

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held at the courthouse of said county on Thursday, June 29, 2000.

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

Others

Present: Joe Staton, Carter White and Robert Harper,  
Department of Transportation representatives;  
Pete Ransone, Zoning Officer; Press

Mr. Beauchamp called the meeting to order at 6:00 PM.

**COUNTY BUDGET – FY 2000-01**

There followed a discussion of the FY 2000-01 county budget.

Mr. Conaway asked about the \$320,000 the county is going to receive from the sale of Hickory Hollow. Specifically, can this board amend the school board budget and appropriate that money to the schools.

Mr. Pennell said yes, the board can do that.

Motion was made by Mr. Beauchamp to transfer \$2,500 from the board of supervisors' education category to the GOAL program. VOTE: 5 – 0 Aye.

Mr. Jenkins suggested that this board look at more cuts in the county budget.

Motion was made by Mr. Frere to show the \$320,000 as revenue to the general fund to reflect in the fund balance. VOTE: 2 Aye (Frere, Conaway), 3 Nay (Simmons, Jenkins, Beauchamp).

Motion was made by Mr. Jenkins to show the \$320,000 in the Capital Improvements Fund. VOTE: 4 Aye (Jenkins, Simmons, Beauchamp, Conaway), 1 Nay (Frere).

**DEPARTMENT OF TRANSPORTATION**

Preallocation/Financial Planning and Program Hearing – Mr. Staton said the Preallocation/ Financial Planning and Program hearing is scheduled for July 26 in the Essex County School Board office. It was suggested that Lancaster County try to have a representative at that meeting. There is a new process, but we hope our six-year plan will remain intact.

Waverly Avenue – Mr. Staton said VDOT has been asked to do a speed study on VSH 608, Waverly Ave. At present the speed limit is 25 mph in town, but 55 mph on the straight stretch. There have been no accidents in the past four years, and according to their guidelines, the engineers have recommended it stay at 55 mph on the straight stretch.

No action taken.

Town of Kilmarnock – Mr. Staton said they have reviewed just about all of the town streets, and they will all be posted at 25mph, except where you come in from Route 3.

No action taken.

VSH 652 and 638 – Mr. Staton said there had been some inconsistencies in the speed limits on VSH 652 and 638. VDOT has reviewed them and they will make it all 25 mph.

Mr. Frere asked if there is any recourse for citizens or this board to have a speed limit looked at, even though VDOT has done a study and made its recommendation.

Mr. Staton said they use the 85-percentile rule. There are numerous studies done to determine a safe speed limit. Once the study is done we are obligated to do what is recommended. They have established standards. You can ask, but they have established standards and guidelines.

Mr. Frere said this is more a question of pedestrian safety.

No action taken.

VSH 675 – Mr. Staton said the finishing link of the alternate route should be finished by the end of next week. It is going to be a unique change and they will put up advance warning signs.

Mr. Conaway asked if there would be any traffic light there. The new pattern is going across a major throughway.

Mr. Staton said there would be stop signs. There is criteria that must be met for stoplights. There are significantly more accidents at intersections with lights. There will probably be a stop light at both ends of the alternate route, but that cannot be done until we have the traffic volume to justify it.

Sheriff Crockett said he has some concerns about the 35-mph speed limit near that new intersection. It needs to be moved back towards Irvington.

Mr. Simmons asked if there were any plans for alignment changes on Harris Road with the traffic increase.

Mr. Staton said there are no plans now, but VDOT will put a priority on it when the traffic increases. It will probably also need upgrading.

Motion was made by Mr. Simmons to have VDOT move the 35-mph speed limit sign on Route 200 further south from the Harris Road intersection. VOTE: 5- 0 Aye.

VSH 747 – Mr. Staton said the surfacing of VSH 747 has been done.

No action taken.

County-Wide Projects – Mr. Staton said VDOT has been working on the plant mix and milling on VSH 200 in Kilmarnock and the paving on the VSH 675 project. They are working to keep the roads in as good a shape as they can. They appreciate the board's support and citizen patience.

VSH 600 – Mr. Jenkins asked if the barricades on VSH 600 are movable.

Robert Harper said yes, and people have been moving them. He has not checked them this week.

Mr. Staton said they can make them more permanent.

Old Salem Road – Mr. Beauchamp said he has had some concerns expressed about the speed along Old Salem Road and the elderly citizens coming out of Westminster-Canterbury. Is there something that can be done to make people more aware of the 45-mph speed limit?

The Sheriff suggested flashing lights.

Mr. Staton said they will look at it and see what can be done.

Dreamfields – Mr. Beauchamp said there is also concern about getting in and out of dreamfields. There may have been some discussion in the past about a passing lane, but with the bicycle path there another problem will be created.

Sheriff Crockett said there has to be a way to slow down the traffic.

Mr. Staton said he can get a traffic engineer to review it.

Mr. Beauchamp suggested VDOT work with the Sheriff's office to see what can be done.

## **PUBLIC HEARINGS**

1. W. M. Howard, request to amend a previous Conditional Zoning approval

for property described as Tax Map #20-59 (Corrotoman Plaza), located on the west side of Route 354, River Road, in Mollusk, VA. This amendment would add the following proposed uses and additions to the present facilities:

1. A 50'x40' addition to the existing convenience store;
2. A 20'x120' self storage building;
3. Two 20'x60' self storage buildings;
4. A 50'x100' building to house professional offices, Post Office, service establishments and retail establishments; and
5. A 30'x40' building for storage.

Mr. Ransone said the Planning Commission held two public hearings on this request due to concerns expressed and the consensus that more detail was required. At the April 18, 2000, Planning Commission meeting it recommended approval of this request.

Mr. Howard said he made an agreement to offer the plat as a record, based on the county requirement that there will be an actual plat presented. He presented the plat to Mr. Pennell.

Susan Moenssens, attorney for Mr. Howard, said everything the Planning Commission requested has been done.

There being no public comment, the public hearing was closed.

Motion was made by Mr. Conaway to approve and accept the plan of development as part of the permanent record.

Mr. Jenkins asked if the plan of development would have to be amended again if there is a post office that requires a separate entrance.

Mr. Howard said he spoke to the VDOT office in Fredericksburg, and the postal service has to decide whether to buy land to build or to lease a building. If a decision is made to lease his building, that condition may not necessarily be there. If they buy land and build, then he is quite sure they will have their own entrance.

Mr. Simmons asked about amending the plan of development now to allow for an additional entrance there. In all likelihood, the highway department would not allow two entrances to be that close together, and may require closure of one entrance.

Mr. Jenkins said he does not have any objections to this proposal, but he is not sure the self-storage units fit the village concept. He has a problem approving the storage facilities as being appropriate.

Mr. Pennell said it seems that if you take the most westerly entrance and close it off, we could perhaps then allow him to move that entrance down as a minor modification rather than having to come back to this board.

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

**CONSENSUS DOCKET**

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

1. Minutes of May 23 & 30, and June 6, 2000  
Recommendation: Approve as presented.
  
2. Abstract of Votes – June 13, 2000  
Recommendation: Accept the abstract as part of the minutes of the Board of Supervisors as required by state code:

VOTE: 5 – 0 Aye.

### **CONSIDERATION DOCKET**

The board considered the following items on its Consideration Docket:

1. Approval of June 2000 Salaries and Invoice Listings

Motion was made by Mr. Simmons to approve the Salaries and Invoice Listings for June 2000, in the amount of \$487,430.54. VOTE: 5 – 0 Aye.

2. Regulation of Dance Halls – Mr. Pennell said Sheriff Crockett has asked that the board consider adopting an ordinance for the regulation of dance halls in Lancaster County.

Sheriff Crockett said that for a number of years there has been an establishment that has been open until 3:00 or 3:30 a.m. We have received a number of complaints and there have been a number of arrests for drunk driving at this location. There is another establishment in Kilmarnock that is open until 2:00 a.m. He has asked Mr. Pennell to review ordinances from other counties. They found that Northumberland County has a closing time of 1:00 a.m., Middlesex County has nothing open after midnight, Westmoreland Country has one business that stays open until 2:00 a.m., Essex County has one business that stays open until 2:00 a.m., Richmond County has one restaurant/dance hall that stays open until 1:00 a.m. and King George does not have anything open after midnight. The problem is we are getting a number outside guests from these other localities that are causing problems for the Sheriff's office. We get a number of people from across the river. He asked that something be done before it gets out of hand. It is bad enough with one business; three will just add more problems.

Mr. Simmons asked if they stop playing music and regulate their patrons so that they are not dancing after 1:00 a.m.; does that allow them to stay open? They are no longer a dance hall once the dancing and music stops, if the dancing is regulated.

Sheriff Crockett said he doesn't think it can work that way. He knows the way the Northumberland County ordinance is written it can not work that way. They are a dance hall and get a permit for a dance hall and have to close at 1:00 a.m.

Mr. Pennell said he thinks once they are permitted as a dance hall, whether they are dancing or not, they are a dance hall.

Mr. Conaway said he has a problem with regulating dance halls and not other types of businesses that are open and sell alcoholic beverages, even though there is no dancing. There is nothing to stop them from sitting in a parking lot drinking or whatever. Another place could be open that doesn't have a dance hall license and they can party all night and keep the same fuss and racket.

Sheriff Crockett said the only way that would happen would be at a private party where there would be no restrictions. Private parties don't happen every week, but these businesses are open every week. There are far more problems at businesses than at a private party.

Mr. Frere asked the county attorney if the definition of dance hall as used in the proposed ordinance would be broad enough to encompass the grounds around the structure or just the activities inside the structure itself.

Mr. Cornwell said the definition would include any place open to the general public where dancing is permitted. Part of ordinance and licensing process would be asking patrons to leave the property.

Mr. Frere said in the Westmorland County example, it exempts any restaurant meeting the requirements of the Virginia ABC Board.

Mr. Cornwell said one issue is that those types of enterprises licensed by ABC can only have very small dance floor. It does not provide for the large crowd. You would not have to exempt them.

The board agreed by consensus to authorize the county attorney to draft an ordinance to be brought back to this board for consideration.

### 3. Capital Improvement Budget for FY 02

Mr. Pennell said the board discussed this earlier, and there is a state requirement that the Planning Commission prepare capital improvements budget. He asked that the board direct the Planning Commission to proceed and come up with a draft capital improvement budget by the end of this year so it can be included in next year's budget.

Motion was made by Mr. Jenkins to ask the Planning Commission to prepare a draft capital improvements budget for FY 02. The recommended draft is due to the county administrator by December 31, 2000. VOTE: 5 – 0 Aye.

4. Appropriations Resolution FY 01

Motion was made by Mr. Conaway to approve the tax levy of \$0.53 for a real estate revenue of \$5,937,369, which would leave a fund balance of \$394,063, and to approve the budget and appropriations resolution. The school budget to be reduced by \$25,000 from reduced VRS contributions to be added to the fund balance.

Mr. Simmons said he would be more favorable to give additional appropriations to the school board as needed rather than approving an appropriation that can not be reduced.

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

Motion was made by Mr. Simmons to set revenues so that we reduce the proposed tax rate from \$0.57 to \$0.53, and provide a fund balance of \$549,063 by reducing the school appropriation by \$155,000.

Mr. Conaway said any further cuts in the school budget would be a detriment to the education of the children of Lancaster County.

Mr. Simmons said he feels there are too many unknowns in the school budget at this point. We can make supplemental appropriations as we find funds are necessary.

Mr. Frere said he is against reducing the school budget by more than the \$25,000 in VRS contribution savings.

Mr. Conaway said we are lowering school budget by \$155,000, and nothing has been said about reducing the county budget; that has not been considered.

Mr. Simmons suggested across the board cuts of all budget items proportional to their amount by  $\frac{3}{4}$  of a percent.

Mr. Pennell said a vast majority of the budget is salaries that this board does not control. They are state controlled.

Mr. Beauchamp said he has serious reservations about going back and cutting budgets. So many of them are bare bones now.

Mr. Jenkins said he would really like to get the tax levy down to \$0.52 cents. That would reduce the reserve fund to \$439,063.

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



5. Ordinance to Adopt CY2000 Tax Levy

Motion was made by Mr. Simmons to adopt the following ordinance:  
Be it ordained by the Lancaster County Board of Supervisors:

Beginning January 1, 2000 until December 31, 2000, the following tax rates shall apply in Lancaster County:

Real Estate - \$0.53 per \$100 of assessed value  
Personal Property - \$1.52 per \$100 of assessed value  
Machinery and Tools - \$1.52 per \$100 of assessed value  
Merchants Capital - \$1.00 per \$100 of assessed value

PUBLIC SERVICE CORPORATIONS

Real Estate - \$0.53 per \$100 of assessed value  
Personal Property - \$1.52 per \$100 of assessed value

A substitute motion was made by Mr. Conaway to set real estate tax levy at \$0.51.

Mr. Simmons said he feels a 51¢ tax rate is unrealistic. If we adopt it at 51¢, we may be looking at another eight or nine cents or more next year.

Mr. Conaway said there is no need to raise taxes if the money is just to build the fund balance, and cutting a very vital part, which is education.

Mr. Simmons said we are not reducing the amount of money the school could get over the next year. Once it becomes clear that those funds are necessary for the operation of the school system, the board can then increase the appropriations.

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

VOTE: (Original Motion) 3 Aye (Simmons, Jenkins, Beauchamp), 2 Nay (Conaway, Frere).

6. Appointing Jack Larson to Enforce Various Land Use Statutes and Ordinances

Motion was made by Mr. Frere to adopt the following resolution as amended:

WHEREAS, Mr. Jack D. Larson has been appointed as the Director of Planning and Land Use for the County of Lancaster, Virginia; and

WHEREAS, the Director of Planning and Land Use is responsible for the enforcement and management of the various Land Use Ordinances of the County of Lancaster, Virginia.

NOW, THEREFORE, BE IT RESOLVED, that the Lancaster County Board of Supervisors appoints Mr. Jack D. Larson as Lancaster County's Zoning Administrator, Chesapeake Bay Preservation Act enforcement authority, Subdivision Agent, and Erosion and Sediment Control Ordinance Plan Approving Authority.

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors appoints the County Administrator as the Zoning Administrator, Subdivision Agent, County Planner and Sediment Control Ordinance Plan Approving Authority in the absence of Mr. Jack D. Larson, Director of Planning and Land Use.

VOTE: 5 – 0 Aye.

Mr. Conaway left the meeting at this point.

6. Suspension of Health Department On-Site Sewage Treatment Requirements

Mr. Beauchamp said the board had received correspondence from the Prince George County Board of Supervisors asking that Lancaster County adopt a resolution in support of a temporary suspension of Health Department on-site sewage treatment separation distance requirements.

Mr. Beauchamp said he is involved in this every day. From what he has seen, the general public supports and is in favor of this. There may be some problems in some low-lying areas, but it is rare that it would stop someone from having a buildable site. He does not see major problems with this.

Mr. Simmons said, as he understands it, the problem is not necessarily with new construction. He is also involved with this on a nearly daily basis. He is also somewhat familiar with the cost of alternative systems. A system costing between \$15,000 and \$20,000 can often be absorbed in the cost of new housing. However, for someone establishing a new residence, an additional \$15,000 or \$20,000 on an expenditure of

\$45,000 or \$50,000 is going to preclude a lot of people from being able to have a residence in Lancaster County, or anywhere within the Chesapeake Bay watershed. If the Health Department does enforce these regulations as of July 1, anyone in Lancaster County who has a septic system fail and does not meet the then current standards, which is an eighteen inch separation, can not install any repair system other than those approved for installation with something less than an eighteen inch separation or a mound system, puraflo or shallow, low-pressure system. All of those would be at a cost to the individual of \$15,000 to \$20,000 to repair. That is a very heavy burden to put on the citizens of Lancaster County, particularly when you look at the character of the land in many of the places where there are existing residences. It is not going to have as large an impact on people who have a \$500,000 home as it is someone who has a \$50,000 home. He thinks it is an undue burden. He thinks what is trying to be attempted here is to delay these regulations for a period of time so that the regulations can be looked at again and amended so that, at least for repair systems for existing residences, you would not have to meet this very strict standard.

Mr. Beauchamp said he was just advised by David Fridley, of the Lancaster County Health Department that he attended a seminar on Friday where they have already backed down on the repairs, which is now set for 2001. Any repairs until that time would not fall under this. Also, if you have a certification letter of any type, it would not fall under the new requirements.

Mr. Simmons asked if there was anything published by the Virginia Department of Health to that effect. If there is nothing published on that by Friday, we are hung on Monday morning. The whole point of this resolution is to delay implementation of these regulations until a point in time when the Virginia Department of Health can look at those things again, either legislatively or administratively.

Motion was made by Mr. Frere to adopt the following resolution:

WHEREAS, the 1999 General Assembly enacted legislation that will become effective on July 1, 2000, that empowers the State Board of Health to promulgate and enforce regulations that safeguard health and welfare of the Commonwealth's population and provide for reasonable variances and exemptions therefrom; and

WHEREAS, the Board will impose new sewage handling and disposal regulations Statewide that will impact every sewage effluent collection system in the Commonwealth regardless of individual soil classification; the consequences of which will impose unnecessary financial burden on citizens needlessly; and

WHEREAS, §32.1-164(D) of the Code of Virginia charges the board with the responsibility to give due consideration to economic costs of such standards in carrying out its responsibilities for safeguarding sanitary treatment and disposal of sewage as they affect the public health and welfare; and

WHEREAS, the regulations as adopted do not consider the effect of expensive repairs to the citizens of low to moderate income. The regulations do not provide for a reasonable attempt to repair failing systems at the least cost to property owners, but rather require the most expensive method for the continuation of on-site sewage treatment; and

WHEREAS, Lancaster County lies entirely within the Coastal Plain physiographic province as evidenced by the Soil Survey of Lancaster and Northumberland Counties; and

WHEREAS, the Survey results for Lancaster County document that the County's soil is nearly level to sloping with some areas along drainage ways moderately steep to steep, and drainage of county soil ranges from mostly well-drained or moderately well-drained to somewhat excessively drained, including only some poorly drained soils; and

WHEREAS, a U.S.D.A. Soil Survey documenting soil type has been prepared for each county in the Commonwealth that can be used by the State Board of Health as a basic criteria to identify areas at risk for poor sewage effluent filtration.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors does hereby protest the State Health Department's intent to unilaterally impose sewage effluent regulations without regard to documented soil characteristics of individual localities; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors requests a temporary suspension of the implementation of these new regulations for localities Statewide until such time as an analysis of soil types of individual localities can be performed that includes consideration of the data provided in the respective official government U.S.D.A. Soil survey; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors directs that a facsimile of this resolution be sent to the Governor of Virginia, Lancaster's Legislative Delegation, the Commissioner of Health, the Director of the Three Rivers Health District, and the Virginia Association of Counties.

VOTE: 4 - 0 Aye.

#### **COUNTY ADMINISTRATOR REPORT**

Amendment of June 2000 Salaries and Invoice Listings - Commissioner of Revenue – Mr. Pennell said the Commissioner of the Revenue has asked that he be allowed to use \$268.96 from his FY 1999-00 budget to attend a VAAO Property Assessment seminar.

Motion was made by Mr. Beauchamp to amend the June 2000 invoices adding an additional amount of \$268.96. VOTE: 4 – 0 Aye.

#### **APPOINTMENTS**

Wetlands Board - Motion was made by Mr. Beauchamp to reappoint Alex Umphlett to the Wetlands Board for a five-year term. VOTE: 3 Aye (Beauchamp, Frere, Simmons), 1 Nay (Jenkins).

**ADJOURNMENT**

Motion was made by Mr. Jenkins to adjourn the meeting. VOTE: 4 - 0 Aye.