwood Subdivision

Mr. White stated a speed study was requested by the board and has been completed on VSH 673 Riverwood Subdivision. The last three quarters of a mile has been approved for 35 mph. The signs should be posted within the next two weeks.

Merry Point Ferry Out of Service

Mr. White said the Merry Point ferry is currently out of service because the winch that lifts the ramp up onto the dock is broken and the part must be manufactured. Hopefully the ferry will be repaired within the next 30 days.

1. Pirates Place – Quarters Cove Subdivision – Mr. Pennell stated the Virginia Department of Transportation, Warsaw Residency, has notified the Board of Supervisors that Pirates Place in the Quarter Cove Subdivision is ready to be taken into the Secondary System of Highways.

Mr. Frere made a motion to adopt the following resolution:

QUARTERS COVE SUBDIVISION PIRATES PLACE

WHEREAS, the Board of Supervisors has been asked to establish as part of the State Secondary System of Highways the following road in the Quarters Cove Subdivision in the White Stone Magisterial District:

Street Name: Pirates Place
From: Route 1090
To: Dead End
Length: 0.14 miles
Right-of-way: 50'

WHEREAS, the plats conveying the necessary clear and unencumbered 50' right-of-way and the required drainage easements were duly recorded in the Office of the Circuit Court Clerk of Lancaster County on July 24, 1990 in Plat Book 2, Page 10.

NOW, THEREFORE, BE IT RESOLVED, the Lancaster County Board of Supervisors hereby guarantees the said clear and unencumbered 50' right-of-way and drainage easements and requests the Department of Transportation, pursuant to Section 33.1-229 of the Code of Virginia, as amended, accept.

Street Name: Pirates Place
From: Route 1090
To: Dead End
Length: 0.14 miles
Right-of-way: 50'

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

2. Kilmarnock Request for Revenue Sharing Funds – Jonathan Sanders, Planning Intern for the Town of Kilmarnock stated he would like to discuss the Revenue Sharing possibilities to help finance the Main Street Project which will begin in the Spring 2005. He stated this was a \$3.5 million project with several sources of funding.

Mr. White explained the Revenue Sharing Program comes through the county. For example the Avis Trail Project, the developer/property owner put up the money to the county and VDOT work with the county. The Town of Kilmarnock will put the money up and it will not cost the county any money. They are asking for \$500,000 with matching funds bringing the total to one million dollars. He stated the project has moved along during the last year, 90% of the right-away has been received and all the utilities will be put underground, meaning new signals.

Mr. Beauchamp asked if there was a downside to the county?

Mr. Pennell said no, after getting clarification from Mr. Smith that Kilmarnock has the funds to match the revenue sharing amount from VDOT. Mr. Smith acknowledged to the Board of Supervisors that the funding was in place.

Mr. Geilich made a motion to authorize the County Administrator to sent appropriate letter on behalf of the Town of Kilmarnock to indicate the intent to participate in the “Revenue Sharing Program.”

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

PUBLIC HEARING

1. Galen J. McKenzie – Request for Bay Act Waiver – Mr. Larson stated a request for an after-the-fact Bay Act Waiver by Galen J. McKenzie to encroach with a frame garage an additional two feet into the 50’ seaward component of the 100’ protective buffer and to add an additional 80 square feet of impervious cover to the 50’ seaward component. The affected property is described as Tax Map #11-14 near the end of VSH 622, in Morattico, Virginia. The property is in Voting District 1.

Mr. Larson said on November 3, 2003 Mr. McKenzie was issued a “no cost” building permit, as per policy, to, among other things, replace a single-story, one-car garage that had been destroyed by Hurricane Isabel. Since the replacement was storm related, no site plan was required. In September of this year, it was brought to staff’s attention that Mr. McKenzie was replacing the single-story garage with a two-story garage that “appeared to cover more area.” When Mr. McKenzie was contacted on the matter, he volunteered that the footprint was two feet wider and two feet longer. Mr. McKenzie was advised that he was in violation of the Lancaster County Chesapeake Bay Preservation Ordinance and County policies dealing with encroachment into the 100’ buffer by not obtaining prior approval to expand the footprint. He was also advised that the “no cost” permit was intended to cover only a strict in-kind replacement of the garage. Finally, he was advised that the remedies were either to tear the structure down or request a waiver from the Board of Supervisors to allow the additional impervious cover inside the 50’ seaward portion of the 100’ protective buffer. Given the extent to which he had completed the replacement structure, Mr. McKenzie elected to request an after-the-fact waiver. The delay in bringing the matter to the Board of Supervisors resulted from Mr. Larson’s requirement that Mr. McKenzie obtain a Bay Act site plan prepared by a licensed surveyor or engineer prior to coming before the Board of Supervisors.

Mr. Larson said it is important, in his view, to separate the issue of the second story from the additional impervious cover. Mr. McKenzie would have been issued a permit to build a second story replacement structure utilizing the existing footprint. The only difference is that he would have been charged the appropriate building permit fees since the proposed replacement was not “in kind.” While it may have obstructed the view of adjoining property owners, Mr. McKenzie had the right to build a two-story accessory structure. It is only the matter of increased impervious cover that brings Mr. McKenzie before the Board of Supervisors.

Mr. Larson stated it is also important to note that Mr. McKenzie volunteered the increased dimensions of the footprint. Had he not done so, it would have been virtually impossible to document any increase in footprint since no zoning permits or building plans of the original structure are on file. Mr. McKenzie has been totally forthcoming, has been contrite, and has given every indication of wanting to remedy his mistake short of tearing the structure down. For that reason, and the fact that we will obtain mitigation for stormwater runoff for the entire building (something we would not have obtained with in kind replacement) it is recommended that this request be approved subject to amending the building permit and charging the appropriate fees.

Adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received no input from adjoining property owners or other interested members of the public concerning this hearing of the request.

Mr. Frere opened the public hearing.

Jim Wakley, property owner in Morattico, submitted a petition with thirty signatures of property owners that do not have a problem with the two story structure.

William Douglas, adjoining property owner, stated he was concerned because approximately six months ago he wanted to add a carport and was told he had to be twenty feet from the property line.

Mr. Larson said if the garage was detached and five feet from the house and five feet from the property line, he could then have constructed a carport on his property.

Mr. Frere closed the public hearing.

Mr. Jenkins made a motion to approve the after-the-fact Bay Act Waiver for Galen J. McKenzie which is subject to site plan, storm water/nutrient migration and an after-the-fact permit fee.

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

2. Dan Wight – Application for Special Exception – Mr. Larson said application for Special Exception by Dan Wight to have a professional office on property described as Tax Map #15-102. This property is located on VSH 3, Mary Ball Road, in Lancaster, VA, is zoned R-1, Residential General, and is in Voting District 2.

Mr. Larson said as permitted by special exception in Article 5-1-19 of the Zoning Ordinance, Mr. Wight is proposing to place a professional office with three to four workers (limited to four by the ordinance) in what is now a single-family residence. This property adjoins the Women’s Club of Lancaster County, is across from the Lancaster Tavern, and is in close proximity to the Mary Ball

Washington Museum and Library and the Courthouse Office Building. As such, use of the property in the proposed manner is consistent with uses of adjoining or proximate properties. While proposed use of the property will likely create less stress on the existing septic system than present use, application has caused an inspection to be done (attached) verifying that the septic tank did not require cleaning and that the system was serviceable.

Mr. Larson stated the adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received one phone call from an adjoining property owner asking for additional information. That property owner indicated that he had no objection to the requested use of the property. There has been no input from other interested members of the public concerning this application.

Mr. Beauchamp informed the Board of Supervisors that he would abstain from any involvement on this matter since he has a business relationship with the applicant.

Mr. Frere opened the public hearing.

There was no public comment.

Mr. Frere closed the public hearing.

Mr. Palin made a motion to approve the Application for Special Exception for Daniel Wright with the condition the impromptu driveway in front of this structure will be closed, no further parking on the county parkland will be permitted and stanchions will be placed on the east and west boundaries to prevent further motor vehicle use of the county property.

