

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held at the Courthouse of said county on Thursday, March 30, 2000.

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

Others

Present: J. F. Staton, Carter White and Robert Harper, Department of Transportation representatives; Pete Ransone, Planning and Land Use Director; Press

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

PRESENTATIONS

1. VMRC Use of Foreign Oyster Shells - This presentation canceled at the request of the presenter.

2. Rappahannock Community College - Dr. Norman Scott reported that things are going very well. Rappahannock Community College had a record 16% enrollment growth, with over 6,000 individuals attending classes last year, and has just recently been reaccredited. There are 192 Lancaster High School students taking dual enrollment courses, and 7 Lancaster High School students participate in the Chesapeake Bay Governor's School at RCC. RCC's Center for Business and Workforce Development provided 24 training classes to 7 businesses in Lancaster, serving 238 employees. RCC has completed a preliminary study for a 6,000 square foot technical and workforce development center on both the Glenss and Warsaw campuses. Each center will house a training center equipped with the latest computers, computer networking and repair laboratory, CADD (computer aided drafting and design) lab, Industrial Process Maintenance lab, Advanced Manufacturing lab, and Welding and/or Machine lab. RCC is requesting \$3,425,000 from the General Assembly this biennium. These facilities will be equipped with state-of-the-art equipment to train current and future employees needed to keep our businesses and industries competitive.

No action taken.

3. Board of Zoning Appeals Report - Motion was made by Mr. Jenkins to accept the Board of Zoning Appeals Report. VOTE: 5 - 0 Aye.

DEPARTMENT OF TRANSPORTATION

Preallocation Hearing - Mr. Staton said the Preallocation hearing has been postponed again, and may be canceled. He will keep the Board informed.

No action taken.

VSH 600 - Mr. Staton said the VSH 600 project is progressing. The final plans are to be available by April 21, 2000. It should be advertised in May and construction should begin in July.

Mr. Conaway asked what the estimated completion time would be for the project.

Mr. Staton said it should be five to six months after construction has begun.

No action taken.

VSH 675 - Mr. Staton said they are beginning to start the VSH 675 project, but are not making much progress right now. They still expect to be completed the first of July. Part of this project includes widening the shoulders along that area for the bike trail.

No action taken.

Maintenance - Mr. Staton said they will be awarding the contracts for resurfacing in the next month. Sweeping crews have begun their work, and mowing is to start April 24, 2000.

No action taken.

Shady Lane - Mr. Beauchamp said he has been contacted by citizens concerned about cars making a left turn onto Shady Lane in White Stone to get to the new doctor's office. There has been an increase in traffic and some accidents since the office opened.

Mr. Frere said he has also heard the same concern. It seems cars try to go around the cars that are stopped to make the turn. The road is widened, but narrows quickly.

Mr. Staton said he had talked to the mayor about that and had the traffic engineers look at that. The sign was moved to improve sight distance and extending the lane further is a viable alternative to making it safer. They have it on the docket to be considered from a safety standpoint. When we do have a preallocation hearing to establish funding for the primary system, that ought to be a fairly high priority for Lancaster County.

No action taken.

PUBLIC HEARINGS

1. Virginia Quality Life, Inc., Request to rezone property described as tax map 34-401 from A-2, Agricultural General to C-2, Commercial Limited. The property is located on the east side of Route 3, Mary Ball Road, near White Stone, VA.

Mr. Ransone said the Planning Commission has recommended approval. This property has been purchased from Virginia Quality Life, Inc. by Mr. and Mrs. Keplinger in order to expand a nursery and landscaping business. There is no plan for development at this time.

Mr. Frere said it is his understanding that there is a letter in the file stating that the applicants do understand they will have to come back to this Board before any development of this site.

Mr. Pennell said that is right; that amounts to a proffer, which changes this to a conditional zoning request.

Marianne Keplinger, owner of Marianne's Garden, Inc., said she and her husband have purchased the property to have the availability to expand the nursery. They will probably have greenhouses and other things having to do with their horticulture business extend that way. The front of the property is zoned C-2 and they are expanding there now, and they want the C-2 zoning in the back for when they decide to expand further.

Mr. Jenkins asked Mrs. Keplinger if she had proffered that before any further development of that parcel takes place she will need to submit a plan of development.

Mrs. Keplinger said yes.

Motion was made by Mr. Simmons to approve the C-2, Commercial Limited, conditional rezoning request since the property was zoned similarly two years ago, and the public has no objection to it. And, there has been a proffer to bring a plan of development to this Board before any work is done to change the current character of the property. VOTE: 5 - 0 Aye.

2. James D. Fischer, request to rezone property described as tax map 28-211 from A-2, Agricultural General to C-1, Commercial. The property is located on the east side of Route 200, Irvington Road, near Irvington, VA.

Mr. Ransone said Mr. Fischer intends to have businesses such as a beauty shop, retail shops, and possibly office space in the building closest to Irvington Road. He wants to put a restaurant (cafe) in the back building. That building was used as a seafood processing plant until a few years ago. The Planning Commission has recommended approval of C-2 zoning with the following proffers

1. Leland Cypress buffer and fence between this property and the adjoining properties, as shown on the plan of development.

2. Closing times to be 10:00 p.m. on weeknights and 11:00 p.m. on Friday and Saturday.

Mr. Conaway asked how many objections Mr. Ransone had received to this application.

Mr. Ransone said he had received several calls to ask questions and two letters in objection. One letter of objections was received before the recommended change to C-2, and one after.

Mr. Frere said that in the C-2 zone restaurants are allowed by special exception and are limited to a 2,000 square foot of floor area. The applicant would need to come back to this Board for a special exception and, at that time, this Board could put conditions on the use.

Frank Burke, representing Mr. Fischer, passed around photos of the area and had a sketch from the county tax maps providing information pertaining to the other parcels in the area. This property sits next to C-2 zoning including the GTE utility location. It is Mr. Fischer's intention to provide an asset to this community. It is a community that currently has other businesses and he wants to add businesses. He has made improvements to the buildings and wants to have a beauty shop and small cafe for lunch and dinner. He proffers to close at 10:00 p.m. on weekdays and 11:00 p.m. on Friday and Saturday. He may come back to this Board at some point in time to extend the 11:00 p.m. closing time to 12:00 p.m. They have heard a concern about this possibly being a sports bar. That has never come up in any of his conversations with Mr. Fischer. Mr. Fischer wants a place that will be good for the community. The Planning Commission has recommended C-2, and the applicant has absolutely no objection to the C-2 zoning. In C-2, the most he can have is 4,000 square feet. With a restaurant of 2,000 square feet, he can have very limited seating. The Health Department will make sure it meets all health requirements, and before he goes forward with the actual serving of any meals they will have to come back to this Board with a site plan and other approvals showing that we are ready to go. But, at this point, we are asking this Board to approve the C-2 zoning.

Mr. Simmons asked about the fence shown on the drawing. What kind of fence is that?

Mr. Fischer said the plan is to build an 8 foot high, 6x6 inch post lapboard privacy fence.

Mr. Beauchamp asked if this fence would come up even with the front of the existing home on the left side?

Mr. Fischer said yes, it would come out flush and then come down straight and turn to the back end.

Mr. Simmons said Mr. Fischer indicated an 18'x24' covered area at the back of the existing one story metal building. What will be the use of that covered area?

Mr. Fischer said that will be Clarke's Cleaning and General Maintenance office. It will be used to store supplies and equipment and there will be a small office.

Mr. Cornwell asked if the fence described is what he intends and is a condition of the plan of development approval.

Mr. Fischer said yes.

Mr. Frere said this is a large parking lot. He asked Mr. Fischer if staff had talked to him about it possibly being too large as far as Bay Act requirements. Would it be a problem to reduce it to maybe half the size it is now?

Mr. Fischer said that would not be a problem. That should give him at least 18 parking spaces.

Mr. Simmons asked if 18 parking spaces would be sufficient for operation.

Mr. Fischer said he is trying to buy more land in the back field for the cafe. If that goes through, he will come back with a new plan for more parking spaces. If he does not get this land, he will have to make it work.

Mr. Simmons asked if Mr. Fischer realized this would restrict him considerably.

Mr. Fischer said yes. All he is looking to have is a beauty shop, retail for perfumes, shampoos, etc., and have a quaint cafe. Nothing more. It is not going to be bands or DJ's or anything like that. Between Clarke's Cleaning, the beauty shop and cafe, he will employ 15 people. He owns four houses in the county that he rents out and he is part of the county and does business in the county.

Mr. Conaway asked if Mr. Fischer plans to apply for an ABC license.

Mr. Fischer said yes, for beer and wine only.

Ellen Reid, owner of Breezewood Farms, which is located near this property, said she feels if C-2 is granted she is concerned about her horses and business. She is up at 6:00 in the morning and expects her horses to be at their full performance by 8:00 or 8:30. If an establishment goes in the vicinity of her, she is concerned about her horses being at full potential with being disturbed at night. If this is truly going to be a place for ladies to come in and have their hair done and have an outdoor cafe, she would like to know how many people are having their hair done at 9:00 or 10:00 at night. She would also be concerned with the ABC license granted and people getting out of hand. It is close to her property, which is all fenced in. She would be concerned about the noise level; people wandering over when they have had too much to drink and deciding they are going to try to get on one of her horses and ride them. They left York County specifically because of the out-of-control development squeezing out agricultural places. They purchased the property for the purpose of opening a horseback riding, boarding

facility and trail rides for guests. Her heaviest business is on Friday, Saturday and Sunday, when they are at their peak. If there is an establishment that close to her, she knows from personal experience that you can hear clearly what is going on if Dr. Temple has a party. There are some nights when she can hear music from Rice's Tavern.

Norman Dobyms, representing Glebefield Community Association, said the entrance to Glebefield is 2/10 mile from the proposed rezoning. There are sixteen homes and forty residents, most of whom are here tonight. They are not here because they feel any enmity toward Mr. Fischer or his plans for commercial success. Mr. Fischer has applied for rezoning from A-2 to C-1 so that he can have "fast food in back, retail, beauty shop, office space". There is no reference to a cafe; no reference to Clarke's Cleaning and storing of supplies in this application. He recalls an item in a local newspaper earlier this year that referred to the applicant's use of a sports bar. On the application where he has said what he intends to do, there is no reference to anything that would be permissible under C-2 or C-1, without exceptions by the board. He can do nothing that has been discussed here this evening legally, under the county's zoning ordinance without specifying exactly what he intends to do. The only thing he can have without resubmitting is a beauty shop. Based on that, the Glebefield Community Association voted to support the beauty shop and oppose every other use.

Joyce Temple, adjoining property owner, said she has no objections to the beauty shop. She is not real big on a late night establishment. For many, 10:00, 11:00 or 12:00 is not late, but for her it is. A late night establishment next door bothers her. Liquor, alcohol and a lot of traffic next door concerns her greatly. She purchased her nine acres six years ago with every intention of putting livestock on it. She still intends to get animals.

Gene Slater said he owns property at Pittman's Corner and would be in favor of anything that would increase the property values in that area. However, from what he has heard tonight, he is not sure what use the property would be put to. He is not opposed to the development of the property or the rezoning. There is no question that it will all be business sooner or later from Irvington on down. But, once you rezone it you have opened a can of worms. He thinks we need to be pretty sure what use the property is going to be put to. A beauty shop is appropriate there; a cafe or bar he is not sure would be.

Steven Reid of Breezewood Farms said he has not heard whether this cafe is going to be indoor or outdoor. If it is an outdoor cafe, he has grave concerns. Also, he has not seen the fencing proposal. Is it going to wrap all the way around the property to prevent people from going back there? He bought his land as agricultural and he is in the process of getting more land around his home, on some of which he will be growing hay. There are other farmers behind him, and there is crop dusting going on. If there is an outdoor cafe there, is Mr. Fischer going to ask to impose restrictions on people that need this for agricultural use and prevent crop dusting? If Mr. Fischer would be a little more specific on his direction and plan for use of this property, maybe this whole situation would be better understood.

Frank Burke said the Board has had a chance to look at the plan. On the plat, the Reid property is some distance from this property. What Mr. Fischer is talking about doing is not a full scale restaurant; it is impossible for him to do that. The ordinance states that it has to be a covered area. It is not going to be something that he can affect what someone else puts on their property. It may be that horses are affected by people being up at 10:00 or 11:00 at night; but if we followed that kind of rule people wouldn't be able to drive on the roads at night, or honk their horns. Mr. Dobyms said he doesn't think this Board has the right or authority to rezone this property to C-2. Mr. Fischer filled out the application for rezoning. Had we discussed it ahead of time he probably would have applied for C-2 to start with. After that application came in, they met with the Planning Commission, and told them at that meeting that it was to be a cafe. They have proffered that it is going to be a cafe, and we have indicated in the proffers precisely where each of the items we have asked for fall within the zoning ordinance. So, this board is perfectly within its rights to grant this request for C-2 zoning and we can go forward with the special exception for the cafe. Before Mr. Fischer can go forward with the cafe, he will have to provide a site plan showing that he hasn't covered more surface area than allowed. Also, septic approvals from the Health Department showing he has done everything he is supposed to do, and whatever other types of requirements that this Board may choose to impose with the special exception. Ms. Temple was concerned about late night activity. That is why we proffered a ten o'clock closing during the week and eleven o'clock on weekends. The reason we did that is primarily because of the summer type traffic we get here. Most businesses like this in this area is that you make a lot of your money in the months when the sun goes down at eight thirty or nine o'clock. What happens is, you get people who go out in boats; they come in. They don't go off to a cafe or restaurant until they clean up. So, by the time they get there there's not much time to serve them food and get them out if you have to close earlier than eleven o'clock. This is in a village; it is in a place that is a business area.

Mr. Beauchamp said he has received a number of comments in opposition to the request. The main concern is the traffic situation, if in fact there is one. He knows there have been some very serious accidents at the intersection just up from Mom and Pop's. This has not been addressed. There has to be increased traffic; how much he doesn't know. He also has concerns about what is on the application, which he feels is not what we are discussing tonight, to some degree. In his mind fast food cannot be considered a cafe. He feels he is being put in the position of making a decision when he does not have all the information. He is inclined to make a motion to deny the request. Secondly, he applauds Mr. Fischer in attempting to bring jobs to the county. He asked the County Attorney if it would be appropriate to table this and send back to the Planning Commission to address the traffic and other concerns.

Mr. Cornwell said this board has one year in which to act on this application. You can refer it back to the Planning Commission for further discussions and further recommendations. It may act, or it may take it under advisement itself for that period of time.

Mr. Conaway said he is inclined to believe that a property owner has the right to put on their property whatever they desire, as long as it is not have an adverse effect on the neighbors or surrounding. We have been trying, as a board, to encourage small businesses to come into the area and also trying to create jobs that would help this community for the ten years he has been on this board. Mr. Fischer's proposal does both encourage small business owners to pursue their goal and it will enhance the job outlook. This is fifteen jobs. He hears the concerns of the residents, which he does respect, but if we refuse any small or large type of business coming into the area, we will never see any growth in the county. He has a problem because the applicant is requesting C-1 and the Planning Commission has recommended C-2. He thinks it would be unfair to the applicant and the residents. He feels that to deny this request would be unjust. He would be more inclined to table it until next month. If we deny the request based on half information, we would not be doing justice to a taxpayer and someone who wants to improve their lifestyle.

Mr. Frere asked if this were to be denied, is there a time limit before the applicant can make a similar request.

Mr. Cornwell said his understanding is that there is a one-year time limit before he could come back to this board with a similar request.

Mr. Frere asked if rezoning to C-2 would be a similar request.

Mr. Cornwell said he believes so; it would be commercial.

Mr. Frere asked if there is a way the applicant can withdraw this request after it has been advertised, but before the board acts on it and remake application without the one year deadline.

Mr. Cornwell said yes. Under statute, the applicant can withdraw his application at any time prior to the board making and passing a motion to resolve the issue.

Mr. Jenkins said it seems to him that there is a need to drop back a little bit and make sure that we all better understand what is being requested. He would not want it thought that it is being suggested that the applicant withdraw his request.

Mr. Frere said his question was to clarify the realities involved; knowing that if the request was denied the applicant could not come back for a year. He would feel comfortable with C-2, knowing that restaurants are allowed only with a special exception, with limited floor space and the board can impose conditions to address the concerns.

Frank Burke said his primary concern he has is that the Planning Commission unanimously recommended C-2, being fully aware of what Mr. Fischer was requesting. There was no discussion of traffic matters and he does not know how he can respond to that. You have a limitation of a total of 4,000 square feet; you have a limitation that is imposed by Virginia statute, as well as by county ordinances with respect to the entrances

to the property. They will have specific requirements that they will have to adhere to that the board can impose with respect to parking and all other matters on the site. While he understands that the intersection at Pittman's Corner is a concern; and perhaps a traffic light may be installed in the future. But, until we are operating on that site with the limitations we have, it is very difficult to imagine how we could proffer anything to the board about how much traffic there might be. There may be no traffic increase.

Motion was made by Mr. Conaway to table this request until the April 27, 2000 board meeting. VOTE: 5 - 0 Aye.

3. Bay Specialties, Inc., request to rezone property described as tax map 14-99L and 14-99M from R-1, Residential General to C-1, Commercial. The property is located on the south side of Route 779, Lively Oaks Road in Lively.

Mr. Ransone said the applicant has requested that this matter be postponed until April 27, 2000.

No action taken.

4. SBA Communications (C. E. Forehand, III), request for a special exception in order to erect a communications tower on property described as tax map 20-32. The property is located on the north side of Route 624, Western Branch Road, near Mollusk.

Mr. Ransone said the three hundred foot tower will be on a parcel next to the parcel the cablevision tower is located on. In the past, the board has granted such requests with the following conditions:

1. The applicant must enclose the entire area around the base of the tower with fencing designed to prevent unauthorized access to the tower.
2. Each of the three supporting downguy anchors shall be fenced to prevent unauthorized access to the guy cables.
3. The applicant must provide appropriate space on the tower for Lancaster County emergency services and Sheriff's Department communication purposes.

Mr. Forehand, representing SBA communications, said they are proposing this tower to provide and increase the coverage along highways 354, 200 and 3. The tower would also provide coverage of the Rappahannock River and some of the adjoining riverine systems. This tower will provide voice and data services.

Mr. Simmons said he did not see any provision on the plan to show 30x40 foot lease areas for future co-locators. Does he require any type of building to go on this site?

Mr. Forehand said the tower will be leased to various communications companies. This location is on the plan for Sprint PCS and they do not use a building, but do have a 9x12 foot raised platform that they put their equipment on. Some of the other carriers have small buildings. None of the buildings would be larger than 12x20 foot. The site plan would be adjusted to meet the needs of the individual carrier. If we have a carrier that needs a 12x20 foot building, we will come back to the county with a revised plan.

Mr. Conaway asked about the proposed area and the size of the tower.

Mr. Forehand said the existing cablevision tower is approximately 75 feet tall. The communications devices that we are supporting are line-of-sight coverage mechanisms. So, the reason for the height is to link up with other towers throughout the systems. Tree foliage decreases that coverage potential. It is a three hundred foot tower.

Mr. Conaway asked if there was any provisions for lightning strikes or other potential hazards. How would it fall?

Mr. Forehand said the tower is designed to fall within one-third of its height, which would be a one hundred foot area. The plans show it a considerable distance from VSH 354.

Mr. Pennell asked if SBA Communications has any objections to the three conditions mentioned.

Mr. Forehand said no. If you look at the plan you can see the fencing they are proposing, and access by emergency management services is fairly typical and they would be glad to accommodate any governmental emergency antennas.

Mr. Simmons asked how far away the closest residence is.

Mr. Conaway said the tower is well over three hundred feet from any residence.

Mr. Cornwell asked if this is basically a speculative tower.

Mr. Forehand said it is, but it is actually based on requirements for Sprint PCS.

Mr. Cornwell asked if there was an agreement or understanding with Sprint PCS

Mr. Forehand said not at this point, but it is just because this within their Phase 4 plans, which will not be initiated for funding until April.

Mr. Cornwell asked how many antennas is this tower capable of carrying.

Mr. Forehand said at least five.

Mr. Cornwell asked what the construction timetable was.

Mr. Forehand said once they have approval, the construction could take less than a month or two. He does not know if it will start right away; that depends on a number of factors.

Mr. Cornwell asked what the plans would be for the tower if it is constructed and leased, and then other modes would come along and you would lose your users. Do you have any contingencies for removing the tower?

Mr. Forehand said that generally, within the lease itself, after the term of the lease expires and it is not being utilized there is a clause that they will take down the tower and return the property to the condition it was in before the tower was built.

Mr. Cornwell recommended a condition that if the tower is not in use for one year it will be removed within one year. Also, that the applicant inform the Commission of the Revenue of all leases and equipment so that they are taxed property.

There was no public comment.

Motion was made by Mr. Conaway to approve the special exception request with the following conditions:

1. The applicant must enclose the entire area around the base of the tower with fencing designed to prevent unauthorized access to the tower.

2. Each of the three supporting downguy anchors shall be fenced to prevent unauthorized access to the guy cables.

3. The applicant must provide appropriate space on the tower for Lancaster County emergency services and Sheriff's Department communication purposes.

4. The applicant must remove the tower within one year after tower has not been in use for one year.

5. The applicant is to inform the Commissioner of the Revenue of all leases and equipment.

VOTE: 5 - 0 Aye.

5. Richard H. Thompson, request for a special exception in order to house a professional office (Travel Agency) in his building on property described as tax map 16-56. The property is located on the west side of Route 3, Mary Ball Road, near White Marsh Church.

Mr. Ransone said this building was used as a residence until a fire heavily damaged the inside. Mr. Thompson is renovating the building, but does not wish to live there. This parcel is located across the road from Earth Resources, Inc.

There was no public comment.

Mr. Simmons asked if the applicant would be required to address parking issues and any other site issues before this is granted.

Mr. Ransone said there is a driveway there now, but yes, if he is going to put in a parking lot.

Mr. Simmons said that at this point, if the request is granted, he can basically open a business and not address any kind of parking issues. There is nothing we can do about how he uses that business or what it looks like from Route 3.

Mr. Pennell said you can make conditions with the special exception, or you can postpone it until next month and have him here to answer some questions.

Mr. Conaway said he knows where this house is, and he has certainly done a lot of work on it. It is sitting far enough off the highway that he would not see any problems with parking; there would not be intense parking. He feels there might be two or three cars maximum.

Mr. Jenkins said his unease here is are we making a stretch to say that a professional office as it is envisioned in the code for R-1 goes to a business that would be actively seeking people to come visit it; whose business could easily jump to owning charter buses that require storage. He would like to have the applicant here so that we can work out the conditions without hurting his business.

Motion was made by Mr. Conaway to table this request until the April 27, 2000 board meeting and notify the applicant that he should be present to answer any questions the board might have. VOTE: 5 - 0 Aye.

CONSENSUS DOCKET

Motion was made by Mr. Jenkins to approve Items A through C on the Consensus Docket, and staff recommendations, as follows:

A. Minutes of February 24, 2000

Recommendation: Approve as submitted.

B. Tartan Day

Recommendation: Adopt the following resolution:

WHEREAS, April 6 has a special significance for all Americans and especially those Americans of Scottish descent, because the Declaration of Arbroath, the Scottish

Declaration of Independence, was signed on April 6, 1320 and the American Declaration of Independence was modeled on that inspirational document; and

WHEREAS, this resolution honors the major role that Scottish Americans played in the founding of this Nation, such as the fact that almost half of the signers of the Declaration of Independence were of Scottish ancestry, the Governors in 9 of the original 13 states were of Scottish ancestry, Scottish Americans successfully helped shape this country in its formative years and guide this Nation through its most troubled times; and

WHEREAS, this resolution recognizes the monumental achievements and invaluable contributions made by Scottish Americans that have led to America's preeminence in the fields of science, technology, medicine, government, politics, economics, architecture, literature, media, and visual and performing arts; and

WHEREAS, this resolution commends the more than 200 organizations throughout the United States that honor Scottish heritage, tradition, and culture, representing the hundreds of thousands of Americans of Scottish descent, residing in every State, who already have made the observance of Tartan Day on April 6 a success; and

WHEREAS, these numerous individuals, clans, societies, clubs, and fraternal organizations do not let the great contributions of the Scottish people go unnoticed.

NOW, THEREFORE, BE IT RESOLVED, that the Lancaster County Board of Supervisors designates April 6 of each year as Tartan Day in Lancaster County.

3. Republican Primary Election - February 29, 2000

Recommendation: Receive the following Abstract of Votes for the 2000 Republican Primary Election for President of the United States:

VOTE: 5 - 0 Aye.

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of March 2000 Salaries and Invoice Listings

Mr. Pennell said he had pulled an invoice for \$75.00 for membership in the Lancaster County Chamber of Commerce for the Commonwealth's Attorney, because he wanted the board's direction on it.

Mr. Beauchamp said he has concerns with department heads joining an organization like that with taxpayers money. He has great support for the chamber, but he does have some concerns.

Mr. Jenkins asked if he is covered under the county membership.

Mr. Pennell said the county did not renew its membership.

Mr. Beauchamp asked if it would be appropriate for the County Administrator to look at the possibility of the county being a member of the chamber and make a recommendation to this board.

Mr. Pennell asked that the board not approve this invoice and allow him to come back next month with more information.

Motion was made by Mr. Jenkins to deny payment of \$75.00 to the Chamber of Commerce, and adopt the Salaries and Invoice Listings in the amount of \$510,170.82. VOTE: 5 - 0 Aye.

The Board agreed by consensus that Mr. Pennell explore aspects of county membership in the chamber of commerce.

2. School Board Request for Supplemental Appropriation

Mr. Latimore said the School Board is asking for a supplemental appropriation in the FY 00 annual school board budget in the health insurance line items of the several school budget categories. This supplemental appropriation of \$76,000 is needed since more school employees are now subscribing to the health insurance benefits than predicted in the preparation of the FY 00 budget.

Mr. Conaway asked if these funds were available somewhere in the school budget.

Mr. Latimore said the only we would have the funds in the current budget is to curtail spending for instructional supplies, which is what they have done at this point. This appropriation will replenish the money taken out of instructional supplies.

Motion was made by Mr. Frere to approve the supplemental appropriation in the amount of \$76,000. VOTE: 5 - 0 Aye.

3. Draft RFP for Private Operation of the Animal Shelter

Mr. Pennell said he had prepared the draft RFP, and feels that the concerns expressed by the board are addressed as part of the proposal.

Mr. Cornwell said he is not sure that general liability insurance of \$1 million will be sufficient. One million dollars is pretty standard, but it may be something the board may want to think about depending on the proposals received. That can be negotiated as part of the process. Also, it is his opinion that we would have to enter into a lease agreement, since this is a county owned shelter. That lease agreement will require a public hearing.

Mr. Conaway asked if this would affect the county animal officer.

Mr. Cornwell said it would affect him as much as the board would want it to. That is something that would have to be negotiated.

Motion was made by Mr. Conaway to authorize issuance of the RFP as amended. VOTE: 4 Aye (Conaway, Frere, Beauchamp, Simmons), 1 Nay (Jenkins).

COUNTY ADMINISTRATOR REPORT

Bay Transit - Mr. Pennell gave the board a report of the activity of the Bay Transit program for calendar year 1999, which shows that 43% of the total usage in 1999 was to get people to work.

No action taken.

APPOINTMENTS

Rappahannock Community College Board - Motion was made by Mr. Beauchamp to reappoint W. Stanley James III to serve on the Rappahannock Community College Board for a four-year term. VOTE: 5 - 0 Aye.

Building Code Appeals Board - Motion was made by Mr. Frere to appoint Kenny Beatley to serve as a representative from District 3 on the Building Code Appeals Board for a four-year term. VOTE: 5 - 0 Aye.

Social Services Board - Motion was made by Mr. Frere to appoint Peggy Hill to serve as a representative from District 3 on the Social Services Board to fill an unexpired term to end December 31, 2000. VOTE: 5 - 0 Aye.

Planning Commission - Motion was made by Mr. Conaway to appoint Caroline Veney to serve on the Planning Commission in the District 2 seat for a four-year term. VOTE: 5 - 0 Aye.

CLOSED MEETING

Motion was made by Mr. Jenkins to enter into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are personnel matters, in accordance with provisions of Section 2.1-344A.1, and consultation with legal counsel, in accordance with provisions of Section 2.1-344A.6 of the Code of Virginia. VOTE: 5 - 0 Aye.

RECONVENE

Motion was made by Mr. Jenkins to reconvene open session. VOTE: 5 - 0 Aye.

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel matters in accordance with the Virginia Freedom of Information Act.

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (1) only

public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Motion was made by Mr. Beauchamp to certify the closed meeting. A roll call vote was taken:

| | |
|--------------------|-----|
| F. W. Jenkins, Jr. | Aye |
| Donald O. Conaway | Aye |
| Patrick G. Frere | Aye |
| Cundiff H. Simmons | Aye |
| B. Wally Beauchamp | Aye |

This certification resolution is adopted.

Action taken following Closed Meeting:

County Administrator Position Description - Motion was made by Mr. Jenkins to adopt the County Administrator position description, as amended. VOTE: 5 - 0 Aye.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn the meeting until April 11, 2000 at 6:00 p.m. for a school budget work session. VOTE: 5 - 0 Aye.