

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Tuesday, January 25, 2005.

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

Others

Present: Jack Larson, Planning/Land Use; Lee Capps and Emerson Russell,
Town of Kilmarnock; Robb Hoff, Rappahannock Record

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

Mr. Geilich made a motion to ratify the 2005 Organizational Meeting actions and accept the election of the 2005 Chairman and Vice Chairman and the new assignments to various board and commissions.

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

PUBLIC INPUT

None

PRESENTATION

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

VDOT Revenue Sharing – Town of Kilmarnock

Mr. Pennell stated at the December 30, 2004 meeting of the Board of Supervisors, the members agreed to request Virginia Department of Transportation Revenue Sharing Funds to support projects planned in the Town of Kilmarnock.

Mr. Pennell said, as confirmed by Kilmarnock Town Councilman Curtis Smith, the Town has agreed to provide the matching funds for any revenue sharing funds offered by the Commonwealth during this fiscal year.

Mr. Beauchamp made a motion to adopt the following Resolution for VDOT Revenue Sharing for the Town of Kilmarnock:

**REQUEST FOR REVENUE SHARING FUNDS
FOR FISCAL YEAR 2005-2006**

WHEREAS, it is the desire of the Lancaster County Board of Supervisors to support improvements to the primary and secondary roads within Lancaster County: and

WHEREAS, the Lancaster County Board of Supervisors must notify the Virginia Department of Transportation by March 1, 2005 of the proposed use of funds under the Primary and Secondary Roads Revenue Sharing Program; and

WHEREAS, public funds put forth by the County will be reimbursed by agreement with the Town of Kilmarnock.

NOW THEREFORE, BE IT RESOLVED by the Lancaster County Board of Supervisors that the following enhancement project is hereby requested for inclusion in the FY 2005-06 Primary and Secondary Roads Revenue Sharing Program:

Town of Kilmarnock Main Street Streetscape Improvements - \$500,000 (further described on attached project list)

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

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

PUBLIC HEARING

1. Carl and Dale Haynes – Application for Special Exception – Mr. Larson said the application for Special Exception by Carl and Dale Haynes to have a professional office on property described as Tax Map #14-47. This property is located off VSH 3, Mary Ball Road, near Lively, VA and is in Voting District 1.

Mr. Larson said their property is located just outside the Lively Rural Village Overlay in which this would be a “by right” permitted use. If the overlay were to be expanded at some future point in time this parcel would likely be included in it. Further, as evidenced by the expanded explanation of their planned use for the property, traffic is the main concern. As long as traffic consisted of persons referred by building contractors and not the general public coming to select product they might install themselves, then it can be expected that the traffic pattern would be infrequent rather than regular. However, there would be no way to stop the public from going to the business and this is a major concern of the adjoining property owners.

Mr. Larson stated adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received input by phone from adjoining property owners or other interested members of the public concerning this hearing of the request.

Mr. Jenkins opened the public hearing.

Mr. Beauchamp asked how do you stop the public from visiting the business.

Mr. Larson said you can't.

Mr. Geilich asked how the property was zoned.

Mr. Larson said mostly residential.

James Kenner stated he own property directly across the road from the property. He said his concerns and the adjoining property owners is the location of the building to Route 3, there are 40 - 50 acres. In order for this not to be an open door activity to the public, it could set back further equal to the house. This business would be no different that Webster's Tile. The area is zoned agricultural and residential.

Mr. Jenkins closed the pubic hearing.

Mr. Jenkins made a motion to deny the Application for Special Exception by Carl and Dale Haynes.

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

2. Stephen H. Zukor – Request for Bay Act Waiver – Mr. Larson said a request for a Bay Act Waiver by Stephen H. Zukor to encroach into the 100' protective buffer on property described as Tax Map #21-71A near Merry Point, VA. This property is in Voting District 2.

Mr. Larson said the property owned by Mr. Zukor is a 7.01 acre parcel off VSH 611 on Hills Creek. On November 29, 2000, he approved a Bay Act site plan dated November 28, 2000, thereby permitting a 15' encroachment into the 100' protective buffer of a total of 2700 square feet of impervious cover. He believes that Mr. Zukor was a contract buyer of the property at the time and that he commissioned the plan as a contingency of the sale.

Mr. Larson stated in late October of 2004, he was approached by Charles R. Pruett, the surveyor/engineer who had done the original site plan, as to his willingness to approve a revised plan that would still result in encroachment but to a lesser degree. Normally, such modifications are routine. However, Mr. Pruett stated that the reason that he was asking the question was that original approval of the plat was inconsistent with our policy of not allowing any encroachment on lots created after September 1, 1990 (this parcel was created through subdivision and recorded on July 16, 1999). His response was that if he had made a mistake in approving the first plan, he would not compound it by approving a second plan. County policy of not allowing encroachment into the 100' buffer on lots created after September 1, 1990 has been a strict one. He then rescinded his approval of the first plan.

Mr. Zukor is requesting a Bay Act Waiver on the grounds that Mr. Larson's action in rescinding the site plan constitutes a hardship to him and that he would not have purchased the property if he knew that he could not encroach into the 100' protective buffer. Since staff error was involved, Mr. Zukor was not charged the \$100.00 fee to make this request.

Mr. Larson said 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.

Matt Terry, legal counselor for Mr. and Mrs. Zukor stated that in November 2000 his clients entered a contract to purchase the property on Hills Creek to build their retirement home. A site plan was prepared by Mr. Pruett and approved by Mr. Larson on November 28, 2000. The Zukors are willing to reduce the size of the house and reposition the house on the property. He said Mr. Larson should not be able to rescind his original decision from 2000 and asks the Board of Supervisors to approve the Request for Bay Act Waiver.

Mr. Jenkins opened the public hearing.

There were no public comments.

Mr. Jenkins closed the public hearing.

Mr. Geilich made a motion to approve the Request for Bay Act Waiver by Stephen H. Zukor.

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

CONSENSUS DOCKET

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

A. Minutes for December 30, 2004

Recommendation: Approve the minutes

B. Resolution in Support of Omega Protein

Recommendation: Adopt the following resolution:

SUPPORT OF OMEGA PROTEIN CORPORATION

WHEREAS, citizens of Lancaster County have a long-standing tradition and heritage of commercial fishing in the Chesapeake Bay; and

WHEREAS, efforts have been made to restrict commercial menhaden fishing in the Chesapeake Bay; and

WHEREAS, Omega Protein Corporation is one of the largest employers in the Northern Neck and has just completed a seventeen million dollar addition to its existing oil processing facility in Reedville, Virginia for the Omega 3 oil; and

WHEREAS, the Atlantic States Marine Fisheries Commission currently regulates the commercial menhaden fishing industry and has reported that the levels of menhaden are above the threshold of sustainability and morality rates are below the threshold of being endangered, and

WHEREAS, Omega Protein is an asset to the Northern Neck communities, its way of life and a company that has proven to be extremely environmentally conscientious.

NOW, THEREFORE, BE IT RESOLVED, that the Lancaster County Board of Supervisors believes that recreational fishing and commercial fishing can co-exist in the Chesapeake Bay based on the scientific facts; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors does not support any legislation involving additional restrictions on commercial menhaden fishing and desires that consideration be given only to science, not politics, as the controlling factor in determining the need for menhaden restrictions; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Senator John H. Chichester, Senator William T. Bolling, Delegate Albert Pollard, Jr., Delegate Harvey B. Morgan, Secretary W. Tayloe Murphy, Jr. and the Virginia Association of Counties.

C. Wetlands Board Report of Activity

Recommendation: Accept report as submitted

D. Board of Zoning Appeals Report of Activity

Recommendation: Accept report as submitted

E. Protection of Established Commercial Seafood Processing

Recommendation: Adopt the following Resolution:

**PROTECTION OF ESTABLISHED COMMERCIAL SEAFOOD
PROCESSING**

WHEREAS, Lancaster County has long recognized the value of traditional occupations to maintain the unique cultural fabric of a community; and

WHEREAS, Lancaster County has included protection in its Zoning Ordinance for seafood processing uses to be able to continue regardless of terminating operations for divers economic or personal reasons; and

WHEREAS, Virginia's tidewater communities are rapidly losing land parcels that are eligible for the commencement or continuation of seafood processing operations; and

WHEREAS, the 2005 session of the Virginia General Assembly is considering House Bill Number 2695 which provides statewide protection for longstanding family seafood processing operations; and

WHEREAS, although the General Assembly’s proposal is more restrictive than Lancaster County’s grandfathering provisions, it is proper to provide these protections to traditional family owned seafood processing operations.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors supports the provisions of House Bill Number 2695; and

BE IT FURTHER RESOLVED, the Lancaster County Board of Supervisors asks the members of Virginia’s General Assembly to enact House Bill Number 2695 as §15.2-2307.1 of the Code of Virginia, 1950, as amended.

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of January 2005 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the Salaries for January 2005 in the amount of \$154,650.88 and Invoice Listings for January 2005 in the amount of \$1,166,870.66.

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

2. Request by the Morattico Waterfront Museum for Exemption from Real Estate and Personal Property Taxes – Mr. Pennell stated he received a letter for Ms. Pat

McGee, President of the Morattico Waterfront Museum, asking the Board of Supervisors to consider exempting that organization from Real Estate and Personal Property taxes.

Mr. Pennell said §58.1-3651 Code of Virginia sets out the requirements for a local governing body to adopt an ordinance to exempt certain charitable organizations from real estate and personal property taxes. If the Board of Supervisors endorses this request from the Morattico Waterfront Museum, he will advertise a public hearing and prepare an ordinance for the February 24, 2005 Board of Supervisors meeting.

Mr. Jenkins made a motion to authorize the county administrator to draft an ordinance in support of the Request by the Morattico Waterfront Museum for Exemption from Real Estate and Personal Property Taxes and schedule a public hearing for the February 24, 2005 at the regular Board of Supervisors meeting.

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

(Editor's note – subsequent to this action, the county administrator learned that another section of Virginia law permits museums to be tax exempt by virtue of being a museum. The Commissioner of the Revenue will handle this matter administratively.)

3. Transfer Funds from Capital Improvement to General Fund – Rappahannock Record – Advertise RFP – 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 received the a request for payment from Dr. Latimore for payment to the Rappahannock Record for an advertisement to notify the

public of a request for proposals for an architectural/engineering firm to provide preliminary design and cost estimates for school capital improvement projects in the amount of \$49.00.

Mr. Beauchamp made a motion to approve the expenditures and appropriate \$49.00 from the Capital Improvement Account to the General Fund to cover the expense to advertise.

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

4. Contract Amendment for 911 Mapping System – Mr. Pennell stated the county staff is currently reviewing road centerlines developed by the Virginia Geographic Information Network (VGIN) as part of the Virginia Base Mapping Program (VBMP). The purpose of this review is to insure the accuracy of the data being used to complete this statewide mapping effort.

Mr. Pennell said at the beginning of the road centerline phase of the VBMP project, VGIN requested map data from all localities in any electronic format that might be available. The data provided to VGIN by Lancaster County was a “shot in the dark” conversion of the existing E-911 maps. It was suspected that these maps, originally developed by Mapcom Systems ten years ago and maintained through the years with proprietary Mapcom software, would be difficult to convert to any other mapping format.

During its initial review of the VGIN centerline files, county staff identified a number of errors which cannot be resolved using normal quality assurance procedures.

VGIN, if left to its own devices for resolving these errors, cannot guarantee the timely delivery of a corrected road centerline file. It is important that data from this project be integrated into the county's ongoing E-911 map conversion process.

The Timmons Group, which has been subcontracted by Geocomm to provide map conversion services for the E-11 Map Display System, has offered to resolve these issues. Timmons' proposal, as outlined in the attached contract amendment, is to perform the work necessary to correct the errors on a time and materials basis. Timmons has estimated that the additional work should cost no more than \$1,500 and has added the stipulation, at the county's request, that any work performed would not exceed \$2,000.

The road centerline file developed by VGIN was to be used by Timmons as the basis for the new E-911 mapping system. The alternative of having VGIN and Timmons concurrently develop separate road centerline files would represent a wasteful duplication of effort.

The Timmons Group is familiar with the VBMP effort and has assisted other localities in resolving similar issues. Having Timmons resolve the issues will allow for work to continue on schedule for both the county E-911 mapping project and the VGIN road centerline project.

Mr. Pennell stated the funding to cover the cost of this contract amendment would come from the E-911 fund.

Mr. Geilich made a motion to Approve the Contract Amendment for 911 Mapping System.

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

BOARD REPORTS

Mr. Geilich stated he read the letter to the editor written by Dr. George Moore about the Old Davis Store on Ocran Road. He wanted the public to be aware that the county is concerned with the safety of the citizens and environmental hazard. The problem is currently being worked on by the County Administrator and Building Official.

Mr. Pennell stated the County Attorney has been contacted to proceed with legal remedies to remove this building.

COUNTY ADMINISTRATOR

Mr. Larson stated David Donofrio, Merry Point Development was moving ahead on Hill's Quarters and doing a great job. He wanted to inform the board that he has approved minor changes to the master plan.

No action taken.

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn the meeting.

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