

## **VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, March 25, 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 C.C. Burgess, Virginia Department of Transportation; Jack Larson, Planning/Land Use; William Kopcsak, Matson Terry; Donald Caskie; George Lidicker, Sedona Resorts; Sharon Dalby, New Tides, LLC; Joanne Wenner, Northern Neck News; Robb Hoff, Rappahannock Record

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

## **PUBLIC INPUT**

None

## **PRESENTATIONS**

1. Lancaster County, VA – Where the River meets the Bay (History Book) – Mr. Brainard B. Edmonds said it was an honor to be able to present the Lancaster County Board of Supervisors with a signed copy of the Lancaster County History Book – *Where the River meets the Bay*. Mr. Frere accepted the book on behalf of the Board of Supervisors.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### Town of Kilmarnock

Mr. White stated the Department of Transportation met with the Town of Kilmarnock concerning the following issues:

A signal study at VSH 3 and VHS 688 near the town office.

A need for a right turn lane at School Street. The issue for this project would be funding, they discussed approaching the Board of Supervisors to use secondary construction funds or going thorough the Revenue Sharing Program.

Consideration of using the Revenue Sharing Program to help with Kilmarnock's Enhancement Project which would cost approximately \$500,000.

Studies for growth and highway impacts around the town. Kilmarnock is also looking into new transportation corridors.

### Lively Caution Light

Mr. White said they took some foundation borings at the Lively site for a caution light and now waiting for the soil to be analyzed to determine how large the foundation will need to be.

### Revenue Sharing Program

Mr. White stated they have received feed back from the Revenue Sharing Program and the Commonwealth of Virginia can match up to \$79,502 of Lancaster County's projects.

### Six Year Plan Primary System

Mr. White said the final public hearing for the Six Year Plan for the Primary System will be held on April 6, 2004. The only item on the plan for Lancaster County is the removal of the apartment building that was purchased with the Route 3 project.

### Cypress Lane Speed Study

Mr. Geilich stated he has received a number of complaints about excesses speeding on Cypress Lane which is off of Windmill Point Road and requested a speed study.

Mr. Frere suggested that VDOT review the posted speed limit and if the speed limit does not exceed 25 mph, inform the sheriff's department. However, if the speed limit is over 25 mph proceed with a speed study.

The board agreed by consensus.

### **PUBLIC HEARING**

1. Application for Change of Zoning Classification – New Tides LLC, Golden Eagle – Mr. Larson said a request by New Tides, LLC to rezone property described as Tax Map # 28-72/72A/72B/72C/72E/72F/72G/72H/73/87/88/152/154D from A-2, Agricultural, General to R-2, Residential Apartment has been made by New Tides LLC. This property is located off VSH 646 near Irvington, Virginia and is in Voting District 4.

Mr. Larson said this request is being forwarded to the Board of Supervisors from the Planning Commission recommending approval. The Planning Commission first considered this request at a public hearing in December 2003. As reflected in the minutes for the December meeting, there were questions unanswered by the applicant. The public hearing on the issue was ended, but consideration of the request was continued until the February 2004 regular meeting to give the applicant the opportunity to address the questions raised by the Planning Commission. The level of detail provided in February was considered to be sufficient to make a decision on the request. The views of dissenting members are captured in the minutes for the February meeting.

This request was the subject of considerable public input, for and against, prior to both the December 2003 and February 2004 meetings of the Planning Commission. Documented input in the form of petitions and letters were submitted. This public hearing of the request has been advertised and adjoining property owners notified as required by law.

Mr. Larson said there was one issue on the master plan, one set of pods has eight units and the maximum is six units per building under R-2 zoning.

Mr. Larson stated the proffers for New Tides, LLC Golden Eagle Development are:

1. New Tides, LLC agrees to convey to Lancaster County fee simple ownership for a bike path along New Tides, LLC's entire frontage on Virginia State Highway Route 646 (Old Salem Road) reserving to New Tides, LLC easements for ingress, egress, utilities and all other lawful purposes upon recordation of the final site plan.
2. New Tides, LLC will construct a sewage system to the standards required by the Town of Kilmarnock, Virginia which shall require an eight-inch force main.

3. New Tides, LLC agrees to provide a third entrance into the Golden Eagle Development at a site to be determined by New Tides, LLC subject to the approval of the Virginia Department of Transportation, which third entrance shall not be on or extend to Virginia State Highway Route 646 (Old Salem Road).

Mr. Beauchamp stated he would have to abstain and would not take part in the discussions because of a conflict of interest.

Mr. Kopcsak, representative for New Tides LLC (Sedona Resorts) said the Tides Inn was purchased by Sedona Resorts five year ago and they are the second largest employer in the county. Sedona Resorts has invested fifteen million dollars for major improvements. The Sedona Resorts has an excellent reputation for developing and managing some of the finest resorts in the nation. They also have an excellent reputation with regard to good stewardship and concern for the environment. He stated the 400 units at the Golden Eagle would primarily be second homes for most residents. The available amenities at the Tides Inn would enable the Inn to remain open year round. The Town of Kilmarnock supports the request for water supply and treatment of wastewater. The traffic impact study was completed by the Virginia Department of Transportation indicating that Old Salem Road would be able to handle the increased traffic and that a third entrance would be needed.

Mr. Kopcsak stated that Rappahannock Westminster-Canterbury, Golden Eagle Cottages and Hill Quarters are currently zoned R-2 and asked the board to approve the request.

Mr. Kopcsak said the Emergency Service access road would be the third entrance from Hills Quarter and would also be used by residents to detour traffic from Old Salem Road. The Golden Eagle will be providing its security.

George Lidicker, President, Sedona Resorts said what really interested them in the Tides Inn investment was not only the water view and history but a very successful second family home ownership which is the business of Sedona Resort. He said the Golden Eagle will provide golf and hiking trails. There will be a second family home vacation oriented with a health club and other amenities. He said this project will be a positive contribution to the community and county. He hopes the Board of Supervisors will approve this request.

John O'Shaughnessy, Senior Vice President of Chesapeake Bank stated in the Fall of 2000, Sedona Resorts secured an \$8 million dollar loan, from Chesapeake Bank, for the existing debt and invested \$10 million into the Tides Inn for improvements. The Sedona Resort Management Group honors their commitment and he hopes the Board of Supervisors approves this request.

Larry McAfee, General Manager at the Tides Inn stated this project would eliminate the three month closure of the Tides Inn each winter. They employ approximately 200 employees and when the Inn closes down they have to go thorough recruiting and training every year. He asked the Board of Supervisors to approve this request.

Bruce Burgess said he lives off Old Salem Road on Ring Farm Road and he's not speaking against the project, however; he does believe that there should be an additional traffic study. He remembered hearing that the Tides Inn would contribute \$25,000 toward a bike path. The cost to build a bike path is approximately \$250,000 - \$400,000 per mile. He stated Old Salem Road have limited site distance, ten foot lanes with a speed limit of 45 mph. There are no shoulders only ditches on both sides of the road. What will the Board of Supervisors do to make everyone safe?

Mr. Frere stated the Board of Supervisors is not permitted to accept cash proffers.

Doris Lackey stated she lives at the Golden Eagle and understands that Sedona has spent fifteen million dollars on improvements. She would like to know if there has been an increase in revenue. If zoned R-2 multi-family dwellings would have six units per building, however; the pod with eight units in one building would have to come back before the Board of Supervisors for a special exception? There is a narrow lane by the lake which has become a dumping area for debris and has doubled in size since the hurricane. Is that area for a buildable lane?

Mr. Pennell said yes there has been an increase in revenue with properties being rezoned to R-2, thus their assess values have increased. With the reassessment and the scope of this project there would be a greater increase.

Mr. Larson said the building with eight units would not likely be allowed. The Tides Inn LLC representatives have stated the eight unit pod would become a six unit pod.

Mr. Jenkins stated as far as the illegal dumping, the county staff will investigate this allegation and take appropriate action.

Gus Shelton said he has been at the Tides Inn for 24 years and because they do close for three months, they lose a lot of good people. When the Inn reopens new employees have to be trained. He asked the board to approve this request.

Grey Collins said he supports the public sewage system and the total environmental impact.

William Voss said he has lived here for 15 years and he agrees with cluster development. In response to a letter submitted to the Rappahannock Record, Loudoun County growth has created jobs, however; this county will never become a Loudoun County.

Jane Chilton said she moved to the Golden Eagle and is happy to be back in the area. She stated she was pleased with the growth in Lancaster County.

Keith Butler, Chief Engineer has worked at the Tides Inn for fourteen years and said the work is done by local contractors and materials are purchased from local businesses. He asked the board to approve this request.

Bruce King expressed his thanks to the staff for guiding this project. This would mean more year round jobs at the Tides Inn. The county needs to keep young people here for the Volunteer Fire Departments and other aspects of community life.

Cindy Cornwell Lynn said she has lived here all her life and is employed at the Tides and asked the board approve this request.

Kenny Clark stated the golf course is open year round and with better conditions, more people will come here. For the past six years the Golden Eagle hosted a Pro Am Golf Tournament benefiting the school and raising approximately \$30,000 each year.

Alfreda Davis said she started in 2002 and she was lucky enough to receive management status this year and avoid the layoff of three months. As a single mother she is responsible for taking care of her household and unfortunately that not possible using unemployment benefits alone.

Mr. Geilich asked Mr. Lidicker a number of questions about the cost per unit, marketing and about the number of floors per building. He asked about the assurance of water and sewage capability before the project begins.

Mr. Frere stated the county would not issued building permits unless proof of water and sewage permits was available.

Mr. Palin said he strongly supports this project. This would mean more jobs for the local people and may keep some of our youth here.

Mr. Frere stated he supports the plan for open space and cluster development. The county would benefit from this project with employment and revenue.

Mr. Frere made a motion to approve the Application for Conditional Change of Zoning Classification for New Tides LLC, Golden Eagle with proffers as submitted as follows:

1. New Tides, LLC agrees to convey to Lancaster County fee simple ownership for a bike path along New Tides, LLC's entire frontage on Virginia State Highway Route 646 (Old Salem Road) reserving to New Tides, LLC easements for ingress, egress, utilities and all other lawful purposes upon recordation of the final site plan.
2. New Tides, LLC will construct a sewage system to the standards required by the Town of Kilmarnock, Virginia which shall require an eight-inch force main.
3. New Tides, LLC agrees to provide a third entrance into the Golden Eagle Development at a site to be determined by New Tides, LLC subject to the approval of the Virginia Department of Transportation, which third entrance shall not be on or extend to Virginia State Highway Route 646 (Old Salem Road).

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. Beauchamp to approve the Consensus Docket and recommendations as follows:

- A. Minutes for February 26, 2004 and March 9, 2004  
Recommendation: Approve the minutes

- B. Master Gardeners – Courthouse Signs  
Recommendation: Approve the placement of signs

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

### **CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of March 2004 Salaries and Invoice Listings  
Motion was made by Mr. Jenkins to approve the Salaries for March 2004 in the amount of \$139,379.80 and Invoice Listings for March 2004 in the amount of \$594,828.05.

VOTE:	Patrick G. Frere	Aye
-------	------------------	-----

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

2. Transfer Funds from Capital Improvement to General Fund – High School Roof Project - Mr. Pennell stated the Lancaster County Board of Supervisors directed that future expenditures from the Capital Improvement Account be specifically approved at a regular meeting of the Board of Supervisors.

Mr. Pennell said he has received the following request for payment from Dr. Latimore for payment to Dow Construction in the amount of \$88,203.00 for work performed on the primary school classroom and restroom additions.

Mr. Beauchamp made a motion to approve the expenditures and appropriate \$88,203.00 from the Capital Improvement Account to the General Fund to cover the expenses.

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

3. Modification of Proffers – Diversified Ventures Inc. – Mr. Larson stated in December 1991, Diversified Ventures Incorporated was granted rezoning from R-1, Residential, General to C-1, Commercial on Tax Map parcels 34-127A, 128 and 129 subject to proffers made by Diversified Ventures. Mr. Richard M. Davis requests approval of a modification to those proffers. The affected property is in Voting District 4.

Mr. Larson said the approved proffers dated November 25, 1991 read:

- #7. Furthermore, the Grantor shall remove and limb only trees and brush on road front areas which bloc vision of site of the shopping center and shall leave taller trees where possible.
- #8. The Grantor agrees to leave a 50 foot buffer (naturally wooded) on the sides of the property requiring rezoning from R1 – C1 which joins Blueberry Point Road.

The amended proffers if approved should read:

- #7. *Furthermore, the Grantor shall plant a mix of dwarf trees, evergreens, shrubs and flowers on the state road front area for the above referenced rezoned parcels. Landscaping shall be designed and installed by the Grantor and growth shall be maintained to a height acceptable to VDOT.*
- #8. *The Grantor shall plant a “Dense” 25 foot buffer on the rezoned parcel at Blueberry Point Road consisting of a mix of Dwarf Trees, evergreens, shrubs and flowers. Landscaping shall be designed and installed by the grantor and growth shall be maintained to a height acceptable to VDOT.*

Mr. Larson stated the proposed modifications are self-driven with respect to the reduction in size from 50’ to 25’ (Item #8-required to meet parking requirements), but are also to result of recent VDOT policy beyond the control of the applicant. Specifically, VDOT does not want buffers with unprotected tall trees left close to state roads because of the potential for windfall on to the road or right of way. Mr. Davis’ proposed modifications seem a reasonable compromise, given the VDOT requirement. The issue seems to be within his desire to reduce the width of the buffer.

Mr. Geilich made a motion to approve the modification of proffers for Diversified Ventures, Inc.

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

4. Request for Extension of Special Exception – Maurice and Joanne Washington – Mr. Larson stated Mr. and Mrs. Washington were granted a special exception to place an individual manufactured home on property identified as Tax Map #34-193A on August 31, 2000. Since they have yet to place the home on the property, they are requesting an extension of the special exception. The affected property is in Voting District 3. Mr. Frere is an adjoining property owner.

Mr. Larson said at the August 31, 2000 meeting there were no objections to the request from either adjoining property owners or other interested members of the general public. Granting this request would be consistent with actions taken previously with other property owners.

Mr. Frere commented that he felt he had no conflict of interest in this matter and made a motion to approve the request for Extension of Special Exception for Maurice and Joanne Washington.

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**

Mr. Geilich stated the Rappahannock River Basin meeting which was scheduled for March 31, 2004 has been cancelled.

Mr. Geilich discussed the school budget and scheduling a budget work session.

### **Appointment**

Mr. Jenkins made a motion to appoint the Reverend Scott West to the Lancaster County Social Services Board as a representative for District 1 for a four year term ending April 1, 2008.

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**

None

### **ADJOURNMENT**

Motion was made by Mr. Beauchamp to adjourn the meeting to April 7, 2004 at 5:00 p.m. for a Capital Improvement, School Board and Revenue budget work session.

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