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

CONSENSUS DOCKET

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

A. Minutes for November 29, 2004

Recommendation: Approve the minutes

B. School Board - Anemometer

Recommendation: Approve installation at Lancaster Middle School

C. Josh Jett – Eagle Scout Project

Recommendation: Approve donation of 20 pressure treated posts for an Eagle Scout Project

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of December 2004 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the Salaries for December 2004 in the amount of \$162,923.53 and Invoice Listings for December 2004 in the amount of \$458,950.00.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye

F. W. Jenkins, Jr.	Aye
Ernest W. Palin, Jr.	Aye

2. Removal of Pier at Windmill Point – Mr. Larson stated the owners of Windmill Point Resort and Yacht Harbor desire to remove the nonfunctional pier the adjoins County property and have asked permission to use County property while removal operations are conducted. The property on which the pier is located is in Voting District 3.

Mr. Larson said there is also a submerged obstruction in front of the county beach at this site. This obstruction constitutes a hazard to citizens using the public beach and wading or swimming in front of it. Mr. Speer, one of the principal owners of Windmill Point Resort and Yacht Harbor, has been approached on this matter and is agreeable to removing the obstruction while the pier is being removed from his property. All required permits/authorizations will be obtained from VMRC for removal of both the pier and the obstruction.

Mr. Geilich made a motion to approve the Removal of Pier at Windmill Point by allowing the use of adjoining county property for staging equipment.

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

3. RFP for Recycling Containers and Roll-off Trailer – Mr. Pennell said county staff has advertised a request for bids to purchase a roll-off trailer and five 16 cubic yard recycling containers (two each for Kilmarnock and Lancaster and one for Nuttsville) to replace aging containers used for the collection of recyclable aluminum and glass beverage containers.

Mr. Pennell stated the County received bids from Protainer, Inc. and Mid-Atlantic Waste Systems. Both bids meet the minimum specifications. The bid results were as follows:

Mid-Atlantic Waste Systems	\$26,997.70
Protainer, Inc.	\$34,775.00

This purchase combined with earlier purchase of a one-ton pickup truck would allow us to have a county employee haul recyclables to market rather than outsourcing this task to a local refuse disposal firm.

Mr. Beauchamp made a motion to accept the lowest bid from Mid-Atlantic Waste Systems.

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

4. January Planning District Commission Meeting – Mr. Pennell stated that annually, the January meeting of the Planning District Commission is held in Lancaster County. This year it will be held beginning at 5:30 p.m., Monday, January 24, 2005.

Mr. Frere made a motion to have the Northern Neck Planning District Commission quarterly meeting at Conrad's Upper Deck and Rose's Crab Shack as an alternate.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye

Peter N. Geilich	Aye
F. W. Jenkins, Jr.	Aye
Ernest W. Palin, Jr.	Aye

5. Environmental Inspector – Mr. Pennell said until recently, the Northern Neck Planning District Commission had two environmental inspectors. Ms. Micqui Whiddon – assigned to Lancaster County and Richmond County and Ms. Robin Markham – assigned to Northumberland County and Westmoreland County. Mr. Markham was just hired as Northumberland County’s full-time environmental inspector. Lancaster County has the opportunity to partner with Westmoreland County to acquire a .25 fte (full-time equivalent) position to assist with Erosion and Sediment, Chesapeake Bay Act and Wetlands inspections and regulatory activity.

Mr. Pennell stated once Ms. Markham agreed to the full-time position with Northumberland County, the PDC was in a position to lose that position unless a method to restore the position to full-time could be found. Coastal Zone Management agreed to continue to fund its one-half of the position if one or more of the Northern Neck counties could partner to make the position full-time.

Mr. Palin made a motion to approve a supplemental appropriation to the Northern Neck Planning District Commission of \$4,000 for .25 fte Environment Inspector for the remainder of FY05.

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

BOARD REPORTS

Appointment

Mr. Geilich made a motion to reappoint Sandra Smyre to the Social Services Board to represent District 3 for a four year term beginning January 1, 2005 and ending December 31, 2008.

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

Mr. Geilich made a motion to appoint Irvin Owings to the Historic Resources Commission to represent Lancaster County District 3 for a three year term which beginning January 1, 2005 and ending December 31, 2007.

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

Mr. Jenkins made a motion to appoint Robert S. Forrester to the Building Code Appeals Board to represent Lancaster County District 1 for a four year term which beginning January 1, 2005 and ending December 31, 2008.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye

F. W. Jenkins, Jr.	Aye
Ernest W. Palin, Jr.	Aye

Mr. Jenkins made a motion to appoint Louise Jesse to the Historic Resources Commission to represent Lancaster County District 1 for a three year term which beginning January 1, 2005 and ending December 31, 2007.

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

Mr. Jenkins made a motion to reappoint Donald Caskie to the Northern Neck Planning District Commission as an At-Large representative for a four year term beginning January 1, 2005 and ending December 31, 2008.

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

Mr. Jenkins made a motion to reappoint Joseph Curry to the Northern Neck Planning District Commission as an At-Large representative for a four year term beginning January 1, 2005 and ending December 31, 2008.

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

Mr. Jenkins stated there is a battle between recreational fishermen and the menhaden industry. He would like a resolution in support of the menhaden industry on the January 25, 2005 agenda of the regular Board of Supervisors meeting.

By consensus of the Board, the county administrator is asked to draft a Resolution in Support of Omega Protein.

Flush Tax

Mr. Beauchamp stated the Virginia General Assembly is considering imposing a \$52 flush tax per household to assist with the Chesapeake Bay restoration. The citizens of Lancaster County should not have to incur another tax.

Mr. Beauchamp made to a motion to authorize the County Administrator to write a letter in opposition of the proposed “Flush Tax.”

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

COUNTY ADMINISTRATOR

Race To GED

Mr. Pennell stated the Town of Kilmarnock has been selected to be the Virginia “Town” site for the Governor’s Race to GED program. The Town Manager has asked the county to assist by offering its employees an opportunity to participate in the GED training and testing.

Mr. Pennell said this program is being managed by Ms. Tonya Creasy, Regional Specialist/Program Manager for the Northern Neck Adult Education Program. Ms. Creasy has met with him and provided him with the details of the emphasized GED program.

While he has not yet determined how many county employees would be interested in participating in this program – he believes the numbers to be minimal since a high school diploma or GED is required for employment for all jobs except those at the convenience centers.

If approved by the Board of Supervisors, he would encourage the constitutional officers to offer this program to their employees, but, once again, he doesn't believe there are many who would be eligible.

This program is also available to any Northern Neck citizen who would be interested without the remuneration offered by the Board of Supervisors to its employees.

Mr. Palin made a motion to approve use of the “Race to GED” Program for county employees by offering one hour of regular pay for each two hours spent in class or testing.

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

**2005 ORGANIZATIONAL MEETING OF THE
LANCASTER COUNTY BOARD OF SUPERVISORS**

Election of Officers

Mr. Frere asked Mr. Pennell to open the nominations for the election of the 2005 Chairman of the Board of Supervisors.

Mr. Frere nominated Mr. Jenkins to serve as chairman.

Motion was made by Mr. Beauchamp to close the nominations and elect Mr. Jenkins Chairman by acclimation. VOTE: 5 – 0 Aye.

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

Mr. Frere assumed the chair for the remainder of the meeting.

Vice Chairman - Mr. Frere nominated Mr. Geilich to serve as Vice Chairman of the Board for 2005.

Motion was made by Mr. Beauchamp to close nominations and elect Mr. Geilich Vice Chairman by acclimation. VOTE: 5 – 0 Aye

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

MEETING DATES

Motion was made by Mr. Beauchamp to accept the following dates for the meetings of the Board of Supervisors in calendar year 2005. Each meeting will be held at 7:00 p.m. in the General District Courtroom.

January 25	April 28	July 28	October 27
February 24	May 26	August 25	November 28
March 31	June 30	September 29	December 29

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

COMMITTEE APPOINTMENTS

Planning Commission - Mr. Jenkins nominated Mr. Palin to serve on the Planning Commission.

Motion was made by Mr. Beauchamp to close nominations and appoint Mr. Palin to the Planning Commission by acclamation. VOTE: 5 – 0 Aye.

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

Planning District Commission - Mr. Jenkins nominated Mr. Beauchamp as PDC Executive Committee Representative and Mr. Palin as a PDC member and Mr. Frere as an alternate to serve on the Planning District Commission.

Motion was made by Mr. Frere close nominations and appoint the above individuals to the Planning District Commission by acclamation. VOTE: 5 – 0 Aye.

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

Social Services Board - Mr. Palin nominated Mr. Jenkins to serve on the Social Services Board.

Motion was made by Mr. Geilich to close nominations and appoint Mr. Jenkins to the Social Services Board by acclamation. VOTE: 5 – 0 Aye.

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

Emergency Services Director – Mr. Palin nominated Mr. Beauchamp to serve as Emergency Services Director.

Motion was made by Mr. Jenkins to close nominations and appoint Mr. Beauchamp as Emergency Services Director by acclamation. VOTE: 5 – 0 Aye.

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

Historic Resources Commission - Mr. Frere nominated Mr. Geilich to serve on the Historic Resources Commission.

Motion was made by Mr. Jenkins to close nominations and appoint Mr. Geilich to the Historic Resources Commission by acclamation. VOTE: 5 – 0 Aye.

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

VACo Representative/Legislative Contact - Mr. Beauchamp nominated Mr. Palin to serve as VACo Representative/Legislative Contact.

Motion was made by Mr. Jenkins to close nominations and appoint Mr. Palin as VACo Representative by acclamation. VOTE: 5 – 0 Aye.

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

Finance Steering Committee - The chairman is designated as one member of this committee. Mr. Beauchamp nominated Mr. Geilich to serve on the Finance Steering Committee.

Motion was made by Mr. Palin to close nominations and appoint Mr. Jenkins and Mr. Geilich to the Finance Steering Committee by acclamation. VOTE: 5 – 0 Aye.

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

Rappahannock River Basin Commission - Mr. Frere nominated Mr. Geilich to serve on the Rappahannock River Basin Commission.

Motion was made by Mr. Beauchamp to close nominations and appoint Mr. Geilich to the Rappahannock River Basin Commission by acclamation. VOTE: 5 – 0 Aye.

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

Northern Neck - Chesapeake Regional Partnership - Mr. Beauchamp nominated Mr. Palin to serve as Board Representative to Northern Neck - Chesapeake Regional Partnership.

Motion was made by Mr. Jenkins to close nominations and appoint Mr. Palin to the Northern Neck – Chesapeake Bay Region Partnership by acclamation. VOTE: 5 – 0 Aye.

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

BY-LAWS AND RULES OF ORDER

Motion was made by Mr. Jenkins to adopt the by-law and rules of order, as follows:

BY-LAWS AND RULES OF ORDER OF THE BOARD OF SUPERVISORS OF LANCASTER COUNTY, VIRGINIA

Affected Departments: All County Staff Members

1. By Laws and Rules of Order. In order to provide for the ease and manner in which the meetings of the Board of Supervisors of Lancaster County, Virginia, are conducted, the following by-laws and rules for internal organization and procedure are adopted. Reference is made to the Constitution of Virginia (1971), the Code of Virginia, 1950, as amended, and the Opinions of the Attorney General as they may apply. In matters of procedure not covered, the latest edition of Robert's Rules of Order shall apply.

The by-laws and rules of order of this Board may be amended by a majority vote of the Board and shall be adopted and re-adopted at the organizational meeting of the Board annually.

2. Resolutions and Ordinances. The business and powers of the Board shall be exercised through resolutions and ordinances duly adopted by the Board in compliance with the provisions of the statutes of the Commonwealth of Virginia and paragraph 7 of these By-Laws and Rules of Order.

Resolutions, or orders, shall be used for all county business that is essentially administrative, including internal or housekeeping matters and temporary concerns of the Board. Resolutions shall not be required to meet any strict standards as to their form and content, but they shall be clear enough to establish the intent of the Board. In most cases

a public hearing shall not be required prior to the adoption of a resolution. Ordinances, which are more formal enactments than resolutions, shall be used for most governmental or legislative matters that control the lives, liberties or property of citizens, that have a permanent effect, or that deal with subjects of county-wide concern.

The procedure for enacting an ordinance shall require compliance with strict statutory rules. Descriptive notice of the Board's intention to propose an ordinance shall be published once a week for two successive weeks prior to passage. Emergency ordinances may be adopted without notice, but they may not be enforced for more than 60 days unless re-adopted in the manner required by law. Land use controls and certain tax ordinances shall be subject to more stringent procedural requirements than other ordinances.

3. Chairman and Duties. A chairman and vice-chairman of the Board shall be elected by the affirmative majority vote of the Board at the annual organizational meeting of the Board. Their term shall be for one year or until a successor is elected. It shall be the duty of the chairman to preside over all meetings of the Board and to discharge any other duties as become necessary and are permitted. The vice-chairman shall act in the absence or disability of the chairman. The chairman shall be authorized to administer oaths to persons concerning any matters submitted to the Board or connected with its powers and duties. The chairman and/or the vice-chairman are permitted to make motions at their discretion. The chairman may sign all orders issued by the Board, but the Board assigns this duty to the County Administrator. The chairman, or the county administrator as designated, shall sign the records of proceedings of the Board's meetings and the monthly list of salaries/invoices.

4. Meetings. The Board shall hold a regular meeting at least monthly on a day and at a time to be set at the annual organizational meeting. The regular meeting of the Board may be adjourned from day to day, from time to time and from place to place, but not beyond the date set for the next regular meeting, until all business is completed. The regular meetings of the Board shall be held at the Courthouse in Lancaster. If the Board

finds it necessary to hold a regular meeting at a time or public place different from the Courthouse, such new time and place may be designated by duly passed resolution posted on the door of the Courthouse and advertised in a newspaper having general circulation in the County once a week for two successive weeks before such meeting.

Special meetings of the Board may be called by the Chairman or requested by two or more of the members of the board of supervisors. The call or request shall be made to the county administrator (clerk of the board) and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the county administrator, after consultation with the chairman of the board, shall immediately notify each member of the board of supervisors and the county attorney in writing delivered in person or to his place of residence or business to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present. The notice may be waived if all members of the board of supervisors attend the special meeting or sign a waiver (§15.2-1418).

5. Open Meetings. All meetings of the Board shall be held pursuant to the provisions of the Virginia Freedom of Information Act which provides explicit directions for holding open meetings.

An "open meeting" or "public meeting" means a meeting at which the public may be present to observe the operations of government.

6. Closed Meetings. A "closed meeting" means a meeting from which the public is excluded.

A closed meeting of the Board may be held only for those purposes specifically provided by law, as follows or as specifically provided for in the Code of Virginia (1950), as amended:

(1) Discussion or consideration of specific personnel cases, that is, of the employment, appointment, disciplining, performance, salary, dismissal or other related matters of particular governmental officials or employees of the public body;

(2) Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or the disposition of publicly held property;

(3) The protection of the privacy of individuals and personnel matters not related to public business;

(4) Discussion concerning the prospective location of a business or industry prior to any announcement of its interest in locating in the community;

(5) Consideration of the investment of public funds when publicity might adversely affect the financial interest of the governmental unit involved;

(6) Consultation, with or without legal counsel and staff, with respect to actual or potential litigation or other legal matters in the public body's jurisdiction;

(7) Discussion or consideration of tests or examinations used by a public body to evaluate employee qualifications or aptitude for employment, retention, or promotion and evaluate qualifications for any license or certificate issued by the public body.

The substantive and procedural requirements established for closed meetings shall be strictly observed. Prior to each closed meeting, the Board of Supervisors shall vote in open meeting to hold a closed meeting. That vote, as well as a statement specifying precisely the statutory basis for the closed meeting, shall be recorded in the minutes of the open meeting. When in a closed meeting, the Board may consider only those specified matters. For any action agreed to in an executive session to become effective, the Board of Supervisors shall reconvene in an open meeting and take a vote of its

membership on the particular action, the substance of which must be reasonably identified in the open meeting.

7. Quorum and Method of Voting. A majority of the members of the Board constitutes a quorum. Unless a greater requirement exists pursuant to the statutes of the Commonwealth, all questions submitted to the Board for decision shall be determined by a majority of the supervisors voting on a question by voice vote or by other method which sufficiently identifies the matter upon which a vote is being taken. Individual votes of the Board members shall be recorded. A motion by a member of the Board shall not require a second. Abstention from voting shall not constitute a negative vote. The vote of a member of the Board shall become final once the decision of the question has been finally and conclusively pronounced by the chairman and cannot be changed except after adoption of a motion to reconsider the action. If one or more members of the Board is disqualified from voting under the provisions of the Virginia Conflict of Interest Act, leaving less than the number of Supervisors required for action, the remaining member or members may act by majority vote. A tie vote shall defeat the motion, resolution or issue voted upon.

8. Records. Minutes shall be taken of all actions taken during meetings of the Board of Supervisors, except during closed meetings, and shall be recorded in bound volumes. These minutes shall include a description of the issue being considered by the Board of Supervisors, any motion made regarding the issue and a record of the vote of each member of the Board of Supervisors. Incomplete volumes shall remain in the County Administrator's office; completed volumes shall be filed in the record room of the Clerk of the Circuit Court. Copies of the minutes shall be available to the public, at the normal charge for copying, after the minutes have been approved by the Board and signed by the County Administrator.

The books, records and accounts of the Board of Supervisors, except those excluded by the Virginia Freedom of Information Act, shall be open to the examination of all persons and at all reasonable times.

9. Order of Business and Agenda. The order of business at all regular meetings shall be as follows unless changed by Board action:

1. Call to order
2. Public Input Session
3. Presentations
4. Public Hearings
5. Consensus Docket
6. Consideration Docket
7. Board Reports
8. County Administrator Report
9. Closed Meetings
10. Adjournment

A detailed agenda shall be distributed in advance of each regular meeting to the members of the Board. This shall include the minutes, salaries/expenditures and correspondence/reports for reading and review in advance of the meeting in an effort to conserve time during the meeting. A copy of the agenda shall be made available in the County Administrator's office for examination by the public and a copy shall be delivered to the local newspaper for publication whenever possible.

10. The Right to Require Information. The Board of Supervisors shall have the right to require monthly financial reports from any officer or office of the County or district thereof, may investigate bills and receipts thereof and may, for these purposes, require the production of books, papers and other evidence.

For the purpose of preparing and approving the County's annual budget, the Board of Supervisors may require the heads, or other responsible representatives, of all offices, departments, divisions, boards, commissions, agencies and all other recipients of County funds or appropriations to furnish financial reports and such other information as may be deemed necessary and in such form as may be required in relation to their affairs and activities.

The Board may subpoena witnesses and administer oaths for the purpose of acquiring information for making financial decisions in line with its function and duties as the governing body.

11. County Administrator. The Board of Supervisors shall appoint an executive secretary, who shall be designated County Administrator and such appointment shall be evidenced by a resolution. The County Administrator shall not be appointed for a definite tenure, but shall be removable at the pleasure of the Board.

The County Administrator shall be the clerk to the Board and his/her duties shall be those as prescribed by law.

12. Legal Counsel. The Board of Supervisors may create the office of County Attorney and appoint an attorney to handle its legal affairs. The County Attorney shall serve at the pleasure of the Board and his/her salary shall be set by the Board.

His/her responsibility shall be in matters including but not limited to the following:

(1) Advising and representing the Board of Supervisors and its boards, departments, agencies, officials and employees.

(2) Drafting and preparing county ordinances, contracts and agreements.

(3) Defending or bringing actions in which the County or any of its boards, departments, agencies, officials, or employees is a party.

(4) Prosecuting violations of orders of the Board of Supervisors, resolutions or ordinances.

In addition the Board may employ separate counsel when it deems it necessary in any suit against the County, in matters concerning County property, in collection of delinquent taxes, as well as in other matters concerning the County's interests.

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

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn.

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