

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, June 28, 2001.

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

Others

Present: J.F. Staton and Robert Harper, Virginia Department of Transportation, Weldon Howard, Redistricting Committee Member, Randolph Latimore, Lancaster County Schools, Joseph Wiggins and Carolyn Williams, Lancaster School Board Members, Jack Larson, Planning and Land Use, Robert Mason, Rappahannock Record

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

PUBLIC INPUT

Ed Davis, Chief of the Volunteer Fire Department stated on behalf of the county's rescue squads and fire departments he would like to thank the board of supervisors for the additional funds that were appropriated.

PRESENTATIONS

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Staton stated he spoke to Mr. Conaway's church youth group about the "adopt a highway" program.

Virginia Transportation Board Meeting - Mr. Staton said he would like to remind the board of supervisors about the Virginia Transportation Board meeting would be held July 12, 2001 and the Warsaw Residency counties are expected to be on the docket for 11:00 a.m. He would be meeting with the Northern Neck Planning District Commission because they would be making a presentation on behalf of all four counties. They need all the support they can get to continue the improvements on Route 3 and any other item on the primary system. He stated that the board of supervisors should be receiving a copy of the legislative bills passed in the last session that would impact the secondary highway system.

Rio Vista Road - Mr. Staton stated at the last meeting there was a concern about the sight distance on Route 675 near Rio Vista Subdivision and a centerline was painted on that hill to make sure that vehicles would stay on their side of the road.

Alternate Route Sign – Mr. Staton said at the last meeting the Honorable Alex Fleet, Mayor of Irvington, requested that a sign be placed on James Jones Memorial Highway directing traffic to Route 3 using Harris Road as an alternate route. He stated the board of supervisors supported the idea and a sign would be erected.

Route 600 Bridge – Mr. Staton stated that the bridge should be completed on July 9, 2001 and then the guard rail company would come in and finish this project. He said the bridge should be ready for traffic July 10, 2001 and if the board of supervisors would like to have a ribbon cutting ceremony, VDOT would assist.

Mr. Conaway said would like to thank VDOT for near completion on the Route 600 bridge because it has been a nightmare. He stated that he would like to have a ribbon cutting ceremony. He asked Mr. Staton if he knew what time the bridge would be ready?

Mr. Staton said he does not have that information available and as soon as he got the details, he would call Mr. Pennell, County Administrator with the information.

Mr. Conaway said he appreciated Mr. Staton meeting with the youth of the church about the “adopt a highway” program and they have adopted a portion of Route 3 from Chinns Mill Pond to Route 617. He said the youth group was eager to get started.

Mr. Beauchamp stated he has received a number of phone calls to express their appreciation to VDOT for the Rio Vista centerline. The centerline was done in such a timely manner. He said he received a petition from a citizen that lives on King Carter Drive where the speed limit is currently 35 mph. He believes that every resident on King Carter Drive down to The Tides Inn signed the petition and they are asking that VDOT look at the petition and consider reducing the speed limit to 25 mph. He said evidently there have been three or four dogs killed in the section of town within the last six to eight months and close calls where children have almost gotten hit. Mr. Beauchamp stated he has spoken with Irvington’s Mayor Alex Fleet and they do not want an expensive study done however they would like VDOT to look into the matter and make recommendations.

Accepting Colinbrook Way into a Virginia Secondary System of Highways – Mr. Pennell stated that the resolution would serve to accept Colinbrook Way, in the Old Orchard Subdivision, into the Virginia Secondary System of Highways. The Virginia Department of Transportation staff has confirmed that the roadway meets the requirements for acceptance and the necessary rights-of-way have been recorded in the clerk’s office.

Mr. Jenkins made a motion to adopt the resolution accepting Colinbrook Way into the Virginia Secondary System of Highways.

VOTE: 5- 0 Aye.

**ACCEPTING COLINBROOK WAY (OLD ORCHARD SUBDIVISION)
INTO THE VIRGINIA SECONDARY SYSTEM OF HIGHWAYS**

WHEREAS, the Board of Supervisors has this day decided to establish as part of the State Secondary System of Highways the following road in the Old Orchard Subdivision in the Mantua Magisterial District.

Street Name: Colinbrook Way
From: Route 797
To: Dead End
Length: 0.10 miles
Right of Way: 50'

WHEREAS, the plats conveying the necessary clear and unencumbered 50' right of way along with the required drainage easements were duly recorded in the Clerk's Office of Lancaster County on January 13, 1993 in Plat Book 3, Page 19.

NOW, THEREFORE, BE IT RESOLVED, this Board doth hereby guarantee the said clear and unencumbered 50' right of way and drainage easements and request the Department of Transportation, pursuant to Section 33.1-229 of the Code of Virginia, as amended, accept.

Street Name: Colinbrook Way
From: Route 797
To: Dead End
Length: 0.10 miles
Right of Way: 50'

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

PUBLIC HEARINGS

1. Proposed 2001 Tax Levy – Mr. Pennell stated that later at this meeting the board would consider adopting the budget and the appropriations resolution for FY02. There have been a number of budget work sessions that the board of supervisors has conducted and it became necessary to consider a \$0.05 real estate property tax increase going from \$0.53 to \$0.58 per \$100 assessed value. He stated that Personal Property would remain at \$1.52 per \$100 assessed value, Machinery and Tools would remain at \$1.52 per \$100 assessed value and Merchants Capital would remain at \$1.00 per \$100 assessed value.

Howard Kyser said he opposed to the \$0.05 increase on real estate tax. He stated that this area has 57% of the population, which are retirees and the other 43% population are those who work low paying jobs and this increase would not be beneficial.

Mr. Conaway said when working with the budget and trying to find money to appropriate to county offices and mainly the school system, the board realized a tax increase would be necessary to maintain a fund balance and to grant the appropriation needed. He believes that a tax increase is necessary however it should not need to be a \$0.05 increase. He said he voted against the increase, not because we did not a tax increase but he thought that \$0.05 was a big increase. He said if we needed an increase to give the schools the necessary funding, there were citizens in the county that agreed.

Mr. Conaway made a motion for a 2001 real estate property tax increase going from \$0.53 to \$0.56 per \$100 assessed value. He stated that Personal Property would

remain at \$1.52 per \$100 assessed value, Machinery and Tools would remain at \$1.52 per \$100 assessed value and Merchants Capital would remain at \$1.00 per \$100 assessed value.

Mr. Beauchamp asked Mr. Pennell what would the fund balance amount be with a \$0.03 tax levy?

Mr. Pennell said it would be \$496,896.

Mr. Simmons said he was concern because of the \$316,000 appropriation to C.S.A. that the board recently made.

Mr. Conaway stated that was taken from this year's appropriations which should not affect the fund balance for next year.

VOTE: 1 Aye (Conaway) 4 Nay (Jenkins, Beauchamp, Frere, Simmons).

Mr. Frere made a motion for a 2001 real estate property tax increase going from \$0.53 to \$0.58 per \$100 assessed value. He stated that Personal Property would remain at \$1.52 per \$100 assessed value, Machinery and Tools would remain at \$1.52 per \$100 assessed value and Merchants Capital would remain at \$1.00 per \$100 assessed value.

Mr. Beauchamp stated he would prefer not to see a tax levy increase however there must be an increase in order to maintain the budget and provide the services that the citizens and taxpayers of Lancaster County need.

Mr. Conaway said he understands the reason behind the tax increase; however this would not be the only tax increase that the taxpayers would be feeling. He said there were new assessments that were recently done. He stated he was speaking on behalf of the taxpayers that are in that 43% the previous speaker mentioned. It's easy

for the board to raise the taxes in increments of \$0.05 but it's a burden on the taxpayers that find it very difficult to meet that need. He stated that he was talking about the service workers and people making minimum wage whereas any tax increase would be detrimental, but certainly the \$0.05 tax increase would be an undo burden.

Mr. Jenkins stated his concern with the additional \$0.05 tax levy; he does not believe that we have taken a stronger or harder look at the containment of cost as we should. He could not say that if they took a stronger or harder look that they would have been able to save any tax increase. How do Lancaster County teachers go from being the highest paid teachers about six or seven years ago to becoming the lowest paid this year? The single largest expenditure of the county is the school system and the school system continues to produce outrageous and unrealistic budgets. Our school system has fewer students today then it did in 1952 and this year we are 61 under what was budgeted. This has not created a management solution to the cost of the school system that is deserved by the Lancaster County taxpayers; whereas is has created a situation with fewer students we get less state funds and therefore the local taxpayer must pay more. This needs to stop next year with a more realistic business approach from the beginning. He stated that he, along with everyone, truly cares about the youth of this county and their futures. We must, as a county, find a way to bring this expenditure under control and with that help control the \$0.75 of every dollar that this tax levy will raise. As Mr. Kyser stated we have nearly 50% of the people who are not enjoying the good life and the result of that is that the economy doesn't grow significantly to meet the inflationary costs which are added each year. He said under those conditions we must go back and apply ourselves harder in order to try to contain the costs. He stated he has a hard time placing this on the taxpayers.

VOTE: 3 Aye (Frere, Simmons, Beauchamp), 2 (Conaway, Jenkins)

2. David Simms – Special Exception Application – Mr. Larson stated Mr. Simms requested a special exception in order to allow the placement of an individual

manufactured home on property located off VSH 646, Ocran Road, near White Stone, VA. This property described as Tax Map #34-50 (Part) and was zoned R-1, Residential General. This property is in Voting District 4.

Mr. Larson said that Mr. Simms has met all the requirements to place an individual manufactured home to include a Water Supply and Sewage Disposal System Construction Permit, HDID #151-00-229. Adjoining property owners have been notified and it has been advertised as required by law. The staff has received no phone calls from adjoining property owners or other interested members of the public concerning this application.

Mr. Larson stated the staff recommends approval of Mr. Simms' special exception application.

Mr. Simmons made a motion to approve the special exception application for David Simmons.

VOTE: 5 – 0 Aye.

3. Josephine B. Boyd – Special Exception Application – Mr. Larson stated Ms. Boyd requested a special exception in order to allow the placement of an individual manufactured home on property located off VSH 622, Morattico Road, near Morattico, VA. This property was described as Tax Map #6-18 and zoned R-1, Residential General. This property is in Voting District 2.

Mr. Larson said that Ms. Boyd has met all the requirements to place an individual manufactured home to include a Water Supply and Sewage Disposal System Construction Permit, HDID #151-01-131. Adjoining property owners have been notified and advertising as required by law has been conducted. The staff has received no phone calls from adjoining property owners or other interested members of the public concerning this application.

Mr. Larson stated that staff recommends approval of Ms. Boyd's special exception application.

Mr. Conaway made a motion to approve the special exception application for Josephine B. Boyd.

VOTE: 5 – 0 Aye.

4. Larry T. Lucas – Special Exception Application – Mr. Larson stated Mr. Lucas requested a special exception in order to allow the placement of an individual manufactured home on property located off VSH 222, Weems Road, near Weems, VA. The property is described as Tax Map #27-284A and zoned R-1, Residential General. This property is in Voting District 4.

Mr. Larson said the Board of Supervisors gave Mr. Lucas approval for a “pump and haul” system on May 31, 2001. Mr. Lucas was authorized by the Health Department to utilize the existing privy vault system until the necessary permits have been granted to the County. Adjoining property owners have been notified and advertising as required by law has been conducted. The staff has received no phone calls from adjoining property owners or other interested members of the public concerning this application.

Mr. Larson stated a letter from Bay Sanitation Company indication that they have made arrangements with Mr. Lucas to conduct the “pump and haul” service. He stated he has spoken to Mr. Kellum who signed the Bay Sanitation Company letter and he does not feel he would encounter any type of problem with this type of service.

Mr. Larson said that staff recommends approval for Mr. Lucas special exception application.

Mr. Simmons stated he still has some concerns about the “pump and haul” system. He asked Mr. Lucas if he understood that if the “pump and haul” service as stopped for any reason, that the house would be condemned and they would have to vacate the premise immediately.

Mr. Lucas said yes that he understood.

Mr. Simmons made a motion to approve the special exception application for Larry T. Lucas.

VOTE: 5 – 0 Aye.

5. Angel Thompson – Special Exception Application – Mr. Larson stated Ms. Thompson requested a special exception in order to allow the placement of an individual manufactured home on property located off VSH 664, Greentown Road, near Irvington, VA. This property is described as Tax Map #27-195A and zoned R-1, Residential General. This property is in Voting District 4.

Mr. Larson said Ms. Thompson was working with the Indoor Plumbing and Rehab. Program to install a septic system for her home. If approval was granted, then it would be recommended that the home not be placed on the property until a septic system has been provided. Adjoining property owners have been notified and advertising as required by law has been conducted. The staff has received no phone calls from adjoining property owners or other interested members of the public concerning this application.

Mr. Larson said staff recommends approval for Ms. Thompson, conditioned on obtaining a septic system on the property.

Ms. Thompson asked if the individual manufactured home could be placed on the property prior to obtaining a septic system?

Mr. Conway said that for clarification was this because you need to have the home delivered on the property? He said understanding that you would still be unable to stay in the home.

Mr. Pennell stated that they regularly allowed individuals to place the home on the property as long as it's not placed on the foundation, so that the individual does not continue to incur storage fees.

Mr. Simmons made a motion to approve for the special exception application for Angela Thompson conditional on obtaining a septic system on the property.

VOTE: 5 – 0 Aye.

6. Charles R. Revere – Special Exception Application – Mr. Larson stated Mr. Revere requested a special exception in order to operate a petroleum product (bottled gas) storage facility on property located on VSH 790, near Kilmarnock, VA. This property is described as Tax Map #23-48C and zoned M-1, Industrial Limited. This property is in Voting District 2.

Mr. Larson said this was a permitted use for this zoning district but required a special exception as set forth in paragraph 9-1-22 of the Zoning Ordinance. He said Mr. Revere represents the Middlesex Bottle Gas, Inc., trading as Revere Gas and Appliance. He is the contract purchaser of the subject property, currently owned by Leward, Inc. and purchase of the property was contingent on obtaining the requested special exception. Mr. Revere understood that he would be required to submit a site plan for approval, in accordance with paragraphs 9-2-1 and 22-1 of the Zoning Ordinance, prior to obtaining a building permit.

Mr. Larson said the facility that Mr. Revere was proposing was very similar to a competitor's facility in the immediate vicinity (Tax Map #23-40B) that operates without incident. Furthermore, there was very little development in the vicinity, making this area well suited for this type of facility. Adjoining property owners have been notified and advertising as required by law has been conducted. Mr. Larson stated twelve property owners in the area and one not in the immediate area called to express opposition. He said he received one letter from an adjoining property owner in opposition. He received one call from an adjoining property owner who supposed this request.

Mr. Frere asked Mr. Larson if this was zoned M-1?

Mr. Larson said yes.

Mr. Frere asked the property to east and north are also zoned M-1?

Mr. Larson said yes.

Mr. Frere asked Mr. Larson if he recommends any conditions on this use?

Mr. Larson said no that he does not but he said he was not an expert on that type of facility.

Mr. Frere said a number of concerns would be fencing and lighting for security. He stated it was a permitted use for that zoning.

Mr. Conaway said he has concerns about the request for special exception. He stated he has not had the opportunity to talk to Mr. Revere and he has received a number of calls in opposition to the request.

Charles Revere stated he operates Middlesex Bottled Gas, Inc. he has had a facility in Lancaster County for approximately 20 years. He said now that propane gas was being accepted as an alternative to other forms of energy, there's a need to better serve customers. He said all propane installations are controlled by a national association which is adopted by the State of Virginia as part of the code that requires a petroleum product storage facility to have a six foot fence, must be well lit, must be a certain distant from property lines, highways and public access which is all part of the code.

Mr. Jenkins asked Mr. Revere where is the nearest storage facility that supplies the trucks?

Mr. Revere said Warsaw or Hartfield.

Mr. Jenkins asked if he has ever had a gas leak or spill at either of those facilities and how long have you been operating?

Mr. Revere said they have been operating for 40 years and yes he stated they had one incident in Hartfield where a driver, drove away with the hose hooked up. He said there are safety features to protect against that and everything worked.

Tim White stated he lives directly across the highway and has very serious concerns about having two similar companies of this nature so close in distance. He would prefer if the two facilities were spaced further apart and away from homes. Because an incident did occur some years ago where someone tried to blow up Noblett Propane which is the company currently there on the corner.

Mr. Frere asked Mr. Larson if the proposed site was located to the left of where Bay Auto is located?

Mr. Larson said yes.

Mr. Frere asked how many parcels separate the proposed location from the existing one?

Mr. Larson said he believes there were two.

Catherine Long stated she opposed having the propane storage because the proposed site was too close to the existing site. If there was an accident with one of the propane storage sites it would spark the other site and our Volunteer Fire Department would not be able to control that. She asked the board not to approve this request for that location.

Gilbert Dorman stated he lives directly across from Noblett, which is the existing site. He said that around 1996 there was an incident where someone went into the storage area attempting to set it on fire. He stated he noticed Mr. Revere's storage facilities at both Hartfield and Warsaw there are no houses adjacent to those sites. He said he opposed having the storage facility at that location.

Doris Dunaway-Aytes said she lives in that area and also has concerns about having the proposed facility and existing site so close. She said they all have children and with the existing storage facility they can smell gas when the weather is hot. She stated she opposed having the storage facility at that location.

Mr. Revere stated he understood all of the concerns but his storage facility was being compared to the existing site which is not fair. He said the tanks location would be as far to the back of the property as it could possibly go which are approximately 100 yards from Route 690 and 300 yards from the existing facility. He would like to request to table this until the July 26, 2001 Board of Supervisors meeting in order to provide information to the concern citizens.

Mr. Conaway stated tabling this request would probably result in the same situation that we have before us and the citizens have stated that they oppose it in the area. He stated because he, the representative for that district, believes that tabling this request would bring the same concerns at the next meeting. He asked his constituents would they have a problem if this request were tabled until next month?

Mr. White stated he would still have the same concern about having the proposed propane storage facility and the existing facility so close together.

Mr. Conaway made a motion to table Charles Revere special exception application until the July 26, 2001 Board of Supervisors meeting.

VOTE: 5 - 0 Aye.

Mr. Beauchamp requested that Mr. Revere to provide the board with NFPA 58 (Virginia State Code) as far as the safety and how close the nearest residence is to the proposed site.

Mr. Jenkins requested information as to the safe distance between two like facilities such as this.

Mr. Pennell asked Mr. Revere if he could provide the board with a copy of the NFPA 58?

Mr. Revere stated that he should receive a new copy soon because the NFPA 58 was in the process of being updated for July 1st.

Mr. Conaway said he would like to make the board aware that the proposed facility is in a highly residential area along with Corbin Lewis Estates.

7. Lloyd J. Ketner – Request for Rezoning – Mr. Larson stated that Mr. Ketner requested to have property identified as Tax Map #33-182 on VSH 532, John's Neck Road, Weems, VA rezoned from M-1, Industrial, Limited to R-1, Residential, General. This property is in Voting District 5.

Mr. Larson said there were no opposition to this request raised at the Planning Commission meeting held on May 17, 2001. This property is directly across the road from a number of properties that are already zoned R-1. He stated given the relative small size of this property and the fact that it is off the water, it does not negatively affect the viability of the area for reestablishing seafood processing operations, or expanding present water based uses should that be desired in the future. Adjoining property owners have been notified and advertising as required by law has been conducted, both for this public hearing and that held by the Planning Commission. The staff has received no phone calls from adjoining property owners or other interested members of the public concerning this application.

Mr. Beauchamp made a motion to approve this request for rezoning from M-1, Industrial to R-1, Residential, General.

VOTE: 5 – 0 Aye.

8. Richard E. J. Supchak – Request for Rezoning – Mr. Larson that Mr. Supchak has requested to have property identified as Tax Map #25-223 on VSH 604, Ottoman Ferry Road, Ottoman, VA rezoned from R-1 Residential, General to C-1, Commercial for the purpose of conducting a business to print specialized logos on golf balls. This property is in Voting District 1.

Mr. Larson stated that there was both support and opposition to this request raised prior to the Planning Commission meeting held on May 17, 2001.

However, representatives at that meeting were overwhelmingly in opposition. The issue was decided entirely on Mr. Supchak's desire to live on the premises of his business. The present zoning does not permit the business, given that Mr. Supchak wishes to employ as many as four persons not residing on the premises, and the requested zoning would not allow Mr. Supchak to live on the premises. He said adjoining property owners have been notified and advertising as required by law and has been conducted, both for this public hearing and that held by the Planning Commission.

Mr. Larson stated the Planning Commission was forwarding this request to the Board of Supervisors recommending disapproval by a vote of 3 – 0 Aye, 1, Abstain, 1, Absent.

Dr. Liebert stated that he was opposed to Mr. Supchak's request for rezoning and a petition was submitted at the Planning Commission meeting however he does not have that available for the board. He believes that Mr. Supchak could find an industrial or commercial parcel somewhere more suitable.

Mr. Philip Dwyer stated he was an adjacent property owner and he was opposed Mr. Supchak's request for rezoning. He said there was 100 acres in total that the applicant would purchase and he does not want to see the property rezoned.

Mr. Drew Hill, Attorney for Mr. Supchak wanted to clarify a few points. He has contracted to purchase 134 acres and Mr. Supchak has requested that only a 5.5 acres parcel to be rezoned C-1. He stated Mr. Supchak was proposing to put a 4500 square foot building on the property in which he would conduct his business, which is custom imprinting golf balls. The loading, parking and entrance to the business would be on the back of the building and the only traffic would be once a month when UPS delivers golf balls and daily pick up or Mr. Supchak would take his packages to the Lively UPS station. He said Mr. Supchak

picked this property with the idea that in the future he would move his parents here and build a home for them and himself. He would like the board to bring resolution to this ongoing matter, one way or the other.

Mr. Allen Brittle stated he opposes the request for rezoning because his concern was that a new owner could elect to have a more intrusive business if the property was rezoned.

Mr. Harry Bigley stated he moved to that area because of its beauty and quiet community and if he wanted to live in a neighborhood with businesses he could have chosen to live in Lively or Kilmarnock. So therefore he opposed the request for rezoning.

Elizabeth Bunn stated she moved to this area from Northern Virginia into a residential community. She opposed this request for rezoning saying if she wanted to live in a community with businesses there; she could have stayed in Northern Virginia. She said the zoning was not suitable for what she would like to do.

Mr. Frere stated he was confused by the idea that our zoning ordinance did not allow this type of use because he believes that our zoning ordinance does allow this type of use in at least two of our districts.

Mr. Pennell stated he believes that you are correct because this sounds like a mail order/catalog store.

Mr. Frere stated there are ways this is permitted in our zoning ordinance.

Mr. Larson said the issue was that Mr. Supchak would like to reside in the same building on the property and he would like to have the property rezoned C-1. He said if you build a residence right now in the present R-1 zoning district he could conduct his business in that residence as long as he and only members of

the residence work in the business. Mr. Supchak would like to bring as many as four people from outside the residence to work at the business, which would then no longer qualify as a home occupation.

Mr. Jenkins asked are they requesting the rezoning of the entire parcel or just the 5.5 acres?

Mr. Pennell said that the entire parcel was before the board.

Mr. Hill stated that there are 14 or 15 parcels contained in one.

Mr. Simmons stated he has a concern about the C-1 spot zoning maybe better in a mixed-use district. Because if the property was sold any type of business could be placed there.

Mr. Jenkins stated he has the same concern about rezoning the property without being able to limit it to a specific business.

Mr. Beauchamp stated that this is the type of business we need in the county however he has the same concern about spot zoning.

Mr. Jenkins made a motion to deny Mr. Supchak's request for rezoning property located at Tax Map #25-223 from R-1 to C-1.

VOTE: 5 – 0 Aye.

9. Proposed Mixed Use Business and Residential District, C-2 – Mr. Larson stated the proposed Mixed Use Business and Residential District C-2 ordinance was intended to provide for mutually compatible residential and commercial uses. This zoning district would be identified as C-2 and would replace the current C-2 zoning district.

Mr. Larson stated there was opposition to this new ordinance at the May 17, 2001 Planning Commission meeting. However, most, if not all of those in opposition were from the Ottoman area. It was pointed out to them that having the ordinance in place would not change current zoning. That would have to occur as a result of identification of areas to be rezoned, proper notification, public hearings and consideration of concerns raised as part of the public hearing/notification process. While the village area of Ottoman may not be ultimately rezoned, other village areas may support it, and they should not be denied the opportunity for lack of a zoning ordinance that permits such rezoning.

Mr. Larson said it should be noted that the only proposed change to the ordinance recommended by the Planning Commission was that the setback for adjoining residential or agricultural properties be increased from ten feet to twenty-five feet.

Mr. Jenkins asked if there has been any consideration at the Planning Commission, the process by which villages would qualify, since these are non incorporated villages and what process would be in place to define the area.

Mr. Larson said there has been discussion in our Comprehensive Plan and at the Planning Commission meeting the target areas would be traditional village districts, which would be those that had a post office. The other thing would be, within a village district, how much area would be included? One of the proposals was to take a 1000-yard radius from the intersection or center of that district, but

that would not work for each village district. The zoning of property would have to be looked into along with other factors.

Mr. Frere said that the C-2 district has a number of commercial uses that are allowed but are very specific uses that are, in general, less intense than the C-1 uses. He said his one concern was that the C-2 has a strict limit on the size of floor space to allow businesses 4000 square feet. What would happen to those properties that are already zoned C-2 in the county that have been forced to only go up to 4000 square feet or less? How would this rezoning affect them?

Mr. Larson stated the square footage would be unlimited and this would apply to the existing C-2 areas.

Mr. Pennell said this would need to be called C-3 or some other separate designation and leave C-2 the way it is.

Mr. Jenkins said what you have just done was to open every parcel in the county for potential business. It would be the same as Mr. Supchak's request. He stated it was to be narrowly scoped to specific traditional trading centers, cross roads or villages to encourage someone not to go down the road two or three miles to open a business, but to come within what was traditionally a village and operate a business there.

Mr. Frere stated he agreed and we would want something of this nature in the county but it required some fine-tuning.

Mr. Harry Bigley stated there are a lot of unclear points that need to be better defined and this would not add to the charm of the county. He would like the board to proceed with care.

Mr. Jenkins stated if within defined bounds we develop a general store or an activity within the old village that would be something advantageous.

Mr. Bigley said there would need to be a better definition.

Allen Brittle stated you don't need to fix the old district, maybe create a new district.

Lydia Brittle said give serious thought to what could be a village needing a new zone and leave the existing C-2 alone.

Dan Bashore stated there must be a better definition.

Catherine Bennett asked how does this fit into the Comprehensive Plan?

Mr. Simmons said he believes that some of the Ottoman residents think that this request and Mr. Supchak's request are the same. He stated they are two totally different requests. The statement of intent reads that "the C-2 district is designed to encourage the high density location of permitted uses as a means of revitalizing traditional village areas and making the delivery of goods and services more cost effective. It will serve as the alternative to strip development along currently undeveloped traffic corridors, a practice that will be discouraged. It is also designed to provide the option of reestablishing seafood-processing operations and other waterfront commercial activities in areas of residential development where the amount of available area adjacent to the water is sufficient for such activities." He said he believes it is limited as to where these areas can be and there must be an ordinance in place before we can start to determine what area we may want to consider for blanket rezoning.

Mr. Frere said he would be confident adopting the ordinance if it was ready; since any subsequent zoning map changes would require additional public

hearings. He stated his concerns with the make up of the ordinance were the current C-2 4,000 square foot building size limit and its conflict with the proposed C-2. There are a number of waterfront type commercial uses that are in the proposed ordinance and he would rather see those waterfront uses taken out and incorporated in a new waterfront commercial zoning district. He would rather see the waterfront taken out and see a separate waterfront commercial zoning. He stated there are other counties that have waterfront commercial zoning. He said Mathews County has a B-1 and B-2 and he believes that B-1 was their waterfront business district. Right away you limit the uses more and narrow the scope of where they would be allowed in the county. Additionally, to make the proposed zone a truly mixed use zone, a larger variety of residential uses should be incorporated. A variety of residential uses could be included in both the mixed use and waterfront commercial districts. The county needs to find a way to provide a pedestrian environment around these types of businesses and are there any other types of zoning that could be included in this type of classification.

Mr. Simmons said he objects to removing the waterfront uses and making this a separate zoning. He believes waterfront uses need to be protected in the county.

Mr. Frere said he agreed waterfront uses need to be protected; and does not object to anyone trying to reestablish waterfront commercial uses, such as crab shedding and shellfish processing. He stated he would like to see those people given every opportunity to reuse their existing commercial structures and we do have a number of things in our zoning ordinance that do allow the reuse of those existing structures. In the zoning ordinance the special exception process is in place to permit new businesses in a non-conforming structure erected prior to 1975. A majority of the seafood houses fit this description. He thinks the problem is you allow the opportunity for reuse of buildings, but you really would like to see these as uses continue water dependent uses. Rezoning would open up the waterfront property for seventy-one uses instead of the sixteen or seventeen

that you would like to see allowed on the water. Recognizing that these sites are assets to our county, and we want to see them reused, we also need to assure the County that they will stay water dependent that provide access to the water uses. So by giving them their own district and allowing for water dependent type uses, would serve the property owner and serve the need of our county.

Mr. Simmons said let's take Morratico for example, how would you zone; as commercial with the village concept or seafood?

Mr. Frere said the mixed use zoning would be for landward properties and waterfront commercial would be for waterfront properties.

Mr. Simmons asked why couldn't there be other things needed on the waterfront that would attract businesses in those areas without being a water related activity? Why limited it to that?

Mr. Frere said if that's what the county wants to do, then the waterfront commercial district could allow for other retail uses with a special exception. He said there are other options instead of making a one size fits all zoning district. He doesn't believe you want the county to open up the waterfront for 71 new uses we have to get it down to maybe 20 uses.

Mr. Simmons said the county was trying to get a comprehensive zone that would cover all the small business activities and enterprises including seafood. He believes that the intent was that the county did not want watermen to have to come to the board and ask for a special exception to establish or reestablish a seafood business of some kind. He stated if they have to come to this board for a public hearing for any type of seafood use, this room would be packed with citizens who do not want to hear boats starting early in the morning, do not want to see crab pots or do not want to see a boat unloading.

Mr. Frere said he was not trying to affect any of the watermen, any waterfront site or any commercial watermen. He said if they want to reestablish their business, the zoning ordinance already grandfathers and protects the non-conforming seafood businesses.

Mr. Jenkins said he believes there are some less well defined oyster houses off Rocky Neck Lane of the Rappahannock. There are clearly structures but many of the county watermen operated less from a structure such as that and more from a smaller structure where they live.

Mr. Frere said that commercial seafood uses are protected ...“If any non-conforming use or structure is discontinued for a period of two years after the enactment of this ordinance, it should be deemed abandoned and subsequent use should conform to the requirements of this ordinance. For the purpose of this ordinance, seasonal or temporary uses, crop farming, oyster houses, oyster shucking house, crab house, fish and food processing activity shall be exempted.”

Mr. Simmons said it’s not just the reestablishment. He said that he and Mr. Larson had asked the Planning District Commission to add the wording establishment or reestablishment to seafood processing operations. Because someone will say “nobody has ever done this before and you can’t crab from your waterfront property because you can not prove that it was a reestablishment of that business”. He would like to see property owners be able to establish that business.

Mr. Frere said there are other things that need to be added to our ordinance to allow that. There are a lot of other regulations that come into effect, such as the regulations on commercial piers or non commercial piers and whether we allow commercial piers at R-1 properties or not. He would also like to see a charter captain be able leave his private residence to take people on fishing charters, which our ordinance does not allow and believes that are other ways to

address those issues such as looking at the R-1 Ordinance and how piers are allowed.

The Board agreed by consensus to send the Proposed Mixed Use back to the Planning Commission for further clarification and definition.

10. 2001 Decennial Census Redistricting – Mr. Jenkins stated that the Rappahannock Record neglected to run the advertisement for the second week requirement of the official notice of the public hearing for redistricting. He said by the State Code we did not meet the two consecutive weeks requirements of public notification, we can not have a public hearing on the proposed redistricting. However, that official public hearing would be held on July 19, 2001 at 7:00 p.m. in the Circuit Courtroom.

Mr. Pennell would like to recognize Mac Howard, District 2 Representative for the Redistricting Committee. The Board of Supervisors had the occasion to look at three different maps proposed and Plan One was recommended by the Redistricting Committee and sent to the Board of Supervisors as out of two recommendations.

Mac Howard said he understands the mix up with the newspaper and the legal standpoint for the public hearing. If the Board of Supervisors adopts and approves Plan One could modifications be made.

Mr. Pennell said yes that was what the public hearing would permit.

Mr. Jenkins said the only difference was that the board would hear the public now and on the official public hearing set for July 19, 2001.

Catherine Bennett said other alternatives so that the public could have an opportunity to view the plans would be to place an ad in the Rappahannock Record of the actual map and make it available on the county's web site.

Mr. Jenkins stated he thought the maps were publicized in the Rappahannock Record, that were a series of public information sessions held throughout county and the maps were placed in public offices throughout the county.

Mr. Robert Mason stated the Rappahannock Record considered placing the map in the paper however it would have been to reduce the map to go along with the story you would have been unable to read the map.

No action taken.

CONSENSUS DOCKET

A. The motion was made by Mr. Conaway to approve the Consensus Docket and recommendations as follows:

Minutes of April 26, 2001

Recommendation: Approve the minutes.

Minutes of May 31, 2001

Recommendation: Approve the minutes with amendment

B. Request to Delay New EMS Regulations

Recommendation: Adopt the following resolution

WHEREAS, the Virginia Department of Health, Office of Emergency Medical Services, (EMS), is in the process of revising the Virginia EMS Regulations; and

WHEREAS, version 2 of the draft regulations consists of 6 parts and nearly 300 pages of text (with version 3 to be released soon); and

WHEREAS, it has been expressed by the Virginia Office of EMS that the new regulations shall be effective as of January 1, 2002; and

WHEREAS, it is the responsibility of county (and local) government to provide emergency medical services to its citizens; and

WHEREAS, that on the surface many of the well-intended proposed rules and regulations are more applicable to urban areas that have more resources from which to draw and are often more compact geographic areas; and

WHEREAS, it is believed that many small and rural jurisdictions may be unaware of the changes proposed in the newest version of the nearly 300 pages of draft regulations and thus do not have sufficient time to address many required changes and any budgetary adjustments by January 1, 2002; now, therefore

BE IT RESOLVED, by the Lancaster County Board of Supervisors that it urges the effective date of the regulation be delayed at least one year until January 1, 2003.

BE IT FURTHER RESOLVED, by the Lancaster County Board of Supervisors that it appreciates efforts by the Virginia Office of EMS to keep our emergency medical services systems modern, effective and efficient; however the Virginia Office of EMS should always remember that such public services are funded within the means of our several communities across the Commonwealth.

C. Abstract of Votes – Democrat Primary June 12, 2001

Recommendation: Accept the attached abstract of votes

VOTE: 5 – 0 Aye.

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of June 2001 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the Salaries for June 2001 in the amount of \$125,013.07 and Invoice Listings for June 2001 in the amount of \$417,614.17.

VOTE: 5 – 0 Aye.

2. Replacement of Plumbing for Lancaster County Sheriff's Office - Mr.

Pennell stated the advertisement has been placed in the Rappahannock Record twice and we have received two bids to replace the plumbing at the Lancaster County Sheriff's Office. The staff recommends that the Board of Supervisors accept the bid from Timberlake Plumbing at \$34,500.00. He stated there was money in the budget now to do this job.

Mr. Beauchamp asked about the warranty on the equipment, which was not put in the bid.

Mr. Pennell stated he would work with Mr. Cornwell on a contract to submit to Timberlake Plumbing.

Mr. Beauchamp made a motion to accept the bid submitted by Timberlake Plumbing at \$34,500.00 to replace the plumbing at the Lancaster County Sheriff's Office with a written warranty.

VOTE: 5 – 0 Aye.

3. Appropriations Resolution Fiscal Year 2001 – Mr. Pennell explained that there was no local tax money involved in school food budget and the school

board asked if the Board of Supervisors would add \$69,568.00 to make some improvements.

Mr. Frere asked what the \$69,568.00 was for, where would the money be coming from and where would the money be added?

Mr. Pennell stated it would be from the general funds, added into the school food budget and for the upgrades on some cafeteria equipment.

Mr. Frere asked if that was in the proposed school budget and was cut out?

Mr. Pennell said yes.

Mr. Frere asked if the school budget and cafeteria budget were separate?

Mr. Pennell said yes.

Dr. Latimore stated there needs to be repairs made on the oven at the middle school and upgrade the equipment at the primary and high school and pay part of the salaries of the food service workers. He said in the food service department budget, any salary increase or upkeep to the food service department is generated through revenue made by the food service department, which is basically the sale of student lunches. He said in order to keep the cost of student lunches reasonable, they were asking for the \$69,568.00 in local money so they would not have to increase the cost of student or staff lunches.

Mr. Jenkins asked how much would the lunch how to go up?

Dr. Latimore said he met with the food service department director Mrs. Parks and she indicated about \$0.20 or \$0.25 per student lunch.

Mr. Frere asked about the repairs to the oven at the middle school.

Dr. Latimore stated there was an oven at the middle school that has not been working for about one year and last approximately \$7,000 - \$8,000 was taken out of the budget to make necessary repairs to some of the cafeteria equipment. He said there was equipment in all the cafeterias that need repairs, which would cost approximately-\$20,000 - \$25,000, to increase the staff salaries, would be \$31,168 and about \$18,000 for new equipment.

Mr. Frere asked when does the Board of Supervisors appropriate money from the Capital Improvement Budget?

Mr. Pennell said that would be done after the July 19, 2001 meeting with Davenport and Company.

Mr. Frere said that at a later date we would appropriate money from the Capital Improvement Budget for the school budget.

Mr. Pennell said that was correct.

Mr. Frere asked if that \$11,469,208 was the exact dollar that was voted on by the Board of Supervisors?

Mr. Pennell said yes.

Mr. Frere said the funds for the school buses and whatever else were in the Capital Improvement Budget, thorough the appropriations.

Mr. Pennell said that was correct.

Dr. Latimore asked the board if the school system could order the buses?

Mr. Pennell said they could be ordered.

Mr. Conaway made a motion to add \$69,568 to the school budget for the cafeteria expenses with a total expenditures \$19,307,137.

VOTE: 1 Aye (Conaway) – 4 Nay (Frere, Jenkins, Beauchamp, Simmons)

Mr. Frere made a motion that the cafeteria budget be amended to show an increase of \$25,000 and the total expenditures of \$19,262,569 for this budget year and the appropriations resolution to allow for repair of the existing equipment that was not operating at the schools.

VOTE: 1 Aye (Frere), 3 Nay (Jenkins, Beauchamp, Simmons),
1 Abstain (Conaway)

Mr. Simmons made a motion to adopt the 2001-2002 Appropriations Resolution as submitted with the total expenditure of \$19,237,569.

VOTE: 4 Aye (Conaway, Frere, Beauchamp, Simmons), 1 Nay (Jenkins)

FISCAL YEAR 2001/2002 APPROPRIATIONS RESOLUTION

WHEREAS, the Lancaster County Board of Supervisors has heretofore prepared a budget for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures as are contained in the budget.

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of Supervisors that the budget for fiscal year 2001/2002 is approved and appropriations for

the aforementioned funds are made as follows, subject to terms and conditions outlined within this appropriation resolution:

Board of Supervisors	\$	42,421
County Administration		186,236
County Attorney		20,000
Independent Auditor		30,350
Commissioner of the Revenue		196,510
Treasurer		210,381
Information Technology Services		77,702
Electoral Board		21,322
Registrar		63,644
Circuit Court		12,608
General District Court		3,405
Magistrate		350
Juvenile & Domestic Relations Court		1,369
Clerk of the Circuit Court		199,404
Victim/Witness Assistance		23,001
Commonwealth Attorney		182,596
Sheriff (Law Enforcement)		776,502
Dispatchers		74,615
Law Enforcement Block Grant 01-E1153LO00		3,782
Law Enforcement Block Grant -1-D1153LO99		3,860
Volunteer Fire Departments		160,000
Rescue Services		130,700
Forest Fire Service		2,602
Local Emergency Services		200
Sheriff (Corrections)	\$	687,198
Juvenile Probation Office		74,500
Electronic Monitoring Program		5,000
CHINS/1 st Offender		47,129
Building Inspections		41,130
Animal Control		39,507
Medical Examiner		750
Refuse Disposal		406,904
General Properties		136,742
Health Department		178,612
Free Health Clinic		38,050
Community Services Board		26,880
Area Agency on Aging		34,450
Group Home Commission		17,304
Rappahannock Legal Services		4,000
The Haven Crisis Shelter		1,000
Comprehensive Services Act		550,000

Social Services Board	1,194,329
Virginia Quality Life	10,000
Community College	7,495
GOAL Program	2,500
YMCA Contribution	75,000
Mary Ball Washington Museum	5,000
Historic Resources Commission	1,500
Community Library	55,000
Economic Development	7,500
Virginia's River Country	6,000
Gateway Travel Center	3,500
Northern Neck Travel Council	7,500
Rappahannock River Basin Commission	1,000
Land Use Administration	125,748
Resource Conservation and Development Area	600
Department of Housing	30,228
Indoor Plumbing/Rehabilitation	731,783
Planning District Commission	11,500
Soil & Water Conservation District	5,000
Wetlands Board	7,505
Litter Control	4,000
Board of Zoning Appeals	3,230
Planning Commission	5,167
Extension Service	34,323
Landfill Closure Management	10,000
Enhanced Emergency Telephone System	51,025
Lancaster Public Schools	11,469,208
School Cafeteria Fund	650,212
Law Library Fund	9,000
Total Budget Appropriations	\$19,237,569

TERMS AND CONDITIONS

1. All appropriations are declared to be maximum, conditional and proportionate appropriations.

This makes the appropriations payable in full in the amounts named herein, if the aggregate revenues collected and other resources available during the year ending June 30, 2002 for which appropriations are made, are sufficient to pay all of the appropriations in full; otherwise, the said appropriations shall be deemed to be payable in such proportion as the sum of all realized revenue is to the total amount of the revenues

estimated by the Board of Supervisors to be available for appropriation in the year ending June 30, 2002

2. No department, agency, or individual receiving appropriations under the provisions of this resolution shall exceed the amount approved for that department, agency, or individual by the Lancaster County Board of Supervisors.
3. The Board of Supervisors reserves the right to change at any time during the fiscal year ending June 30, 2002 compensation provided to any officer or employee and to abolish any office or position, except for such office or position as it may be prohibited by law from abolishing.
4. The County Administrator is authorized to establish purchasing policies and procedures to assure that expenditures are made within the appropriations defined within this Resolution and to initiate emergency spending reductions to decrease expenditures in light of decreased actual revenues.
5. The amount appropriated to fund contemplated expenditures for the Lancaster County School Board is by total appropriation. As permitted by state statute, the School Board is authorized to transfer funds between categories.
6. No expenditures shall exceed the appropriation established by the Lancaster County Board of Supervisors unless a supplemental appropriation is approved in advance of the expenditure.
7. Any request to increase the overall appropriation to any department, agency or organization as appropriated by this resolution must be made to the Board of Supervisors by written request.
8. The County Administrator may increase appropriations for the following items of non-budgeted revenue that may occur during the fiscal year:

- a. Insurance recoveries received for damage to County vehicles or other property for which County funds have been expended to make repairs.
 - b. Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement.
 - c. Additional, unbudgeted grants received during the fiscal year for which there is sufficient revenues to defray expenditures.
9. All appropriations that are not encumbered or expended prior to June 30, 2002 will lapse and the balance shall become part of the General Operating Fund Balance.
10. The County Administrator may increase or reduce revenue and expenditure appropriations related to programs funded all or in part by the Commonwealth of Virginia and/or the federal government to the level approved by the responsible state or federal agency.
11. The County Administrator may appropriate both revenue and expenditures for donations by citizens or citizen groups in support of County programs. Any remaining unencumbered balance of a restricted donation at the end of the fiscal year will be reappropriated into the subsequent fiscal year.
12. The County Administrator may appropriate revenues and expenditures for funds received by the County from asset forfeitures for operating expenditures directly related to drug enforcement. The outstanding balance of these funds shall not lapse but be carried forward into the next fiscal year.

BOARD REPORTS

Mr. Simmons stated he received a call from a constituent about a non-resident neighbor not cutting the grass. He explained there was not much that the board could do about that situation at this point.

No action taken.

Mr. Beauchamp made a motion to appoint Mr. Jack Fitzpatrick to the Board of Zoning Appeals to replace Jackie Jensen.

VOTE: 5 – 0 Aye.

Mr. Jenkins stated that all are invited to meet Mark Earley on Saturday, June 30, 2001 at 10:30 a.m. in Irvington at the Farmer's Market, 11:30 a.m. at Tri-Star and 12:30 –1:00 p.m. at Lee's Restaurant.

COUNTY ADMINISTRATOR REPORT

Mr. Pennell would like the adjournment made for July 19, 2001 at 6:00 p.m. to meet with Davenport in the County Administrator's Office and at 7:00 p.m. for Redistricting Public Hearing.

ADJOURNMENT

Motion was made by Mr. Simmons to adjourn the meeting until July 19, 2001 at 6:00 p.m. at the County Administrator's Office to meet with Davenport and 7:00 p.m. in the Circuit Courtroom for the Redistricting Public Hearing.

VOTE: 5 – 0 Aye.