

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held at the courthouse of said county on Thursday, July 27, 2000.

Present: B. Wally Beauchamp, Chairman
F. W. Jenkins, Vice Chair
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: J. F. Staton & C. C. Burgess, Department of
Transportation representatives; Planning and
Land Use Director, Jack Larson; Press

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

PRESENTATION

Extension Office – Annette Jewell introduced the 4-H program coordinator, Shrie Ramey, and Linda Lake, the Nutrition Education Program coordinator who also assists and works with the 4-H.

No action taken.

DEPARTMENT OF TRANSPORTATION

District Financial Planning Meeting – Mr. Staton said the District Financial Planning meeting was held yesterday. Mr. Pennell represented Lancaster County at that meeting to identify the county needs.

No action taken.

Old Salem Road – Mr. Staton said there is concern that the local VDOT office issued a permit for the entrance to Rappahannock Westminster-Canterbury, but when it was built the entrance was smaller than permitted. Perhaps blinking lights could be installed. VDOT is reluctant to put up signs. People think because signs are up people will obey them. VDOT will keep working on it. Another possibility is to remove some trees and make the entrance larger.

No action taken.

Little League Ballpark – Mr. Staton said the ballpark has a permit for a commercial entrance. VDOT can pave the shoulders to create a left turn lane. Use of the ballpark is seasonal, but VDOT will be working with them to get the commercial entrance in place.

No action taken.

Sidewalks in Lively – Mr. Staton said he is aware that the board members have concerns about people walking along the road in Lively to get to the new doctor's office and pharmacy. VDOT does not have funding for sidewalks on the primary system. They normally put in sidewalks with a curb and gutter project. VDOT does not have enough right-of-way along that portion of road, so additional right-of-way must be purchased. VDOT will do a pedestrian study. The locality must provide the necessary right-of-way and pay 50% of the cost. They do have an Enhancement Program and the board might make application for that. You will still have to compete for the money with other localities. VDOT has received a petition with 260 names and there seems to be a lot of interest in this. The estimated cost of 1000 feet of sidewalk is between \$15,000 and \$20,000.

Mr. Jenkins said that while Lively is not an incorporated town, it does have an active community association. It was suggested that we go another route and not take

funds from other projects. Normally VDOT has more right-of-way. It is not just a question of pedestrian traffic from town; we have people who walk along the road. It is not hundreds of people, but he does believe there is a need.

Motion was made by Mr. Jenkins to formally request the Planning District Commission Transportation Specialist do a study and prepare an application for a TEA-21 grant for this project.

Mr. Conaway said a project like this should be looked at in the five-year plan to make sure we get approval for those things already in the plan. Is it a safety issue or one of convenience? He does not want to halt any projects we have going for this project unless there is a safety issue involved. He is not sure of the main reason for this.

Mr. Conaway said he is not against this at all, but we have projects waiting four, five or six years to get done.

Mr. Staton said this would not impact anything else Lancaster County has going now.

VOTE: 5 – 0 Aye.

VSH 600 – Mr. Staton said in August the advertisement will go in the newspaper, and the contractors should be starting in late October or early November. The winter months generally do not stop work on bridges. It will be next spring before the road is open.

Mr. Conaway said that bridge has been washed out since September 1999, and Lancaster County and its citizens have been very patient and tolerant. There are many citizens who use that road and he finds this unacceptable. We should not have tolerated being put on hold for a year and a half. He can almost guarantee that if we get another ice storm that will halt the project. We have farmers and people in that area that use that road daily. He does not think patience is an issue. We need to get some affirmative action. To say we have a major problem is an understatement. He asked that the Board do whatever is needed to get some action, either letters or going to visit people. We need to do something about this.

Mr. Jenkins asked Mr. Staton what best thing is that we can do.

Mr. Staton said a letter could be written to the district administrator.

Mr. Jenkins said his concern is of something catastrophic happening in the town that would prevent emergency vehicles from getting there. There is no easy alternate route to get to Lively. Perhaps we could send a resolution to the commonwealth. There is a critical need as far as commerce and the possible blockage of Route 3.

Motion was made by Mr. Conaway that the County Administrator draft a resolution for consideration by this board. VOTE: 5 – 0 Aye.

VSH 652 and 678 – Mr. Staton said highway signs and turning lanes on VSH 652 and 678 will be done in the next few weeks. Also, the traffic engineer has agreed to move the 35-mph sign further out of town.

No action taken.

VSH 3 - Lively – Mr. Jenkins asked about moving the 55-mph sign further south.

Mr. Staton said they would check into that.

No action taken.

Harris Road Intersection – Mr. Conaway asked about the possibility of putting a stop sign in the middle of the new intersection of Harris Road and the alternate route.

Mr. Staton said VDOT has put up a “stop ahead” sign. They will try that for a while and see if it solves the problem. They could possibly put rumble strips in.

Mr. Conaway said he uses that road every day, and that stop sign is all the way over to the right. He thinks rumble strips and a flashing yellow light might be what is needed. He can see it being very dangerous. Is that feasible?

Mr. Staton said it is all feasible.

Mr. Conaway said he does not think it is enough. Some people coming from the eye doctor may have impaired vision, which could be a problem.

No action taken.

Pittman’s Corner - Mr. Jenkins said where the new cut through is at Pittman’s corner there is an optical illusion. There is something that does not focus right. The intersection seems closer than anticipated.

Mr. Staton said it is something not anticipated in the design. They will have their safety people look at.

No action taken.

VSH 688/Black Stump Road - Mr. Beauchamp said he has had 18-20 phone calls about old Route 688/Black Stump Road. People are still turning onto the old road. The only sign is on the left and people don’t see it. Also, there is no 45-mph sign on Old Salem Road coming off 200.

Mr. Staton said they would take down the sign on old 675.

Clearing Debris – Mr. Staton said he would like to work with county on what to do with trees, stumps and tires accumulated on road projects.

Mr. Pennell said brush is a problem for us. He does not think VDOT will have that much. Tires and trash are not a problem.

Mr. Jenkins suggested that VDOT schedule a time when it is good for refuse site to accept these items.

PUBLIC HEARINGS

The following public hearings were held:

1. Robert C. Williams, request for a change of zoning classification for property identified as Tax Map #29-94A, 95, 97 and 98. Property is currently zoned M-1, Industrial Limited, and applicant wishes to have it rezoned as R-1, Residential, General. Property constitutes slightly over 26 acres and is located at the termination of VSH 648 near White Stone.

Mr. Larson said the property in question at one time was the site of a large seafood processing facility. Several large abandoned buildings and concrete slabs remain on the property. Mr. Williams intends to demolish these buildings and slabs, either removing the impervious materials or using them for shoreline protection as approved. He further would like to build a single house on the property, create a duck pond, and restore the remainder of the property as much as possible to its natural state. Adjoining properties are zoned R-1 as are other properties in the vicinity. As of this date, staff has received no phone calls from adjoining property owners or other members of the public concerning this application. The Planning Commission recommended approval.

Mr. Larry Cheatham, representing the property owner, said this would be a big improvement over what is there now.

With no further comment, the public hearing was closed.

Motion was made by Mr. Frere to approve the request from Mr. Robert C. Williams to rezone the property to R-1. VOTE 5 – 0 Aye.

2. Gilbert Owens, request for a special exception to allow for the placement of an individual manufactured home on property located off Route 604 near Lancaster, Virginia. The property is described as Tax Map 21-128C and is zoned R-1, Residential General.

Mr. Larson said the applicant has met all the requirements for placing a manufactured home on this property. He has applied for and is awaiting a Water Supply and Sewage Disposal System Construction Permit. As of this date, staff has received no phone calls from adjoining property owners or other members of the public concerning this application. Staff recommends approval.

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

Motion was made by Mr. Conaway to approve the application for special exception by Gilbert Owens. VOTE: 5 – 0 Aye.

3. Glenn and June Steel, request for a special exception to allow for the placement of an individual manufactured home on property located on Osprey Lane off Windmill Point Route (Route 695) near White Stone, Virginia. Property described as Tax Map 35-263D and is zoned R-1, Residential General.

Mr. Larson said the applicants have met all the requirements for placing a manufactured home on the property. As of this date, staff has received no phone calls from adjoining property owners or other members of the public concerning this application. Staff recommends approval.

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

Motion was made by Mr. Frere to approve the application for special exception for Glenn and June Steel. VOTE: 5 – 0 Aye.

4. Proposed Ordinance to Establish and Apportion Special Assessments in the Hills Quarter Community Development Authority Special Taxing District - Russ Singer of LeClair Ryan, said he and Doug Sbertolli had a meeting on Tuesday with the CDA. At the end of that meeting the Hills Quarter CDA adopted a resolution authorizing a request to the Board of Supervisors to adopt an ordinance to establish and apportion special assessments in the Hills Quarter Community Development Authority Special Taxing District.

Mr. Singer said the overall assessment methodology is that the tax is levied and collected over time. They are not putting taxes on the property effective immediately. If this ordinance is adopted, it is the last time the CDA will come before board. Once we determine the final terms the CDA will give final approval.

Mr. Conaway asked if a special fund is set up for this once the assessments have been placed on the properties.

Mr. Cornwell said the taxes collected are put into a special fund.

Russ Singer said the taxes collected will flow through the CDA and a trustee will handle it. Even though it is in a separate fund the Treasurer will be collecting it the same way as regular real estate taxes, but it flows through the CDA. From a monetary point, the landowners will not have to pay these taxes for the first three years. We will have an opportunity to do a dry run before any funds are actually collected.

Mr. Pennell said this is done in a number of other counties. The Treasurer will be able to charge the CDA for the cost of doing this.

Mr. Conaway asked if once the funds come into the county, does the Treasurer have the authority to put the funds in some type of investment account?

Mr. Pennell said no, the Treasurer immediately sends the funds to the CDA and trustee.

Mr. Conaway asked if this would have any effect on our borrowing power.

Mr. Cornwell said no.

With no further comment, the public hearing is closed.

Motion was made by Mr. Conaway to adopt the following ordinance:

WHEREAS, pursuant to an ordinance adopted by the Lancaster County Board of Supervisors (the "Board of Supervisors") on August 27, 1998 (the "District Ordinance"), the Hills Quarter Community Development Authority (the "Authority") was created as a body corporate and politic in accordance with the applicable provisions of Article 6, §15.2-5100 et. seq. of the Code of Virginia (1950), as amended (the "Code").

WHEREAS, the Authority was created solely for the purpose of financing and constructing, and maintaining if necessary, certain infrastructure and other public improvements (the "Improvements") within the jurisdictional boundaries of the Hills Quarter Community Development Authority Special Taxing District (the "CDA District"), which was also created pursuant to the CDA District Ordinance.

WHEREAS, the Authority intends to issue its revenue bonds (the "Bonds") in order to finance the Improvements and certain other costs directly attributable to the financing.

WHEREAS, Merry Point Development Company of Virginia, Inc. (the "Landowner") is the sole owner of the tract of land contained within the jurisdictional boundaries of the CDA District, and as set forth in the Affidavit and Agreement, the Landowner has proposed and agreed to a methodology to establish and apportion a special assessment lien on the real property located within the CDA District (the "Special Assessment Lien") to become effective as a lien in accordance with the provisions of Va. Code Section 15.2-2404 et seq.

WHEREAS, pursuant to the Lancaster County Policy Guidelines for Approval of the Creation of a Community Development Authority adopted by the Board on August 27, 1998 (the "Guidelines"), the Authority may not issue the Bonds or similar debt obligations without the prior consent of the Board of Directors.

WHEREAS, notice of the intent of the Board of Supervisors to consider this Ordinance has been published in a newspaper of general circulation within the County on July 13, 2000, and July 20, 2000, in accordance with the requirements of Virginia Code Section 15.2-1427.

NOW THEREFORE, BE IT ORDAINED:

1. The Special Assessment Lien for the Improvements is hereby established, apportioned and shall be administered pursuant to the terms and conditions set forth in the Hills Quarter Community Development Authority Rate and Method of Apportionment of Special Assessments (the "Rate and Method"), together with such changes and modifications as may be approved by the Board of Supervisors or the County Attorney prior to the issuance of the Bonds.

2. The Special Assessment Lien shall become a lien on the real property located within the CDA District in accordance with the provisions of Va. Code Section 15.2-2404 et seq. Upon such time as the Authority may issue the Bonds and a declaration of notice of such Special Assessment Lien executed by the Authority and the Landowner is

recorded among the land records of the County for the purposes set forth in this Ordinance.

3. The special taxes or special assessments shall be collected within the CDA District at the same time as the County's general real property tax is collected and all rules and regulations of the County regarding the levy and collection of taxes shall apply to such special assessments. The County Treasurer is directed to segregate the proceeds of the special assessments collected in the CDA District on books and records of the County so as to ensure that the proceeds are expended solely within the CDA District for the purposes authorized by the CDA District Ordinance, this Ordinance and applicable statutes.

4. The Board of Supervisors hereby consents to the issuance of the bonds by the Authority upon such terms and conditions as shall be acceptable to the Authority, provided that the financing is undertaken in a manner consistent with the general terms and conditions set forth in the draft of the preliminary offering document and the indenture of trust previously made available to the County Attorney and the Board of Supervisors for their review. Such consent shall be deemed to be the consent required pursuant to the terms of the CDA Guidelines, the CDA District Ordinance and as may be otherwise required by applicable law.

5. The Chairman or Vice-Chairman of the Board, the County Administrator, the County Treasurer, the County Attorney and all other officers of the County are hereby authorized and directed to execute and deliver on behalf of the County such other instruments, documents or certificates, including an agreement governing and administering the collection of the special assessments, in each case in form and substance satisfactory to the County Attorney, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Ordinance and the issuance of the Bonds.

6. Neither the faith and credit of the Commonwealth, nor the faith and credit of the Authority, Lancaster County, or any other political subdivision of the Commonwealth, are pledged to the payment of the principal of, premium, if any, or interest on the bonds. The issuance of the Bonds shall not directly or indirectly or contingently obligate the Commonwealth, the Authority, Lancaster County, or any other political subdivision of the Commonwealth, to levy any taxes whatsoever therefor or to make any appropriation for their payment except for the levy by Lancaster County of the Special Assessment Lien.

7. This Ordinance shall become effective immediately upon its passage.

VOTE: 5 – 0 Aye

Mr. Cornwell said his concern is that the people paying those taxes know about it.

Mr. Singer said there would be disclosure statements and recordation of documents. Any person buying property is going to know what he is getting; it will be made clear.

Mr. Beauchamp said Mr. Cornwell has worked on this for a number of months, and asked if he had any other concerns.

Mr. Cornwell said he does not have any concerns as far as the county is concerned. He agrees that it's as good as it is going to get.

Chris Kelly, member of the CDA, said he sees no problems.

5. Proposed Zoning Ordinance Amendment to allow a side setback of five feet for accessory structures vice the current requirement of twenty-five feet. This change would make the requirement consistent with other residential zoning districts.

Mr. Larson said the Planning Commission recommends approval. The intent is to make the W-1 district consistent with other residential districts as far as other residential structures.

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

Motion was made by Mr. Frere to adopt the Zoning Ordinance amendment as follows:

18-3-3. Side. The minimum side yard for each main structure shall be 25 feet and total width of the two required side yards shall be 50 feet or more. The minimum side yard for accessory structures shall be five feet. Accessory structures located closer than five feet to the main building are considered part of the main structure.

Mr. Conaway said his concern is what makes this district any different from residential or agricultural districts as far as setbacks.

Mr. Larson said the main issue is that the setback from the water be in conformance with the Chesapeake Bay Preservation Act. There is no intent to change that. There is no legal or environmental requirement, other than keeping an area uncluttered.

VOTE: 5 – 0 Aye.

6. Subdivision Ordinance Amendment, Paragraph 5-10, to require a minimum diameter of 100 feet for cul-de-sacs vice the current minimum requirement of 110 feet. This change would make the requirement consistent with VDOT standards.

Mr. Larson said the Planning Commission considered this and recommended approval. There appears no viable reason for the 110' diameter requirement in our subdivision ordinance. This may have once been considered necessary for turning school buses, but is no longer considered necessary. It could also be argued that the requirement for a minimum 110' is contrary to the objective of minimizing impervious cover in the Resource Management Area. Finally, approval of this change would make our subdivision ordinance consistent with VDOT standards.

There being no public comment the public hearing was closed.

Motion was made by Mr. Simmons to approve the subdivision ordinance amendment as follows:

5-10. Each dead-end street must be terminated by a turnaround of not less than 100 feet in diameter.

VOTE: 5 – 0 Aye.

CONSENSUS DOCKET

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

A. Minutes of June 22, 27 & 29, 2000
Recommendation: Approve as presented.

B. Resolution to Support John E. Burton's Nomination for the Virginia Association of Counties' Jefferson Cup Award
Recommendation: Adopt the following resolution:

WHEREAS, By geography, history, and demography the Counties of Lancaster and Northumberland truly perceive each to be the other's closest neighbor; and

WHEREAS, the governing bodies of both Lancaster and Northumberland Counties work hand-in-hand on many regional and cooperative projects; and

WHEREAS, Mr. John E. Burton, County Administrator of Northumberland County, has recently retired from the position he held for 28 years; and

WHEREAS, Mr. John E. Burton has provided invaluable assistance to the Lancaster County Board of Supervisors during his term in office; and

WHEREAS, Mr. John E. Burton has become a friend of the members of the Lancaster County Board of Supervisors as well as the citizens of Lancaster County; and

WHEREAS, the Virginia Association of Counties recognizes exceptional civil servants for recognition by award of the Jefferson Cup.

NOW THEREFORE, BE IT RESOLVED, that the Lancaster County Board of Supervisors expresses its gratitude for the many years of friendly, competent assistance provided by Mr. John E. Burton; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors endorses the nomination by the Northumberland County Board of Supervisors to award Mr. John E. Burton with the distinguished Jefferson Cup of the Virginia Association of Counties.

C. Modifications to the Health Department Building

Recommendation: Approve modifications to the Health Department spaces as outlined.

D. Resolution Honoring Gunnar E. Jagdmann

Recommendation: Adopt the following resolution:

WHEREAS, local government relies on citizen volunteers to ensure that the quality of life within the community is maintained; and

WHEREAS, Mr. Gunnar E. Jagdmann exemplified this spirit of citizen volunteerism by his service to the citizens of Lancaster County from June of 1989 until March of 1996; and

WHEREAS, during this period Mr. Gunnar E. Jagdmann served on the Lancaster County Wetlands Board; and

WHEREAS, during most of this term, Mr. Jagdmann was elected chairman of the Wetlands Board by his fellow board members; and

WHEREAS, Gunnar E. Jagdmann passed from this life on July 17, 2000.

NOW THEREFORE, BE IT RESOLVED, that the Lancaster County Board of Supervisors expresses its gratitude for the work provided to the citizens of Lancaster County by Mr. Gunnar E. Jagdmann; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors expresses its profound sympathy to Mr. Jagdmann's wife and family at their loss.

VOTE: 5 – 0 Aye.

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of July 2000 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries and Invoice Listings for July 2000, in the amount of \$616,189.38. VOTE: 5 – 0 Aye.

2. Change of Voting Precincts

Mr. Pennell said the Registrar has asked that the Board approve an ordinance

to change the voting precincts of White Chapel District (District 101) and the Central Absentee Voting Precinct because of the insufficiency of the space currently available at the Upper Lancaster Volunteer Fire Department and the impending lease of property at 8694 Mary Ball Road, for the Office of the Registrar and Electoral board. The Board was asked to approve the advertisement of an ordinance change for the August 31, 2000 meeting for a public hearing to change those voting precincts.

Motion was made by Mr. Jenkins to approve the advertisement of an ordinance change and public hearing. VOTE: 5 – 0 Aye.

3. Animal Welfare League Response to Request for Proposal

Mr. Pennell said this was the only response received to the request for proposal. Each member of the Board had previously received a copy of the Animal Welfare League's response to the county's request for proposal for private operation of the animal shelter. A copy of this proposal was sent to Dr. Dawkins, the State Veterinarian, Jim Cornwell and Keith Hogge for their comments.

Marty Shirilla, project manager, was present representing the Animal Welfare League. He then went over the items contained in the staff review of the RFP. The shelter will be open from 10-6 on Monday through Friday, and 10-2 on Saturday. They will accept animals on a twenty-four hour basis for any individual with an emergency, and each animal is to be cared for in accordance with its species according to state regulations. They are not proposing to do anything with animal control. For incoming animals there will be a disposition sheet, an incoming receipt and an animal adoption receipt. There will be a kennel card for each animal and a tickler sheet. There will also be an unusual incident report form.

Mr. Shirilla said Keith Hogge and Cy Revere are employees of the county. Mr. Hogge does not need to supervise people working at the shelter. If he sees a problem he just needs to let the project manager know. If an animal is suspected of having rabies the Animal Warden will be the only person dealing with that animal. He does not have to worry about the daily operation of the shelter. He will have unrestricted access to the shelter. However, there is no authority for the Animal Warden or County Board to see the AWL business records or attend meetings. They plan to have two employees certified in euthanasia. Since they do not have any employees at this time, veterinarians or volunteers will perform those services through the AWL. They will be asking for \$6,000 per year to cover the operation of the shelter, which would be the County portion of maintaining its animals at the shelter. They are proposing that for any animals brought in other than dogs there will be a flat fee of \$20 per animal, depending on the animal. The selection of a shelter manager has not been made.

Mr. Shirilla said they have a written policy statement. Their main concern is that there are some regulations coming into effect July 1, 2001 that the county will have to comply with. They propose that an inspection team go through the shelter and see what needs to be done to bring it into compliance. There is no septic system on the property and that is a major concern. Also, the fence may have to be relocated. They won't make any capital improvements without approval from the County Administrator. They do not want to leave the county holding the bag for anything. There will be a 60-day notice of termination of the contract. If the board finds that they did not operate the shelter correctly, they would like to know what was done wrong. They have the financial resources to do this and will work with the board and Mr. Hogge to make this work.

Mr. Simmons asked if they had investigated the cost of making improvements.

Mr. Shirilla said no, other than a septic system that will cost about \$5,500. There is now only a very small tank and field for the one toilet.

Mr. Simmons asked if once the deficiencies have been corrected, would everything else be at the cost of the Animal Welfare League.

Mr. Jenkins said the bid proposal is for \$6,000 for the first year. Will they then submit budgets after that? Will any higher maintenance costs have to be absorbed by the county?

Mr. Shirilla said he does not think there will be an increase; there may be a decrease.

Mr. Simmons asked if this, in effect, would become a shelter for the entire Northern Neck?

Mr. Shirilla said the intent is to provide services to our local area, but he is not saying they will not take animals from elsewhere.

Mr. Frere asked what the coverage area would be.

Mr. Shirilla said it would be Westmoreland, Richmond, Northumberland and Lancaster counties if they have the space to do that. They hope to eventually have a facility to do that. The main concern is harboring of disease in the walls and floors.

Mr. Frere asked about the record keeping. Who actually owns the records?

Mr. Cornwell said he has several concerns with the language of the proposal. If the Board agrees to accept the concept of this, certain conditions will have to be in place. Who owns the animals? What happens if the AWL decides it does not want to euthanize animals? There is nothing in the proposal. Also, the termination provisions, the 60-day notice requirement and reasons for cancellation. We need to toughen up the language about insurance and control of the facility. These issues need to be resolved.

Mr. Frere said he had questions about freedom of information and the closed meetings. He is also concerned that we have maintained a municipal shelter that does comply with the physical structure needs. While he is not sure it would happen, he would like to make sure the line is not blurred.

Mr. Shirilla said he is amenable to working with the County Attorney and County Administrator on this.

Mr. Jenkins said that while we may need a second chance shelter, he still has concerns. What is the likelihood of the League hiring employees? Any substantial level of employment would begin to deplete the resources of the AWL. Will the AWL be required to do more in other localities? Will the AWL be under pressure to accept animals from these other jurisdictions? If the AWL comes back to us for additional funding, how will we know what portion of expenses are generated by increased activity in other localities?

Motion was made by Mr. Jenkins to reject all bids.

Mr. Conaway said we are at the discussion stage. He does not feel we should drop it at this juncture. To do away with it at this point without addressing the concerns the county has is an injustice to the AWL. That is unfair. He thinks we should attempt to address the concerns brought up and look at the issues and make a decision when the final draft is before us.

Mr. Jenkins said there are two ways to be unfair. One way is to continue with this. The AWL has done a great deal of study on this issue. The concerns brought up by Mr. Frere will not go away. We have a direct obligation to the citizens of our county. He does not feel anything will change if we wait six more months. The second way is to discontinue the process.

Mr. Conaway said the point is that it is not left up to us. If you ask the AWL they will want to go on to the bitter end. To abort it at this juncture is unfair. Let's deal with the concerns. He feels it is premature to abort it when a lot of work has been done by the AWL, the County Attorney and County Administrator.

Mr. Jenkins said that in his mind there is not a chance this will not be a problem.

Mr. Frere said we had a community group who wanted to hear what the county expected. They were able to prepare a proposal, and through that proposal we were able to see what their plans were. He has strong feelings that there needs to be a division. In reviewing the existing situation, we have an animal warden who has 15 years of training, plus experience in animal control and shelter management. He is doing a good job. There are deficiencies on the physical side, and he is committed to improving that. If we can't support the AWL operating our shelter, we can give them a chance to operate another shelter. He is willing to help with second chance shelter.

VOTE: 4 Aye (Jenkins, Simmons, Beauchamp, Frere), 1 Nay (Conaway).
Mr. Beauchamp said he appreciates all the work that has gone into this.

APPOINTMENTS

Chesapeake Bay Agency on Aging – Motion was made by Mr. Beauchamp to appoint Theresa Ransone to serve as Lancaster County's representative to the Chesapeake Bay Agency on Aging for a three-year term beginning October 1, 2000.
VOTE: 5 – 0 Aye.

CONSIDERATION DOCKET (Continued)

4. Request for Proposals – Funds in Anticipation of Tax Revenues

Mr. Pennell said the Treasurer will not make it through the month of August and asked that the board authorize advertisement of a Request for Proposals for a line of credit up to \$2,000,000 in anticipation of tax revenues and that a special meeting be scheduled to consider bids.

The Board agreed by consensus to schedule a meeting for August 7, 2000 at 6:00 p.m.

Motion was made by Mr. Frere to advertise a RFP. VOTE: 5 – 0 Aye.

5. Regulation of Dance Halls

Mr. Pennell said that he and the County Attorney and Sheriff worked to prepare a draft ordinance to regulate dance halls in Lancaster County. The board wished to review this draft before authorizing a public hearing on the adoption of an ordinance.

Mr. Conaway said under Section IV-F of the proposed ordinance, it refers to amplification of music. We already have a noise ordinance that would cover this.

Mr. Jenkins said this seems to be a shotgun approach to the problem.

Mr. Frere asked about places like Windmill Point. People stay there overnight. How would you enforce the clearing of the parking lot under this proposed ordinance?

Mr. Conaway asked how this would effect school dances.

Mr. Jenkins asked about a charitable organization that may want to put on a dance to raise money. How would they be effected?

Mr. Beauchamp said it all comes back to the definition of dance hall. A school is not a dance hall, yet they hold dances.

Mr. Conaway said he is looking at the overall effect of this.

Mr. Jenkins said the problem as described to us by the Sheriff is the congregation of large numbers of people. Any place that serves alcoholic beverages has to clear out in a reasonable amount of time after the required ABC board closing time.

Mr. Frere said the code defines dance halls.

Mr. Simmons said the problem seems to be crowd control. We have seen dance hall more narrowly defined. There is nothing in here like that.

Mr. Pennell said they could go back and more narrowly define dance hall.

Mr. Jenkins said it seems the problem is large numbers of people who may never have put a foot on a dance floor all day.

Mr. Beauchamp said he agreed.

The Board agreed by consensus that the County Administrator, County Attorney and Sheriff work on this further.

6. Northern Neck Regional Airport Site Selection Study

Mr. Pennell said that Jerry Davis, Executive Director of the Northern Neck Planning district Commission, reports that the staff of the Virginia Aviation Board is prepared to recommend state funding of a Regional Airport Site Selection Study. The staff of the Aviation Board recommends that the study be separate (but contemporaneous with) from the site selections study for a Regional Industrial Site and that the study be funded at \$100,000 which will require an additional \$2,500 from each Northern neck County.

Mr. Frere asked if we know how other counties have reacted or voted.

Mr. Pennell said if all the counties do not agree, it will not happen.

Motion was made by Mr. Jenkins to transfer \$2,500 from the Northern Neck Tourism Council funds to the Northern Neck Planning district Commission Regional Airport Site Study. VOTE: 5 – 0 Aye.

7. Transfer Industrial Site Development Fund Planning Grant to the Northern Neck Planning District Commission

Mr. Pennell said almost two years ago, Lancaster County received a planning grant from the Department of Housing and Community Development to do the engineering and planning for an industrial park at Hickory Hollow. Since that time, priorities have changed and Hickory Hollow is no longer under consideration for additional Industrial Site Development. The money is still there and we do not have plans to use it. It was suggested that the money be transferred to the PDC.

Motion was made by Mr. Jenkins to transfer the planning grant money to the Northern Neck Planning District Commission. VOTE: 5 – 0 Aye.

8. Town of Irvington – Comprehensive Plan

Mr. Pennell said he had received a letter from Jack Fitzpatrick, Zoning Administrator for the Town of Irvington, requesting the Board's approval for the Planning District Commission to assist the Town of Irvington in its comprehensive plan revision.

Motion was made by Mr. Simmons to approve this request. VOTE: 4 Aye (Simmons, Conaway, Jenkins, Beauchamp), 1 Abstain (Frere).

CLOSED MEETING

Motion was made by Mr. Beauchamp to enter into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are acquisition or disposition of real property, in accordance with provisions of Section 2.1-344A.3, and consultation with legal counsel, in accordance with provisions of Section 2.1-344A.7 of the Code of Virginia. VOTE: 5 - 0 Aye.

RECONVENE

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

CERTIFICATION

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

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

NOW, THEREFORE, BE IT RESOLVED that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

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

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

This certification resolution is adopted.

Action taken following Closed Meeting: None

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn the meeting until August 7, 2000 at 6:00 p.m. VOTE: 5 – 0 Aye.