

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, August 29, 2002.

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

Others

Present: Jack Larson, Planning/Land Use; Joe Staton, C.C. Burgess and Ambrose Bailey, Department of Transportation; John Hutt, Anna Lee Haynie, Joan Wenner, Northern Neck News; Robert Mason, Rappahannock Record

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

PUBLIC INPUT

None

PRESENTATIONS

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

Introduction of new Fredericksburg District Representative

Ambrose Bailey, Fredericksburg District Representative introduced himself to the Board of Supervisors and gave a brief overview of his plans. He stated he has been on

the board since April 2002 and he would do his best to serve his district with any concerns.

Lively (VSH 201) – Mr. Staton said the blinking light should be erected within the upcoming week if they can get the rights-of-way needed for the light.

Budget – Mr. Staton stated the governor has asked VDOT to reduce its budget even further.

King Carter Drive (VSH 634) – Mr. Staton stated that the speed limit on King Carter Drive would be reduced to 25 mph after Irvington approves the resolution.

Oak Hill Road (VSH 610) - Mr. Staton apologized for the delay in erecting the new speed limit signs.

Mr. Jenkins expressed his thanks for the signs on Oak Hill Road (VHS 610). He said the resident greatly appreciated VDOT assistances.

Rural Rustic Road – Mr. Staton stated legislators passed a new statute to permit paving rural rustic roads in place. This statute will become effective July 1, 2003. Virginia Department of Transportation will establish the criteria for this project. Some of the criteria would be that the road must carry 50 but no more than 500 cars, must be put on the six-year plan, must be evaluated for safety, signs and warnings would be placed, local traffic and special resolution would need to be adopted by the Board of Supervisors. VDOT would have a list of all dirt roads in the county that could be added to the six-year plan.

By consensus, the Board agreed to have the county administrator work with Mr. Staton on this project.

Morattico Road (VSH 622) – Mr. Conaway requested that speed study be conducted on Morattico Road between Nuttsville Road and River Road and a school bus stop sign be erected near the intersection of VSH 354 and VSH 622. He said the speed limit is 55 mph, but that is too fast for the curvature of the road and the number of children in the area.

Town of White Stone - Roundabout – Mr. Jenkins stated he has had a number of concerned citizens ask questions about whether or not they would have an opportunity to give input to the proposed roundabout in White Stone. Owners of lawn care businesses and farmers as well as other citizens have asked how the roundabout would work for them. At least one Windmill Point resident believes it will become a headache.

Mr. Beauchamp stated he has had citizens voice their concerns too.

Mr. Staton said this is an Enhancement Project and some of the concerns were the circle was too small, back up of traffic, underground work would need to be done, which would cost more. The Town of White Stone has applied for federal money. He suggested that the Town of White Stone conduct a presentation for the Board of Supervisors and give the citizens another opportunity to voice their concerns. He believes if the Board of Supervisors had all the facts, each board member would feel more comfortable giving information to their constituents.

PUBLIC HEARINGS

None

CONSENSUS DOCKET

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

A. Minutes for July 25, 2002

Recommendation: Approved with amendments

B. Engineering Services – Communication Towers

Recommendation: Authorize County Administrator to continue negotiations with Resource International and Atlantic Group and report back at the September 2002 regular meeting with a recommendation.

C. Certified Crime Prevention Community

Recommendation: Adopt the following resolution:

CERTIFIED CRIME PREVENTION COMMUNITY

WHEREAS, the Lancaster County Board of Supervisors is interested in the safety and security of its citizenry and the community at large; and,

WHEREAS, the Lancaster County Board of Supervisors is prepared to support appropriate efforts within the community to become totally prepared to promote crime prevention and community safety; and,

WHEREAS, The Department of Criminal Justice Services offers a program which is specifically designed to recognize Virginia communities committed to crime prevention and community safety while providing a framework for those communities to institutionalize crime prevention at the local level; and,

WHEREAS, This program is entitled the Certified Crime Prevention Community Program,

NOW THEREFORE, BE IT RESOLVED by the Lancaster County Board of Supervisors that Lancaster County wishes to participate in the Certified Crime Prevention Community Program, and that the leadership of this community fully supports all reasonable efforts to meet the DCJS requirements to become designated as a Certified Crime Prevention Community; and

BE IT FURTHER RESOLVED, that the program requires the existence or formation of a local community crime prevention/community safety council or coalition, and the Lancaster County Board of Supervisors designates the Sheriff's Advisory Council as representing Lancaster County for the purpose of participating in this program.

D. Health Insurance Benefit

Recommendation: Approve Southern Health Insurance contract for the period October 1, 2002 through June 30, 2003.

VOTE: B. Wally Beauchamp Aye
Donald O. Conaway Aye
F. W. Jenkins Aye
Cundiff Simmons Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of August 2002 Salaries and Invoice Listings

Motion was made by Mr. Simmons to approve the Salaries for August 2002 in the amount of \$142,098.87 and Invoice Listings for August 2002 in the amount of \$700,970.70.

VOTE: B. Wally Beauchamp Aye
Donald O. Conaway Aye
F. W. Jenkins Aye
Cundiff Simmons Aye

2. Changes to Master Plan Requirements – Mr. Larson stated a public hearing was held at the July 25, 2002 meeting on the subject changes to master plan

requirements. While there was no input from the public and members of the Board of Supervisors seemed satisfied with the text of the proposed changes, concern was expressed that implementation would create conditional zoning. Staff was directed to consult with the County Attorney as to potential problems on this issue.

Mr. Larson said the county attorney stated that he did not see a problem with the fact that additional administrative approval would be required subsequent to a rezoning decision. He stated that this was analogous to the current process for approving large subdivisions in which approval is given to a preliminary plat subject to additional requirements being met. He felt that the fact that the final plat came back before the Board of Supervisors for approval was inconsequential. It was understood that any major change to the concept in the master plan would have to come back before the Planning Commission and the Board of Supervisors for approval. The County Attorney also felt that there should be a process for appealing administrative decisions/disapproval subsequent to the zoning decision being made. It was also understood that a zoning decision, once made, would say whether or not the master plan was ever completed or executed; building and zoning permits would not be granted until the master plan received final approval.

Mr. Jenkins made a motion to go to public hearing at the regular Board of Supervisors meeting September 26, 2002 for Changes to Master Plan Requirements.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

3. Changes to Zoning/Subdivision Ordinances – Mr. Larson said this issue was continued from the June 2002, with a work session held on July 9, 2002, to deal

with concerns raised at the June meeting. A question raised at both meetings was whether or not a governing body could regulate house size; it was felt that changes, as presently drafted, would result in increased development of trailer parks and that regulating house size would be a way of reducing this exposure. The chairman also raised a concern over the use of an affidavit for family subdivisions and felt that a note on the plat would be better.

Mr. Larson stated in response to the question of regulating house size, the County Attorney referred him to §15.2-2280, Code of Virginia, which states that such regulations can be made if they are reasonable. The test of reasonableness is that the regulation be “substantially related to public welfare.” It goes on to state that there is a “presumption of reasonableness” with any such regulation, that “the one attacking a zoning ordinance must carry the burden of proof”, and that the ordinance will be sustained if “reasonableness is fairly debatable.” The county Attorney gave the example of setting house sizes so high that it would exclude all but a small minority of owners would be unreasonable. It is Mr. Larson’s belief, and he believes that of the Planning Commission, that there must be some safeguard to prevent someone from using the family subdivision as a subterfuge for creating a regular subdivision. It would seem that there is more than one way to accomplish this as directed by the Board of Supervisors.

At the work session, Mr. Pennell suggested that Mr. Tedd Povar of the Virginia Institute of Government be contacted for additional information on cluster development. I have done that, and he has recently responded to me with a number of web sites that may be useful. I am looking at them. He is also having more information sent to me. I have located some information independently, which is attached. One document sets forth the merits of cluster development and the other is an ordinance for cluster development that may highlight some issues not previously discussed.

By consensus of the Board of Supervisors have Mr. Larson and the Planning Commission continue working on the Changes to Zoning/Subdivision Ordinances.

4. Virginia Association of Counties – Request to Establish a Rural/Suburbanizing County Caucus – Mr. Pennell stated as the commonwealth experiences greater budget revenue shortfall, it has become obvious that there is a distinct difference in the needs of rural, suburbanizing, suburban and Northern Virginia counties. It is apparent that a caucus of rural and suburbanizing counties within the Virginia Association of Counties would permit the less dense, rural counties an opportunity to enhance their voice regarding the needs of counties of this type.

Mr. Pennell requested that the Board of Supervisors authorize him to contact the governing bodies of the rural/suburbanizing counties to determine the degree of interest in asking the Virginia Association of Counties to assist in the creation and staffing of a rural county caucus within the organization and adopt the resolution asking for the establishment of this rural county caucus.

Mr. Beauchamp made a motion to adopt the following resolution asking for the Establishment of a Rural/Suburbanizing County Caucus:

**CREATING A RURAL CAUCUS WITHIN THE
VIRGINIA ASSOCIATION OF COUNTIES**

WHEREAS, the Virginia Association of Counties serves as an excellent representative to Virginia's General Assembly for Virginia's ninety-five counties; and

WHEREAS, many of the issues for which the Virginia Association of Counties represents Virginia's counties are generic in nature there are occasional

issues which cause more developed and less developed counties to have conflicting views; and

WHEREAS, as the commonwealth enters into a period of decline in revenues, there are issues which affect rural and suburbanizing counties differently than urban counties, small cities, large cities and the Northern Virginia jurisdictions; and

WHEREAS, combining the interests of Virginia's rural and suburbanizing counties will enable those counties to have a voice more equal to that of the larger jurisdictions in the commonwealth; and

WHEREAS, there is no intention to create a division within the Virginia Association of Counties, but rather to create an opportunity for rural/suburbanizing counties to express their unique concerns with representatives of similar jurisdictions.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors asks the Board of Directors of the Virginia Association of Counties to facilitate the establishment of a rural county/suburbanizing county caucus within the organizational structure of the Association; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors asks the Board of Directors of the Virginia Association of Counties to establish a meeting time for and staff assistance to this rural caucus at each of the meetings of the Virginia Association of Counties; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors asks the governing body of each rural/suburbanizing county to adopt a resolution asking the Board of Directors of the Virginia Association of Counties to facilitate the establishment of this caucus.

VOTE: B. Wally Beauchamp Aye
 Donald O. Conaway Aye
 F. W. Jenkins Aye
 Cundiff Simmons Aye

5. Consideration of Consolidation of Northern Neck School Divisions – Mr. Pennell stated at a previous meeting of the Board of Supervisors, the members asked that the county attorney render an opinion regarding the procedures required to consider a consolidation of the Northern Neck Schools into one division.

Mr. Cornwell has stated the Lancaster County school division can be consolidated with other school division of the Northern Neck of Virginia under one unified school division. He said he confirmed with the State Department of Education that under §22.1-25 of the Code of Virginia, 1950, as amended, consolidation would be undertaken. This is possible once the General Assembly has been notified.

Mr. Pennell said the county attorney has provided the Board of Supervisors with information and the county staff awaits direction on how it wishes to proceed.

Mr. Jenkins made a motion to forward the information to the Northern Neck Planning District Commission to study the Consolidation of Northern Neck School Divisions.

VOTE: B. Wally Beauchamp Aye
 Donald O. Conaway Aye
 F. W. Jenkins Aye
 Cundiff Simmons Aye

BOARD REPORTS

County Administrator's Evaluation

Mr. Beauchamp stated he has provided each board member with a copy of the evaluation and would like to have the completed evaluation form returned or mailed back to him within the next two or three weeks. He said this evaluation would be done annually.

The Board of Supervisors agreed by consensus.

Virginia Sheriff's Association

Mr. Beauchamp stated Sheriff Crockett has been selected as State Chairman and on September 17, 2002 he would be sworn in. The ceremony will be held in Virginia Beach which will include a one night stay. He was invited to attend the ceremony as Chair of the Board of Supervisors. The Board of Supervisors agreed that Mr. Beauchamp will represent Lancaster County and be reimbursed for his expenses from budgeted funds.

Personnel Administration Policies Manual

Mr. Beauchamp said the board would need to set a date for a work session for the Personnel Administration Policies Manual.

By consensus of the board a meeting was set for 6:00 p.m. on September 24, 2002.

COUNTY ADMINISTRATOR

Leave

Mr. Pennell stated he would be out of the office on sick leave following eye surgery the first week of October.

Leasing of the Pierce House

Mr. Pennell said Ken Knull with Lancaster County Chamber of Commerce's Project Workforce Enhancement (PWE) Taskforce has requested to lease the property at 8275 Mary Ball Road (the Pierce House) for the purpose of Housing a "ONE STOP" Workforce Development Office. He stated they understand that an improvements made to the property would be done at the Chamber's expense and the County's sole responsibility would be to provide access to the facility.

By consensus of the Board of Supervisors the county administrator would continue to work with Mr. Knull and the Lancaster County Chamber of Commerce.

Proposed Retreat and Conference Center

Chaplin (Col) Sir Walter Scott stated he would like to present his proposal to the Board of Supervisors for a Retreat and Conference Center at the Davis Mill Pond Property. He said the Retreat To His Presence Ministries, Inc. is a non-profit organization and has submitted an application to I.R.S. The purpose is to provide a serene setting for people to come and experience the presence of God. The property would be used for retreats and conferences for small groups, pastoral care, personal getaway retreats, small corporate meeting/training seminars, weddings and family reunions, etc. He stated the short range property improvements would include interior update, enlarging the dining/meeting room, landscape beautification and site planning. The benefits to the county would include networking with local businesses for resources,

jobs of staffing, networking with farmers for fresh produce, and establishing links with various Chambers of Commerce.

CLOSED MEETING

Motion was made by Mr. Jenkins to enter into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matter to be discussed in the closed meeting is the collection of delinquent real estate taxes in Lancaster County. The purpose of the closed meeting is Consultation with legal counsel, § 2.2-3711.A.7 of the Code of Virginia.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Cundiff H. Simmons	Aye
	F. W. Jenkins	Aye

RECONVENE

Motion was made by Mr. Beauchamp to reconvene open session.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Cundiff H. Simmons	Aye
	F. W. Jenkins	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 collection of delinquent real estate taxes in Lancaster County for the

purpose of Consultation with legal counsel in accordance with § 2.2-3711.A.7 of the Code of Virginia, of the Virginia Freedom of Information Act;

WHEREAS, § 2.2-3711.1 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. Simmons to certify the closed meeting. A roll call vote was taken:

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

This certification resolution is adopted.

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn the meeting until 6:00 p.m. on September 24, 2002 for a work session on the Personnel Administration Policies Manual.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye