

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, February 28, 2008.

Members Present: Peter N. Geilich, Chair
Jack S. Russell, Vice Chair
B. Wally Beauchamp, Board Member
F.W. Jenkins, Jr., Board Member
Ernest W. Palin, Jr., Board Member

Staff Present: William H. Pennell, Jr., County Administrator
Jack D. Larson, Assistant County Administrator
Don G. Gill, Planning and Land Use Director

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

PUBLIC INPUT

Budget/New Courthouse

Phillip Oestreich, 683 Dungeons Thicket Road, stated he attended the school board budget hearing and Mr. Larson informed everyone that the judge has ordered the county to build a new courthouse. Mr. Oestreich has real concerns with that because the people at his church cannot afford to continue to pay higher taxes on their property and now the county is going to build a new courthouse. As a retired police officer he believes that taxpayer monies could be use more wisely and build a causeway from the jail to courthouse and rearranged the floor plan of the existing courthouse rather than putting a burden on the people of this county. If citizens are on a fixed income or making \$10.00 or less an hour and have to pay \$3.50 for a gallon of gas to get to work your dollars can only go but so far. The population for Lancaster County has decreased by 48 people since the 2000 census and those part-time residents which were mentioned apparently bring their supplies with them when they come to the county and do not spend their

dollars here. The Board of Supervisors should be concerned with the voting tax payers of this county and think about the cost of the new courthouse. He said he is unaware of the rules but does not understand how anyone can dictate to the citizens of this county as to how we should spend our money. He said he believes the causeway and an enclosed room for the inmates would be the most efficient way satisfy both the judges and for the safety of the citizens. He asked the Board of Supervisors to reconsider the steps being taking to build an \$8 to \$10 million dollar courthouse which is not affordable. The board cannot continue to raise the taxes of its citizens and they could cut back on the county staff.

Mr. Geilich said it is his understanding that judges have mandated that there be a courthouse with adequate security and if that does not happen the judges take the county to court.

Mr. Jenkins said it is a bigger issue than just more space, the county is not under a mandate yet from the judges, the board is trying to avoid the mandate because as long as the county avoids the mandate, the county has more of an ability to get the construction of a new facilities started and make it as economical as possible. That is the position that the Board of Supervisors is in at this point.

Mr. Oestreich stated if there is not a mandate yet there could be drawing to show how the existing courthouse can be utilized.

Mr. Jenkins stated there are more issues to be considered.

Mr. Oestreich said he would like to volunteer his services to help with this issue should the county seek citizen input.

George Bott stated he wanted to comment on the Letter to Editor submitted by Chairman Geilich in the February 14, 2008 edition of the Rappahannock Record entitled "Why Assessments and Taxes will Rise." He said his assessment went up by 122% even

if the tax rate remains the same his tax bill has doubled. The board has the ability to change the tax rate and as they are looking at budget of \$28.7 million dollars. He said there are two requests on the agenda for a supplemental appropriation by the Treasurer and the school board which means a lot more will be spent in this budget. In the second part of Chairman Geilich's article "Why Taxes will Rise" it said you are going to lower the tax rate? The value of homes are going down and taking longer to sell on average about one year in this county. He said taxes do not have to rise, the government does not have to spend at a budgeted 12% increase for this year when inflation only goes up by 3% - 4%. Government can live within inflation as a minimum.

Mr. Geilich asked Mr. Bott if he was aware of the Composite Index issue of \$1.2 million dollars, if the board does nothing in the school system the State is cutting that funding and the taxpayers have to make that up.

Mr. Bott said the State can be blamed, he again said taxes do not have to rise, there are answers to this equation.

Mr. Geilich stated the board would soon begin its budget work sessions and encouraged all to attend. The meeting will be advertised in the Rappahannock Record and at the county's website.

PRESENTATIONS

1. Robinson Farmer Cox Associates 2007 Audit – Mr. Paul Lee presented the Annual Financial Report for Fiscal Year Ended June 30, 2007. He said the first couple of exhibits are done on a government-wide basis which includes fixed assets, liabilities, as well as cash and banking. As stated in previous years, the end balance does not reflect the fund balance. Beginning at Exhibit 3 are the funds statements listed the way the board is used to viewing them and budgeting on. The tax collection percentage rate was 99% or just short of 100% for FY07. That is, the current taxes plus delinquent taxes are divided by the current levy the

result is right at 100% of the tax collections. There is work collecting taxes as well as work paying taxes and both are working for Lancaster County. It would only take two or three years of decline in that percentage and the county would begin to feel it in other areas of the budget.

Mr. Lee stated they issued a management letter this year in the audit about payment to superintendent at the end of the year for accrued sick leave. They went through all the available documentation on that payment to see how it was calculated. What was thought to be missing was that the school board itself did not approve the large payment and no records could be found in the minutes. It was recommended that for such a large payment it is required to be brought to school board for approval.

Mr. Jenkins asked for clarification of the \$208,000 payment to the former superintendent for alleged accrued sick and vacation leave. On this issue did the auditors find any evidence or documentation, in the administration category of the school system budget in which the superintendent salary was recorded? If that category did not carry an excessive balance to fund that \$208,000, did the auditors find out where those funds came from in the budget?

Mr. Geilich stated that was a criticism of the elected School Board not necessarily of the Board of Supervisors.

Mr. Lee said after reviewing all the documentation, the large payment to the superintendent was lacking school board approval. There should have been a recorded vote approving the payment found in the minutes. He said he did not find where those funds came from in the budget or to which category the funds were posted. However, in the management letter it was stated that the school board overspent its appropriation in administration, transportation and operations and maintenance but again can not find what category those funds were posted.

Mr. Jenkins stated the budget was allocated by categories and if the school administration moved funds from other categories to cover that check for administrative function, he believed there could be legal implications.

Mr. Lee said there are implications simply because of the over expenditures of the categorical appropriations in the first place.

Mr. Jenkins stated he agreed with Mr. Lee but when they are such a personal nature as those that benefit the person who is in control of the books it becomes far more important. We are discussing an individual who may or may not have done wrong, but would have certainly had the authority to order the transfer of those funds particular if it was backed-up verbally by a senior official on the school board, even though by law it was not legal. He certainly would have had the ability to move those funds within the bookkeeping system.

Mr. Lee asked the board to look at page 57 of the Annual Financial Report which shows over spent expenditures for Administration in the amount of \$257,202, Pupil transportation overspent in the amount of \$84,287 and Operations and Maintenance overspent in the amount of \$37,345. The overall school fund was not over spent but that would not matter because the board appropriated by category. It is really a compliance issue with the appropriation resolution the Board of Supervisors approved.

Mr. Pennell commented that there was no such thing as an “overall school fund” since the budget was approved by category.

Dr. Russell asked if there was sufficient documentation of the \$208,000 regardless of whether or not it was approved by the school board.

Mr. Lee said they found documentation to determine how the calculations were made and the basis upon which it was made. In the most recent contract

with the former superintendent, it did not indicate a limitation on accrued leave the way other employees of the school board are limited. However, the school board was still required to approve the payout.

Mr. Jenkins said he understands that there was documentation within the files of the school system that stated how the amount was computed at \$208,000. At the time the audit was performed the school system was under an obligation to report to the auditors all liabilities which were pending, for any unused leave for any employee of the system. He asked Mr. Lee if that was correct. Did the school system provide the information and who was the responsible party for the integrity of providing this information to the auditors?

Mr. Lee said yes that information was requested.

Mr. Jenkins asked who was responsible for what was given to the auditors.

Mr. Lee said the school board clerk, there would be no reason to believe that adequate information would be provided.

Mr. Geilich stated the ultimate responsible rests with school board.

Mr. Lee said yes.

Mr. Jenkins asked Mr. Lee if he recalled what dollar amount was reported as the liability on the books for the former superintendent for unused leave.

Mr. Lee stated what they had in 2006 been significantly less what was paid out in 2007.

Mr. Jenkins said the documentation the clerk provided to the auditors gave evidence to support the \$208,000 payment to the former superintendent was entered into the records at what time.

Mr. Lee said it was done close to the payment date of June 30, 2007.

Mr. Jenkins asked Mr. Lee if in his opinion would that be a substantial change to information reported at the original time of the audit. The total liability reported in the same fiscal year to the auditor was \$23,000.

Mr. Lee said from June 30, 2006 – June 30, 2007 the answer is yes.

Mr. Jenkins said it appears that members of the school administration determined, whether right or wrong, that the \$23,000 was substantially increased to \$208,000.

Mr. Lee stated if there was an increase it certainly should have been reported.

Mr. Pennell clarified that at the end of 2006 the superintendent's annual/sick leave obligation appeared to be \$23,000, but based on the 2007 report the \$208,000 was paid out.

Mr. Jenkins stated that would make the June 30, 2006 audit incorrect, however; the auditors have to rely on the information they are provided with. If the auditors have a client that indeed reports one figure and pays out another, because of the significant differences between \$23,000 and \$208,000 they should have provided the correct information to the auditor.

Mr. Lee said that is correct, the school board should have reported any changes to the auditors.

Mr. Beauchamp asked Mr. Lee if he understood that nothing was found in the school board minutes approving the payment.

Mr. Lee said that was correct, that payout was not approved in the minutes.

Mr. Jenkins stated the board was simply trying to get clarification.

Mr. Lee said in other school board concerns were there was \$400.00 petty cash on general ledger balance, but there was only \$14.00 in the account. They recommend that receipts are submitted and funds are replenishing to \$400.00 or do away with the petty cash funds. His third concern was that purchase orders were not being signed and the schools needed to be consistent on having those approved when the request is made. Lastly, the school board overspent appropriations which were discussed earlier in the presentation.

Mr. Jenkins asked in the review of the accounts where one or more credit/debits cards housed within the school system. Where they in order and approved under the normal regulations which govern such expenditures.

Mr. Lee said yes they reviewed but would have made a comment in the management letter if there as any major concerns.

Mr. Jenkins asked if the balances or payment for the credit/debit card account big amounts.

Mr. Lee stated he does not recall the amounts.

Mr. Pennell informed the citizens that the Lancaster County Annual Financial Report for Fiscal Year Ended June 30, 2007 has been posted at the county's website and provided them with the address.

Mr. Lee said they are faced with a new auditing standard for 2007 without having anything changed in the way the county worked in prior years. The standard now says that in order to get a clean opinion on the internal controls the county has to have the ability to keep books to the end of the year, make adjustment for revenue accruals and expenditures so that the books will reconcile back to the audit report. In the past years, in most localities you hired an auditor take cash basis and post accruals. This year the Assistant County Administrator has been instructed to work on that for the upcoming year.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Southern Lancaster County Sub-Area Planning Study Draft Scope of Work

Mr. Trapani stated at the January 24, 2008 Board of Supervisors meeting the board was provided with the Southern Lancaster County Sub-Area Planning Study Draft Scope of Work where VDOT hired a consultant to look at growth patterns and the needs along the VSH 3 corridor. Mr. Gill attended the kick-off meeting which was held February 27, 2008 at the Warsaw Office and VDOT has the consultant on board. They determined the scope of the project, which begins in Lively and ends at the Norris Bridge on VSH 3. The consultant will be looking at growth trends and recommendations for improvements. The goal is to have this project completed by fall to unveil to the local officials.

Traffic Signal at VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road

Mr. Trapani said the traffic signal at the intersection of VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road is awaiting concrete cure and hopes to start setting poles the following week.

VSH 675/Blackstump Road

Mr. Trapani said he expects to be receiving the speed study information on VSH 675/Blackstump Road within the next week to be presented at the next board meeting.

Six-Year Plan

Mr. Trapani stated as a reminder they would have a Six-Year Plan work session at the March 27, 2008 Board of Supervisors regular meeting and schedule the public hearing for the April 24, 2008 Board of Supervisors meeting on the Secondary Highways Six-Year Plan. (Editor's note – because of the unfinished work in the General Assembly – these work sessions will be rescheduled to a later date)

PUBLIC HEARINGS

1. Ordinance – District 3 (Precinct 2) Polling Place – Mr. Pennell said that Virginia held presidential primary elections on February 12, 2008 and a Virginia House of Delegates District 99 special election on February 19, 2008. Both of these dates interfered with Grace Church's Lenten schedule and a temporary polling place was designated for these two elections only. This public hearing will serve to ratify the emergency ordinance adopted by the Lancaster County Board of Supervisors at its January 24, 2008 regular monthly meeting.

Mr. Pennell stated the county attorney has advised that the emergency ordinance must be adopted using the statutory guidelines for the adoption of an ordinance.

Chairman Geilich opened the public hearing.

Hearing none, Chairman Geilich closed the public hearing.

Mr. Geilich made a motion to ratify the emergency ordinance adopted by the Lancaster County Board of Supervisors at its January 24, 2008 regular monthly meeting for Temporary Change of District 3 (Precinct 2) Polling Place.

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

2. Charles Bouis – Application for Special Exception – Mr. Gill presented an application for special exception by Charles Bouis to place an 80 feet data antenna/pole on property described as Tax Map #35 G 1 11A. This property is located at 263 Tammy Drive off VSH 645, Dungeon’s Thicket Road, in Voting District 3.

Mr. Geilich said the applicants have withdrawn the application. No action taken.

3. Raymond Alford – Application for Special Exception – Mr. Gill presented an application for special exception by Raymond Alford to place an 80 foot data antenna/pole on property described as Tax Map #22 51G. This property is located at 673 Nugent Lane off VSH 675, Black Stump Road, in Voting District 5.

Mr. Gill said 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 antenna at various locations within the county to provide wireless broadband Internet access in areas lacking that capability.

Mr. Gill stated the proposed location for this antenna/pole is near an existing antenna located on Tax Map #22 50C served by the same Internet service provider. While the proposed location would normally be within range of receiving service from the existing antenna, it is unable to do so due to tree obstructions and topography as verified by Northern Neck Wireless Internet Service, resulting in this request for another antenna in close proximity to an existing one.

Mr. Gill said this request has been advertised and adjoining property owners notified as required by law. To date, staff has received one inquiry from the public requesting information why a second antenna was needed when one existed nearby.

Chairman Geilich opened the public hearing.

Mr. Tom Foulkes, Northern Neck Wireless Internet Services, LLC stated this location is close to the pole on Glenn Rowe's property shooting out the creek and down river, but has not done much for other residents because of trees and hills. They are hoping with Mr. Alford's pole to reach some of those 24 people on the waiting list. The towers on Black Stump Road are close but no closer than the three water towers in the Town of Kilmarnock with $\frac{3}{4}$ miles apart.

Dr. Russell asked how does Northern Neck Wireless Internet Services go about deciding where the antenna/pole be placed and is this supply and demand.

Mr. Foulkes said somewhat, first that have to see if they can get a signal, to see if a back haul shot can be obtained from their closest tower to the next tower, and the process needs to done in steps so the first thing would be to go out to the site with a crane or some type of equipment to determine if a back haul shot could be located. It also comes down to how many people want the service in a particular area.

Dr. Russell asked what is a back haul shot.

Mr. Foulkes stated they use several different frequencies for the wireless signal and a back haul shot is a 5ghz frequency which is a small signal, line of sight which is why they have to use 80' poles to be just above the tree line which is how they obtain bandwidth from the main/closest tower to each of the poles.

Ray Alford stated he talked to several of his neighbors and they are interested in the service. He said his neighbors are tired of dial-up service.

Mr. Foulkes stated this was an opportunity to expand the much needed services.

Mr. Geilich stated with this technology that is going to make the county like porcupine. Is there something better then poles.

Mr. Foulkes said no unfortunately there are cell companies experimenting with 3x technology which they have in the big cities.

Mr. Jenkins said the fact is with one or two subscribers that gets your return on your investment with an 80' pole.

Mr. Foulkes said they would not get a return on their investment with one or two subscribers because of the cost of equipment, pole, and labor. He said they break even with six or more customer after six months off one pole. He said there are new frequencies just released by the FCC and they are one of two companies in the State of Virginia that has been granted a license for that. The advantage for his company is that it is a licensed frequency; Virginia Broadband is the only other company in the State that has been granted this license. They are excited about the new license because they can now turn the frequency up higher, because working in unlicensed frequencies they have very low power caps.

Chairman Geilich closed the public hearing.

Mr. Beauchamp made a motion to Approve the Application for Special Exception by Raymond Alford to place an 80 feet data antenna/pole on property described as Tax Map #22 51G.

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

4. Application for Change of Zoning District Classification – John B. Lowry – Mr. Gill presented an application for a Change of Zoning District Classification from A-2, Agricultural, General to C-1, Commercial by John B. Lowry for 3.0 acres described as Tax Map #24-10B. This property is located on VSH 200 (Jessie Ball Dupont Memorial Highway), near its intersection with VSH 607 (Good Luck Road) in Lancaster, Virginia and is in Voting District 2.

Mr. Gill said the Planning Commission recommended favorable consideration of this zoning based upon the uses presented in the applicant's proposal with a vote 4-0.

Mr. Gill stated the intent of this rezoning is to be able to operate a sports bar/restaurant with pool tables in the building that was formerly used as Cap'n John's Antiques. Present zoning of A-2, Agricultural, General would not allow that use. The contract buyer's proposal also states that they would initially like to operate the antique store (which is an authorized non-conforming use) and/or a general store (which is a permitted use in C-1) while they renovate the building for the sports bar/restaurant.

Mr. Gill said this request is considered reasonable since there is commercially zoned property directly across the road operated as a pool and spa retail store, and there is an auto parts store and repair shop located on an adjacent A-2 parcel. The contract buyer's proposal also points out that previous uses of this property have been commercial. The contract buyers have indicated that their financing to purchase the property is contingent upon a successful rezoning and therefore have tried to keep out-of-pocket expenses to a minimum to this point. If rezoned, a site plan must be submitted addressing health department and VDOT concerns as well as adherence to other zoning issues such as parking and signage. Also, if the Board of Supervisors ultimately approves this rezoning request, a public hearing will immediately follow to consider the special exception required to operate the sports bar/restaurant with pool tables, in which the Board could set additional conditions such as hours of operation.

Mr. Gill stated adjoining property owners have been notified and advertising conducted as required by law. Other than input expressed at the Planning Commission's Public Hearing on January 17, 2008 (minutes were provided to the Board of Supervisors), staff has received two requests for information from interested members of the public.

Chairman Geilich opened the public hearing.

Mr. Mat Terry, Legal Counselor for the contract buyers, Cecil and Kelly Dameron stated the prospective buyers would like to rezone the property from A-2 to C-1 as a restaurant is a permitted use in C-1; the special exception is to address the building use. The Planning Commission unanimously recommended this to the Board of Supervisors. Over the years, the building has had many uses such as a Moose Lodge, Dance Hall but most recently an Antique Shop. By rezoning this property to C-1 would recognize its long-standing commercial use and he believes this property is located in an enterprise zone of the county which would be consistent with the Comprehensive Plan as well. He said it is located

next to D & A Auto Parts which is another non-conforming use and commercial operation. The owner of that property has also contacted his office about possibly rezoning of that property in the future. Directly across the road is Lazy Daze Pool and Spa which is currently zoned C-2. He said Lancaster County currently enjoys a number of high-scale restaurants and there are not a lot of places where a family can go to eat and enjoy ball games. He showed the board the proposed lay-out of this family orientated restaurant which will include a billiard parlor. As part of the conditions, they have developed a list to include ample parking, well lit with security cameras, there will be security cameras on the interior of the building, they will close no later than 1:00 a.m. because Sheriff Crockett said nothing good happens between 1:00 – 2:00 a.m. and the deli will close earlier. The targeted clientele is over 20 years old; families will be able to have a good time with entertainment. There have been discussions with a retired state police officer as a security consultant/guard. The pool tables will not be coin operated, rather rented by the hour so not to be operated as a dive but a family orientated establishment. He said the Damerons were present to answer questions.

Phyllis Vail stated her concerns were the fact that the zoning request is for a specific piece of property. She said she would assume the county has a master plan that would look at the zoning and see how it should be used. In some municipalities changing the zoning for a specific piece of property to benefit a specific owner is known as spot zoning. It is not looked upon as something a locality would want to do when planning or zoning because it does not take into effect the impact that it has on a surrounding area. This would take a three acres piece of property zoned agricultural and turn it into commercial which is a major concern because what happens to the master plan that left this property zoned agricultural and now being rezoned to benefit a specific landowner. She stated she took an opportunity to review Lancaster County's Land Development Code because she was unaware of how the system worked here and noticed that is a definition for term "variance", however; she could not find anything on special exception and ask if they were the same thing.

Mr. Jenkins said no, special exception is term used for conditional use.

Ms. Vail asked why the landowner going thorough the process of changing the zoning, so the applicants can apply for conditional use as opposed to going for a variance for a non-conforming use for a zone that currently exists. If the applicant comes for a variance, they need to present a plan of what is going on at that site and its uses that have to be presented with a hard copy. This ensures that the board is not approving something that it has not seem and this opens the door to do whatever that landowner would like to do as long as it is permissible in that zoning. This appears to be reckless to assume that every applicant is totally honest and will do exactly what they said they would do and unfortunately that does not always work. Another thing this is in the ordinance is that approval should not be based on the fact that there are existing non-conforming uses in the area, this should be based on the merits of proposal that the applicant is making. If the board continues to approve non-conforming uses it changes the character of the area. This is also a residential area and a positive for the proposed business could be a negative for the residents. Would the lights in the parking lot bother the surrounding residents? She believes this should be a variance rather than a non-conforming use.

Mr. Gill stated the reference to spot zoning is invalid due to the fact that another commercial property is across the street. The applicants have submitted a plan of development although modest because their financing is contingent upon a successful rezoning. The issue addressed such as a hard copy and lighting would be addressed in a site plan which would be required prior to starting development. The Comprehensive Plan states that the county should encourage uses of existing buildings.

Dan Howard stated he is avid pool player and to play a competitive game of pool on a 4 ½' X 9' table he has to travel to Fredericksburg or Denbigh which is long distance to travel especially with the current gas prices. He had an

opportunity to meet Mr. Dameron and he explained his plan which is why he is voicing his support for this request. He believes this would be a great asset to the county and will bring in revenue.

Ann Carter submitted a letter to the Board of Supervisors from Craig Smith, Pastor of Morattico Baptist Church in opposition of the rezoning and proposed use of the property. She stated that she and her husband were fond of the Lowrys and it hurts to oppose them. At the Planning Commission meeting it was noted that security guard would be in place, the sheriff had been approached this is an indication that they are expecting trouble. There are two other businesses there, but she doubts they want to hire security guards or consulted with the sheriff prior to opening their businesses. Another name for security guard is bouncer and it is the job of the bouncer to remove trouble makers from the facility into their neighborhood. At a night spot/lounge near by on Good Luck Road five people were shot and their neighborhood does not need more of that type of activity/violence. She realizes there are two businesses in the area but there are also two churches within walking distance. She asked the board members if that would welcome such a request in their back yard.

Mr. Jenkins asked if the gunfire incident was at a private home.

Mrs. Carter said no it was at the Prince Hall Masonic Lodge.

Mr. Pennell stated the Prince Hall Masonic Lodge is on Good Luck Road but closer to VSH 3.

Mrs. Carter said her husband put his property in an easement with a net result to the county of a \$1.2 million dollar donation. His donation was in projected income that he could have gotten by selling the farm. Should the board approve the request it will degrade his efforts to keep this a rural and safe area.

Katherine Skell stated she moved to Lancaster County five years ago and loves the charm of the rural nature. The area does have a lot of large tracts of land. With approving this type of rezoning to C-1 is catalyst for more. Already there is a trend where the area is attracting transients. The five individuals were shot and the violence moved from the Lodge to the hospital where over 75 individuals tried to storm into the hospital. She suggested keeping the area rural and if there is a need for a billiard hall put it closer to the center of Town of Kilmarnock. Because the county does not have the resources should there be trouble. This is an insult to general nature of the county which should be taken into consideration before approval. She provided the board with a copy of the article of five people shot.

Lindy Grigsby said this would change the nature of the area and the board should be careful about how and where it positions businesses. As a parent, her main concern is the nature of the business and alcohol consumption. Her son will be a new driver soon and will pass that business to visit the home of his grandparents and friends. New drivers may encounter patrons of the sports bar/restaurant, who may have had a number of drinks.

Mr. Oestreich stated he agreed with the last couple of speakers that the road is very dangerous but please consider the children. He stated he is a personal friend of the Lowrys but believes this request should be denied. He stated he agrees that a billiard hall would be great idea but without alcohol. If this is going to be a family restaurant, alcohol is not needed and if you need a security guard at the door - trouble is expected. He opposes the request as it currently reads with the sports bar, but would like to see a billiard hall.

Bob Pittman said he lives on Morricatto Church Road approximately 1 ½ miles from the site in District 2. He was born here and lives in a farm house where he grew up in and you get a really good look at the traffic on the highway from a combine or a tractor traveling about 15 mph but over 40 years of moving

equipment on VSH 200 the traffic has gotten worst. There is more traffic traveling at much greater speeds. He questions the wisdom of having a facility right on VSH 200 with customers leaving after consuming alcohol especially at night. He believes this type of business would be better placed in town. It a dangerous situation for children and asked the board to deny this request.

Daphne Benton stated she lives at 10296 Jessie Dupont Memorial Highway “Holly Farm” right beside Capt. John Antiques. They moved here approximately five years ago to a beautiful rural area and a great place to raise a family. They were very upset over the idea of having a bar right next door as their property adjoins the property on the north side and rear west side. As parents they do not want alcohol being served on the property. She said pool halls and bars are not the reason they moved to Lancaster County five years ago. The incident that took place on Good Luck Road and problems at the other bars on the river or in town is not what they want for their neighborhood. A business of this type would be better located closer to town whereas more patrons can frequent, with more lighting, and more police availability. The community does not need this type of business on VSH 200 and has concerns about the VDOT study for a turning lane and would like to know more about that. The major concern is changing the rural atmosphere; people across the street will be affected by the lighting, the establishment, and increased traffic. There will be a lot of people turning around in their front yard. Please deny this request for the health and safety of their family and the neighborhood.

Tim Crandall stated he is a life long resident of the Northern Neck and supports the Damerons. He appreciates Mr. Dameron’s desire to open up a billiard hall/seafood restaurant in this area for a different age group of citizens that live in this area. He stated Mr. Dameron does not drink and is not trying to promote drinking and the security guards are simply for the safety of everyone. He believes the type of clientele targeted would be gone long before 1:00 a.m. There is currently no place in Lancaster or Northumberland County where people

can go play a game of pool. Unfortunately there will be accidents and we do not have any control of that. He totally supports this rezoning request made by Mr. & Mrs. Dameron.

Lloyd Hill said the location is the main concern for this proposal. The Comprehensive Plan was to keep the area a rural setting. When you place a sports bar and grill into a residential and agricultural area, the whole concept of the area is being changed and believes that like things should be kept together. He is in opposition to the rezoning of this property for a sports bar and grill.

Debbie Dodson stated she also lives on Morattico Church Road and asks the Board of Supervisors not to approve the rezoning because this was not a suitable location for this type of business.

Maxine Carter stated she lives across the street and she too was born and raised here and said she loves to play pool but does not want a pool hall in her front yard. She said she was in opposition to the rezoning request.

Christine Beach stated she moved here about five years ago and has had an opportunity to work in a number of bars, restaurants, hotels, and country clubs. If someone is going to create an establishment to a target audience, you can not guarantee that is the audience you will get. Most people going to play pool will not be taking their children because the biggest profit is the bar. As a Tides Inn employee she often leaves work between 11:30 p.m. – 3:00 a.m. and drives down VSH 3 where she has almost been hit several times and has come across fatalities. Traveling the roadways that late at night you already run the risk of be injured by someone who was been consuming alcohol at a local establishment. Inside the Town of Kilmarnock would be a much better location for this type of business. She asked the board to deny the request to rezone this property.

Pamela Howard said she and her 11 year old son frequently go to pool halls with her husband, so there are plenty of families that go to pool halls. As far as alcohol consumption, hopefully they will only be serving those over 21 years of age and they drink responsibly. A good affordable seafood restaurant is needed in the area and to have an arcade would be great. There is no place in the Town of Kilmarnock for this business which requires a larger facility. Unfortunately there maybe some clients that cause problems which is why you have prevention such a security, dress code, section off the restaurant from the bar area and believes that Lancaster could benefit from this type of business.

Lee Robbins stated he welcomes the Damerons to Lancaster, they are creditable people and believes they will run a nice establishment. He does not believe they will do anything to harm the community. Mr. Dameron has played in pool tournaments all up and down the East Coast, this would be a good location, the county needs the tax money, revenue, and jobs.

Mr. Terry said the incident at the lodge was 2 ½ miles from the proposed establishment and was a private party. The Damerons have been consulting a security specialist to be proactive because they do not want the possibility of trouble. The Town of Kilmarnock's business structure is not conducive for this business and is very expensive. This is not just a piece of farm land there is an existing building already at that location which has been used as a Moose Lodge, Dance Hall, etc. over the last fifty years. This proposed use is consistent with the Comprehensive Plan and has been recommended by the Planning Commission. Alcohol is legal and can be picked up at 7-11 or most any store. He does not believe there would be a problem with pedestrians. He believes once given all the factors and a site plan would need to be approved which will provide more details. Applying for a variance is to show hardship which is not the issue for this proposal. He asked the board to approve the request to rezone.

Chairman Geilich closed the public hearing.

Dr. Russell said the board has been talking about rural character for the last 18 months and he believes this will change that area. He believes this will have an impact on this area and there will be a ripple affect. After all the work the board, Planning Commission, and citizens input on the Comprehensive Plan he can not support this request to rezone.

Mr. Jenkins said if you visit the site it is clear that when the original 1975 Zoning Ordinance was done, this property should have been zoned commercial if not industrial. This site housed a major sawmill operation, there was a teen dance hall across street, and a community center was down the road in Northumberland County. He appreciates the concerns but this building/property has always been used as commercial use. There should be a site used for reasonable entertainment available to citizens and he also believes it is incumbent upon the board to encourage the reuse of vacated buildings. Ther is an old existing building that was a school in the Village of Lively that is simply falling down because there were restrictive uses of what could done because it was agriculturally zoned. He strongly supports the rezoning and proposed use of the property. If the board does not approve, the county would never be able to say we are encouraging people to redevelop abandoned former commercial use buildings into new use.

Dr. Russell stated he agrees with the redevelop of an abandoned building but does not see this use as family entertainment.

Mr. Beauchamp stated there were three similar facilities near his home growing up in Callo where you could play pool and have drinks where available. To him this is not a change, its just going back to the way it was and he supports this request.

Mr. Palin made a motion to Approve the Application for Change of Zoning District Classification from A-2, Agricultural, General to C-1, Commercial by John B. Lowry for 3.0 acres described as Tax Map #24-10B.

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

5. John B. Lowry – Application for Special Exception – Mr. Gill presented an application for special exception by John B. Lowry to place a public billiard parlor and sports bar on property described as Tax Map #24 10B. This property (formerly Cap’n John’s Antiques) is located on VSH 200 (Jessie Ball DuPont Memorial Highway) near its intersection with VSH 607 (Good Luck Road) and is in Voting District 2.

Mr. Gill said Article 8-1-30 of the Lancaster County Land Development Code allows public billiard parlors and pool rooms, dancehalls, and similar forms of public amusement, with a special exception in the C-1 Commercial District. It also states, “In approving any such application, the Board of Supervisors may establish special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as it may deem necessary in the public interest.” The contract buyer’s proposal from the preceding conditional rezoning request states that they would like to operate a sports bar/restaurant with televisions offering sports events, pool tables, darts, shuffleboard, arcade and internet games, dancing and possibly karaoke in the building that was formerly used as Cap’n John’s Antiques. Their proposal documents a lack of similar businesses in the area, which they believe constitutes a need for such an establishment.

Mr. Gill stated the only opposition expressed during the Planning Commission’s Public Hearing on the rezoning request involved security and hours of operation. The contract buyer’s proposal states that they will install security cameras both inside and outside the building and will close no later than 1 a.m.

Mr. Gill said adjoining property owners have been notified and advertising conducted as required by law. To date, there has been no other input from the public.

Chairman Geilich opened the public hearing.

Mrs. Vail stated there are two neighboring commercial uses but neither is open at night or generate a large amount of traffic. She believes it is unfair to characterize the neighborhood by what was there 50 years ago. There is farmland next door to the existing building and has been that way for 30 years. She finds it difficult to reconcile the two commercial properties in the area with a restaurant.

Mr. Gill said Article 8-130 of the Land Development Code allows a public billiard parlor, pool room, dance halls, and similar forms of amusement with a special exception. It also states in approving any such application the Board of Supervisors may establish special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they deem necessary in the public interest.

Mr. Palin said he has visited the site, spoken with the Damerons, Sheriff Crockett and listen to the citizens. It sounds as though there a lot of opposition to alcohol being served, security, lighting, and traffic, however; he is in favor of supporting this special exception because this has been a commercially used property for years.

Chairman Geilich closed the public hearing.

Mr. Palin made a motion to Approve the Application for Special Exception by John B. Lowry to place a public billiard parlor and sports bar on property described as Tax Map #24 10B, mandate the business close at 12:30 a.m.

and parking lot cleared by 1:00 a.m., to ensure the lighting does not interfere with surrounding properties, mandating for indirect lighting in the parking lot.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Nay
	B. Wally Beauchamp	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. Northern Neck Heritage Trail Bicycling Route Network

Recommendation: Adopt Resolution

**Resolution Supporting the Designation of the
Northern Neck Heritage Trail Bicycling Route Network
and a Connecting Water Trail as Segments of the
Potomac Heritage National Scenic Trail**

WHEREAS, the Potomac River corridor is one of the most historically significant regions in the United States, and

WHEREAS, among other forms of recognition, Congress affirmed the significance of the Potomac River corridor in 1983 by designating a corridor for the Potomac Heritage National Scenic Trail, and

WHEREAS, the Trail corridor, one of only 24 national historic and scenic trails in the National Trails System, offers communities in the Commonwealth of

Virginia immense opportunities to enhance existing recreational amenities, leverage heritage tourism and economic benefits, expand non-motorized transportation networks, preserve natural areas, and create new and exciting educational and interpretive experiences as well as connections to places with related themes, and

WHEREAS, the Northern Neck Planning District Commission has been working in partnership and collaboration with its member counties, the adjoining planning districts, Bike Walk Virginia and the National Park Service, to identify and develop segments of the Potomac Heritage National Scenic Trail in the Commonwealth of Virginia to include the Northern Neck region, and

WHEREAS, these efforts have culminated into proposed trail routes as identified in the Application for Designation of the Northern Neck Heritage Trail Bicycling Route Network and a Connecting Water Trail as Segments of the Potomac Heritage National Scenic Trail,

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors hereby endorses and supports the Application for Designation of the Northern Neck Heritage Trail Bicycling Route Network and a Connecting Water Trail as Segments of the Potomac Heritage National Scenic Trail, and requests that the National Park Service approve and designate these proposed routes accordingly.

B. Support PEMS Council

Recommendation: Adopt Resolution

SUPPORT PENINSULAS EMS COUNCIL

WHEREAS, the Peninsulas Emergency Medical Services (PEMS) Council has been serving the areas of the Peninsula, Middle Peninsula, and Northern Neck regions since 1976 with the highest quality in EMS leadership; and

WHEREAS, the PEMS Council has been able to identify performance improvement trends in the region, change protocols and enhance skills accordingly, so that EMS agencies may provide the highest standard of care possible to patients, with proven increased survivability and reduced mortality rates for the citizens it is serving; and

WHEREAS, the PEMS Council has provided ongoing disaster management training which takes place in localities on the Middle Peninsula and Northern Neck, while this service is not offered in other regions throughout the state; and

WHEREAS, the PEMS Council currently offers Critical Incident Stress Management (CISM) services designed to prevent and/or mitigate the adverse psychological reactions that so often accompany our emergency services, public safety, and disaster response functions; and

WHEREAS, through the elimination of the PEMS Council and the increased size of the proposed regions, our local EMS agencies will dramatically reduce the representation that they currently enjoy at both regional and state levels; and

WHEREAS, losing this regional council representation could result in a weakening of efficient and effective programs such as restocking agreements and regionally managed medication boxes; and

WHEREAS, the absence of a strong EMS representation will stymie the significant progress that has been made through partnerships with hospital, volunteer and career EMS professionals and local health districts to build and improve on the pre-hospital healthcare in the local area.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors hereby calls on the State Board of Health to recommend retaining the current state PEMS structure by adding an eighth region to the proposed council realignment shown in the Proposed Alternate, Map C; and

BE IT FURTHER RESOLVED, that the County Administrator is hereby directed to transmit forthwith a copy of this resolution to the Virginia Board of Health.

C. Community Action Agency – Resolution to Designate Bay Aging as Lancaster County’s CAA

Recommendation: Adopt Resolution

**DESIGNATING BAY AGING
AS LANCASTER COUNTY’S
COMMUNITY ACTION AGENCY**

WHEREAS, the Lancaster County Board of Supervisors desires that the citizens of Lancaster County have access to opportunities to reach their goals to enhance their lives; and

WHEREAS, Bay Aging has had experience in delivering services that provide opportunities for housing, transportation, health, nutrition, and general community economic development since 1978 in Lancaster County; and

WHEREAS, Bay Aging desires to develop and offer services to the citizens of Lancaster County, as the County's Community Action Agency.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors does hereby designate Bay Aging as Lancaster County's Community Action Agency.

D. Abstract of Votes – Presidential Primary – February 12, 2008 and Abstract of Votes – Special Election – February 19, 2008

Recommendation: Accept the Abstract of Votes for February 12, 2008 Presidential Primary and Abstract of Votes for the February 19, 2008 Special Election as submitted by the Lancaster County Elections Board.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	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 February 2008 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries for February 2008 in the amount of \$189,117.47 and Invoice Listings for February 2008 in the amount of \$555,276.08.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye

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

2. IBM AS/400 Replacement – Mr. Glenn Rowe, Lancaster County General Service Director stated our IBM AS/400, the computer which hosts accounting, tax assessment and building inspection software (otherwise known as the Bright System) in support of all county offices including the school system, is in need of replacement or costly repairs and upgrades.

Mr. Rowe said this machine has been in place for almost 6 years. Its performance has been increasingly sluggish over the past few months and it is beginning to reach the top end of its data capacity. Our experience and other anecdotal information suggest that these computers typically have a 4-6 year replacement cycle. Even a temporary failure of this hardware would seriously impact the ability of county offices and the school system to perform essential functions.

Mr. Rowe stated the \$35,000 price tag for a current generation AS/400 would include installation and migration services and five years of hardware and software support. It would provide necessary and significant increases in system memory, hard drive capacity and processing speed. Finally, the inclusion of hardware and software support in the purchase price eliminates an annual third party maintenance agreement of \$2,000 per year and a total of \$30,000 to \$44,000 in operating system and server upgrades that may be required to keep the current system operational.

Mr. Rowe said use of capital improvement funds is recommended over a lease arrangement or installment purchase since the cost and expected useful life meet the criteria for a capital item, the operating budget is expected to continue to be strained, and the debt service costs would be an additional \$5,000 over a five-year installment period.

Mr. Jenkins made a motion to Appropriate up to \$35,000 from the existing Capital Improvement Funds to purchase a new AS/400.

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

3. Treasurer – Request for Supplemental Funding – Mrs. Bonnie Haynie, Treasurer, informed the Board of Supervisors that she received the resignation of Tyrus Yerby, Deputy Treasurer effective March 1, 2008. After the fiscal year 2007/2008 state compensation board’s final approval of deputy constitutional officer’s salaries, the compensation board, at the governor’s instruction, imposed a 90 day moratorium on filling vacancies in these deputy positions. A 25% reduction in staff in the Treasurer’s Office would pose a serious impact, especially as they approach year-end closing.

Mrs. Haynie said the compensative board currently reimburses the county \$832.09 per month toward the deputy treasurer position which means the county would not receive \$2,496.27 for three months if she hires someone.

Mrs. Haynie stated a fully staffed office allows her to continue management initiatives that she has instituted, many of which result in revenue above that previously budgeted. For example, effective February 1, 2008, Section 62-4 of the Code of ordinances was enacted to allow her office to collect an administrative penalty not to exceed \$20.00 for delinquent payments. As of February 13, 2008, \$5,800.00 has been collected, more than double the requested supplement.

Mrs. Haynie requested the Board of Supervisors to approve the supplemental funding in the amount of \$2,500.00 to hire a replacement for Mr. Yerby.

Mr. Beauchamp made a motion to Approve the Request for Supplemental Appropriation made by Mrs. Haynie in the amount of \$2,500 to enable the Treasurer to fully staff her office.

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

4. Release of Road Performance Bond – Grand Villa Subdivision – Mr. Gill asked the Board of Supervisors to release of the cash performance bond held by Lancaster County in the amount of \$3,904.64 (balance as of February 21, 2008) which guaranteed completion of the Grand Villa Subdivision road. Grand Villa Subdivision is located off VSH 630, Taylors Creek Road, and is in Voting District 5.

Mr. Gill stated the Lancaster County Board of Supervisors passed a resolution accepting this road, Grand Villa Drive, into the Virginia Secondary System of Highways at its July 26, 2007 meeting (a copy of the meeting minutes were provided to the board). As a result, the developer, Northern Neck Real Estate Corporation (c/o G.C. Dawson), has requested the release of the county bond guaranteeing the completion of that road. Mr. Mark Fridenstine has verified that all VDOT requirements have been met and the road is now state maintained.

Mr. Jenkins made a motion to Release of Road Performance Bond for Grand Villa Subdivision.

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

5. Lancaster County Schools – Request for Emergency Appropriation – Mrs. Stables said the school board has been attempting to make ends meet and has made several cuts, from decreasing staff hours, not replacing a teacher who left mid-year, and eliminated a math program at high school for monetary savings and at time point have exhausted all avenues to find funding.

Mrs. Stables stated the school board received results from Mactec regarding Radon at the primary school and the final result indicated high Radon levels in portions of the Primary School that need to be addressed for the safety of the students and staff. Because there is only hard clay underneath, there are no means for ventilation through the floor and the only alternative is through the roof.

Mrs. Stables said they would like to have this work done while school is closed for spring break if possible. There are seven rooms in one location.

Dr. Russell stated he has concerns about the school board requesting \$20,630.00 and the superintendent stated that elimination of a math program was being made at the high school strictly for monetary savings.

Mr. Geilich stated that was an issue to be address at the joint board meeting which will be held on Monday, March 3, 2008.

Mr. Palin made a motion to Approve the Request for Emergency Appropriations for the Lancaster County Schools in the amount of \$20,630 to accommodate radon mitigation efforts at the Primary School.

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

Dr. Russell congratulated the Lancaster High School Lady Red Devils Basketball team on their winning season as they are playing for the Regional Championship tonight.

6. Youth Club of Lancaster County – Request for Waiver of Fees – Mrs. Kathleen Pittman, Vice President of the Youth Club of Lancaster County asked the Board of Supervisors to waive the permit fees to construct a pavilion (roof only) off the concession stand at Dream Fields which is being donated by Connemara.

Mr. Jenkins made a motion to Approve the Request for Waiver of Fees for Youth Club of Lancaster County.

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

7. Eagle Medical Transports – Approval for Operations – Mr. Shaun Sorensen, Director of Administration for Eagle Medical Transports, LLC asked the Board of Supervisors' approval to locate his business in Lancaster County.

Mr. Sorensen stated he met with Scott Hudson, Chief of Emergency Services and county staff believes that Eagle Medical Services will provide additional private ambulance services in this region, thereby reducing the necessity to utilize county emergency medical personnel to transport non-emergency medical patients.

Mr. Jenkins made a motion to adopt the following resolution approving Eagle Medical Transports, LLC the ability to obtain Virginia Office of Emergency Medical Services licensing to operate as a medical transport business.

EAGLE MEDICAL TRANSPORTS, LLC

WHEREAS, Section 15.2-955 of the Code of Virginia, 1950, as amended, requires local governing approval of any emergency medical service organization operating within that locality; and

WHEREAS, Shaun A. Sorensen, Director of Administration for Eagle Medical Transports, LLC, has appeared before the Lancaster County Board of Supervisors to request approval to provide emergency services within the county, and

WHEREAS, the Lancaster County Board of Supervisors has determined it to be in the best interest of the citizens of Lancaster County for Eagle Medical Transports, LLC to provide these services;

NOW THEREFORE BE IT RESOLVED, the Lancaster County Board of Supervisors grants approval to Eagle Medical Transports, LLC to provide these services and obtain agency license per approval of the Office of Emergency Medical Services of Virginia.

BE IT FURTHER RESOLVED, that the county administrator is authorized to develop a mutual aid agreement with Eagle Transports, LLC to determine its role in any county request for service.

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

8. Purchase of Property for a New Judicial Services Building – Mr. Geilich stated that this issue would be discussed in closed session.
9. Bike/Pedestrian Trail – Request to Refine Design Plan – Mr. Pennell said the County of Lancaster, Virginia received an ISTEA/TEA21 grant several years ago to construct a bike/pedestrian trail from Irvington to Kilmarnock. Unfortunately, the amount of the grant was insufficient to build the trail as designed. Even after getting a supplemental grant, there is still insufficient funding to complete the trail as planned.

Mr. Pennell stated since that time, a group of Lancaster County citizens formed a committee to determine if a public/private partnership would facilitate the construction of a bike trail from Kilmarnock to Irvington by reducing the costs associated by relocating much of the trail over private property. This committee was encouraged to perform this service as a result of a well-liked local citizen being killed nearby while riding his bicycle.

Mr. Pennell said the funding for this design will be taken from the approved grant if approved by the Virginia Department of Transportation, which manages ISTEA/TEA 21 grants. No additional RFP is required as this redesign is considered to be a modification of the original plan submitted by VHB, Inc.

Mr. Pennell stated he has provided the Board of Supervisors with letters of support from the Town of Irvington and the Bike/Pedestrian Trail ad hoc committee for this design.

Mr. Pennell said he and Mr. Beauchamp have been attending these trail meetings and believes this public/private partnership will be the only way this project can be completed with public funds currently available. It is the goal of the committee to raise the funds necessary to complete this project over private property. The estimated cost for this redesign is \$14,500.

Mr. Jenkins made a motion to Approve the development of a modification to the original plan by engaging Vanasse Hangen Brustlin, Incorporated (VHB, Inc.) to redesign a portion of the plan which will mover the bike/pedestrian trail from the Town of Irvington to a point along Irvington Road where the trail will leave public property and travel over a significant length of private property (Rappahannock Westminster-Canterbury, the Golden Eagle, etc.).

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

BOARD REPORTS

Planning Commission

Mr. Palin made a motion to reappoint Glendon A. Pinn, Jr. to the Lancaster County Planning Commission as a representative for District 2 for a four-year term beginning April 1, 2008 ending on March 31, 2012.

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

COUNTY ADMINISTRATOR

Mr. Pennell invited the Board of Supervisors to a VACo meeting which will be held in Deltaville, Virginia in May 14, 2008 at 9:00 a.m.

Mr. Pennell asked the board of supervisors to schedule a public meeting to discuss funding strategies for the new judicial administration building on Wednesday, March 19, 2008 at 7:00 p.m. in the General District Courtroom.

CLOSED SESSION

Motion was made by Mr. Geilich 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 the acquisition of real property, the recovery of county funds from the former Superintendent of Schools' final payout and contractual issues concerning the Greentown/Gaskins Road sewage treatment plan. The purpose of the closed meeting is to receive advice from the county attorney on the acquisition of real property where public discussion would jeopardize the County's bargaining or negotiating power, on the current status and possible action to recover county funds and alternatives to contract resolution regarding the wastewater treatment for the Greentown/Gaskins Road project. The subject and purpose falls within the following exemption(s) under §2.2-3711.A of the Code of Virginia, Real Property, § 2.2-3711.A.3 of the Code of Virginia, (acquisition of real property for public purpose or the disposition of government owned property where public discussion would jeopardize the County's bargaining or negotiating position) and Consultation with legal counsel, §

2.2-3711.A.7 of the Code of Virginia, (consultation with legal counsel about probable litigation where public discussion would adversely affect the negotiating or litigating posture of the County and consultation with legal counsel regarding specific contractual matters that require legal advice).

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

RECONVENE

Motion was made by Mr. Palin reconvene open meeting and certification of closed meeting.

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

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on February 28, 2008 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Real Property, § 2.2-3711.A.3 of the Code of Virginia, (acquisition of real property for public purpose or the disposition of government owned property where public discussion would jeopardize the County’s bargaining or negotiating position) and Consultation with legal counsel, § 2.2-3711.A.7 of the Code of Virginia, (consultation with legal counsel about probable litigation where public

discussion would adversely affect the negotiating or litigating posture of the County and consultation with legal counsel regarding specific contractual matters that require legal advice) 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 Dr. Russell 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 statement, Mr. Geilich called the question. A roll call vote was taken:

ROLL CALL

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

This certification resolution is adopted.

PURCHASE OF PROPERTY FOR JUDICIAL ADMINISTRATION BUILDING

Mr. Beauchamp moved to authorize the county administrator and county attorney to offer the Trustees of the George Sarofeen estate a sum of \$198,000 for the purchases of two parcels totaling 27 +/- acres adjoining the current courthouse property. This acquisition will enable the county to proceed with design and construction of a new Judicial Administration building to resolve existing security and space needs at the current courthouse. The county attorney will be making this contract presentation in the very near future.

The property in question is the field and additional wooded parcel in the rear of the courthouse to the left of the sheriff's annex.

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

RECOVERY OF FUNDS PAID TO FORMER SUPERINTENDENT

Mr. Jenkins moved that the board of supervisors authorize the county attorney to proceed to recover the inappropriate final payout of unused leave benefits paid to Dr. Randolph H. Latimore, the former school superintendent of schools, upon his departure on June 30, 2007.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye

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

Mr. Palin abstained from voting because he believes his employment with Lancaster County Schools may appear to be a conflict of interest in this matter.

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn to the meeting until Monday, March 3, 2008 at 5:30 p.m. for a Joint Board Budget Work Session at the School Board Office Conference Room.

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