

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, March 29, 2007.

Present: Peter N. Geilich, Chair
Jack S. Russell, Vice Chair
B. Wally Beauchamp, Board Member
F.W. Jenkins, Jr., Board Member
Ernest W. Palin, Jr., Board Member
William H. Pennell, Jr., County Administrator

Others

Present: Sean Trapani, Clifton Balderson, and Robert Harper, Virginia Department of Transportation; Charles Costello, Friends of Lancaster County; Jack Larson, Planning/Land Use; Joan McBride, Rappahannock Record; Starke Jett, Northumberland Echo and others.

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

PUBLIC INPUT

Capt. Bob Jensen said he would like to opportunity to give a presentation at the next Board of Supervisors meeting and give an update on the artificial oyster reefs installed on the bed of the Rappahannock River a decade ago.

By consensus of the board, Capt. Jensen will be on the regular Board of Supervisors April 26, 2006 agenda.

PRESENTATIONS

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

VDOT Six-Year Plan

Mr. Trapani stated there was a joint public hearing at the last Board meeting in order to get input from the Board of Supervisors and citizens of the county. There was much discussion and many concerns about the third priority Rte 614/Devils Bottom Road that runs past the primary school to a quarter of a mile east of Rte 669 to improve the alignment and replacement of the bridge.

Mr. Pennell said the Lancaster County Board of Supervisors asked him to obtain a perspective from Lancaster County Schools regarding improvements to Devil's Bottom Road. In addition, he was asked to confer with Mr. Trapani with regard to funding options. In his conversation with Mr. Trapani, he advised that the funds for these repairs would not be available this year, thus none will be spent and the Board of Supervisors will not be coerced into making these repairs just because funds have been spent. This gives future Board of Supervisors the opportunity to make the final decision on the road repair when the funding becomes available.

Mr. Geilich asked Mr. Trapani what was VDOT's position on Rte 614/Devils Bottom Road.

Mr. Trapani said he recommends leaving it in the six year plan as he stated in his conversation with Mr. Pennell, funding will not be available this year. Repairs are needed on the road and bridge and the scope of the project can be scaled down in the future.

Mr. Palin stated he is very concerned with the safety of the public and wants to leave Rte 614/Devils Bottom Road on the six year plan.

Mr. Beauchamp said after reading the reports from Dr. Latimore, there are safety issues.

Mr. Jenkins said for those people who are concerned about the time frame on this project; just keep in mind that Taylor's Creek was on the plan for approximately 28 years before it began.

Mr. Trapani said the Six-Year Plan needs to be approved at this meeting and the board was supplied handouts of the Draft Secondary System Construction Program - Projected Fiscal Year Allocation for 2007-08 through 2012-13 at the February 22, 2007 meeting. At which time, Mr. Trapani presented and informed the board that the county-wide project items include rural additions, traffic and safety services, private entrance pipes, preliminary engineering, seeding, fertilization, subdivision, and site planning. The incidental budget items are small projects such as drainage improvements, clearing of intersections and improving alignment.

The first priority is VSH 604/Merry Point Road, at the VSH 611 intersection, to improve alignment. Second priority is Rte 607/Good Luck Road, a County Line Project with Northumberland, to improve the alignment a quarter of a mile west of Rte 200. Third priority is Rte 614/Devils Bottom Road that runs past the primary school to a quarter of a mile east of Rte 669 to improve the alignment and replace the bridge. Fourth priority is Rte 605/Lankfords Corner near Pickardsville Road to improve the vertical and horizontal alignments. Priority five is to install a new right turn lane from VSH 3 unto VSH 1026/School Street.

Unpaved road projects include existing state maintained dirt roads that need to be paved under the Rural Rustic Road program. The first item is Route 632/Indiantown Road to surface treat approximately 0.97 mile. The second item is Route 789/Hadlea Drive to reconstruction and surface treat a non-hard surface road.

Mr. Palin made a motion to approve the Virginia Department of Transportation Six-Year Plan as presented.

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

Traffic Light Study

Mr. Trapani said he had an opportunity to meet with county staff, sheriff and others at the intersection of VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road where the traffic light study is still under review in Richmond.

Mr. Pennell stated VDOT has been informed of the number of accidents, which have increased since the opening of the new CVS, Emergency Vehicles, and with the anticipated travel which will come as a result of the Wal-Mart and other stores in Kilmarnock.

Mr. Trapani said all of that information has been compiled and sent to Richmond.

VSH 646/Christ Church Road

Mr. Trapani stated they will have to replace drainage pipe on VSH 646/Christ Church Road and the road between VSH 200 and VSH 222 will need to be closed this summer. He said he would have more information at the next board meeting on a time frame and other opinions. This work would not be done until June and they would inform the citizens prior to the start of work.

Speed Study Request/Town of Weems

Mr. Beauchamp requested speed study on VSH 666/Benson Road in Weems, whereas the speed limit is currently 55 mph.

Mr. Trapani said he will submit the speed study request.

PUBLIC HEARINGS

1. William H. Pennell, Jr. – Application for Special Exception – Mr. Larson presented an application for Special Exception by William H. Pennell, Jr. to place a data antenna on property described as Tax Map #20H-1-28. This property is at the end of Hunton Lane off VSH 624, Western Branch Road, near Mollusk, VA in Voting District 1.

During this discussion, Mr. Pennell left his seat at the board table and sat in the seats designated for citizens.

Mr. Larson said this is a request for special exception consideration to locate an 80' data antenna at a location within the County to provide wireless internet service. The proposed location does not overlap coverage of other data antennae. It fills a void in the Mollusk area and possibly across the Western Branch of the Corrotoman to the Old Orchard and Drum Point area.

Mr. Larson stated adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received one email requesting information from an interested member of the public who lives in the vicinity of Mr. Pennell's property. That email and his response are attached to the docket memorandum for the board's review.

Chairman Geilich opened the public hearing.

Hearing no public comments, Chairman Geilich closed the public hearing.

Mr. Jenkins made a motion to approve the Application for Special Exception by William H. Pennell, Jr. to place a data antenna on property described as Tax Map #20H-1-28. This property is at the end of Hunton Lane off VSH 624, Western Branch Road, near Mollusk, VA.

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

2. Knoll Properties, LLC – Application for Special Exception – Mr. Larson presented an Application for Special Exception by Knoll Properties, LLC to place a data antenna on property described as Tax Map #26-16. This property is at the end of VSH 610, Oak Hill Road, near Ottoman, Virginia in Voting District 1.

Mr. Larson said this is a continuation of requests for special exception consideration to locate an 80’ data antenna at locations within the County to improve the level of broadband service. The proposed location does not overlap coverage of other towers and fills a void in the area of Yankee Point.

Mr. Larson stated adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received one inquiry from an adjoining property owner who was told that the property owner could dictate who would have service from the tower. He was advised that this would not be the case, but rather Kaballero, the internet service provider placing the tower on the Knoll property, would provide service to all interested parties within the coverage area. Given that Kaballero was also the

adjoining property owner's dialup provider, he expressed satisfaction with the response and support for the request.

Chairman Geilich opened the public hearing.

Hearing no public comments, Chairman Geilich closed the public hearing.

Mr. Jenkins made a motion to approve the Application for Special Exception for Knull Properties, LLC to place a data antenna on property described as Tax Map #26-16. This property is at the end of VSH 610, Oak Hill Road, near Ottoman.

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

3. Mathew L. and Tracey S. Ficklin – Application for Special Exception – Mr. Larson presented an Application for Special Exception by Mathew L. and Tracey S. Ficklin to place a data antenna on property described as Tax Map #23-40C. This property is at 805 Kamps Mill Road near Kilmarnock, Virginia in Voting District 2.

Mr. Larson stated this is a continuation of requests for special exception consideration to locate 80' data antennae at locations within the County to improve the level of service. The proposed location does not overlap coverage of other towers and fills a void in the area of Good Luck Road and Corbin Lewis Estates.

Mr. Larson said adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received no input from adjoining property owners or other interested members of the public concerning this request.

Chairman Geilich opened the public hearing.

Hearing no public comments, Chairman Geilich closed the public hearing.

Mr. Palin made a motion to Approve the Application for Special Exception by Mathew L. and Tracey S. Ficklin to place a data antenna on property described as Tax Map #23-40C. This property is at 805 Kamps Mill Road near Kilmarnock, Virginia.

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

4. Lancaster County School Board – Application for Special Exception – Mr. Larson presented an Application for Special Exception by Lancaster County School Board to place a data antenna on property described as Tax Map #16-54A. This property is the location of the Lancaster County Primary School, which is off VSH 614, Devils Bottom Road, near its intersection with VSH 3, Mary Ball Road in Voting District 2.

Mr. Larson stated this is a continuation of requests for special exception consideration to locate 80' data antennae at locations within the County to improve the level of service. The proposed location does not overlap coverage of other towers and fills a current service void. This antenna is also required to

provide the internet access necessary to meet the Board of Supervisors mandated conversion to the BRIGHT system by the School Board. Mr. Pennell advised that while this statement was correct at the time of the application, it is no longer needed to convert the school division to the county's accounting system. Mr. Pennell did state that he recommends the board of supervisors approve this application in the event it is needed in the future to provide service to the primary school.

Mr. Larson said adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received one call from an adjoining property owner requesting information. The response when given the information was, "if the school needs it, then I want them to have it."

Chairman Geilich opened the public hearing.

Hearing no public comments, Chairman Geilich closed the public hearing.

Mr. Palin made a motion to approve the Application for Special Exception by the Lancaster County School Board to place a data antenna on property described as Tax Map #16-54A. This property is the location of the Lancaster County Primary School, which is off VSH 614, Devils Bottom Road, near its intersection with VSH 3, Mary Ball Road.

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

5. William Carey Huffman – Application for Special Exception – Mr. Larson presented an Application for Special Exception by William Carey Huffman to place an individual manufactured home on property described as Tax Map #25-225. This property is off Lowery Creek Road near Ottoman, Virginia in Voting District 1.

Mr. Larson stated Mr. Huffman is the owner of record of the subject property. He has met all other requirements to place a manufactured home on the property and has certified that he will be the occupant of the home.

Mr. Larson stated the public hearing of this issue has been advertised and adjacent property owners notified as required by law. As of this date, staff has received considerable input, all in opposition, from interested members of the public, none of whom is an adjoining property owner. This opposition has been expressed orally and in emails, which have been submitted to the board for its review. It appears that all those providing the input are served by Lowery Creek Road. A summary of their opposition is as follows:

- 1) surrounding property values will be depreciated;
- 2) a subdivision of the property was improperly done and consideration given in approving that was not given to others;
- 3) Lowery Creek Road is a private road, and Mr. Huffman does not have the right of access to it;
- 4) Mr. Huffman did not obtain a land disturbance permit to place his driveway and septic system and should accordingly be denied approval of his request to place the individual manufactured home.

Mr. Larson said with respect to depreciating property values, such is doubtful and cannot be substantiated. Mr. Huffman would be placing his home as indicated on the plat in a very rural setting; it would also be almost totally, if not totally, screened from the road by thick natural vegetation. The subdivision of

Mr. Huffman's property was in accordance with the Subdivision Ordinance; the two other property owners cited, Carter and Goode, did subdivide property and were given at least equal consideration. Finally, property records going back to the 1930s show that those claiming ownership of Lowery Creek Road (formerly Callahans Road, all or in part) only have an easement to the state maintained portion of Lowery Creek Road (VSH 731). It even appears that at least part of the easement was granted across what is now Mr. Huffman's property.

Mr. Larson stated Mr. Huffman did carry out land disturbance approximating 6,000 square feet prior to obtaining a permit, but corrected this oversight by obtaining an after-the-fact permit on March 21, 2007. This matter is separate and apart from consideration of this request. Mr. Huffman has acted correctly in all matters pertaining to it.

Chairman Geilich opened the public hearing.

The applicant, Mr. William Huffman stated he retired and moved here from Maryland and has followed procedures. He loves his privacy and left a buffer in place to screen the property, had seeded and put septic in. He said it is not his intention to disturb the community, so he is willing to work with the neighbors. He also stated that if this is not approved he would be willing to place a double-wide individual manufactured home or modular home on the property.

Speaking in opposition to the application were:

Mr. George Bott, Crescent Cove Lane resident; Mr. Jack Blaine; Mr. Ken Julian; Mr. Dave Turney; Ms. Rita Thiesen and Mr. Costello said Ms. Thiesen has an important point. Why would this request for special exception be considered, because this is certainly not a hardship as Mr. Huffman stated he would be willing to reconsider if necessary?

Chairman Geilich closed the public hearing.

Mr. Jenkins said special exceptions on manufactured homes are one of his least favorite duties as a board member, because it is the most arbitrary thing they decide. He said he believes that Mr. Huffman is an honorable man and is trying to do what is right for his family and the best he can with what is available to him, however; single-wide manufactured homes are not acceptable in this area.

Mr. Beauchamp said this would set a precedent.

Mr. Jenkins made a motion to deny the Application for Special Exception by William Carey Huffman to place an individual manufactured home on property described as Tax Map #25-225. This property is off Lowery Creek Road near Ottoman, Virginia.

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

6. Randall Kipp – Request for Bay Act Formal Exception – Mr. Larson presented a Request for Bay Act Formal Exception by Randall Kipp to construct a single-family residence within ten feet of non-tidal wetlands on property described as Tax Map #41-4C. This property is off Windjammer Lane in The Pointe subdivision near White Stone, Virginia. It is in Voting District 3.

Mr. Larson said recommendation is based on the reasonableness of the building footprint (2,000 square feet), the fact that development is more than 100 feet from tidal wetlands, nontidal wetlands which are not connected to tidal wetlands or waters by surface flow of any kind, and, most importantly, there are

no other options in his judgment for Mr. Kipp to reasonably develop his property. It should also be noted that Mr. Kipp, on his recommendation, reduced the desired amount of impervious cover of the home and driveway.

Mr. Larson stated adjoining property owners have been notified of this hearing and advertising conducted as required by law. To date, there has been no input from adjoining property owners and one request for information from an interested member of the public.

Chairman Geilich opened the public hearing.

Mr. Kendall Acrons said he is in favor of anyone being able to utilize their property.

Chairman Geilich closed the public hearing.

Mr. Geilich made a motion to approve the Request for Bay Act Formal Exception by Randall Kipp to construct a single-family residence within ten feet of non-tidal wetlands on property described as Tax Map #41-4C. This property is off Windjammer Lane in The Pointe subdivision near White Stone, Virginia.

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

7. Subdivision Roads – Private Road Exception – Mr. Larson stated Article 5-19 of the Subdivision Ordinance proposed to read as follows:

***Private Streets.** Subdividers are not required to bring subdivision streets into the state secondary road system. However, all subdivision streets must be built using the AASHTO Green Book, entitled “Policy on the Geometric Design of Highways and Streets” with additional guidance provided by the Federal Highway Administration’s manual entitled “Flexibility in Design”. All plats and deeds of land parcels served by such streets must also contain the note, “The streets in this subdivision are not intended for inclusion in the system of state highways, will not be maintained by the Department of Transportation or Lancaster County, and are not eligible for County funding, or rural addition funds or any other funds approved by the General Assembly and allocated by the Commonwealth Transportation Board.” The designation of subdivision streets as “private” shall in no way serve to deny access to emergency vehicles or public officials in the performance of their duties.*

Mr. Larson stated subdividers will secure a third party, Class B surveyor, or engineer, to conduct an independent peer review of street plans and certify that they conform to the standards stated above. Upon completion of the subdivision streets this same party will certify that the completed streets comply with the approved plans. A performance bond based on the third party estimated total cost of construction must be posted and will only be released upon certification of the completed construction. A Road Maintenance Agreement (RMA) must also be included with each application for subdivision and shall be recorded with the subdivision plat and deeds.

Article 5-9(e), first sentence, modified to read:

*The use of a narrow accessway from a state maintained road may be established to serve a maximum of **three** lots. (Note: this grants exception to standards for both private and VDOT approved roads)*

Mr. Larson stated the proposed language is the culmination of several months of effort on the part of the Planning Commission with much of the effort dealing with standards that would be sufficient, but not excessive. An excerpt of the approved Planning Commission minutes of the February 15, 2007 meeting is attached to the agenda memorandum for this matter.

Mr. Larson said advertising has been conducted as required by law. To date, there has been no input from interested members of the public concerning this issue.

Chairman Geilich opened the public hearing.

Mr. Ken Julian said the road going to his property is approximately one mile long, if there was a forest fire they could be trapped, limit the number on a private road and incorporate a speed limit.

Mr. Geilich stated it is a private road and the subdivision/homeowners association can set a speed limit, purchase and post signs on their road.

Mr. Jenkins said the county is not able, by the Code of Virginia, to set or police a speed limit that is for the property owners to enforce through civil law.

Mr. Julian asked if they can put in speed bumps.

Mr. Jenkins said yes.

Mr. Pennell suggested if the homeowners association put in speed bumps on the private road they should consult with the fire department, because speed bumps can break fire trucks in half.

Mr. David Dudley stated he purchased five acres of property to subdivide for his family and has been informed by the Mr. Larson that he would be unable to do so because the roads would not be up to VDOT Standards. He dreams are now gone.

Mr. Larson said with the number of lots Mr. Dudley wanted with the property acquired, he would have to bring the road up to State Standards. However, the three lot exception would meet his need.

Chairman Geilich closed the public hearing.

Mr. Jenkins said when referred to the AASHTO Green Book entitled “Policy on the Geometric Design of Highways and Streets” with additional guidance provided by the Federal Highway Administration’s manual entitled “Flexibility in Design”. He asked should the board add (as amended), since VDOT publish revision and printing.

Mr. Jenkins made a motion to amend and approve Article 5-19 of the Subdivision Ordinance to read as follows:

***Private Streets.** Subdividers are not required to bring subdivision streets into the state secondary road system. However, all subdivision streets must be built using the AASHTO Green Book, entitled “Policy on the Geometric Design of Highways and Streets” with additional guidance provided by the Federal Highway Administration’s manual entitled “Flexibility in Design” as amended. All plats and deeds of land parcels served by such streets must also contain the note, “The streets in this subdivision are not intended for inclusion in the system of state highways, will not be maintained by the Department of Transportation or Lancaster County, and are not eligible for County funding, or rural addition funds or any other funds approved by the General Assembly and allocated by the Commonwealth Transportation Board.” The designation of subdivision streets as*

“private” shall in no way serve to deny access to emergency vehicles or public officials in the performance of their duties.

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

Mr. Jenkins said the modification of the first sentence of Article 5-9(e) needs to be more specific on the perimeter of the access way.

Mr. Jenkins made a motion to table the amendment to Article 5-9(e) of the Subdivision Ordinance for Mr. Larson to work on a specific perimeter of the access way.

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

CONSENSUS DOCKET

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

A. Minutes for February 22, 2007

Recommendation: Approve the minutes.

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of March 2007 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the Salaries for March 2007 in the amount of \$180,971.76 and Invoice Listings for March 2007 in the amount of \$561,718.05.

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

2. Bridge Pointe – Subdivision Application – Preliminary and Final Plat Approval –

Mr. Larson presented an application for applicant, Estate of Charles C. Broome (George A. Warthen, II, Trustee) is submitting this eight lot subdivision for both preliminary and final plat approval. The property being subdivided is in Voting District 5.

Mr. Larson said as indicated on a checklist provided to the Board of Supervisors, this subdivision plat meets all the requirements of the Lancaster County Subdivision Ordinance with the exception of VDOT approval and posting of a performance bond.

Mr. Beauchamp made a motion to approve the Bridge Pointe Subdivision Application for Preliminary and Final Plat pending final approval by VDOT.

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

3. Comprehensive Plan, Chapters 1-6 – Mr. Larson stated updates to the Lancaster County Comprehensive Plan, Chapters 1 – 6 and ready for the board’s consideration and adoption.

Mr. Larson said the draft Chapters 1 – 6 forwarded to the Board of Supervisors for approval by the Planning Commission were considered at public hearing at the February 22, 2007 regular meeting. Guidance was given to incorporate requested changes/additions and return the draft to this meeting for further consideration and possible approval. The draft to be considered at this meeting was passed to Board members as an email attachment on March 20, 2007.

Mr. Dana Gilmore stated that Chapter 3 is long with old information from the 1990 census is being used rather than new data from the 2000 census which is available.

Mr. Larson said there has been a number of public input sessions held thorough out the county and Rev. Fowler put a lot of work into Chapter 3. He would certainly take a look at both Chapters 3 and 6 if asked to do so by the board.

The Board stated the Planning Commission, Mr. Larson and public input has produced a good Comprehensive Plan for these first six chapters and this is a living document which can and will be updated.

Mr. Beauchamp made a motion to approve the Lancaster County Comprehensive Plan, Chapters 1 – 6 as finally revised.

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

4. Subdivision Road Performance Bond – Covewoods Subdivision – Mr. Larson stated construction of the subdivision road in Covewoods subdivision has been completed to Virginia Department of Transportation’s (VDOT) satisfaction. The applicant has requested that he now be required to post only a maintenance bond until such time as the road qualifies to be brought into the state secondary system. This subdivision is in Voting District 5.

Mr. Larson said the subdivision must have three completed homes to qualify to be brought into the state secondary road system. Unlike many subdivisions in the County, the developer completed the road within seven months of approval of the subdivision. There are, however, no completed homes within the subdivision. The developer’s request and the amount of \$3,000 are considered reasonable and sufficient.

Mr. Beauchamp made a motion approve the refunding of the Subdivision Road Performance Bond for Covewoods Subdivision and establishment of a \$3,000 maintenance bond.

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

5. Sexually Oriented Business Ordinance – Mr. Pennell said at the February 22, 2007 regular monthly meeting, the Lancaster County Board of Supervisors directed the county attorney and him to develop an ordinance to control sexually oriented businesses should one or more choose to locate in Lancaster County. An ordinance was obtained from James Cornwell, County Attorney, and modified to apply to Lancaster County.

Mr. Pennell said Mr. Cornwell has developed this ordinance to regulate sexually oriented businesses in the City of Galax, Virginia. The ordinance has been modified to speak to the specifics of Lancaster County.

Mr. Pennell stated Mr. Cornwell recommends using a permitting process so that it is much easier to revoke a permit rather than enforcing violations through the zoning process. Please note that these businesses are only permitted in the unconditionally zoned C-1 zones. Both Sheriff Crockett and Mr. Larson have reviewed the draft ordinance and their recommendations have been included for the board’s review.

Mr. Pennell asked the Board of Supervisors to authorize him to advertise the Sexually Oriented Business Ordinance for public hearing at the April 26, 2007 regular Board of Supervisors meeting.

Mr. Beauchamp made a motion to authorize the County Administrator to advertise the Sexually Oriented Business Ordinance for public hearing at the April 26, 2007 regular Board of Supervisors meeting.

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

6. Law Enforcement Mutual Aid Agreement – Mr. Pennell stated as a result of recent activities at the White Stone 7-11 and predicted activities at the Wal-Mart being constructed in Kilmarnock, the law enforcement entities of Lancaster County and its Towns have asked that a mutual aid agreement be approved allowing the shared used of resources, both human and material.

Mr. Pennell said a draft was provided to the Board of Supervisors which was developed by Mr. Cornwell, the county attorney, and tentatively agreed upon by the town attorneys, the police chiefs, the sheriff, town and county administrative staff.

Mr. Beauchamp made a motion to approve the following Law Enforcement Mutual Aid Agreement and authorize the County Administrator to execute it for Lancaster County:

LAW ENFORCEMENT MUTUAL AID AGREEMENT

THIS AGREEMENT, made this 29th day of March, 2007, by and between the **SHERIFF OF THE COUNTY OF LANCASTER** (“Sheriff”); **THE COUNTY OF LANCASTER, VIRGINIA** (“Lancaster”) a political subdivision of the Commonwealth of Virginia; and, the **TOWN OF WHITE STONE, VIRGINIA** (“White Stone”), a political subdivision of the Commonwealth of Virginia; the **TOWN OF IRVINGTON, VIRGINIA** (“Irvington”), a political subdivision of the Commonwealth of Virginia; and the **TOWN OF KILMARNOCK** (“Kilmarnock”) a political subdivision of the

Commonwealth of Virginia (White Stone, Irvington and Kilmarnock are collectively the “Towns”);

WHEREAS, Virginia law authorizes reciprocal agreements for law enforcement services and inter-jurisdiction of law enforcement assistance for all law enforcement purposes; and

WHEREAS, the parties hereto have determined that the provision of law enforcement aid across jurisdictional lines will increase their ability to preserve the safety and welfare of the entire area; and

WHEREAS, it is deemed to be mutually of benefit to the Sheriff and the Towns to enter into an agreement concerning mutual aid with regard to law enforcement and Lancaster is agreeable to provide support thereto; and

WHEREAS, the parties desire that the terms and conditions of this Law Enforcement Mutual Aid Agreement (“Agreement”) be established; and

NOW THEREFORE, for and in consideration of the mutual benefits to be derived by the parties hereto the Sheriff, Lancaster and the Towns hereby covenant and agree, each with the other, as follows:

1. In conformity with § 15.21730.1 of the Code of Virginia, as amended, and in conformity with other provisions of the Code of Virginia including §15.2-1724 and §15.2-1726, as amended, the Sheriff will endeavor to provide law enforcement support to the Towns and the Towns will endeavor to provide law enforcement support to each other and to the Sheriff all within the capabilities available at the time such support is necessary and within the terms of this Agreement.
2. Nothing contained in this Agreement should in any manner be construed to compel any of the parties hereto to respond to a need for law

enforcement support when the law enforcement personnel of the jurisdiction to whom the request is made is in the opinion of the requested jurisdiction, needed or are being used within the boundaries of that jurisdiction.

3. No parties to this Agreement or any employee of any party to this agreement shall be liable to any other party hereto for any loss, damage, personal injury or death to law enforcement personnel or equipment resulting from the performance of this Agreement, whether such occur within or without the jurisdictional boundaries of the respective parties hereto. It is specifically agreed that the Sheriff and his deputies, providing or receiving such assistance, shall have all the authority, benefits, immunity from liability, and exemptions from laws, ordinances and regulations as officers acting within the Towns.
4. There shall be no liability to any of the parties hereto for reimbursement for injuries to law enforcement, personnel, or equivalent occasioned by a response or law enforcement action, or for injuries to such equipment or personnel incurred when going to or returning from another jurisdiction. Neither shall the parties be liable to each other for any other costs associated with or arising out of the rendering of assistance pursuant to this Agreement.
5. The Sheriff presently dispatches the law enforcement personnel of White Stone and Kilmarnock. Irvington presently has no full time law enforcement officers. The Sheriff will continue to dispatch for White Stone and Kilmarnock and should Irvington request such service the Sheriff shall dispatch for them. At the time of dispatch of law enforcement personnel or at any time the Sheriff or his deputies obtain information that law enforcement assistance is needed in the Towns, the Sheriff and his deputies and the law enforcement personnel of each Town are hereby authorized to furnish in such jurisdictions as needed law enforcement assistance for all law enforcement purposes including enforcement of all applicable ordinances of the Towns, Lancaster, and all

provisions of State Law, as the same are appropriate.

6. The Sheriff and the Towns shall have and maintain a radio communication system for use by the parties hereto and create and maintain a mutual aid implementation plan as part of their communications standard operation procedure manual.
7. All services performed and expenditures made under this Agreement shall be deemed for public and governmental purposes and all immunities from liability enjoyed by the Local Government within its boundaries shall extend to its participation in rendering assistance outside its boundaries. It is understood for the purpose of this Agreement that the responding party is rendering aid once it has entered the jurisdiction boundaries of the party receiving the assistance.
8. The Towns shall ensure that their ordinances are kept current and are valid and conform to the laws of the Commonwealth of Virginia and Federal Law. The Sheriff shall be entitled to call upon the Town Attorney of the applicable Town for advice and interpretation of Town ordinances. Upon request of the Sheriff any Town will consider adoption of ordinances as suggested to resolve incidents occurring within such Town. The parties hereto shall consult with their respective insurance carriers to ensure that coverage for the law enforcement officials and deputies who are to provide services hereunder is in effect and shall provide the protection afforded under Article 2 and Article 3 of Chapter 15, of Title 15.2 of the Code of Virginia, as permitted by law.
9. All pension, relief, disability, worker's compensation, life and health insurance, and other benefits enjoyed by said employees shall extend to the services they perform under this Agreement outside their respective jurisdictions.
10. All deputies, police officers, law enforcement agents, and other employees of the parties to this agreement shall have the same powers, rights, benefits, privileges, and immunities in every jurisdiction subscribing to this Agreement, including the authority to make arrests in every such

jurisdiction subscribing to this Agreement under any all applicable laws or ordinance.

11. The parties of this Agreement recognize that they are each fully capable of independently providing services to adequately serve their respective political subdivisions. The governing bodies of the parties to this Agreement each agree that this Agreement shall neither be used against the Lancaster County or any Town in any future annexation proceedings, this cooperative Agreement having been entered into in furtherance of the policies set forth in Section 15.2-3209 of the Code of Virginia, 1950, as amended, and shall be without prejudice to the County of Lancaster.
12. Law enforcement support provided by the Sheriff pursuant to this Agreement shall include, but not be limited to the following resources:
Staffing Support – to include uniformed deputies, canine officer with narcotic detecting canine, and plainclothes officers;
Forensic Support – to include one Crime Scene Unit with equipment;
Communications Support – mobile and other radio equipment;
And any other related law enforcement equipment currently available.

Law enforcement support provided by White Stone and Kilmarnock pursuant to this Agreement shall include, but not be limited to, the following resources:

- Staffing Support** – to include uniformed police officers and plainclothes officers.
- Communications Support** – mobile radio equipment;
And any other related law enforcement equipment currently available.
13. Subject to the terms of this Agreement, the Sheriff, White Stone, and Kilmarnock agree to provide assistance to the requesting jurisdiction in situations requiring the mass processing of arrestees, and transportation of arrestees.
14. Officers responding to this Agreement shall be granted authority to

enforce the laws and ordinances of the towns effective in the towns, the ordinances of the County of Lancaster and the laws with the Commonwealth of Virginia and to perform the other duties of a law enforcement officer; such authority shall be in conformance with State Code Sections 15.2-1724; 15.2-1726; and, 15.2-1730.

15. It is specifically agreed that the Sheriff and his deputies and the officers of White Stone and Kilmarnock shall have full arrest powers in the County of Lancaster, the Town of White Stone, the Town of Irvington and the Town of Kilmarnock, pursuant to the terms of this Agreement.
16. This Agreement repeals and supersedes all previous written agreements or oral understandings relating to the provision of mutual aid of law enforcement services. With the exception of those portions of other agreements and documents referred to herein, this Agreement represents the sole document regulating the provision of mutual law enforcement services.
17. This Agreement may be terminated at any time by any party giving thirty (30) days written notice to that effect to the other parties hereto.

This Agreement has been authorized and approved by the Sheriff of Lancaster County, Virginia, the Board of Supervisors of Lancaster County, Virginia, the Town Council of the Town of White Stone, Virginia, the Town Council of the Town of Irvington, Virginia and the Town Council of the Town of Kilmarnock, Virginia.

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

7. 2008 General Reassessment – Mr. Pennell provided the board with the results of the request for proposals Lancaster County issued for a general reassessment of real estate to be effective on January 1, 2008.

One response to the Request for Proposals was received from Blue Ridge Mass Appraisals. Mr. Pennell said Lancaster County has utilized the services of Blue Ridge Mass Appraisals for the 2000 and 2004 general assessment and was reasonably satisfied with their performance, particularly during the 2004 iteration. Mr. Thomas and he recommend the approval of the Blue Ridge Mass Appraisal contract for the following reasons:

- 1) The cost seems reasonable (\$15.50 per parcel as compared to \$14 per parcel in 2004).
- 2) They agreed to photograph each major structure on each lot.
- 3) They agreed to note the VA number for each boat located on trailers or at docks on each parcel the visit.
- 4) They are the developers of the CAMRA System which Lancaster County purchased eight years ago to manage its assessments.
- 5) They do not require county secretarial support or office space during the field work.
- 6) They have developed VamaNet, a software package for sale to real estate firms, attorneys, etc (county receives a subscription for free) wherein tax cards are available over the internet to reduce the time county staff must spend on the phone or at the counter to assist real estate professionals.

Mr. Pennell stated he also included a letter Lancaster County recently received from Mr. Thomas Morelli of the Virginia Department of Taxation. Mr. Morelli describes the results of the Estimates of True Value of real estate in Lancaster County. Their study indicates that Lancaster County real estate is currently assessed at 61.8% of its Fair Market Value. A percentage this low has a

deleterious effect on the Composite Index from which Lancaster County receives the state's basic aid for education.

Mr. Pennell said the county received four bound copies of the bid response. One has been delivered to Mr. Thomas and the remaining three are available to Board of Supervisors if interested in the details of the assessment bid.

Mr. Jenkins made the motion to Blue Ridge Mass Appraisal contract to perform the 2008 General Reassessment.

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

BOARD REPORTS

None

COUNTY ADMINISTRATOR REPORT

None

ADJOURNMENT

Motion was made by Mr. Geilich to adjourn the meeting until Thursday, April 5, 2007 at 5:30 p.m. for a Joint Board Budget Work Session at the School Board Office Conference Room.

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