

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, March 28, 2013.

- Members Present: F. W. Jenkins, Jr., Chair
Jason D. Bellows, Vice Chair
Ernest W. Palin, Jr., Board Member
William R. Lee, Board Member
B. Wally Beauchamp, Board Member

- Staff Present: Frank A. Pleva, County Administrator
Don G. Gill, Planning and Land Use Director
Crystal Whay, Building/Land Use Secretary

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

PUBLIC INPUT

A District 1 citizen, Richard Pleasants, stated that he would like to talk about the school board and the budget. He stated that he had studied the budget extensively and thought that the County should add additional funds to the school's IT budget. He stated that most of those funds come from the state and federal government, so at this time, the overall budget for the IT department is only three percent. He further stated that since the school system has a skeleton staff for administration and teachers, he would like to see the County provide more in the budget for the schools. He stated that after seeing the items in the Capital Improvement Budget, he thought the voice-over IP system should be moved up in priority. He stated that he personally would like to see the county tax rate be raised a couple of pennies on the hundred and thought that it was long overdue. He stated that he would like to see more revenue raised to compensate for increased funds for the school system. He stated that the increased tax rate would only mean ten to forty dollars extra a year for an average homeowner, but a penny increase would mean an additional three hundred thousand dollars in revenue for the County.

PRESENTATION

There were no presentations.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. David Brown, the Northern Neck Residency Administrator, stated that he would be setting up meetings with each of the counties concerning the secondary six-year road planning process. He stated that he would be contacting the County Administrator to set up the meetings. He asked the Board members to forward any road issues they have to the Administrator so they can be addressed at that time.

Mr. Brown stated that at next month's Board of Supervisors meeting, he will be back for the public hearing input process for the proposed VDOT six-year plan, which needs to be completed by June to turn in to the central office in Richmond.

Mr. Robert Harper stated that on Riverview Drive/VSH 777, they had added the stone base and it is scheduled for surface treatment in late April.

Mr. Harper stated that on Hadlea Drive/VSH 789, they plan to add the stone base and reshape in June and surface treat later in the year.

Mr. Harper stated that he had had a lot of questions concerning mowing. He stated that they will be mowing in the spring.

Mr. Harper stated that Mr. Pleva had contacted him concerning some trees on Little Bay Road/VSH 642. He stated that he had contacted Mr. Booker, the land owner, and removed some of the leaning trees.

Mr. Harper addressed Mr. Jenkins' prior concerns and stated that all signs are up on the Route 354 and 604 intersection. He stated that they had added a couple of route marker signs and extra delineators.

PUBLIC HEARINGS

1. Update to the Comprehensive Plan-Chapter Three-

Mr. Gill stated that the issue was the review and update of Chapter Three of the Comprehensive Plan as required by the Code of Virginia. He stated that the current Comprehensive Plan was adopted by the Board of Supervisors on September 27, 2007 and the Code of Virginia Section 15.2-2230 requires that the Planning Commission review the Comprehensive Plan at least once every five years. He stated, as in previous reviews, chapters will be tweaked and sent to

public hearing individually prior to being forwarded to the Board of Supervisors for approval.

Mr. Gill stated that the Planning Commission began its review of Chapter Three of the Comprehensive Plan in April 2012 and in May 2012 accepted an offer of assistance from Reverend Gayl Fowler of SAIF Water Wells, Inc. to update the information. He stated that Reverend Fowler's revision and the Planning Commission's earlier revision were combined in November 2012. He stated that the Planning Commission reviewed the combined revision at its January 2013 meeting and held a public hearing at its February 2013 meeting. He stated that all of the changes requested at the prior Planning Commission meetings had been made and were highlighted on the draft of Chapter Three.

Mr. Gill stated that advertising had been conducted as required by law and to date, other than the discussion at prior Planning Commission meetings, there had been no response from the public.

Mr. Jenkins stated that there would be one public hearing for both chapters followed by individual votes on each chapter.

Mr. Jenkins opened the public hearing.

Mr. Charlie Costello stated that the Planning Commission had worked very hard on the revisions and recommended them for approval.

There was no other public input.

Mr. Jenkins closed the public hearing.

Mr. Beauchamp stated that, in Chapter Three, he wanted to include the words "and is strongly encouraged" on page 2, third paragraph, on the last sentence that reads "No-till farming is commonplace and has helped considerably to control runoff by limiting disruption to the soil."

Mr. Jenkins asked Mr. Beauchamp if he would like that to be in the form of an amendment.

Mr. Beauchamp replied yes.

With no further discussion, Mr. Jenkins called for a vote on the amendment.

VOTE:	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye

Ernest W. Palin, Jr. Aye

William R. Lee Aye

B. Wally Beauchamp Aye

Mr. Palin made a motion to approve the Update to Chapter Three of the Comprehensive Plan as amended.

VOTE: F. W. Jenkins, Jr. Aye

Jason D. Bellows Aye

Ernest W. Palin, Jr. Aye

William R. Lee Aye

B. Wally Beauchamp Aye

2. Update to the Comprehensive Plan-Chapter Five-

Mr. Gill previously stated that the Planning Commission began its review of Chapter Five of the Comprehensive Plan in August 2012 and requested and studied additional information on ways to increase public access to state waters. He stated that at the Commission's November 2012 meeting, the Planning Commission had a presentation by Lewie Lawrence, Executive Director of the Middle Peninsula Chesapeake Bay Public Access Authority, a group that has had considerable success in obtaining lands for public access on the Middle Peninsula.

Mr. Gill stated that the Planning Commission reviewed the revised Chapter Five at its January 2013 meeting and held a public hearing at its February 2013 meeting. He stated that all of the changes requested at the prior Planning Commission meetings had been made and were highlighted on the draft of Chapter Five.

Mr. Gill stated that advertising had been conducted as required by law and that to date, other than the discussions at prior Planning Commission meetings, there had been no response from the public.

Mr. Palin made a motion to approve the Update to Chapter Five of the Comprehensive Plan.

VOTE: F. W. Jenkins, Jr. Aye

Jason D. Bellows	Aye
Ernest W. Palin, Jr.	Aye
William R. Lee	Aye
B. Wally Beauchamp	Aye

Mr. Beauchamp stated that he would like to compliment the Planning Commission on its hard work on the review of the Comprehensive Plan.

Mr. Jenkins and Mr. Gill stated that they would pass that on to the Planning Commission.

3. Application for Special Exception (Individual Manufactured Home) – Willie Williams

Mr. Gill presented an Application for Special Exception by Willie Williams to place an individual manufactured home on a 1.002-acre parcel described as Tax Map #17-51B. He stated that this property is zoned R-1, Residential General and is located near the intersection of Devils Bottom Road (VSH 614) and Riverwood Drive (VSH 673) in District 2.

Mr. Gill stated that Mr. Williams' individual manufactured home (28' x 72' double wide) meets all of the requirements of the Zoning Ordinance Article 5-1-3 for "by right" placement EXCEPT "a roof pitch of 3.25:12 or greater" and therefore requires a special exception. He stated that the roof pitch, as stated by the applicant and verified with Oakwood Homes, is only 2:12. He stated that previous similar approvals by the Board of Supervisors have been based on whether any legitimate concerns could be raised by adjacent property owners.

Mr. Gill stated that this property has an approved health department permit for on site septic and a well. He stated that all front, rear and side setbacks can be met and there are similar types of manufactured homes in this area.

Mr. Gill stated that the issue had been advertised and adjoining property owners notified as required by law and that to date, there had been no input from the public.

Mr. Jenkins opened the public hearing.

There was no public input.

Mr. Jenkins closed the public hearing.

Mr. Palin made a motion to approve the Application for Special Exception by Willie Williams to place an individual manufactured home on a 1.002-acre parcel described as Tax Map #17-51B located near the intersection of Devils Bottom Road (VSH 614) and Riverwood Drive (VSH 673).

VOTE:	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	William R. Lee	Aye
	B. Wally Beauchamp	Aye

4. Application for Special Exception – Michael Sledd-

Mr. Gill presented an Application for Special Exception by Michael Sledd (owner) trading as Sledd Oyster Co., LLC to operate a year round oyster aquaculture business on a 2.065-acre parcel described as Tax Map #35-265. He stated that this property is zoned R-1, Residential General and is located at 261 Osprey Lane off Windmill Point Road (VSH 695) in District 3.

Mr. Gill stated that this parcel was once the site of an oyster/crab house, but was torn down many years ago and has thus lost its authorized non-conforming status under Article 12-1-3 of the Zoning Ordinance. He stated that the requested use is a prime example of modern day aquaculture and it involves raising oysters in floating cages at the applicants' dock at the mouth of Antipoison Creek and Little Bay and also on oyster ground leased from the Commonwealth of Virginia. He stated that when the oysters are market size, they will be harvested and brought back to the applicant's property and placed in a shed to be constructed on a portion of the existing concrete slab where the old oyster/crab house once stood. He stated that after the oysters are washed, graded, bagged and tagged, they will be moved further inland on the property to the enclosed garage where they will be kept under refrigeration until delivered to market. He stated that this size operation will only require the use of the applicant's pickup truck to deliver the oysters to market.

Mr. Gill stated that the requested use involves "grading, bagging, tagging, and selling" oysters year round. He stated that due to the commercial, year round nature of this business, he had advised the applicants to seek the special exception under Article 5-1-9 which states, "*Areas of basic seafood processing facilities, with a special exception,*" so there would be no question as to the legality of this

business in a residential zoning district. He stated that the request had been advertised and adjoining property owners notified as required by law and that to date, there had been one response from the public. He stated that Mr. Sledd was present at the meeting as well as some adjoining property owners.

Mr. Jenkins opened the public hearing.

There were two adjoining property owners, Alice Kelley and Alan Braun, who addressed the Board.

Mr. Braun stated that they had met with Mr. Sledd and stated that they had been concerned about the aesthetics of the structure to be constructed on the existing slab where the old oyster house once stood. He stated that Mr. Sledd had assured them that the building would be attractive.

Mr. Braun stated that they did not want the area to look like an industrial park and that all of their concerns had been addressed.

Mr. Jenkins asked if they were satisfied with the issue.

Mr. Braun replied yes.

There was no other public input.

Mr. Jenkins closed the public hearing.

Mr. Bellows made a motion to approve the Application for Special Exception by Michael Sledd, trading as Sledd Oyster Company, LLC to operate a year round oyster aquaculture business on a 2.065-acre parcel described as Tax Map #35-265 located at 261 Osprey Lane off Windmill Point Road (VSH 695).

VOTE:	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	William R. Lee	Aye
	B. Wally Beauchamp	Aye

5. Application for Change of Zoning District Classification – The Family Maternity Center of the Northern Neck, Inc., owners; and Chesapeake Hospital Corporation, contract purchaser

Mr. Gill presented an Application for Change of Zoning District Classification from A-2, Agricultural, General to R-1, Residential, General by The Family Maternity Center of the Northern Neck, Inc., owners; and Chesapeake Hospital Corporation, contract purchaser for a 2.0318-acre parcel described as Tax Map #17-49C. He stated that this property is located at 11540 Mary Ball Road in District 2.

Mr. Gill stated that Chesapeake Hospital Corporation (parent company of Rappahannock General Hospital) has contracted to buy the former Family Maternity Center of the Northern Neck building located at 11540 Mary Ball Road (Tax Map #17-49C) and has submitted an application to rezone the property from A-2, Agricultural General to R-1, Residential General. He stated that the sale of the property is contingent upon a successful rezoning.

Mr. Gill stated that the hospital would like for the building to be a medical office building short-term, with the possible long-term goal of a dialysis center or other medical profession at this location. He stated that the former maternity center operated in the current A-2 zoning district under Article 4-1-44 “Community Service Building” as they were a non-profit organization, and that particular use requires, by definition, its operation to be by a non-profit organization. He stated that the hospital (also non-profit) could accomplish its short-term goal under the same use, but its long-term goal of a dialysis center or other medical profession may involve the building being operated or sold to a firm that is not non-profit, which would then not be permitted in the A-2 district. He stated that, as a result, the hospital has chosen to plan for the long-term and seek a rezoning to R-1, Residential General.

Mr. Gill stated that the R-1 district was chosen because a hospital is a permitted use in that district with a special exception. He stated that any type of commercial zoning was discouraged, as there are no other commercial properties nearby. He stated that should the rezoning to R-1 be granted by the Board of Supervisors, Chesapeake Hospital Corporation will immediately request the Special Exception for the permitted hospital use under Article 5-1-13 (Public Hearing #6).

Mr. Gill stated that this rezoning request is considered reasonable and appropriate as there is an adjoining R-1 property and many other R-1 properties in this area, including one across Devils Bottom Road (VSH 614) that has been improved with a church. He stated that the applicant’s parcel was also improved with a large office building with the associated compliant septic and parking facilities as well as a VDOT approved commercial entrance onto Mary Ball Road (VSH 3). He stated that, with such improvements, this parcel will, most likely, never be agricultural again.

Mr. Gill stated that the Planning Commission conducted its public hearing of this request at its February 21, 2013 meeting and has forwarded this request to the

Board of Supervisors recommending approval by a vote of 5-0-1 (Jones abstained).

Mr. Gill stated that the adjoining property owners had been notified and advertising conducted as required by law. He stated that to date, other than the discussion at the Planning Commission meeting, there had been one response from an adjoining property owner who is concerned with the Special Exception.

Mr. Jenkins stated that as with the two Updates to the Comprehensive Plan, there would be one public hearing for both the Rezoning and Special Exception for The Family Maternity Center followed by individual votes on each issue.

Mr. Jenkins opened the public hearing.

Mr. Matt Terry, representative for Rappahannock General Hospital, stated that the building that is there now operated as a “not for profit” hospital. He stated that under the county’s ordinance, the term, hospital, also includes medical arts. He stated that he wanted to note that there is a separate definition for hospital-special care, which includes drug rehabilitation, sanitariums and the like. He stated that that was not what is being requested. He stated that what they are requesting is a special exception for a “for profit” hospital.

Mr. Terry stated that Rappahannock General Hospital is now affiliated with Bon Secours, which is a Catholic hospital system. He stated that the possible anticipated uses for the building are a pediatric center, dialysis center, urgent care center, oncology unit or neurology unit. He further stated that to get a doctor in there, it would have to be a “for profit” operation.

Mr. Terry stated that there had been some discussion about listing what could not be included in the uses of the building and he urged against that because of possible litigation. He stated that he had spoken with Jimmy Carter and Jim Holmes, both affiliated with the local hospital, and because a list of possible uses would be so extensive, they were afraid they may leave something out, which would cause the need to seek another special exception in the future.

Mr. Terry stated that Rappahannock General Hospital depends on the community both for its patients and its employees and would not want to do anything offensive to the community. He further stated that if the rezoning and special exception are approved, market forces will dictate what goes in the building. He stated that market forces will not allow a very limited use that will not have general support in the area and does not have a general need in the area. He urged the Board to have faith in market forces and stated that the hospital is not in this to create a situation where the building will become vacant again.

Mr. Terry stated again that it would be a hospital as defined in the ordinance and not a hospital for special care. He stated that the hospital for special care is a separate category for limited uses and that is not what they want.

There was no more public input.

Mr. Jenkins closed the public hearing.

Mr. Palin stated that he would like to suggest some special exception language before the rezoning vote.

Mr. Beauchamp asked if Mr. Gill had any comments.

Mr. Gill stated that he would like to clarify the hospital definitions. He stated that there are two definitions in the zoning ordinance. He read both hospital definitions. He stated that the hospital request being asked of the Board reads, "An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, for the aged, and sanatoriums and institutions rendering care for mentally disabled patients and other types of therapy."

Mr. Gill stated that the other definition in the ordinance, which is a hospital with special care, reads " A special care hospital shall mean an institution rendering care primarily for mentally retarded patients, epileptics, alcoholics or drug addicts." He stated again that a special care hospital is not being requested in the Special Exception Application.

Mr. Gill stated that the Board of Supervisors can place conditions on a Special Exception to make it more specific. He stated that Article 13-3 states: *These special exceptions shall be subject to such conditions as the board of supervisors deems necessary to carry out the intent of this ordinance. The special exception shall be approved only if it is found that the location is appropriate and not in conflict with the land use plan, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate utilities and off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.*

Mr. Gill stated that to assist the Board in determining appropriate conditions, he had suggested that Chesapeake Hospital Corporation provide a list of all possible proposed uses they would seek for the building, which could then be used as conditions for approval of the special exception. He stated that it seemed logical that Chesapeake Hospital Corporation provide that list instead of the Board of Supervisors as they have the medical expertise. He stated that they have not provided a list to date and that their representative, Matt Terry, believes it would be impossible to generate an "all inclusive" list.

Mr. Palin stated that his proposal for the special exception language would be that the latter part of the hospital definition starting with “sanatoriums and institutions rendering care for mentally disabled patients and other types of therapy” be stricken given the parcel’s proximity to Lancaster Primary School. He stated that the second condition would be that the facility be strictly outpatient and the third condition would be that the facility’s hours of operation would be between 7:00 a.m. and 7:00 p.m.

Mr. Palin stated that if the Board is in agreement with the proposal, then they should move forward with the rezoning. He stated that if they are not in agreement, then they should not act on the rezoning issue.

Mr. Lee asked if the proposed hours would put limits on an urgent care facility. He also asked what the hours of the urgent care center in Kilmarnock were.

Mr. Gill replied that the urgent care hours were 7:00 a.m. to 7:00 p.m.

Mr. Lee asked if Mr. Gill had heard from any adjoining property owners.

Mr. Gill replied that there was one and that they were not opposed to the hospital purchasing the property. He stated that their main concern was with the generality of the special exception without conditions.

Mr. Palin stated that what he was proposing would address those concerns.

Mr. Jenkins asked Mr. Palin to confirm his proposal that if the rezoning was granted, there would be conditions placed on the special exception.

Mr. Palin replied yes.

Mr. Beauchamp asked Mr. Terry if he thought Rappahannock General Hospital would have any concerns with the proposed conditions.

Mr. Terry replied that he did not think so. He stated that he did not think the outpatient only restriction was a bad idea, because if a patient needed inpatient services, they would be taken to RGH. He stated that he did not know if the 7-7 hours would be an issue or not, but he would recommend that the hospital accept that.

Mr. Jenkins stated that even though there may be a 7-7 condition for normal operating hours, as with existing facilities, that does not preclude a doctor from meeting his patient there on an emergency basis.

Mr. Terry stated that he thought what the Board was doing makes sense in that, at this time, the building is considered “not for profit” use and there are a lot

of “not for profit” uses that would be objectionable, such as a “not for profit” mental facility.

Mr. Palin made a motion to approve the Application for Change of Zoning District Classification from A-2, Agricultural, General to R-1, Residential, General by The Family Maternity Center of the Northern Neck, Inc., owners and Chesapeake Hospital Corporation, contract purchaser for a 2.0318-acre parcel described as Tax Map #17-49C located at 11540 Mary Ball Road.

VOTE: F. W. Jenkins, Jr. Aye

 Jason D. Bellows Aye

 Ernest W. Palin, Jr. Aye

 William R. Lee Aye

 B. Wally Beauchamp Aye

6. Application for Special Exception – The Family Maternity Center of the Northern Neck, Inc., owners; and Chesapeake Hospital Corporation, contract purchaser

Mr. Palin made a motion to approve the Application for Special Exception by The Family Maternity Center of the Northern Neck, Inc., owner and Chesapeake Hospital Corporation, contract purchaser to operate a medical office building associated with Chesapeake Hospital Corporation on a 2.0318-acre parcel described as Tax Map #17-49C located at 11540 Mary Ball Road with the following conditions: 1) the last part of the hospital definition, beginning with “sanatoriums and institutions rendering care for mentally disabled patients and other types of related therapy” will not apply to this particular special exception given the parcel’s proximity to Lancaster Primary School 2) the facility be strictly outpatient and 3) the facility’s normal operating hours be between 7:00 a.m. and 7:00 p.m.

VOTE: F. W. Jenkins, Jr. Aye

 Jason D. Bellows Aye

 Ernest W. Palin, Jr. Aye

 William R. Lee Aye

 B. Wally Beauchamp Aye

CONSENSUS DOCKET

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

A. Minutes for February 28, 2013

Recommendation: Approve minutes as submitted

B. Resolution for Appropriation of a Community Development Block Grant

Recommendation: Approve the resolution as submitted

WHEREAS, the County of Lancaster has been awarded a Community Development Block Grant (CDBG) from the Virginia Department of Housing and Community Development for the Lancaster County Scattered Site Housing Rehabilitation Project in the amount of \$229,320 and for the Greentown-Gaskins Road Community Improvement Project in the amount of \$1,400,000 (\$800,000 for part 1 and \$600,000 for part 2); and

WHEREAS, the County of Lancaster shall accept and appropriate all CDBG funds received towards activities related to the above named projects.

NOW, THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors hereby authorizes Frank A. Pleva, County Administrator and Clerk to the Board of Supervisors, to sign and approve all requests for reimbursement of project related expenses

Adopted this 28th day of March 2013.

C. USDA Rural Development Loan Resolution

Recommendation: Approve the resolution as submitted

WHEREAS, it is necessary for Lancaster County (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$170,000.00; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein call the Government) acting

under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association;

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333 (c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983 ©).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement", and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.00.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally

permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate services. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities, and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$511,000.00 under the terms offered by the Government; that Frank A. Pleva, County Administrator, of the Association is hereby authorized and empowered to take all action necessary or appropriate in the execution of all

written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

IN WITNESS WHEREOF, the Board of Supervisors of Lancaster County has duly adopted this resolution and caused it to be executed by the officers in duplicate on this 28th day of March, 2013.

D. Resolution to Facilitate Obtaining Financial Assistance from USDA Rural Development

Recommendation: Approve the resolution as submitted

WHEREAS, the governing body of Lancaster County, consisting of five members, in a duly called meeting held on the 28th day of March 2013 at which a quorum was present **RESOLVED** as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the development of a sewer facility to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors be authorized to execute on behalf of Lancaster County the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-reference documents, is hereby entered into the permanent minutes of the meetings of the Board.

E. Resolution for National Crime Victims' Rights Week, April 21-27, 2013

Recommendation: Approve the resolution as submitted.

WHEREAS, 18.7 million Americans are directly harmed by crime each year, and each crime affects many more family members, friends, neighbors, and co-workers;

WHEREAS, crime can leave a lasting physical, emotional, or financial impact on people of all ages and abilities, and of all economic, racial, and social backgrounds;

WHEREAS, in addition to these challenges, crime victims face a criminal justice system that, at times, ignores their rights and treats them with disrespect;

WHEREAS, in 1982, the President's Task Force on Victims of Crime envisioned a national commitment to a more equitable and supportive response to victims;

WHEREAS, the nation heeded this call to action and promoted victims' rights initiatives, effective and compassionate victim services, and just compensation and financial support;

WHEREAS, today thousands of victim assistance programs provide help and support to child victims of violence and sexual abuse; stalking victims; survivors of homicide victims; victims of drunk-driving crashes; and victims of domestic, dating, and sexual violence and other crimes;

WHEREAS, the victim assistance community faces new challenges to reach and serve all victims, including victims of new crimes like cybercrime and terrorism and victims who have not always trusted the criminal justice system, including immigrant victims, urban youth, and victims who are lesbian, gay, bisexual, transgender, or questioning;

WHEREAS, now is the time to embrace new solutions that involve new partnerships with underserved communities and a greater emphasis on learning what works in meeting victims' needs;

WHEREAS, the U.S. Department of Justice, through the **Vision 21** initiative, calls for a renewed commitment to serving all victims of crime in the 21st century;

WHEREAS, National Crime Victims' Rights Week, April 21-27, 2013, provides an opportunity to celebrate the energy, creativity, and commitment that launched the victims' rights movement, inspired its progress, and continues to advance the cause of justice for crime victims;

WHEREAS, Lancaster County is joining forces with victim service providers, criminal justice agencies, and concerned citizens throughout Virginia and America to raise awareness of victims' rights and observe National Crime Victims' Rights Week:

NOW, THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors hereby proclaim the week of April 21-27, 2013 as **NATIONAL CRIME VICTIMS' RIGHTS WEEK** and reaffirm this commitment to respect and enforce victim's rights and address their needs during National Crime Victims' Rights Week and throughout the year; and express our appreciation for those victims and crime survivors who have turned personal tragedy into a motivating force to improve our response to victims of crime and build a more just community.

Mr. Pleva stated that he had two more items to add to the Consensus docket.

F. Myrtle Carter's 100th Birthday

Mr. Pleva asked the Board to acknowledge Myrtle Carter's 100th birthday on April 14, 2013, with a letter on their behalf congratulating her on the special occasion.

G. FY13 Budget – Amendment and Appropriation of Funds from the Virginia Department of Motor Vehicles' Animal Friendly License Plate Program

Recommendation: Approve the Appropriation

Mr. Pleva stated that all counties in Virginia get a portion of the funds for any animal friendly plates that are issued in their locality. He stated that the money is passed through the county to the Animal Welfare League. He stated that Mrs. Bonnie Haynie, Treasurer, had said the current amount to date was \$247.89. He asked that the funds be appropriated to the fiscal year 2013 budget so the funds can be paid to the Animal Welfare League.

Mr. Beauchamp amended his motion to include the two additional items to the consensus docket.

VOTE: F. W. Jenkins, Jr. Aye

Jason D. Bellows Aye
Ernest W. Palin, Jr. Aye
William R. Lee Aye
B. Wally Beauchamp Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of March 2013 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for March 2013 in the amount of \$225,898.00 and invoice listings for March 2013 in the amount of \$418,801.11.

VOTE: F. W. Jenkins, Jr. Aye
 Jason D. Bellows Aye
 Ernest W. Palin, Jr. Aye
 William R. Lee Aye
 B. Wally Beauchamp Aye

BOARD REPORTS

Mr. Beauchamp made a motion to reappoint Mr. David A. Jones to the Planning Commission.

VOTE: F. W. Jenkins, Jr. Aye
 Jason D. Bellows Aye
 Ernest W. Palin, Jr. Aye
 William R. Lee Aye

B. Wally Beauchamp Aye

Mr. Lee made a motion to reappoint Mr. Joseph Curry to the Northern Neck Planning District Commission.

VOTE: F. W. Jenkins, Jr. Aye
Jason D. Bellows Aye
Ernest W. Palin, Jr. Aye
William R. Lee Aye
B. Wally Beauchamp Aye

Mr. Bellows made a motion to reappoint Mrs. Tara Booth to the Planning Commission.

VOTE: F. W. Jenkins, Jr. Aye
Jason D. Bellows Aye
Ernest W. Palin, Jr. Aye
William R. Lee Aye
B. Wally Beauchamp Aye

COUNTY ADMINISTRATOR

No report

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn to April 17, 2013 at 4:30 p.m. to conduct a work session for the FY 2014 school board budget.

VOTE: F. W. Jenkins, Jr. Aye
Jason D. Bellows Aye
Ernest W. Palin, Jr. Aye

William R. Lee	Aye
B. Wally Beauchamp	Aye