

## **VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, April 29, 2004.

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

### Others

Present: Joe Staton and C.C. Burgess, Virginia Department of Transportation; Sgt. Robert Mathers and Michelle Lethner, Virginia Department of Game and Inland Fisheries; Randolph Latimore and Craig Kauffman, School Board; Jack Larson, Planning/Land Use; Robb Hoff, Rappahannock Record

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

## **PUBLIC INPUT**

None

## **PRESENTATIONS**

1. Virginia Department of Game and Inland Fisheries – Sgt. Robert Mathers stated he had been requested do a presentation regarding the control of deer populations in Lancaster County and the Northern Neck. He introduced Michelle Lethner, Game Department Biologist who will be presenting.

Ms. Lethner stated there are a number of things that could be done to decrease deer population such as increase permitting and bonus tags, special archery in towns and encourage landowners to allow hunting on their property, because there are no public hunting grounds in Lancaster County.

Mr. Geilich said his concerns about increased deer population were auto accidents and lyme's disease.

Sgt. Mathers said the towns should be encouraged to participate in archery programs and encourage landowners to allow hunting.

2. Safe Boating Month – Proclamation – Mr. Pennell stated Mr. Jack H. Blaine, Public Affairs Officer for Flotilla #33 of the U.S. Coast Guard Auxiliary has asked the Lancaster County Board of Supervisors to adopt a proclamation declaring May 22 through June 22, 2004 as Safe Boating Month and May 22 through July 4, 2004 as primary Vessel Safety Check months in Lancaster County.

Mr. Beauchamp made a motion to adopt the following Proclamation for Safe Boating Month:

### **Safe Boating**

Americans are increasingly heading to the water for recreation and relaxation as the opportunities for on-the-water activities increase each year. With this growth comes additional responsibility. It is essential that both novice and experienced boaters alike practice safe boating habits, have aboard essential safety equipment, and wear a life jacket. This year's theme of the Boating Safety Campaign, "**Boat Smart From the Start. Wear Your Life Jacket**", recognizes that boating safety begins long before the boat leaves the dock. Recent year averages indicate 90 percent of the people who died in boat accidents were not wearing life jackets.

When you leave for a day of boating, you seldom expect to end up in the water. But if you do and are not wearing your life jacket, you greatly increase your chances of becoming a boating statistic.

**Whereas**, in recognizing that hundreds of lives could be saved each year by the wearing of life jackets and the life jackets of today are more comfortable, more attractive and wearable than earlier styles of past years; and

**Whereas**, the law requires that wearable life jackets be carried for each person on board the boat and little effort is needed to wear those life jackets.

**Now, Therefore, the Board of Supervisors of Lancaster County, Virginia**, hereby supports the goals of the National Safe Boating Campaign and proclaims May 22 through June 22 as Safe Boating Month in Lancaster County, Virginia, and the start of the year-round effort to promote safe boating in area waters.

**Be It Further Resolved**, in recognition of the value of having boats examined for other safety equipment by the Coast Guard Auxiliary - free of charge - the Lancaster County Board of Supervisors hereby proclaims the period May 22 through July 4, 2004 as primary Vessel Safety Check months.

**In Witness Whereof**, the Lancaster County Board of Supervisors urges all those who boat to **“Boat Smart from the Start”** by wearing their life jackets, having their boats checked, and practicing safe boating.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F.W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### **State Budget**

Mr. Staton said the state budget has been approved and there is no extra funding for highway projects in Fiscal Year 2005.

### **VSH 621 Riverside Drive**

Mr. Staton stated the board received a letter concerning VSH 621 Riverside Drive. He said VDOT would do repairs for the requested section of Riverside Drive and the project does not need to be placed in the six-year plan.

### **Local Assistance Division**

Mr. Staton said the county should be receiving correspondence from the VDOT Local Assistance Division concerning rural additions. The legislators passed revisions to the law stating that a subdivision developed after 1992 would not be taken into the system unless someone built the road to standards. They are now revisiting all county subdivision ordinances.

### **Subdivision Street Guidelines Request**

Mr. Staton stated they are going through a process of major revisions to the subdivision street requirements which deals with the standards to which subdivision roads would need to be built. There is a scheduled publication date for May 3, 2004, whereas there will be a 60 day public comment period with a deadline of July 7, 2004. Guideline revisions will be approved by October 8, 2004.

### **Revenue Sharing Plan**

Mr. Staton said the state designated \$15 million for the Revenue Sharing Plan. The request made by Avis Trail will be \$79,000 for improvements appears to have been approved.

VSH 3 Abandon Apartments

Mr. Staton said the old apartment building on VSH 3, purchased by VDOT for the four-laning of Route 3, will be removed in the next couple weeks because of trespassing and vandalism concerns.

Mr. Frere asked Mr. Staton to provide the proposed subdivision street standards to Mr. Larson to forward to the Planning Commission.

**PUBLIC HEARING**

1. Application for Special Exception, Individual Manufactured Home – Clifton and Susan Fitzhugh – Mr. Larson said Clifton and Susan Fitzhugh are requesting a Special Exception to place an Individual Manufactured Home on property identified as Tax Map #27-117. This property is on VSH 666, Benson Road, near Weems, Virginia and is in Voting District 5.

Mr. Larson stated applicants are proposing to place a three-bedroom home on the subject property utilizing a forty-year old septic system, approved for two bedrooms. They have labeled the third bedroom a library and stated that they will not use it as a bedroom. They further stated that they would be the only full-time occupants of the home. While there is no reason to dispute these claims, there is also no assurance that the third bedroom will not be used on a regular basis at some time in the future. Further compounding the issue is the fact that soil conditions are generally unfavorable for septic and the water table high in this area.

Mr. Larson said this public hearing of the request has been advertised and adjoining property owners notified as required by law. To date, his office has received no input from adjoining property owners or other interested members of the public concerning this request.

Mr. Larson stated the staff recommends approval conditioned on obtaining a septic operating permit for a three-bedroom house.

Mr. and Mrs. Fitzhugh stated they had the septic system pumped out and the system currently pumps 5 – 10 gallons per minute. They also indicated they would be working with an engineer to have another system installed within a year.

Mr. Beauchamp made a motion to approve the Application for Special Exception to place an Individual Manufactured Home for Clifton and Susan Fitzhugh with the condition they obtain a three-bedroom sewage disposal permit from the Health Department within two years.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F.W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Application for Change of Zoning Classification – Knull Properties, LLC – Mr. Larson said a request by Knull Properties, LLC to rezone property described as Tax Map #26-16, 26-18 and 26-18J from R-1, Residential, General to M1, Industrial, Limited. This property is located at the end of VSH 610, Oak Hill Road, on Myer Creek near Ottoman, Virginia and is in Voting District 1.

Mr. Larson said the applicant is proffering that only the current authorized nonconforming activities of boat yard, marina, yacht club and boat storage will be conducted on these parcels was significant to the Planning Commission's recommendation and in the view of interested members of the public who might otherwise have opposed it.

Mr. Larson stated this public hearing of the request has been advertised and adjoining property owners notified as required by law. To date, his office has received no input from adjoining property owners or other interested members of the public concerning this hearing of the request.

Mr. Jenkins made a motion to approve the Application for Change of Zoning Classification request for Knull Properties, LLC conditioned upon the proffer that only the current authorized nonconforming activities of boat yard, marina, yacht club and boat storage will be conducted on these parcels.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F.W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

3. Application for Change of Zoning Classification – Paul N. and Karen E. Krop  
– Mr. Larson said a request by Paul N. and Karen E. Krop to rezone property described as Tax Map #23-58C from A-2, Agricultural, General to C-1, Commercial. This property is located on VSH 607, Goodluck Road, near Kilmarnock, Virginia and is in Voting District 2.

Mr. Larson said an adjoining property owner expressed concern that the applicant not be granted an unconditional rezoning to C-1, Commercial. Members of the Planning Commission also expressed concern as to the size of the property being rezoned and suggested that Mr. and Mrs. Krop might want to subdivide the property such that only the portion necessary to commercial use be considered.

Mr. Larson stated he received a copy of the proffer which reads the property will be used “**only**” as a vineyard/winery. Mr. Frank Burke, council for the applicant, signed the faxed copy of the proffer to make it an original copy for county records.

Mr. Larson said this public hearing of the request has been advertised and adjoining property owners notified as required by law. To date, staff has received one call from an adjoining property owner expressing opposition to the request.

Mr. Palin made a motion to approve the Application for Change of Zoning Classification for Paul N. and Karen E. Krop conditioned on the submitted proffer which reads the property will be used “**only**” as a vineyard/winery.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F.W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

4. Application for Change of Zoning Classification – Western Branch Company  
– Mr. Larson stated the request by Western Branch Company to rezone property described as Tax Map #15-118 from A-2, Agricultural, General to R-2, Residential, General to R-2, Residential, Apartment. This property is located at the end of Avis Trail near Lancaster, Virginia and is in Voting District 2.

Mr. Larson said the Planning Commission viewed the proposed density for this request as exceptionally attractive at one dwelling unit per 5.95 acres. This is less dense than any other approved R-2 zoning in the County. To insure that an attempt will not be made in the future to develop open space in this parcel, it was felt that a permanent conservation or set aside easement recorded in the County land records should be a condition of approval of the master plan. Applicants are aware of the desire of the Planning Commission in this regard. Applicants are also aware that the master plan will be considered as submitted and that any changes adding to the structures/uses or the property would require approval of the Board of Supervisors. The master plan checklist indicates open ended future development is not acceptable.

Mr. Larson stated the public hearing of the request has been advertised and adjoining property owners notified as required by law. To date, his office has received no input from adjoining property owners or other interested members of the public concerning this request.

Mr. Bragg stated the proposal comprise of thirty-six single family homes at extremely low density providing large undeveloped spaces. The property is over 2400' on the Corrottoman River. He stated they have met with Carter White, VDOT and there was no need for an additional traffic impact study at Avis Trail. They also met with Jeffrey Haywood, Upper Lancaster Volunteer Fire Department and suggested installing a dry hydrant at the boat ramp. Mr. Bragg agreed that this will be done.

Mr. Nuchols, architect for the project, said there will be an 18' wide paved road which will connect to Avis Trail. He stated there would be 158 acres placed into a conservation easement. There will be 20 homes located along the Corrottoman River behind the 100' buffer leaving a tree line. There will be ten docks and parking accommodations for four vehicles per home. They would be working with Bay Design for storm water run off mitigation.

Mr. Palin made a motion to approve the Application for Change of Zoning Classification request by Western Branch Company.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F.W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Mr. Palin made a motion to approve the Master Plan as submitted on April 29, 2004.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F.W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

### **CONSENSUS DOCKET**

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

A. Minutes for March 23, 2004, March 25, 2004 and April 7, 2004

Recommendation: Approve the minutes

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	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 April 2004 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the Salaries for April 2004 in the amount of \$140,324.03 and Invoice Listings for April 2004 in the amount of \$755,086.72.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Adopt FY 2005 Lancaster County Schools' Budget – Mr. Pennell stated the Lancaster County Board of Supervisors has held several work sessions and the statutorily required public hearing on the Fiscal Year 2005 Lancaster County Schools' Budget.

Mr. Frere made a motion to adopt the FY 2005 Lancaster County Schools' Budget as a "bottom line" budget in the amount of \$12,856,658 which includes county funds in the amount of \$8,174,330.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Nay
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Nay
	Ernest W. Palin, Jr.	Aye

Mr. Geilich made a motion to adopt the Schools' Cafeteria Budget of \$566,560 without the local funding requested by the School Board.

VOTE:	Patrick G. Frere	Nay
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Nay

3. Award Contract – Sheriff's Office/Jail Generator – Mr. Pennell said the Lancaster County Board of Supervisors has previously authorized an engineering study of the emergency electrical needs for the Sheriff's Office/Jail complex. Mr. J. Mosby West completed this study and based on his recommendations, a Request for Proposals was advertised to supply and install a new 200kw generator at the Sheriff's Office/Jail complex.

Mr. Pennell stated two bids were received to supply and install a 200kw generator as per Mr. West's recommendations:

Waco, Incorporated	\$ 96,300
Dennis Saunders	\$139,700

Mr. Pennell recommended that the contract be awarded to the lower bidder to supply a 200kw generator, transfer switch and related equipment. Award the contract to Waco Incorporated, 5450 Lewis Road, Post Office Box 829, Sandston, VA 23150 as per its March 24, 2004 proposal of \$96,300.00.

Mr. Pennell asked the board to award a contract to Noblett Oil and Propane to remove the old underground diesel fuel tank at the Sheriff's Office/Jail complex and provide temporary fuel to the old generator as the new generator is being installed. The price of this work is \$645.00. Noblett

Oil and Propane has the current contract with Lancaster County to provide diesel fuel and related services.

Mr. Pennell asked the Board of Supervisors to authorize him to execute the necessary documents to Waco Incorporated and Noblett Oil and Propane to complete this work.

Mr. Jenkins made to a motion to Award Contract to Waco Incorporated to supply and install a 200kw generator for the Sheriff's Office/Jail complex in the amount of \$96,300.00 and award contract to Noblett Oil and Propane to remove the old underground diesel fuel tank at the Sheriff's Office/Jail complex in the amount of \$645.00 and authorize the county administrator to execute the necessary documentation.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

## **BOARD REPORTS**

### **WRAR National Recognition Award**

Mr. Beauchamp stated the board approved a Resolution commending WRAR for the communication services before, during, and after Hurricane Isabel. He said he received a letter for Congresswoman Jo Ann Davis who recommended WRAR for a National Recognition Award. He is please to announce that WRAR has been approved for this National Recognition Award and its staff will travel to Washington D.C. on June 4, 2004 to receive this prestigious award.

### **Reschedule Retreat**

Mr. Frere stated the Planning Commission has submitted eight topics they would like to discuss at the board retreat.

Mr. Beauchamp stated he would not be able to attend the retreat because of prior engagements.

Mr. Jenkins stated he may be unable to attend the retreat.

By consensus of the board, the retreat was rescheduled for June 26, 2004.

### **Appointment**

Mr. Jenkins made a motion to recommend to Judge Taliaferro the appointment of Steven M. Sorensen to the Lancaster County Board of Zoning Appeals as a representative for District 1 for a four year term ending April 1, 2008.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Mr. Palin made a motion to appoint Myra Palin to the Rappahannock Community College Board to represent Lancaster County for a four year term beginning July 1, 2004 and ending June 30, 2008.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

**COUNTY ADMINISTRATOR**

Mr. Pennell stated the county has received the \$11,575 from Merry Point Development for the legal expenses incurred during the establishment of the Community Development Authority.

Mr. Pennell stated the Town of Irvington will be having their forth of July celebration on July 3, 2004 and Lively Firemen's Festival will be held May 22, 2004.

**ADJOURNMENT**

Motion was made by Mr. Beauchamp to adjourn the meeting to April 7, 2004 at 5:00 p.m. for a Capital Improvement, School Board and Revenue budget work session.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye