

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, April 24, 2014.

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

Staff Present: Frank A. Pleva, County Administrator
 Don G. Gill, Planning and Land Use Director
 Brian Barnes, Environmental Codes Officer
 Crystal Whay, Building/Land Use Secretary

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

PUBLIC INPUT

Dr. Don Davidson stated that his group, the Dymer Creek Environmental Preservation Association, had some new speakers with new ideas. He asked “what makes a great boat ramp”. He stated that very deep water is needed at the ramp, at least three feet and it needs to be about fifty feet away from a navigable channel. He stated that the ramp needs a broad space in front of the ramp to turn around and wait for the ramp to clear. He stated that the ramp should be near markers for good visibility. He stated that erosion should be minimized to adjacent shores and the ramp should not be in a narrow cove, which could be damaged from wave action and sediment. He stated that the ramp should not impact others that are living on the cove.

Dr. Davidson stated that Simmons Cove is a dreadful place to build a boat ramp. He stated that it is too shallow and will require too much dredging and will require more dredging in the future. He stated that the project will cost \$400,000 and the people will be left holding the bag.

Mr. Stuart Painter stated that he had been a resident for 56 years, and that he enjoyed the way of life here. He stated that he was a lifetime boater with a master’s license for 30 years. He stated that he has navigated most of the creeks and coves in the Northern

Neck. He stated that he believed he was qualified as having competent local knowledge of the sensitive environmental condition of the headwaters of Dymer Creek and Simmons Cove.

Mr. Painter stated that the proposed dredging and boat ramp in Simmons Cove would cause considerable damage to the creek. He stated that one concern is safety, because the cove is too narrow, too shallow and too far from open water. He stated that the lack of space would cause boaters to be subject to collisions and accidents. He stated that Duntons Mill and Simmons Cove, located at the headwaters of Dymer Creek, act as settling basins for the water runoff from adjoining farms, the Golden Eagle Golf Course and the Town of Kilmarnock. He stated that these are basins that produce the soft muddy silt that feeds into Dymer Creek. He stated that dredging the amount of silt and bottom that would be required of the proposed project would be a disaster for the environment of Simmons Cove and Dymer Creek.

Mr. Painter stated that a non-resident developer is asking the taxpayers of Lancaster County to help defray his costs.

Mr. Bob Sowder stated that he had owned property in the area for 31 years.

Mr. Painter stated that he would withdraw his non-resident comment. He continued to say that he wants the taxpayers to help defray his costs and increase the value of his investment. He stated that after the proposed ramp is installed, the end result is that he is able to offer his building sites with water access.

Mr. Painter asked the Board of Supervisors to consider the safety issue, the natural effects of the project and what is in the best interest of the taxpayers.

Mr. Mickey Kendrick stated that at the last board meeting, he reviewed the cost estimates associated with the budget and highlighted some anomalies associated with the way the budget was put together. He stated that he has looked at the budget closely again and wanted to share his observations. He stated that he understood that the Board of Supervisors is fiscally conservative and concerned about spending taxpayer's money responsibly.

Mr. Kendrick stated that over the last month, the Dymer Creek Environmental Preservation Association has spoken with many state experts, scientists, contractors and environmental attorneys and have heard that the budget is woefully short. He stated that they had heard that initial dredging beyond what has been stated will be needed.

Mr. Kendrick stated that, according to the County, there have been no changes since last month's meeting. He stated that they know that the dredging cost has gone from \$47,400 to \$72,000. He stated that the contractor his group spoke to stated that the dredging would cost \$100,000. He stated that if the core samples reveal clay, they have been told that the costs will increase substantially. He stated that they know that redredging will be a reality based on some of the experts they have consulted. He stated that after a

redredging, there is also a possibility that silt may need to be trucked away, which results in more costs. He stated that the dredging would have to be done 5 times over 20 years, which is the life of the agreement with DGIF. He stated that his group has learned that a jetty should be built on the right side of the ramp, if the County wants to keep the backwash from collecting on the ramp and a safety hazard will occur if the jetty is not added to the project. He stated that the estimated cost of the jetty will be \$5000. He stated that another issue is Bay Design's concern over managing stormwater runoff and will the budgeted amount be enough. He asked where the County would get the money to absorb the overrun of stormwater management costs.

Mr. Kendrick asked what if the \$86,000 road credit included in the budget does not come close to that number. He stated that there are also incidental or unknown costs to consider. He stated that they have learned that the \$49,500 from Mr. Sowder to help with dredging costs is now considered a contribution. He stated that the contribution is not in writing and have no idea when or if the money will come. He stated that there could be a misunderstanding about whether or not the money would be considered a proffer or a contribution.

Mr. Kendrick stated that it would have been better to engage citizens from the start with the proposed project. He stated that the project cost is approximately \$400,000 and appears to be rising.

Mrs. Kathy Davidson stated that she has 1,522 signatures on her petition that oppose the boat ramp and she plans on getting more.

Mr. Cundiff Simmons stated that his neighbors and friends have spoken about the proposed boat ramp on Simmons Cove. He stated that he wanted to discuss a different topic. He stated that he attended local schools and learned about government from Chuck Shreve. He stated that Mr. Shreve taught about government by the people, of the people and for the people. He stated that his concept of government has shifted slightly since the time he served on the Board of Supervisors. He stated that his concept was that the federal government was distant and didn't perform as our founding fathers had envisioned. He stated that state government followed more closely what the founding fathers wanted and local government was the purest form of government because it was our neighbors, friends and local business people who were involved.

Mr. Simmons stated that he first heard of the proposed boat ramp on February 27th in the form of a letter from the County. He stated that he was angry about the fact that he did not know about it sooner and felt that he had been disrespected. He stated that he called Mr. Beauchamp that evening and was not polite and publically apologized to Mr. Beauchamp.

Mr. Beauchamp stated that no apology was necessary and he appreciated the phone call. He stated that he had never refused a phone call and was not about to start now.

Mr. Simmons stated that Mr. Beauchamp was a gentleman that night and he was not.

Mr. Carl Smith stated that he wanted to thank the staff and the Board for their courtesy and cooperation. He stated that one of the unintended consequences of the issue was that it has brought people together. He stated that neighbors have gotten to know other neighbors and it has drawn strangers together. He stated that he would like to see the energy harnessed in a positive way. He stated that their position is simple, in that they believe the proposed ramp at Simmons Cove will be an inferior facility and a disappointment to the boaters. He stated that they would like to work with the County to find an alternative site and include a fishing pier.

Mr. Bill Warren, a District 5 citizen, stated that he enjoyed attending the work sessions that the Board of Supervisors had with the school board and it is the best relationship between the two in the 8 years that he has been in the area. He stated that he knew there had been a lot of frustration in the past with financial management and year end spending. He stated that he was pleased to see everyone trying to get along and he appreciated it because there is nothing more important to the County than returning the school system to full accreditation.

Mr. George Bott stated that of the County's 2013 budget of \$27,189,000, an astounding 0.65% went for parks and recreation for the community. He stated that finding a boat ramp and fishing pier is important and hoped that if the Simmons Cove one did not work, the County would continue trying.

Mr. Bott referred to the proposed school board budget and stated that there was a high absentee rate for teachers and one in ten teachers is not at school on any given day. He read a statement that said "it is no surprise that researchers find that absent teachers lower student achievement." He stated that his source was cited in the document he had sent to the Board. He stated that he questioned the amount of \$185,000 for the additional 15 school days. He stated that he encouraged the added days, but according to an article in the Rappahannock Record, Northumberland County is doing it for \$58,800. He stated that he did not understand the big difference in the cost.

Mr. Bott stated that the Rappahannock Record published and compared the salaries of the higher paid school employees over 6 counties. He stated that Lancaster County has a similar average number of students as the other 5 counties, but the school superintendent makes \$19,000 more than the other county averages and the financial officer makes \$26,400 more than the 5 county average. He stated that these employees are included in the 1.5% pay raise request. He stated that he will formally object, in writing, if Mr. Palin does not recuse himself from voting on the FY 14-15 school board budget. He stated that, up until now, Mr. Palin was one of about 212 employees in the school system. He stated that Mr. Palin is one of the 5 supervisors, which is the funding authority and now he is one of the 5 most senior people in the school system. He stated that Mr. Palin works for the school system and cannot criticize their budget in anyway and clearly stands to gain.

Mr. George Simmons stated that he saw something at last month's Board of Supervisors' meeting that he would like to see again. He stated that the Board voted for the citizens in the case of a rezoning request in White Stone on a small parcel on a busy road, next to a grandfathered commercial building. He stated that a small group of citizens thought that the request would ruin the character of their neighborhood. He asked the Board to vote with that same conscience when other issues come up.

Mr. Lloyd Hill, a District 4 citizen, referred to the proposed boat ramp and asked if not now, when, and if not there, where. He stated that he had lived in Lancaster County all of his life and until he bought a boat had never had the opportunity to enjoy the water that some people take for granted. He stated that he did not understand how other localities can find a way to have a boat ramp, but this County cannot. He stated that he does not know if it is the ideal spot and cannot predict about soils tests and dredging, but the idea is that the County has to find a way for all of its citizens to enjoy the water.

Mr. Charlie Costello stated that he did support public access but did not support this particular project. He referred to the Dymmer Creek group and stated that they need to help support the idea somewhere else and put their money where their mouth is. He stated that citizens should not complain if the tax rate goes up as a result of the possible expenses.

Mr. Bob Sowder stated that he had owned property on Bluff Point for approximately 31 years. He stated that he started his charitable giving by donating land for a community college in Warrenton many years ago. He stated that he has been involved with scholarships and many other things over the years. He stated that his idea, when giving the parcel, was that the youth of the County would have access to fishing and water.

PRESENTATIONS

None.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Robert Harper stated paving has been taking place on Windmill Point Road (Route 695), Ocran Road (Route 646) and Waverly Avenue (Route 608). He stated that work was to start soon on Black Stump Road (Route 675), where slurry seal would be applied. He stated there will also be slurry seal applied on James Wharf Road (Route 637) and Gaskins Road (709).

Mr. Harper stated that there have been questions concerning the work being done on Route 354. He stated that they are applying a new seal that has been tested in other locations throughout the state. He stated that it has been proven to be very effective strengthwise and long lasting.

Mr. Jenkins asked if, after the treatment, the road will have a smooth, quiet ride.

Mr. Harper replied that the road noise will not totally be eliminated, but it should be a quiet ride.

Mr. Harper stated that mowing will begin on May 5th in the Northern Neck Residency and on May 12th in Lancaster County.

Mr. Bellows stated that he wanted to thank VDOT for the paving in Ocran and that it looked great. He stated that he had a question from a citizen concerning the painting on the upper frame of the Rappahannock River Bridge. He stated that they wanted to know the status.

Mr. Harper stated that the contract was being administered by the bridge department in Fredericksburg.

Mr. Bellows stated that there was still drainage issues along Oyster House Road off of Windmill Point Road and on Ocran Road. He further stated that there was a dead tree past Apple Grove Road that looks like it may fall in the road.

Mr. Harper stated that he would look into those issues and have a response for Mr. Bellows.

Mr. Lee referred to the bridge status and asked if there was a way to find out why the bridge has not been painted. He stated that a citizen had asked him about it.

Mr. Harper stated that he would get in touch with the bridge department concerning that issue.

Mr. David Brown stated that they were waiting on funding for that project.

Mr. Bellows asked if the General Assembly considering it for their current budget.

Mr. Brown replied that he did not know. He stated that he would find out what he could and get the information to Mr. Pleva.

Mr. Brown referred to the Secondary Six Year Plan and stated that he had requested to have the public hearing at next month's Board of Supervisors' meeting. He stated that if there are any particular projects or roadways that the Board wishes for VDOT to look at prior to the meeting to let him know. He stated that he had received correspondence from the Town of Irvington regarding Pine Circle and had passed that on to Mr. Pleva. He stated that they can develop cost estimates on the road and let the Board know.

Mr. Pleva stated that the Board members should have received a letter from Thomas Nolte in their mail. He stated that it was pertaining to Taylors Creek Road (Route 630).

Mr. Nolte stated that they had lived with problems on Taylors Creek Road from the beginning of the upgrade. He stated that the contractor walked off the job with 1300 feet left to complete. He stated that he wanted to thank the VDOT crews in Warsaw and Brookvale for finishing the road. He stated that the portion that the contractor worked on has major failures and has been patched many times. He stated that the road needs action soon. He stated that his letter is self explanatory.

Mr. Beauchamp asked Mr. Brown to look into the Taylors Creek Road issue.

Mr. Beauchamp stated that he could not say how many calls he made and received during the Taylors Creek Road project.

PUBLIC HEARING

1. Application for Special Exception-Individual Manufactured Home-Lachelle Henderson

Mr. Gill stated that the issue was an Application for Special Exception by Lachelle Henderson to place an individual manufactured home on a recently subdivided 0.998-acre portion of Tax Map #21-152A. He stated that the property is zoned R-1, Residential General located off Buzzards Neck Road and is in District 2.

Mr. Gill stated that Ms. Henderson's individual manufactured home, a 28' x 56' double wide, meets all 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 less than 3:12. 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 the property has an approved Virginia Department of Health Permit #151-13-129 for an on site septic system and well. He stated that all front, rear and side setbacks can be met and similar individual manufactured homes exist in the neighborhood.

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

Mr. Beauchamp opened the public hearing.

There was no public comment.

Mr. Beauchamp closed the public hearing.

Mr. Palin made a motion to approve the Application for Special Exception by Lachelle Henderson to place an individual manufactured home on a 0.998-acre parcel of Tax Map #21-152A.

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

2. Application for Special Exception-John and Clare Gwyer

Mr. Gill stated that the issue was an Application for Special Exception by John and Clare Gwyer to expand/enlarge an existing authorized non-conforming residential structure on a 0.49-acre parcel described as Tax Map #25-113C. He stated that the property is zoned R-1, Residential General and is located at 224 Cottage Cove Way in District 1.

Mr. Gill stated that the residential structure on this parcel existed prior to the effective date of the Lancaster County Zoning Ordinance of June 1, 1975 and therefore is an authorized non-conforming structure. He stated that Article 12-4-1 allows for the expansion/enlargement of existing non-conforming structures, with a special exception, if the setbacks of that zoning district can be met.

Mr. Gill stated that the Gwyer's existing single-wide home, with dimensions of 12 feet x 58.7 feet, is an authorized non-conforming structure as it encroaches in the southern sideyard (8.3 feet instead of the required 25 feet) and the Chesapeake Bay Resource Protection Area (RPA) Buffer (83.1 feet instead of the required 100 feet). He stated that the proposed location for the replacement single-wide home, which is 16 feet x 76 feet, as depicted on the attached site sketch will conform to the requirements of the R-1, Residential General Zoning District. He stated that it does not encroach further into the southern sideyard than the existing structure (still 8.3 feet), so no variance is required from the Board of Zoning Appeals. He stated that the proposed location for the replacement single-wide home will also conform to the Chesapeake Bay Preservation Ordinance as there is no net increase in the amount of impervious cover (110 square feet decrease) and no closer encroachment within the RPA (83.3 feet instead of the previous 83.1 feet). He stated that the reason the special exception is required is because the proposed replacement single-wide home is 287 square feet larger than the existing single wide home and decks.

Mr. Gill stated that the parcel has an existing on site well and septic system that will accommodate the larger single-wide home.

Mr. Gill stated that the applicants may choose to seek a variance in the future to orient the replacement single-wide in the same north-south direction as the existing single-wide, but that variance request would be under the purview of the Board of Zoning Appeals, as it would require an encroachment into the northern sideyard setback requirement. He stated that adjoining property owners have been notified and advertising conducted as required by law and to date, there has been no response from the public.

Mr. Beauchamp opened the public hearing.

There was no public comment.

Mr. Beauchamp closed the public hearing.

Mr. Jenkins made a motion to approve the Application for Special Exception for John and Clare Gwyer to expand/enlarge an existing authorized non-conforming residential structure on a 0.49-acre parcel described as Tax Map #25-113C.

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

3. Proposed Conveyance of County Owned Property Tax Map #13-17 to the Lancaster-Northumberland Habitat for Humanity

Mr. Beauchamp asked Mr. Pleva to present the issue.

Mr. Pleva stated that the public hearing is being conducted in conformance with Sections 15.2-1800 and 15.2-1813 of the Code of Virginia, 1950, as amended to receive public comment and to consider the proposed conveyance by donation of an approximately 9.550 acre parcel of county-owned real property to the Lancaster-Northumberland Habitat for Humanity, a non-profit organization. He stated that the property is located off River Road (Route 354), near its intersection with Belle Isle Road (Route 683) and bounded by Whispering Pines Road at the south. He stated that the proposed conveyance would enable Habitat for Humanity to provide expanded local workforce housing needs. He stated that the property identification

card and aerial photograph of the property have been available for review in the County Administrator's office and he has received no comment from the public.

Mr. Pleva stated that under the code, any conveyance of an interest in real property, either lease or sale, unless it is to another public entity, requires a public hearing before the Board acts.

Mr. Beauchamp opened the public hearing.

Mr. Costello stated that he had the privilege to be on the Habitat for Humanity Board when it started and worked on 13 houses. He stated that it is a very worthwhile organization and he strongly supports it. He suggested that when it comes to naming the road that they consider Reverend Houghton's name, as he was the founding member of the local chapter.

Mr. Beauchamp closed the public hearing.

Mr. Bellows made a motion to Approve the Conveyance of County Owned Property Tax Map #13-17 to Lancaster-Northumberland Habitat for Humanity to develop for the citizens.

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

CONSENSUS DOCKET

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

- 1) Minutes for the March 19, 2014 Budget Work Session and March 27, 2014 Regular Meeting

Recommendation: Approve minutes as submitted

- 2) Resolution for National Police Week and Peace Officers' Memorial Day

Recommendation: Approve resolution as submitted

RESOLUTION FOR NATIONAL POLICE WEEK AND PEACE OFFICERS' MEMORIAL DAY

WHEREAS, The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police Week; and

WHEREAS, the members of the Sheriff's Office of Lancaster County play an essential role in safeguarding the rights and freedoms of the citizens of the County of Lancaster; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Sheriff's Office of the County of Lancaster unceasingly provide a vital public service;

NOW, THEREFORE, the Board of Supervisors of the County of Lancaster call upon all citizens of the County and upon all patriotic, civic and educational organizations to observe the week of May 11-17, 2014 as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

FURTHER, we call upon all citizens of the County of Lancaster to observe the 15th day of May, 2014 as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

- 3) Resolution Recognizing May 2014 as National Cooperative Extension Centennial Celebration Month

Recommendation: Approve resolution as submitted

Recognizing May 2014 as National Cooperative Extension Centennial Celebration Month

WHEREAS, Virginia Cooperative Extension of Lancaster County is part of the nationwide Cooperative Extension System that is a partnership of federal, state and local governments and Virginia Tech and Virginia State University, the state’s land-grant universities in Virginia; and

WHEREAS, The Smith-Lever Act of 1914 established the Cooperative Extension Service, utilizing faculty serving as Extension Agents, who along with local staff and community-based resources, extend University research and knowledge to local communities; and

WHEREAS, Virginia Cooperative Extension provides wide-ranging educational programs and information in the areas of agriculture, natural resources, family and consumer services, 4-H youth development, food, nutrition and health, along with related areas of economic and workforce development across Virginia; and

WHEREAS, Virginia Cooperative Extension programs in Family and Consumer Sciences; Agriculture and Natural Resources; 4-H Development, and Community Viability, benefit families, schools and businesses in Lancaster County;

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of Supervisors that May 2014 be designated as National Cooperative Extension Centennial Celebration Month in Lancaster County and that we encourage residents to take advantage of the programs and educational opportunities that Virginia Cooperative Extension offers to the community.

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of April 2014 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for April 2014 in the amount of \$241,465.72 and invoice listings for April 2014 in the amount of \$469,719.39.

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

2. Greenvale Creek Maintenance Association, LLC Request for Dredging Funds

Mr. Pleva stated that Mr. Eddy Whichard, Secretary of the Greenvale Creek Maintenance Association, LLC, was present to answer any questions of the Board concerning the dredging project.

Mr. Whichard stated that he had given the Board the details and history of Greenvale Creek since 2008. He stated that the issue began in 2008 when the Army Corps of Engineers pumped dredge material from the mouth of the creek to the beach just up river from the creek. He stated that, since that time, the sand has migrated back to the mouth. He stated that they had redredged in 2011 and installed a jetty. He stated, that since last month's meeting, he had received approval from the Army Corps of Engineers with the conditions that they place the dredged material on a mat and that the work is completed by August 14, 2014. He stated that they have approval from VMRC as well. He stated that Jones Excavating has the contract.

Mr. Jenkins referred to the request document and asked about the additional \$15,000 jetty extension, which according to the document, states that Greenvale Creek Maintenance Association and Lancaster County will finance.

Mr. Whichard replied that they have approval to do the \$24,000 dredging project, but do not have approval to install the jetty extension yet. He stated that they believe the jetty extension request will be granted and when it does, they may come back to the County to help with that expense as well. He further stated that he did not think they would ask for \$15,000 because they still had some money from funds raised previously.

Mr. Beauchamp asked what the deadline was for the project.

Mr. Whichard replied that the deadline was August 14, 2014.

Mr. Beauchamp asked how long the dredging would take.

Mr. Whichard replied a week to ten days. He stated that there is roughly 1000 cubic yards that needs to be moved.

Mr. Jenkins made a motion to approve the request of \$24,000 for dredging funds to the Greenvale Creek Maintenance Association, LLC.

Mr. Lee asked if the creek will need to be dredged again in four or five years.

Mr. Whichard replied that he was not sure, but VMRC seems to think that there will be an accumulation of sand at the end of the jetty extension which will delay siltation and the natural currents will take silt away and not deposit it at the mouth.

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

3. FY 2014-2014 Emergency Services Supplemental Appropriation Request

Mr. Pleva stated that the Board had just received the hard copy of the request from Chief McGregor, so they could review it and discuss at the budget work sessions.

Mr. Beauchamp stated that he would prefer to do that if everyone is agreeable.

The consensus of the Board was to table the issue until the budget meeting.

4. Virginia Stormwater Management Program “Opt-out”

Mr. Beauchamp asked Mr. Gill to present the issue.

Mr. Gill stated in 2012, the General Assembly passed legislation which consolidated all water quality programs under the Virginia Department of Environmental Quality and changed stormwater requirements and mandated that all localities were required to create, fund and operate their own stormwater management program by July 1, 2014.

Mr. Gill stated that legislation introduced in the most recent session of the General Assembly and signed by Governor McAuliffe, under the emergency clause on March 24, 2014, now gives localities the option to choose whether or not they want to create, fund

and operate their own stormwater management program. He stated that the County needs to let DEQ know their intentions by April 30, 2014. He stated that, by opting out, DEQ will continue to run the program for any land disturbance exceeding 1 acre. He stated that by opting-out, there would be very little difference for the citizens of the County in the process or procedures. He stated that, historically, about 85% of the land disturbance permits are for single family residences with less than 1 acre of disturbance and that process is done "in house" and will not change. He stated that his department is already required to notify DEQ of any land disturbance that exceeds 1 acre. He stated that one area of change is in the technical criteria requirements. He stated that the older law before 2012 required that the post- development run-off not exceed the pre-development run-off and the new legislation requires a reduction in the amount of post-development run-off. He stated that these new criteria will likely require some structural best management practices on inland properties, that have typically been associated with the Chesapeake Bay Act properties.

Mr. Gill stated that the recent legislation also includes a provision for an agreement-in-lieu-of stormwater management plan that is similar to the erosion and sediment control agreement-in-lieu-of plan, which is supposed to lessen the burden on single family residences as well as the fees that are associated with it, but at the present time, DEQ has not developed the format.

Mr. Gill stated that by opting-out, the County does not need to create and adopt an entirely separate Stormwater Management Ordinance, but simply revise language within our existing Erosion and Sediment Control and Chesapeake Bay Preservation Ordinances to reflect the new technical criteria. He stated that Westmoreland County has already officially opted-out at their last board meeting. He stated that he had been told that Northumberland and Richmond Counties will opt-out as well.

Mr. Gill stated that it was important to note that Brian Barnes, Pete Ransone and he will continue to take the stormwater training as it becomes available and is offered over the next year, in case DEQ's administration of the program for land disturbance exceeding 1 acre fails or creates undue hardships on our citizens, and the County chooses to implement its own local program in the future.

Mr. Jenkins asked about a suggested resolution for the Board to pass.

Mr. Gill replied that was not necessary. He stated that DEQ only has to be notified if the County chooses to opt-in.

Mr. Jenkins made a motion to not notify DEQ and therefore opt-out of creating a county stormwater management program. He stated that his recommendation to the Board and the staff is that the County takes the extra time to do the program themselves. He stated that there have been situations where the regional DEQ office almost made a business not happen. He stated that they are notorious for putting people through hoops and he does not want to see business discouraged.

Mr. Pleva stated that one of the reasons localities are opting-out now is to see how the state program runs, because they can always opt-in later.

Mr. Jenkins stated that the General Assembly is big on delegating the rules and regulations to whatever bureaucratic organization they want to, but then those organizations are not reigned in. He stated that they need to see how well the agency will interpret and enforce those rules.

Mr. Pleva stated the County will still be doing the majority of the land disturbance permits for about 85%.

Mr. Gill stated that another point is that a lot of the training has not been scheduled yet. He stated that there is no way all of the training and certifications could be accomplished by July 1.

Mr. Jenkins restated his motion that the Board opt-out of the new DEQ Stormwater Management Program.

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

BOARD REPORTS

Mr. Palin reappointed Mr. William Louis Lee to the Board of Zoning Appeals for District 2.

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

Mr. Bellows stated that he wanted to thank the members of the Dymer Creek Environmental Preservation Association for trying to work with the County to develop

other access sites. He stated that they should look at the issues with Greenvale Creek as a lesson about what could be a potential problem with Dymer Creek.

Mr. Bellows stated that he would like to appoint Mr. Steven Pittman to the Building Code Appeals Board.

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

COUNTY ADMINISTRATOR

Mr. Pleva asked Mr. Barnes about a Wetlands Board member, who is moving out of the area, to give the Board of Supervisors a heads up about another vacancy.

Mr. Barnes replied that there is a vacancy on the Wetlands Board with the recent resignation of Howard Hanchey. He stated that he would draft a memo to the Board and his goal was to try to get the current membership lined up with the districts. He stated that the code does not require that, but he thought it was a good idea.

Mr. Pleva stated that he wanted to remind the Board that Joe Curry has an at-large appointment on the Bay Aging Board that expires on June 30, 2014.

Mr. Beauchamp stated that it was being worked on.

Mr. Pleva suggested setting another budget work session to review the revised school board budget.

The consensus of the Board was to have the next work session on Tuesday, April 29th at 4:00 p.m.

CLOSED MEETING

Motion was made by Mr. Jenkins to enter into 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, § 2.2-3711.A.1, Real Property, § 2.2-3711.A.3 and Negotiations of a Sitting Agreement, § 2.2-3711.A.29 of the Code of Virginia, 1950, *as amended*. The purposes of the closed meeting are to discuss personnel matters, real property and negotiations of a sitting agreement. The

subject and purpose falls within the following exemption(s) under § 2.2-3711.A.1 (discussion and consideration of the performance of specific public employees of the public body), § 2.2-3711.A.3 (discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the public body) and § 2.2-3711.A.29 (discussion and consideration of the award of a public safety contract, involving the expenditure of public funds, and discussion and consideration of the terms or scope of such contract, where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the public body.)

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

RECONVENE

Motion was made by Mr. Beauchamp to reconvene the open meeting.

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

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on April 24, 2014 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Personnel Matters, § 2.2-3711.A.1, Real Property, § 2.2-3711.A.3 and Negotiations of a Sitting Agreement, § 2.2-3711.A.29 of the Virginia Freedom of Information Act;

WHEREAS, § 2.2-3712 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. Palin to certify the closed meeting.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number 1 and number 2 above? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure. There was no comment.

Hearing no further comment, Mr. Beauchamp called the question. A roll call vote was taken:

ROLL CALL

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

This certification resolution is adopted.

No action taken on closed meeting matters relating to Section § 2.2-3711.A.1 and Section § 2.2-3711.A.3. After the meeting reconvened, action was taken in open session concerning Section § 2.2-3711.A.29.

Mr. Jenkins made a motion to appropriate \$15,625 to the Upper Lancaster Volunteer Rescue Squad for FY 2014, 4th quarter.

VOTE:	B. Wally Beauchamp	Aye
-------	--------------------	-----

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

ADJOURNMENT

Motion was made by Mr. Bellows to adjourn to the budget work session on Tuesday, April 29 at 4:00 p.m.

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