

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, March 28, 2002.

Present: B. Wally Beauchamp, Chair
Donald O. Conaway, Vice Chair
F. W. Jenkins, Board Member
Cundiff H. Simmons, Board Member
Patrick G. Frere, Board Member
William H. Pennell, Jr., County Administrator

Others

Present: Jack Larson, Planning/Land Use; Joseph Staton and C.C. Burgess, Department of Transportation; Lloyd B. Hubbard, Bonnie Abbot, Jack Boles, David Jones, Town of White Stone; George Thomas, Commissioner of the Revenue; Charles Pruitt, Gary Wood, Veronica White and Church of Deliverance Youth, Joan Wenner, Northern Neck News; Robert Mason, Rappahannock Record

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

PUBLIC INPUT

None

PRESENTATION

1. Resolution of Appreciation for The Church of Deliverance's Young People as Willing Workers for Christ – Mr. Beauchamp stated The Church of Deliverance's Young People as Willing Workers for Christ conducted a litter pick up project along VSH 3 from Whitt's Corner to the Lancaster/Richmond County line.

Mr. Jenkins made a motion to adopt the following Resolution in Appreciation for The Church of Deliverance's Young People as Willing Workers for Christ Clean-Up Campaign.

**IN APPRECIATION OF THE CHURCH OF DELIVERANCE'S
YOUNG PEOPLE AS WILLING WORKERS FOR CHRIST
CLEAN-UP CAMPAIGN**

WHEREAS, as Winter turns into Spring each year, Lancaster County's highways begin to divulge the quantity of trash that is thrown from passing motor vehicles into the public rights-of-way; and

WHEREAS, the Lancaster County Board of Supervisors' judicious use of taxpayer fiscal resources does not provide for regular collection of this trash; and

WHEREAS, individuals and organizations like the **Church of Deliverance's Young People as Willing Workers for Christ** provide an invaluable service to the rest of the community by devoting their time and effort to volunteer to collect this roadside litter; and

WHEREAS, the clerical and lay leaders of the Church of Deliverance instill a permanent respect for God's creation upon the youth of the congregation by conducting this trash pick up project; and

WHEREAS, the citizens of Lancaster County owe a debt of gratitude to the **Young People as Willing Workers for Christ**.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors extends its heartfelt thanks to **The Church of Deliverance's Young People as Willing Workers for Christ**; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors asks other citizens and youth groups to imitate this spirit of community charity by conducting their own clean-up campaigns in Lancaster County.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

VDOT

Mr. Staton stated he would like to express his appreciation to The Church of Deliverance Youth for the litter pick up project and he was also honored to be invited as a guest at the Youth Awareness Program.

Financial Planning and Programming Meeting

Mr. Staton said the Financial Planning and Programming meeting which used to be called the Pre-Allocation Hearing would be held April 3, 2002 at 10:00 a.m. He stated that the Commissioner would give a 45 minutes summary on VDOT's financial status and encouraged the Board of Supervisors to attend.

Speed Limit Reduction Request

Mr. Staton stated there has been another problem at the corner of Route 3 and 201 in Lively. The traffic engineer would conduct another speed study on both Route 3 and 201 to see if speeding was a contributing factor and would like to put advance warning signs on Route 3. He said on Route 201 there are flashing warning lights, rumble strips

in the road and warning signs. The traffic engineer is considering an overhead flashing light on Route 201 coming from the Northumberland direction.

Mr. Staton stated that the new traffic engineer met with the Mayor of the Town of Irvington about the speed limit concern on King Carter Drive where the speed limit is currently 35 mph. He said because of the new developments in Irvington, the traffic engineer would try to find justification to reduce the speed limit.

Mr. Staton said the speed limit study on Route 637 James Wharf Road was completed and due to the narrow pavement and curves on that road, the speed limit would be reduced to 40 mph.

Mr. Staton stated the speed limit study on Route 3 in White Stone near the White Stone Family Practice was completed and the speed limit would remain 35 mph.

No Parking Sign

Mr. Staton said VDOT has a request from Bethel Emmanuel United Men's Group on Route 201. Because of the number of events, there have been a number of people parking on the shoulder of the road and killing the grass and if there is no objection VDOT would place no parking signs there. There was no objection from the Board of Supervisors.

Local Maintenance Report

Mr. Burgess stated they are picking up litter on the primary, non-adopted highways and cleaning ditches and patching pot holes.

PUBLIC HEARINGS

1. Corrottoman Civic Center Request for Exemption from Real Estate and Personal Property Taxes – Mr. Pennell stated this request would be removed from the docket as per the request of the applicants.
2. Gary A. and Ann T. Wood – Request for Bay Act Waiver – Mr. Larson introduced a request made by Gary A. and Ann T. Wood for a bay act waiver to allow an additional 53 square feet of impervious cover to the 50' seaward portion of the 100' RPA buffer. The property on which this would occur is described as Tax Map #29A-1-19 which is located at the end of Waterview Street in the Waverly Subdivision near Kilmarnock, VA. The property is in Voting District 3.

Mr. Larson stated Mr. Wood's proposed plans were for a 9.5' x 10' addition inside the 50' seaward portion of the 100' buffer. All other proposed development can be addressed administratively. He said there would be a 53 square foot net increase vice the 14.5 square foot net increase and the proposed addition would encroach two feet beyond the existing encroachment. The Board of Supervisors has approved similar requests in the past provided that the proposed encroachment did not exceed existing encroachment.

Mr. Larson said staff recommend approval, subject to encroachment not exceed existing. This matter has been advertised and adjoining property owners notified by certified mail. Staff has received no input on this matter from adjoining property owners or interested members of the general public relative to this public hearing.

Mr. Dull stated he was in favor of this request and he is the owner of the property adjacent to Mr. and Mrs. Gary Wood.

Mr. Frere made a motion to approve the application for bay act waiver requested by Gary A. and Ann T. Wood, which would allow the encroachment for the proposed addition to go no closer than 38 feet seaward and/or toward the edge of the wetlands as shown on the site plans.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

3. Change to the Subdivision Ordinance – Mr. Larson stated that the Planning Commission was recommending the approval of the proposed change to paragraph 5-11 of the Subdivision Ordinance. He said that paragraph 5-11 Minimum right-of-way widths (a) currently read - For Streets. All streets and rights-of-way shall conform to the requirement of the Virginia Department of Transportation, Road and Bridge Specifications, as required for acceptance by VDOT. The Planning Commission would like to add the following wording: *VDOT specifically requires that all streets and rights-of-way shall be a minimum of 50' unencumbered by any other easement and that VDOT shall be able to obtain fee simple title to the street or right-of-way upon acceptance into the secondary road system.*

Mr. Larson stated as a result of an issue with a private road on a subdivision considered by the Board of Supervisors, direction was given to modify the Subdivision Ordinance to ensure that future applicants were aware of the VDOT requirement for an unencumbered 50' right-of-way. The Board of Supervisors wanted to ensure that applicants were aware of the requirement for a fee simple title. While the Planning Commission feels that this change was redundant in view of the existing language, a public hearing was held, the issue was discussed and the proposed recommended change was forwarded. He said

that advertising as required by law had been conducted. No public input was provided to the Planning Commission. To date, there has been no input from the public resulting from the advertising for this change, the Board of Supervisors public hearing.

Mr. Jenkins made a motion to amend the change to paragraph 5-11 of the Subdivision Ordinance by removing a minimum of 50' from the proposed change, to have the Subdivision Ordinance to read: For Streets. All streets and rights-of-way shall conform to the requirement of the Virginia Department of Transportation, Road and Bridge Specifications, as required for acceptance by VDOT. The Board of Supervisors adds the following wording: *VDOT specifically requires that all streets and rights-of-way shall be unencumbered by any other easement and that VDOT shall be able to obtain fee simple title to the street or right-of-way upon acceptance into the secondary road system.*

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Abstain
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

Mr. Jenkins made a motion to adopt the amended Subdivision Ordinance.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Abstain
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

CONSENSUS DOCKET

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

A. Minutes for February 28, 2002

Recommendation: Approved

B. Abstract of Votes – Special Election – Clerk of the Circuit Court

Recommendation: Received

C. Resolution – Crime Victims’ Rights Week

Recommendation: Adopt the following resolution.

VICTIM RIGHTS WEEK – APRIL 21-27, 2002

WHEREAS, one violent crime is committed in America every 5 seconds and one property crime every 1.6 seconds; and

WHEREAS, 25.9 million Americans are victims of crime each year, and of those, 6.3 million are victims of violent crime; and

WHEREAS, despite the recent reduction in the rate of crime, far too many persons still suffer the impact of crime; and

WHEREAS, crime victims play an indispensable role in bringing offenders to justice; and

WHEREAS, victims of crime deserve respect, resources, restoration and justice; and

WHEREAS, crime victims rights continue into 2002 and beyond, the justice system must **Bring Honor to Victims**, striving to create a world where the legal rights of victims are honored; and

WHEREAS, despite significant progress in providing rights and services to crime victims over the past two decades large segments of the population, including crime victims who are elderly, disabled or living in rural areas are still under-served; and

WHEREAS, as a nation devoted to liberty and justice for all – America must increase its efforts to protect, restore and expand crime victims’ rights and services; and

WHEREAS, the Lancaster County Board of Supervisors is joining forces with victim service programs, criminal justice officials and concerned citizens throughout Lancaster County and America to observe **National Crime Victims’ Rights Week**.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors designates the week of April 21-27, 2002, as Lancaster County **Crime Victims’ Rights Week**; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors reaffirms a commitment to respect and enforce victims’ rights and address their needs during **2002 Lancaster County Victims’ Rights Week** and throughout the year.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	F. W. Jenkins	Aye

Cundiff Simmons Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of March 2002 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries for March 2002 in the amount of \$129,074.72 and Invoice Listings for March 2002 in the amount of \$414,091.49.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

2. Town of Kilmarnock – Request for Additional Polling Place – Mr. Pennell stated that no one from the Town of Kilmarnock was present, however the Kilmarnock Town Council recently adopted a resolution that asks the Lancaster County Board of Supervisors to consider establishing two voting precincts within Election District 3.

Mr. Pennell said recently, the Town Councils of the Towns of Kilmarnock and White Stone met with the Board of Supervisors in an effort to resolve certain issues remaining from the 2001 decennial redistricting of Lancaster County. The Board of Supervisors asked each Town council to consider resolutions to their issues and make recommendations to the Board of Supervisors on the proper method to correct these concerns. The Town council of Kilmarnock notified the Board of Supervisors that the establishment of a new voting precinct would resolve its concerns regarding the redistricting.

Mr. Frere made a motion to table the action on the Town of Kilmarnock resolution and give consideration to the Town of White Stone Redistricting request which would address voter convenience and other concerns.

VOTE:	B. Wally Beauchamp	Nay
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	F. W. Jenkins	Nay
	Cundiff Simmons	Nay

Vote failed 3 – 2

Mr. Simmons made a motion to take in consideration the Resolution from the Town of Kilmarnock request for additional polling place in District 3 and direct the County Administrator and Director of General Services to recommend a division in District 3 to create two precincts, one voting in White Stone and one voting in Kilmarnock.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Abstain
	F. W. Jenkins	Nay
	Cundiff Simmons	Aye

Mr. Frere said for the record he would be abstaining from all discussions and actions for the County Board of Supervisors related to the Town of White Stone and the county concerning redistricting. He moved from the Board of Supervisors table.

3. Town of White Stone – Redistricting Request – Mayor Hubbard said at a previous meeting of the Lancaster County Board of Supervisors and the Town Councils of

the Town of White Stone and Kilmarnock, the board agreed to consider any specific request from either or both towns to modify the 2001 decennial redistricting adopted in July 2001. He stated that the Town of White Stone was still in favor of Plan Three that was considered last summer.

Mayor Hubbard expressed his appreciation to the Board of Supervisors for offering Glenn Rowe to assist with the redistricting software, but the Town had access to the same software. He said that the Town of White Stone has another proposed plan for the Board of Supervisors to consider. He stated that the proposed plan has much more compactness, the population percentage is much closer, and better community of interest.

By consensus of the Board of Supervisors, they stated they would be willing to continue looking into the redistricting issues raised by the Town of White Stone.

Mr. Frere returned to the Board of Supervisors table.

BOARD REPORTS

Reservoirs

Mr. Simmons stated the Planning Commission has asked if the Board of Supervisors was willing and ready for the Planning Commission to work on the Comprehensive Plan discussions on potential reservoirs in the future.

Mr. Jenkins stated that the Rappahannock River Basin Commission is also expanding work to deal with ground water sources to work with the different counties which may have identified ground water sources (natural or man made reservoirs) to get them charted on the system

Mr. Simmons made a motion to request that the Planning Commission to begin studies to address surface water reservoir feasibilities for location and potential protection of water shed areas in Lancaster County.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

Subdivision and Zoning Ordinance

Mr. Simmons stated the Planning Commission would like to address definitions in the Subdivision Ordinance and the Zoning Ordinance as they relate to standards set. The current definitions may not be consistency from zone to zone and there are articles within the ordinances that may not be consistency from ordinance to ordinance.

Mr. Frere asked that the Planning Commission also look at the definition of home occupation. Specifically, how a home occupation should be allowed and not just affecting the primary resident.

By consensus of the board, the Planning Commission is asked to address definitions in the subdivision and zoning ordinance.

Appointments

Mr. Conaway made a motion to reappoint Myrna Acors to the Lancaster County Historic Resource Commission.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye

Patrick G. Frere	Aye
F. W. Jenkins	Aye
Cundiff Simmons	Aye

Mr. Beauchamp made a motion to reappoint Jeff Szyperski to Industrial Development Authority.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

COUNTY ADMINISTRATOR

VML and VACo

Mr. Pennell stated that the Virginia Association of Counties and the Virginia Municipal League have had committees working with Virginia Power to obtain the lowest cost electrical power to political subdivisions of the commonwealth. Because of the change in the way electric is now managed, they have formed new group called the Virginia Energy Purchase Governmental Association (VEPGA). Should the Board of Supervisors want to participate in this, an ordinance is required. Mr. Pennell asked the Board of Supervisors for their permission to allow him to advertise an ordinance for next month's consideration.

By consensus of the board Mr. Pennell will advertise an ordinance.

Budget Work Session

Mr. Pennell stated he needed to schedule a date and time for the School Board FY 03 budget work session.

By consensus of the board, the budget work session will be scheduled for April 9, 2002 at 6:00 p.m. in the General District Courtroom.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn the meeting to April 9, 2002 at 6:00 p.m. in the General District Courtroom for the School Board budget work session.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye