

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, August 26, 2010.

- Members Present:     Jack S. Russell, Chair  
                              Ernest W. Palin, Jr., Vice Chair  
                              Peter N. Geilich, Board Member  
                              B. Wally Beauchamp, Board Member  
                              F.W. Jenkins, Jr., Board Member
- Staff Present:         William H. Pennell, Jr., County Administrator  
                              Don G. Gill, Planning and Land Use Director

Dr. Russell called the meeting to order at 7:00 p.m.

**PUBLIC INPUT**

None

**PRESENTATIONS**

1. Virginia Department of Forestry – Mr. Dennis Gaston, Department of Forestry said the State Forest system pays counties 25% of the gross receipts from timber sales on State Forest property. He said Chilton Woods State Forest consists of 400 acres and 42 acres was cut/thinned out this year. The last fiscal year they sold some timber from Chilton Woods State Forest and wanted to take this opportunity to present the county with a check in the amount of \$6,718.97.

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

Countywide Maintenance

Mr. Trapani said mowing on the primary will begin early September.

Mr. Trapani stated they are doing some clearing to improve site distance at some of the intersections and also performing pavement patching.

Mr. Trapani said there is a project coming up on VSH 3 at the Chinn's Mill Pond dam structure.

Mr. Trapani stated the Granville Bay bridge repair project is on track and should begin in September.

#### Irvington-Kilmarnock Bike Path

Mr. Beauchamp asked about the status of the Irvington-Kilmarnock Bike Path Project.

Mr. Pennell stated there was a Bike Trail Grant meeting involving VDOT, the Bike Trail citizens committee, Jack Larson, and the engineers. Mr. Larson has a positive belief that this project will be started soon. The funds are available and VDOT will be moving forward soon.

Mr. Trapani stated the meeting was to determine what VDOT will be doing and the consultant will be putting together a bid package.

#### Millenbeck Road Improvement

Mr. Jenkins thanked VDOT for improving the site distance on Millenbeck Road.

1. Kilmarnock Town Council Request – No Through Trucks – Mr. Saunders said the Kilmarnock Town council recently took action to request a No Through Truck Designation for a portion of Main Street (Route 3) between Route 688/James Jones Memorial Highway on the north and Route 1036/Harris Road on the south. There will be an improvement on traffic flow, safety, and will cut down on the

dirt and trash in the middle of town. He stated the since Lancaster County is the governing body with jurisdiction over these roads, the Kilmarnock Town Council has requested that the Board of Supervisors make a request to VDOT and conduct the public hearing as required. He indicated that Kilmarnock will pay the cost of the advertisement of the public hearings and any other cost associated with this request.

Mr. Beauchamp asked what the definition of a truck is.

Mr. Saunders stated a truck with three more axles.

Mr. Beauchamp said that needed to be clarified in the resolution.

Mr. Geilich stated he has concerns about trucks traveling from White Stone toward Kilmarnock to turn left up that hill onto Harris Road they have to cross oncoming traffic and the site distance is not that great. The other concern would be traveling from Irvington Road onto Harris Road as you travel past the hospital toward VSH 3 that's a steep hill.

Mr. Saunders said the roads may not be as wide or the best, but the trade-off is certainly better when you consider a big truck traveling through town verses taking the alternate route.

Mr. Geilich stated he does understand, but his concerns are for the rescue squad and hospital traffic.

Mr. Saunders also said this would not have an effect on trucks traveling to the granary or any truck making deliveries to the business within the town.

Mr. Geilich asked who will enforce this "No Through Truck" designation and what is the penalty.

Mr. Saunders said the Town of Kilmarnock Police, Virginia State Police and local law enforcement and it is a moving violation.

Mr. Beauchamp said he has concerns about the intersection of VSH 3 and James Jones Memorial Highway with trucks making the wide turns and the additional traffic traveling on Harris Road.

Mr. Trapani stated after the public hearing is held and all the comments and concerns are heard, VDOT will have to perform a study, meet and talk to local law enforcement.

Dr. Russell asked who will incur the cost and any engineering or cost to redesign.

Mr. Trapani said currently there is nothing on the Six Year Plan for this project.

By consensus, the Board of Supervisors agreed to go forward with the public hearing.

### **PUBLIC HEARING**

1. Purnell R. Kenner – Application for Special Exception (Individual Manufactured Home) – Mr. Gill presented an application for Special Exception by Purnell R. Kenner to place an individual manufactured home on a 1.16-acre parcel described as Tax Map #34-226. This property is located on VSH 637 (James Wharf Road) near its intersection with VSH 654 (Newtown Road) and adjacent to Mount Vernon Baptist Church in Voting District 4.

Mr. Gill said Article 5-1-3 of the Zoning Ordinance requires a special exception for the placement of individual manufactured homes such as this (12 feet X 63 feet single wide). Previous similar approvals by the Board of Supervisors have been based on whether any legitimate concerns could be raised by adjacent property owners.

Mr. Gill stated this property does currently have a septic and well. Approval of this special exception would allow the mobile home to be stored on the property. Building and occupancy permits will not be issued until the health department permit has been issued. Similar types of manufactured homes exist in this neighborhood. All front, rear and side setbacks can be met.

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

Chairman Russell opened the public hearing.

Mr. Beauchamp stated according to the mobile home registration it says Purnell R. Kenner, but the tax information still shows this property is owned by Mt. Vernon Baptist Church.

Mr. Gill said that is correct, Mt. Vernon Baptist Church is in the process of transferring title of the property to Mr. Kenner.

Dr. Russell asked if Mr. Kenner will be living in the trailer.

Mr. Purnell R. Kenner's father and brother stated the Mr. Kenner would not be living in the trailer, but will possible be renting the trailer out. He purchased the property as an investment.

Mr. Gill said on the Application for Special Exception Mr. Kenner indicated he would be living in the trailer.

Mr. Geilich suggested that this should be tabled, have Mr. Kenner work with Mr. Gill to resolve the discrepancy and bring this application for Special Exception back to the Board of Supervisors at a future meeting.

Chairman Russell closed the public hearing.

Mr. Geilich made a motion to table this matter to a future meeting of the Board of Supervisors.

VOTE:	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye

**CONSENSUS DOCKET**

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

A. Minutes for July 29, 2010

Recommendation: Approve minutes as submitted

B. USDA Rural Development Grant

Recommendation: Adopt the following resolution:

**UNITED STATES DEPARTMENT OF AGRICULTURE  
RURAL DEVELOPMENT GRANT**

**BE IT HEREBY RESOLVED** that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development grants to include the Lancaster Middle School Generator, Hazardous Materials Equipment and Trailer, and Emergency Quick Response/Command Vehicle projects, the Lancaster County Board of Supervisors does hereby adopt and will abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

**BE IT FURTHER RESOLVED** that, the Lancaster County Board of Supervisors authorize the County Administrator and the Chief of Emergency Services to execute the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with copies of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

C. Morattico Historic District

Recommendation: Adopt the following resolution:

**MORATTICO HISTORIC DISTRICT**

**WHEREAS**, the Morattico Historic District is situated on Morattico Road (State Route 622) and Riverside Drive (State Route 623) in the Village of Morattico in the County of Lancaster; and

**WHEREAS**, the Morattico Historic District is locally significant under Criterion A (History) and C (Architecture) with a period of significance of 1889 to 1960 as a rare surviving example of a Northern Neck village whose economy was based on water-borne transportation (a steamship wharf), seafood extraction (oyster and crab harvesting, and fishing) and seafood processing; and

**WHEREAS**, this peninsula was home to the Moraughtacund Indians (part of the larger Powhatan Confederacy) prior to the advent of European settlement in this area and twice visited by John Smith during his 1608 exploration of the Chesapeake Bay region; and

**WHEREAS**, after European settlement, the peninsula that contains Morattico became part of a large plantation whose fortunes changed following the Civil War, was sold and became a waterman's community; and

**WHEREAS**, Morattico long served as a center of commerce for the region as a steamship stop on the Baltimore to Fredericksburg route, as a waterman's town and as a secondary community that developed solely to house and support the vast (largely African-American) seasonal labor force that came to the area during the height of the oystering season.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors hereby supports and encourages the Virginia Department of Historic Resources to include the Morattico Historic District, located in Virginia's 1<sup>st</sup> Congressional District, in the Virginia Landmarks Register; and

**BE IT FURTHER RESOLVED**, that the Lancaster County Board of Supervisors asks the Virginia Department of Historic Resources to recommend to the National Park Service, due to the established and unique history and national significance of Morattico, that this district be enrolled in the National Register of Historic Places.

D. Adopt the Amended Northern Neck Emergency Operation Plan

Recommendation: Adopt the following resolution:

**NORTHERN NECK REGIONAL EMERGENCY OPERATIONS PLAN**

**WHEREAS**, there exists dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and

**WHEREAS**, the safety and protection of citizens and property is of foremost concern to the Board of Supervisors of the County of Lancaster, Virginia; and

**WHEREAS**, the Board of Supervisors desires and the Commonwealth of Virginia statutes require the adoption of appropriate planned protective measures.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors of Lancaster County, Virginia hereby amends and adopts the Northern Neck Regional Emergency Operations Plan this 26<sup>th</sup> day of August 2010.

E. Appointment to Middle Peninsula Juvenile Detention Commission

Recommendation: Appoint Jack D. Larson, Assistant County Administrator as the alternate member representing Lancaster County. This appointment will expire June 30, 2014.

VOTE:	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of August 2010 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the salaries for August 2010 in the amount of \$216,505.23\* and Invoice Listings for August 2010 in the amount of \$1,231,420.48\*.

VOTE:	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye

\*Judicial Center Expenses \$424,622.97

2. Lancaster County Correctional Center – Security System Upgrade Change Orders  
– Mr. Gill asked the Board of Supervisors to consider a change orders and recommended improvements to the correctional center’s security system upgrade which exceed the previously approved contract amount by \$4,070.

Mr. Gill said at the 11/30/09 meeting, the Board of Supervisors approved this out-of-cycle capital improvement request by the Sheriff’s Office to upgrade the security system at the correctional center. At the 4/29/10 meeting, the Board awarded a \$95,261 contract to the low bidder, Esitech (Engineered Systems and Installation Technologies) to perform the work. As is often the case during upgrades, other items have been determined to be in need of repair or improvement. These items and their associated costs were identified and provided to the board for their review.

Sergeant Jeffery Haywood gave an overview of the each maintenance item on the change order in detail and recommendations made by Esitech, Inc.

Mr. Palin made a motion to approve the Change Order to Upgrade the Security System at the Lancaster County Correction Center in the amount of \$4,070.

VOTE:	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye

Sergeant Jeffery Haywood thanked the Board of Supervisors for their continuous support and extended an invitation to the board to see the progress and improvements made in the Correction Center.

3. Refunding Resolution – School Energy Performance Project – Mr. Pennell said at the June 15, 2010 special meeting of the Lancaster County Board of Supervisors, the members authorized the county administrator to pursue the best financing available to provide for the Lancaster County Public Schools’ energy performance project. Work has begun on this project and three financing options are being considered to fund the project.

Mr. Pennell stated the County will apply for bond financing for the Schools’ energy efficiency project from the Virginia Resource Authority, Qualified School Construction Bonds and the Virginia Public Schools Authority. The details of these funding opportunities will be made known later this fall. Once the final interest rates are ascertained, the county will proceed with the best interest rate and terms.

Mr. Pennell said in the meantime, the work on the project is proceeding to take advantage of the empty schools during the summer. He asked the Board of Supervisors to adopt the resolution presented to enable the county to recover the funds advanced to this project and return them to the general funds.

Mr. Beauchamp made a motion to Adopt the Resolution prepared by Dan Siegel, bond counsel, so that funds being expended may be returned to the general fund once the project financing is obtained.

VOTE:	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye

## **BOARD REPORTS**

None

**COUNTY ADMINISTRATOR**

Mr. Pennell stated the Cornerstone event is scheduled for September 11, 2010 at 3:00 p.m. at the New Judicial Center. There will be an advertisement in the Rappahannock Record and expecting approximately 1000 people.

**ADJOURNMENT**

Motion was made by Dr. Russell to adjourn.

VOTE:	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye