

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, March 26, 2009.

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

Dr. Russell called the meeting to order at 7:00 p.m.

PUBLIC INPUT

None

PRESENTATIONS

1. Presentation of Certification – Mr. Tim Paul, Department of Criminal Justice Services stated they would recognize the Lancaster County Sheriff’s Office for its commitment to law enforcement excellence, which is evidenced by its successful completion of this professional standards certification process. He stated the Virginia Law Enforcement Professional Standards Commission (VLEPSC) was formed to provide law enforcement agencies in the Commonwealth with an avenue for demonstrating that they meet the 187 accepted standards for efficient, effective, contemporary, professional agency operation. Accreditation in Virginia is completely voluntary. In January 2009 a team of VLEPSC certified assessors assessed the Lancaster County Sheriff’s Office and on February 18, 2009 the

Executive Board unanimously approved the Lancaster County Sheriff's Office for VLEPSC accreditation. He congratulated Sheriff Ronald Crocket and the entire Lancaster County Sheriff's Office and presented them with a framed certification.

2. Resolution in Appreciation – Linda Kelly, Social Services Board – Mr. Pennell stated Linda Kelly 10 year term of service on the Lancaster County Social Services Board ended on June 30, 2008. He asked the board to adopt the resolution for Mr. Palin to present at a future Social Services Board meeting.

Mr. Geilich made the motion to adopt the following Resolution of Appreciation for Linda Kelly for her dedication and service to Lancaster County's citizens with her ten-year tenure on the Lancaster County Social Services Board.

IN GRATITUDE TO

LINDA KELLY

WHEREAS, Lancaster County is privileged to have dedicated, willing citizens to assist in their local government; and

WHEREAS, Linda Kelly, has dedicated herself to the welfare of Lancaster County's most fragile citizens through her service on the Lancaster County Social Services Board; and

WHEREAS, Linda Kelly, has served commendably as a member of the Lancaster County Social Services Board; and

WHEREAS, Linda's ten-year tenure on the Lancaster County Social Services Board extended from February 26, 1998 through June 30, 2008.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors hereby commends Linda Kelly for her exemplary service to Lancaster County's citizens; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors warmly thanks Linda for her service.

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

VIRGINIA DEPARTMENT OF TRANSPORTATION

VDOT Meeting Reminder

Mr. Trapani said he want to remind the Board of Supervisors of the VDOT public input meeting scheduled for March 31, 2009 at 6:00 p.m. and the meeting will be held at the Lancaster Middle School.

Countywide Maintenance

Mr. Trapani stated after the snow removal season they are now working on pothole repairs.

Mr. Trapani said the Mr. Harper will be performing shoulder work on VSH 3/Mary Ball Road

VSH 637/James Wharf Road

Mr. Beauchamp asked about the speed study request for VSH 637/James Wharf Road which was made four months ago.

Mr. Trapani stated the speed study request for VSH 637/James Wharf Road has not been completed yet, however; they will put a speed cart on the road indicating the speed limit of 40 mph.

VSH 3/Mary Ball Road (Pinkardsville Road)

Mr. Palin stated he received a request for speed reduction from the VDOT Residency Department to the White Marsh Church. This area is before and after the Pinkardsville Road intersection where there have been a number of accidents.

Mr. Trapani stated there are currently traffic engineer looking at the area for additional signage and he will add a speed study request.

PUBLIC HEARINGS

1. Henry E. Archie – Application for Special Exception (Individual Manufactured Home) – Mr. Gill presented Application for Special Exception by Henry E. Archie to place an individual manufactured home on a 1.0-acre parcel described as Tax Map #19-71. This property is located off VSH 716 at 63 Flats Lane in the Mollusk area and is in Voting District 1.

Mr. Gill said Article 5-1-3 of the Zoning Ordinance requires a special exception for the placement of individual manufactured homes such as this (14 feet X 80 feet single wide). Previous similar decisions by the Board of Supervisors have been based on any legitimate concerns raised by adjacent property owners.

Mr. Gill stated Mr. Archie's manufactured home will take the place of an existing deteriorated frame home that has recently been removed. It will utilize the existing well and septic systems. All front, rear and side setbacks can be met. Similar types of manufactured homes exist in this neighborhood.

Mr. Gill said this issue has been advertised and adjoining property owners notified as required by law. To date, there has been no input from adjoining property owners; however, there have been two responses from other interested members of the public, one citizen in opposition and the other in favor of this request.

Chairman Russell opened the public hearing.

Mr. Archie stated he would like to be a member of this community, he was raised in a rural environment in Woodbridge, Virginia; however, over the last twenty-five years it has become extremely congested. He said he loves this area and has a number of friends here so he purchased a piece of property to place a single wide trailer on, so that when he is in this area he has a place to stay and when he retires he will have a place to live. He asked the Board of Supervisors to approve this request.

Mr. Palin asked Mr. Archie if there were similar structures (single wide homes) in the surrounding area.

Mr. Archie said absolutely, there are three or four on the adjacent property.

Harry Newitt, currently residing at Long Shadow Drive, Fairfax Station, Virginia, however; he has owned property on the Northern Neck since 1989. As a developer he began investing in the Mollusk community, after seeing a need for decent affording rental housing he developed a couple of duplexes on Cathy Drive. He is currently developing additional affordable housing on two lots due east of Mr. Archie's property. He stated he does not know Mr. Archie so his comments do not reflect any personal bias one way or the other. He said comments are sincere, logical and in the best interest of the community and after investing approximately \$200,000 in the duplex project, he also has another

project in which he has invested \$100,000 in his current project. He stated he used local contractor and hired local teenagers to do odd jobs. He said he has a contract for construction of a three bedroom, two and half bath house that is on holding pending this hearing. He is trying to improve the community and not devalue it. He believes that Mr. Archie has failed to demonstrate why his request for special exception would be in the public best interest. He said allowing a single wide trailer would not be good for the county and would decrease the property values. He said investors will not invest where government does not maintain standards, he is sure that careful consideration went into the current zoning regulations. Investors and homeowners count on considered zoning regulations to protect their investments. If government makes a decision that creates an uncertain climate to benefit one individual at the expense of a larger community then investors will not invest. He said he strongly opposes this requested exception because it is not in the public interest. Just because the board has approved others in the past does not mean the board has to approve this request.

Mr. Dangerfield stated he lives in Dale City and purchased property 19 years ago as a summer place which is an adjoining property to Mr. Archie and he has a double wide, in fact so does another property owner directly across the street. He said the duplexes built by Mr. Newitt may be affordable, but his tenants are loud and not very neighborly. He asked the Board of Supervisors to approve the special exception for Mr. Archie.

Chairman Russell closed the public hearing.

Mr. Jenkins stated Mr. Newitt has made some valid points, but this is an area where even a single wide is a step up for some individuals who are seeking to make that step up on their own. He said he is not willing to set a precedent but there is a community/area with a mix of stick built homes, modular homes, and double wide or mobile homes. For some reason we have now reached a point in

our time that we can discard the needs of those people who still their best hope for their first step is the mobile home.

Mr. Geilich asked for clarification from Mr. Gill, this is a single wide and there is an illusion made that is an exception but a double wide is not an exception.

Mr. Gill stated the code in R-1 will allow, by-right, a 24' wide mobile home if it has a roof pitch 3.25 or greater. If the mobile home does not meet those requirements, it does require a special exception.

Mr. Jenkins stated the reason that was initiated many years, was with modular homes coming in two halves and a double wide coming in at two halves both being manufactured off site. The board that sat at that time, established the roof pitch which makes it look more like a standard home.

Mr. Jenkins made a motion to approve the Application for Special Exception for Henry E. Archie to place an Individual Manufactured Home a 1.0-acre parcel described as Tax Map #19-71 located off VSH 716 at 63 Flats Lane in the Mollusk area.

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

2. Revision to the Subdivision Ordinance Section 5-26 – Mr. Gill presented revision to the Subdivision Ordinance Section 5-26 “Open Space and Recreation Area” to allow conservation/cluster subdivision to preserve open space in the A-1,

Agricultural Limited, A-2, Agricultural General, R-1, Residential General and R-3, Residential Medium General zoning districts.

Mr. Gill said preservation of open space was a key theme expressed during the update to the Comprehensive Plan. Since that time, several potential conservation/cluster ordinances were presented to the Planning Commission for review as possible models for our own ordinance. Those voluminous ordinances were very difficult to interpret and would have been even more difficult to enforce.

Mr. Gill stated Lancaster County already has open space requirements for larger subdivisions contained in Section 5-26 of the Subdivision Ordinance; however its “one size fits all districts” approach will not preserve the large amounts of open space craved by County residents. Therefore, revising this section, with zoning district specific open space requirements, is a logical and simplistic approach to preserving open space.

Mr. Gill provided the Board of Supervisors with a copy of the Code of Virginia Section 15.2-2286.1 which grants localities the authority to enact conservation/cluster ordinances. Cluster development is already defined in our zoning ordinance as, “a type of development that allows the reduction of lot sizes below the zoning ordinance’s minimum requirements if the land thereby gained is preserved as permanent open space for the community.” Conservation/cluster subdivision **does not** increase density. The same number of dwelling units allowed under current zoning would be allowed under conservation/cluster zoning. The difference is that those same dwelling units would be grouped in a smaller area on the parcel, with the remainder of the parcel preserved as open space.

Mr. Gill said conservation/cluster subdivision is a recognized way of preserving open space and is a win-win for those involved. The County and its

residents gain increased amounts of open space preserved from future development. Developers realize cost savings from reduced, concentrated areas of development. Noted conservation planner Randall Arendt and various farm groups such as the American Farm Bureau support the use of conservation/cluster subdivision. In addition, the permitted reduction in lot sizes and setbacks will make lots more affordable, which may help create inland workforce housing opportunities.

Mr. Gill stated as a result, the public has generally supported this concept throughout the Planning Commission's discussions and public hearing. The primary concern expressed during that time has been a "fear" that the revision might be changed at the last minute to allow conservation/cluster subdivision within the Waterfront Residential Overlay. Land use staff does not recommend allowing conservation/cluster subdivision within the Waterfront Residential Overlay, as it would create a **perception** of increased density along the waterfront. Many developments approved under the old R-2 District also had an obvious perception of increased density along the waterfront, which ultimately led to its repeal. In addition, it is unlikely that any workforce housing opportunities would be created from clustered subdivisions on valuable waterfront property.

Mr. Gill said one area the Board may want to discuss is how much, if any, of a golf course could be used as open space. While much of a golf course could be viewed as an intensively managed lawn, most golf courses also contain forested perimeters and alleys. Staff research indicates that some localities group golf courses with wetlands and floodplains and allow no more than 50% of the open space to be comprised of those areas. As now written and recommended by the Planning Commission, the revision would not allow golf courses to be used to help fulfill the open space requirement.

Mr. Gill said the Planning Commission has discussed and revised this draft revision since October 2008. Applicable minutes from those meetings were

provided to the Board of Supervisors for review. A chart comparing conventional and proposed conservation/cluster subdivision was also attached along with the draft ordinance revision. Proposed deleted text has been lined through and proposed added text has been bolded and underlined.

Mr. Gill stated advertising has been conducted as required by law. To date, other than the public interest expressed during the Planning Commission's review and public hearing, staff has received four letters from the public which was given to the Board of Supervisors for review with the main concern being in favor of Conservation/Cluster Subdivision but not if it is in the waterfront residential overlay.

NOTES:

This revision to Section 5-26 of the Subdivision Ordinance deals only with single-family homes.

The separate proposed R-4 District ordinance (the potential replacement for the repealed R-2 district) is in the public hearing stage at the Planning Commission. It deals with multi-family housing and contains a density bonus component to encourage workforce housing.

Mr. Pennell stated he has two proposed changes after talking with Mr. Gill and they both agreed. He asked the board to consider the changes as follows which are in bold and underlined:

(C) Open space is to be used for such things as farms, forests, parks, playgrounds, general recreation areas, natural areas for habitat protection and **approved on-site** wastewater disposal areas.

(D) All new residential subdivisions on the shoreline that include non-riparian lots shall insure community access to public waters by means of, at a minimum, a **ten foot** pedestrian right-of-way to a community open space along the water.

Chairman Russell opened the public hearing.

Charles Costello, District 2 (Merry Point) stated 18 months ago the Board of Supervisors was working on the approval of the Comprehensive Plan. He said one of the items in the Board of Supervisors minutes talks about quality growth, “the county desires to enforce well managed growth which is consistent with the rural nature of the county, preserves the natural beautiful of the county’s land area and shoreline and ensure careful to develop waterfront areas.” He said David Jones and the Planning Commission did an excellent job. He stated his concern is cluster develop, he said (6) Conservation/Cluster Subdivision shall not be allowed within 800 feet of tidal shores and tidal wetlands and that should remain and not changed. He would hate to see the nature beauty of this county with 250 miles of shoreline comprised because once comprised you can not get that back.

Dr. Russell asked Mr. Costello if he agreed with the ordinance.

Mr. Costello said he agrees with the ordinance as it is currently proposed.

Ben Burton of Bay Design Group say he agreed with the ordinance and the Planning Commission put great work into this document. He stated this ordinance will give the county and its residents in the county another tool to have some very important growth tools to manage growth with the county and fulfill the Comprehensive Plan. He said they should consider whether or not and/or what type of recreation facilities should be considered open space and what type should not be considered open space. He stated he did some research of neighboring county of Westmoreland and Richmond Counties and found both of those counties consider both passive and active recreation facilities as completely fulfilling any type of open space requirements. He said Westmoreland is more specific not only does the natural area comprise open space but passive recreation which is known as the nature state for use such as hiking, natural trails, and picnicking. He said Westmoreland County was very specific as they defined

active recreation facility as full meeting open space requirements and define those as baseball, basketball, tennis, soccer, golf, swimming, riding, varies other items. He hopes that the Board of Supervisors will give full consideration to what the neighbors in the Northern Neck are doing in their rural communities and what is traditionally seen as open space in planning and development communities is that natural facilities, activity and passive recreational facilities all fulfill the definition of open space and a 100% situation.

Herb Aman, resident of Weems stated that he supports the comments of Mr. Burton and as he works with the Tartan Investment Group, open space is vital. He believes that the Tartan is a big asset to the community. He said 64 neighbors have come together to purchase the Tartan to keep it in the community. Therefore, he supports the proposed ordinance and asked the Board of Supervisors to approve it.

Joan Chamberlin said a lot of work went into this document and the Planning Commission has done an excellent job.

Chairman Russell closed the public hearing.

Dr. Russell congratulated Mr. Gill and the Planning Commission as they have done an excellent job on this ordinance.

Mr. Beauchamp said he had a concern about the 800' setback and he was advised that any potential run off situation could not be controlled in 800' that an additional 200' would not make a difference. He believes that down the road they need to look at golf courses as far as open space and possibly consider 50% to be considered open space. He was advised that the board could consider that on a case by case basis. He total supports this ordinance and Mr. Gill and the Planning Commission have done an outstanding job.

Mr. Palin also stated that Mr. Gill and the Planning Commission did an excellent job.

Mr. Jenkins made a motion to adopt the Subdivision Ordinance Section 5-26 revisions as amended (C) Open space is to be used for such things as farms, forests, parks, playgrounds, general recreation areas, natural areas for habitat protection and **approved on-site** wastewater disposal areas. (D) All new residential subdivisions on the shoreline that include non-riparian lots shall insure community access to public waters by means of, at a minimum, a **ten foot** pedestrian right-of-way to a community open space along the water.

SUBDIVISION ORDINANCE

SECTION 5-26

5-26. Conservation/Cluster Subdivision, Open Space and Recreation Areas.

The subdivision design shall reflect the community's need for variety and flexibility in land development, for protection of environmentally sensitive and/or historic areas, for open space sites for public facilities and recreation area as indicated in the comprehensive plan and as may be anticipated by the demand created through development of the subdivision.

- (A) Conventional Subdivision - All subdivisions containing 6 or more lots, averaging five acres or less in area, shall provide common open space, natural areas and/or recreation areas equal to at least ten percent of the total area of the subdivision.

- (B) Conservation/Cluster Subdivision - All single-family subdivisions, with a total of 6 or more lots, may be designed utilizing an administratively approved cluster plan of development with reduced lot sizes and setbacks

and increased open space requirements in accordance with the following criteria:

- (1) The total number of clustered residential units shall not exceed the number of units allowed in the base zoning and overlay districts using conventional subdivision.
 - (2) Clustered residential units shall only front on collector or local streets.
 - (3) Lot size may be reduced from the base zoning district, but shall not be smaller than 10,000 square feet.
 - (4) Lot widths and setbacks for primary structures may be reduced to fifty percent (50%) of the dimensions allowed in the base zoning district subject to the following:
 - (a) Lot width shall be no less than 50 feet.
 - (b) Front yard setbacks shall be no less than 25 feet.
 - (c) Rear yard setbacks shall be no less than 25 feet.
 - (d) Side yard setbacks shall be no less than 10 feet.
 - (e) Corner lot side yard setbacks shall be no less than 25 feet.
 - (5) Open Space, natural areas and/or recreation areas shall be provided by zoning district as follows:
 - (a) A-1, Agricultural Limited - no less than 70% open space.
 - (b) A-2, Agricultural General - no less than 60% open space.
 - (c) R-1, Residential General - no less than 50% open space
 - (d) R-3, Residential Medium General - no less than 40% open space.
 - (6) Conservation/Cluster Subdivision shall not be allowed within 800 feet of tidal shores and tidal wetlands.
- (C) Open space is to be used for such things as farms, forests, parks, playgrounds, general recreation areas, natural areas for habitat protection

and approved on site wastewater disposal areas. Land providing community or public waterfront access shall be considered as contributing to this requirement. Such open space shall not be comprised of buildings, roads or parking lots, shall not be in tracts of less than one acre, shall not be comprised of more than fifty percent (50%) of flood plains, wetlands, above ground utility uses (including stormwater management facilities) or slopes in excess of twenty-five percent (25%) grades, shall be suitable for its designated use as to location and topography, and shall be maintained, as appropriate, by the subdivider, homeowners' association or other approved entity.

- (D) All new residential subdivisions on the shoreline that include non-riparian lots shall insure community access to public waters by means of, at a minimum, a 10' pedestrian right-of-way to a community open space along the water.
- (E) Recreational and open space areas, whether publicly or privately owned, which are provided in conformance with approval of cluster subdivision, and which equal or exceed the requirements for dedication as set forth herein, may completely and fully satisfy the above requirements provided the subdivider shall satisfy the agent and board of supervisors that there are adequate provisions to assure retention and future maintenance of said areas.
- (F) Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions to insure that:
 - (1) The open space will not be further subdivided.
 - (2) The use of the open space will continue in perpetuity for the purpose specified.
 - (3) Appropriate provisions are made for the maintenance of the open space.
 - (4) Common undeveloped open space shall not be turned into commercial enterprise admitting the public at a fee.

(G) If the open space is owned and maintained by a homeowners' association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but are not limited to the following:

- (1) The homeowners' association must be established before the homes or lots are sold.
- (2) Membership must be mandatory for each home/lot buyer and any successive buyer.
- (3) The open space restrictions must be permanent, not just for a period of years.
- (4) The association must be responsible for liability insurance, local taxes and the maintenance of recreation areas and other such facilities.
- (5) Homeowners must pay their pro rata share of the cost; the assessment levied by the association may become a lien on the property, if allowed in the master deed establishing the homeowners' association.
- (6) The association must be able to adjust the assessment to meet changing needs and demands.

ROLL CALL

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

CONSENSUS DOCKET

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

A. Minutes for February 26, 2009 and March 10, 2009

Recommendation: Approve with amendments

B. Resolution to VDOT – Reduction of Core Services

Recommendation: Approve the Resolution

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

Mr. Jenkins left the room temporarily.

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of March 2009 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the Salaries for March 2009 in the amount of \$205,324.33 and Invoice Listings for March 2009 in the amount of \$342,599.90.

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

2. Amend Elderly/Disabled Real Estate Tax Exemption – Mr. Pennell said at the February 26, 2009 regular monthly meeting of the Lancaster County Board of Supervisors a public hearing was held on this issue, the members directed the County Administrator and the Commissioner of the Revenue to review the details

of the proposed amendment to the county ordinance that grants elderly/disabled citizens limited real estate tax relief.

Mr. Pennell stated he has discussed the proposed ordinance amendment with Mr. Thomas, Commissioner of the Revenue. They believe the language as advertised is appropriate to bring the county ordinance up-to-date regarding this matter. He also provided the Board of Supervisors with the original ordinance to review.

The following was the language of the ordinance amendment.

Total combined income	Percent exempt from tax
Less than \$14,000	100
\$14,001 to 16,000	80
\$16,001 to 18,000	60
\$18,001 to 20,000	40
\$20,001 and above	0

In no case shall the annual exemption exceed \$400.00

Mr. Thomas, Commissioner of the Revenue asked the Board of Supervisors what questions and/or concerns they had.

Mr. Jenkins stated he has questions about Section 62-35 item #3 where the total cap of net worth at \$50,000. He believes that is an extremely low dollar figure. What if someone would have stock investments at \$50,000 and the annual return on those investments was 3% with a \$1,500 yet which would leave them well below the \$14,000. This is asking those citizens to be worst off then what they are.

Mr. Thomas said one year ago he requested that the board increase those limits, as the Code of Virginia permit up to \$200,000 and neighboring communities have that cap at \$100,000. The limits that the county currently has, citizens would have to be almost in total poverty to qualify for a significant reduction in taxes. If the board moved the amount to the \$200,000 advertised there are not that many that will qualify and the county will not lose very much revenue, however; it makes a world of difference to the homeowner. The people that the original ordinance had in mind were individuals who inherited property of three or four generations whether it was waterfront or farmland. With the increase in property values over the years far outpaced the average inflationary rate. He said the home and one acre is exempt and everything else they own including life insurance cash value, vehicles or boat which considered an asset must cost count in that \$50,000 or \$100,000 should this ordinance pass. Then it's capped and then a cap of \$400.00 of relief which is not a huge number for the county, but is a big number for people who are living on a fixed income and those are the people who would benefit.

Mr. Pennell stated the board could consider adopting this ordinance and advertise the \$100,000 proposed change for the next regular Board of Supervisors meeting.

Mr. Jenkins stated he believes the numbers should be consistent and should bring this ordinance back with corrected changes at the April 30, 2009 Board of Supervisors meeting.

Mr. Jenkins asked for further clarification on Section 62-35 #2 – The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living thereinshall not exceed \$10,000. Is the income table start at \$14,000 should the exceed amount be the same.

Mr. Thomas said he was not sure but he needed to research the Code.

By consensus of the Board, advertised for public hearing at the next regular Board of Supervisors meeting with the corrected dollar amounts.

3. Lancaster Wetlands Board Alternate Member – Mr. Pennell stated compliance as required by the Code of Virginia § 28-2.-1303, 1950, as amended staff requests the Board of Supervisors designate at least one and no more than three alternate members to the Lancaster County Wetlands Board as prescribed in the code. A copy of the coded was provided to the Board of Supervisors for review.

No action taken.

4. Extension of Final Plat Filing – Reserve at Lake Chase (Phase One) – Mr. Gill presented an extension of the date to file the Final Plat for Phase One of the Reserve at Lake Chase Subdivision at the old Chase Farm on VSH 3 (Mary Ball Road) in District 4.

Mr. Gill said the Board of Supervisors previously granted preliminary and final plat approval of the 43-lot Phase One on 4/26/07 contingent upon VDOT approval of the entrance and the posting of an appropriate bond to ensure satisfactory completion of the private interior roads. An acceptable bond estimate has been provided and VDOT approval was granted on 3/18/08. The Board of Supervisors also granted the one-time six-month extension to file the final plat allowed under Section 6-5 of the Subdivision Ordinance on 9/25/08. As evidenced by the letter submitted to the board for review, the applicant has requested an additional six-month extension, which would extend the filing of this final plat from 3/18/09 to 9/18/09. This second six-month extension can be justified under Section 7-1 “Exceptions” which allows for modification of requirements due to conditions that are not self-inflicted. Staff believes that the current extreme economic market conditions fit that description.

Dr. Russell made a motion to Approve the Extension of Final Plat Filing for Reserve at Lake Chase (Phase One) located at the old Chase Farm on VSH 3 (Mary Ball Road).

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

5. Fourth Quarter, FY 2008-2009 Appropriation – Mr. Larson presented the Board of Supervisors with the recommended fourth and final quarterly appropriation brings the total appropriation for FY 2009 to \$26,190,721 which is \$481,999 less than the annual budgeted amount of \$25,672,720. This reflects a \$200,000 decrease in appropriations relative to budget for Comprehensive Services because of a lower than anticipated expenditure rate and a \$281,999 decrease for Lancaster Public Schools identified to reduced fuel costs and reimbursement of overruns on capital improvement projects.

Mr. Jenkins made a motion to Approve the Fourth Quarter (April 1, 2009 – June 30, 2009), FY 2008-2009 Appropriation for the County and School Board operation in the amount of \$6,514,259.

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

6. Purchase of Tax Map 14-A-3-2B, 5294 Mary Ball Road – Mr. Pennell stated, for some time, the Board of Supervisors has been attempting to purchase the subject

property which abuts the county's school bus garage. The garage is on a small piece of land and it occasionally has to park buses on a neighbor's property. This situation is not good and the board has expressed a desire to assist the school board with this immediate situation and possible future expansion/improvement of the school bus garage.

Mr. Pennell stated in 2007, the county offered to purchase this property first for the sum of \$50,000 with a later counter offer of \$75,000. Both offers were refused by the owners on their original asking price of \$100,000. At the time of the second offer, the owners increased their asking price to \$120,000. These negotiations took place through a citizen who volunteered to assist the county in remaining anonymous in the process.

Mr. Pennell said time and economic conditions have passed and recently he identified the county as the intended purchaser to one of the owners he knows. He stated negotiations resulted in the belief that the owners would now accept \$80,000 as a purchase price for the property contingent on a favorable Phase 1 environmental study as well as a favorable title search. The property was assessed by the county at \$75,300 in 2008 and appraised by an independent appraiser at \$87,500 in February 2007.

Mr. Pennell said the county now has a contract for the sale of the property signed by the three owners of the property in the amount of \$80,000. He said funds are available in the Capital Improvement account from the sale of the Poor House Tract several years ago and the current balance of this account is \$432,818.

Mr. Jenkins made a motion to approve the Purchase of Tax Map 14-A-3-2B, 5294 Mary Ball Road. 1) Authorize the county administrator to execute the contract of sale on behalf of the Board of Supervisors to acquire the subject property for future county use. 2) Authorize the county administrator with the assistance of the county attorney to consummate the acquisition of the subject

property through contingency satisfaction and final settlement. 3) Authorize the expenditure of funds for this purchase from the Capital Improvement account holding the funds from the sale of the Poor House Tract several years ago.

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

BOARD REPORTS

Appointments

Mr. Geilich made a motion to reappoint Tara Booth to the Planning Commission to represent Lancaster County District 3 for a four year term which expires April 25, 2013.

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

Deer Population Control

Mr. Beauchamp stated there has been a problem with the deer population for a number of years, there were 78 reported accidents in 2006, 89 reported accidents in 2007, and 119 reported accidents in 2008. The Game Department has stated a request has been submitted to the Commissioner for review for a full open season on doe for 2009 which will help.

COUNTY ADMINISTRATOR

Merrimac Center Open House

Mr. Pennell stated there will be an open house at Merrimac Juvenile Detention Center on April 24, 2009 from noon – 2:00 p.m.

VDOT Public Input Meeting

Mr. Pennell gave a reminder of the VDOT public input meeting scheduled for March 31, 2009 at 6:00 p.m. and the meeting will be held at the Lancaster Middle School.

Litter Control

Mr. Pennell said he has the January/February litter totals available for review and was told group clean up begin in April. If anyone has areas that need special attention please give him that information.

Budget Work Session

Mr. Larson stated the board needs to schedule a budget work session for department input for consideration. He stated the deadline on the grant for the Sheriff's Office is April 14, 2009.

By consensus of the Board of Supervisors, a budget work session was scheduled for Tuesday, April 7, 2009 at 2:30 p.m. in the General District Courtroom.

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn to the meeting until Tuesday, April 7, 2009 at 2:30 p.m. for a Budget Work Session in the General District Courtroom.

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